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WAR INJURY AND DEATH BENEFITS FOR CIVILIANS

HEARINGS

BEFORE A
SUBCOMMITTEE OF THE
COMMITTEE OF FINANCE
UNITED STATES SENATE
SEVENTY-EIGHTH CONGRESS
FIRST SESSION

ON

S. 450

A BILL TO PROVIDE BENEFITS FOR THE INJURY, DISABILITY,
DEATH, OR ENEMY DETENTION OF CIVILIANS, AND FOR
THE PREVENTION AND RELIEF OF CIVILIAN DIS-
TRESS ARISING OUT OF THE PRESENT WAR,
AND FOR OTHER PURPOSES

MARCH 12 AND 15, 1943

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WAR INJURY AND DEATH BENEFITS FOR CIVILIANS

FRIDAY, MARCH 12, 1943

UNITED STATES SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON FINANCE,
Washington, D. C.

The subcommittee met at 10:30 a. m., pursuant to call, in room 312, Senate Office Building, Senator Bennett Champ Clark (chairman) presiding.

Senator CLARK. The committee will come to order.

The committee will now take up Senate bill 450, a bill to provide benefits for the injury, disability, death, or enemy detention of civilians, and for the prevention and relief of civilian distress arising out of the present war, and for other purposes, introduced by Senator Pepper.

Now, the Chair will refer at this time, for the information of anybody interested, to the hearings before the committee, that is, the Committee on Finance of the United States Senate, in the last session of Congress on Senate bill 2620, which is practically the same bill, is it not, Senator Pepper? This bill, introduced last session, S. 2620, is substantially the same as the present S. 450?

Senator PEPPER. Mr. Chairman, S. 2620, as I recall, was the original bill which embraced benefits both to civilians, resident in the United States, and to civilians outside of the United States who might be given coverage by the President; and also to Government workers, for example, engaged in Government work outside the United States.

Senator CLARK. I was referring to a hearing before a special subcommittee, not to the Subcommittee on World War Veterans' Affairs, which considered Senate bill 2620, which, as I understand, was a bill introduced by you.

Senator PEPPER. I had forgotten that bill S. 2620 was the original bill—

Senator CLARK. No; it was a bill afterward, and essentially the same as Senate bill 450.

Senator PEPPER. That is correct.

Senator CLARK. Now, do you desire to explain the bill?
(The bill, S. 450, is as follows:)

[S. 450, 78th Cong., 1st sess.]

A BILL To provide benefits for the injury, disability, death, or enemy detention of civilians, and for the prevention and relief of civilian distress arising out of the present war, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Civilian War Benefits and War Relief Act of 1942."

FINDINGS OF FACT AND DECLARATION OF POLICY

SEC. 2. The Congress hereby finds that under the conditions of total war in which we are currently engaged, and particularly as a result of the hazard of attack by bombings and other methods upon civilians and populated areas, the safety of life and limb and the livelihood of civilians may be endangered; that many civilians will be required to engage in war work, in industry, and elsewhere, in areas and under conditions which may expose them to imminent danger from enemy attack; that civilian distress due to injury, disability, death, and other inevitable consequences of the war may seriously impair the fullest war participation of all civilians, which is vital to the carrying on of a total war. It is therefore declared to be the policy of the Congress to promote the national war effort and to enhance the morale of civilians and of members of the armed forces, through the provision of funds and services to prevent and relieve such distress, and to provide some protection to civilians suffering from the hazards of war, the cost to be deemed a national responsibility and a part of the expense of the prosecution of the war.

TITLE I—BENEFITS FOR THE INJURY, DISABILITY, DEATH, OR ENEMY DETENTION OF CIVILIANS

APPROPRIATION

SEC. 101. In order to provide benefits by way of compensation and medical benefits with respect to the injury, disability, death, or enemy detention of civilians, arising out of the present war, there is hereby authorized to be appropriated for the fiscal year ending June 30, 1942, and for each fiscal year thereafter, a sum sufficient to carry out the purposes of this title.

BENEFITS

SEC. 102. (a) Benefits under this title shall be provided with respect to civilians who sustain a war injury (as defined in section 106), or who die as a proximate result of such injury, or who are detained by the enemy, if such detention commences after December 6, 1941.

(b) Such benefits shall consist of—

- (1) medical benefits with respect to such injuries;
- (2) compensation payable to civilians sustaining disability as a proximate result of a war injury where such disability is (A) total, or (B) both permanent and in excess of one-third total; and where an attendant is necessary in the case of any such disability, an allowance for an attendant at a monthly rate not to exceed \$50;
- (3) compensation payable to any dependent of a civilian (as defined in section 106) dying as a proximate result of a war injury;
- (4) compensation payable to any dependent of a civilian detained by the enemy; and
- (5) reimbursement in such classes of cases and to the extent provided by regulations prescribed by the Administrator, payable to persons equitably entitled thereto for funeral expenses paid with respect to civilians dying as a proximate result of a war injury.

(c) Medical benefits (including doctors' and nurses' services, drugs and other medicines, prosthetic and other appliances, hospitalization, and other reasonable services for treatment and care) shall be provided to the extent prescribed in regulations of the Administrator. The actual cost of such benefits may be paid directly or by way of reimbursement to any person entitled to such benefits or may be paid to the person furnishing such benefits. The Administrator may, under such regulations as he may prescribe, use any private facilities, or such Government facilities as may be available, for the treatment and care of any person entitled to such benefits. Medical benefits outside the United States and in Puerto Rico and the Virgin Islands may be limited to treatment in such established Government facilities as are available to civilians.

(d) Benefits may be conditioned upon the filing of application therefor, submission to medical examination from time to time, and such other reasonable conditions relating to application for and proof of entitlement to benefits, as may be prescribed in regulations of the Administrator. No compensation shall be

payable with respect to a disability of a civilian for any period prior to his attainment of the age of sixteen. No compensation shall be payable with respect to a disability of a civilian for any period during which such civilian is detained by the enemy.

(e) Benefits shall be provided under this title with respect to any war injury, death, or detention occurring inside the United States; but with respect to any such war injury, death, or detention occurring outside the United States, such benefits shall be provided only where the civilian sustaining such injury, death, or detention (1) is a citizen of, or owes allegiance to the United States, (2) was, at the time of his detention, injury, or death, a seaman under contract for service on a vessel documented or numbered under the laws of the United States, or (3) was a resident of the United States temporarily outside the United States.

(f) Benefits shall be provided under this title to individuals residing inside the United States; but, with respect to individuals residing outside the United States, such benefits shall be provided only as the President may by Executive order prescribe for classes of cases where (1) the persons to whom benefits are provided, or the persons with respect to whose death or enemy detention benefits are provided, are citizens of the United States or persons owing allegiance to the United States, or (2) the person to whom benefits are provided is a seaman who sustained a war injury while under a contract of employment as a seaman on a vessel documented or numbered under the laws of the United States, or is a dependent (within the classes specified in section 106 (b)) of a seaman whose death proximately resulted from such an injury or whose detention by the enemy occurred while under such a contract.

(g) No benefit shall be provided with respect to the injury or death of an individual, if it is proximately caused by his intoxication or by his willful misconduct.

(h) No benefit shall be provided with respect to a war injury (as defined in section 106 (a) (2)) sustained on or after July 1, 1942, by a civilian defense worker who is a member of the United States Citizens' Defense Corps, or with respect to his death proximately resulting therefrom, unless such worker is a member in good standing of such defense corps in accordance with regulations prescribed by the Director of the Office of Civilian Defense.

RATES OF BENEFITS AND BENEFIT PERIODS

Sec. 103. (a) Except as provided in subsection (c) of this section, the minimum monthly rates of compensation payable to individuals residing in the United States shall be—

(1) with respect to a disabled civilian, \$30 for total disability, and \$10 for partial disability;

(2) with respect to the dependents of a civilian who dies or is detained by the enemy—

\$30 to the wife or widow, husband or widower, and \$10 additional for each child;

\$20 to the child (if no wife or widow or husband or widower is entitled to compensation); or, in case there is more than one child, for all the children \$20, increased by \$10 for each child in excess of one; and

\$20 to the parent; or, in case there is more than one parent, \$15 to each parent.

(b) (1) The minimum rates prescribed in subsection (a) of this section shall not be increased unless the individual with respect to whose disability, death, or detention compensation is payable, is found to have had a monthly earnings rate exceeding \$45 in the case of compensation for disability, and exceeding \$100 in the case of compensation for death or detention.

(2) In the case of compensation payable for disability to an individual whose monthly earnings rate exceeded \$45, the monthly rate of compensation payable shall not exceed two-thirds of such monthly earnings rate or \$85, whichever is less.

(3) In the case of compensation payable for death or detention, the total of monthly rates of compensation payable with respect to an individual whose monthly earnings rate was \$100 or less shall not exceed \$68.67; and the total of monthly rates of compensation payable with respect to an individual whose monthly earnings rate exceeded \$100 shall not exceed two-thirds of such monthly earnings rate or \$85, whichever is less.

(4) An individual shall be deemed to have a monthly earnings rate only if he has had earned income as an employee or a self-employed person within such period prior to his war injury or detention as the Administrator shall prescribe in regulations, and, in determining such monthly earnings rate, account shall be taken of all such income within such period.

(5) In the case of compensation payable for death or detention, the monthly rate of compensation payable to any dependent shall in no case exceed the applicable minimum rate specified in subsection (a) of this section by more than 50 per centum thereof.

(c) The Administrator shall by regulations prescribe the periods with respect to which benefits shall be provided and, subject to the foregoing provisions of this section, the rates of compensation. Benefits provided under this title to individuals outside the United States and in Puerto Rico and the Virgin Islands may be fixed at rates and for periods less than, but not greater than, those for benefits prescribed for other individuals.

(d) In no case shall the rate of compensation payable to parents of a deceased or detained individual exceed the difference, if any, between the total of the monthly rates which may be paid with respect to such individual and the total of the monthly rates payable to the children, and the wife or widow, or the husband or widower, of such individual.

(e) If an individual would otherwise be entitled for any period to compensation by reason of the death or detention of more than one person, or by reason of his own disability and the death or detention of another person, he shall be entitled to receive compensation for such period only by reason of his own disability or with respect to the death or detention of one person.

(f) The monthly rate of compensation for partial disability shall be fixed in accordance with the degree of disability and the rate of compensation which would be payable for total disability.

(g) No compensation shall be paid under this title with respect to the detention or death of any civilian who is authorized to make an allotment of his pay under the Act of March 7, 1942 (Public Law Numbered 490, Seventy-seventh Congress), for any period for which such an allotment was or could have been so made. Nor shall any compensation be paid under this title with respect to the disability, death, or detention of an individual if benefits are payable with respect to such individual's disability, death, or detention under title I of the Act entitled "An Act to provide benefits for the injury, disability, death, or enemy detention of employees of contractors with the United States, and for other purposes," approved _____, 1942, or under the Act entitled "An Act to provide compensation for disability or death resulting from injury to persons employed at military, air, and naval bases acquired by the United States from foreign countries, and on lands occupied or used by the United States for military or naval purposes outside the continental limits of the United States, including Alaska, Guantanamo, and the Philippine Islands, but excluding the Canal Zone, and for other purposes," approved August 10, 1941 (Public Law Numbered 208, Seventy-seventh Congress), as amended.

(h) All monthly rates of compensation shall be computed in accordance with the provisions of this section prior to any reduction specified in section 104 (a).

REDUCTION ON ACCOUNT OF OTHER BENEFITS AND REIMBURSEMENT WITH RESPECT TO WORKMEN'S COMPENSATION

Reduction

Sec. 104. (a) Compensation payable under this title to any person for any month, with respect to the disability, death, or detention of any individual, shall be reduced by the amount of any noncontributory Government benefit, or by one-half of the amount of any contributory Government benefit, received by such person for such month; and if such noncontributory benefit, or one-half of such contributory benefit, equals or exceeds the compensation for such month otherwise payable under this title, no such compensation shall be paid. As used in this section, the term "Government benefit" means a cash benefit, allowance, annuity, or compensation (including payments under any workmen's compensation law but excluding payments under any unemployment compensation law) payable by reason of the past employment or services of any individual, under any law or plan of the United States, any State, Territory, possession, or the District of Columbia, or any political subdivision or any wholly owned instrumen-

tality of any of the foregoing, creating a system of cash payments to individuals (including payments made under any such law or plan by private insurance carriers); but shall not include any payment of war-risk insurance, United States life insurance, or national service life insurance. Such benefit shall be deemed to be "noncontributory" with respect to any person if the Administrator finds that with respect to him the benefit system is supported without direct and substantial contributions by wage earners, and shall be deemed to be "contributory" if the Administrator finds that with respect to him the system is supported substantially by direct contributions by wage earners and substantially from other sources. Reductions of compensation under this section shall not be affected by deductions from, or adjustments, reductions, or other temporary modifications of, or delay in, the payment of any such benefit received under any such benefit system. In the event that a lump sum or commuted payment of any such benefit is made, equitable adjustment of the compensation payable under this title shall be made in accordance with regulations prescribed by the Administrator. In the event that any compensation payable under this title with respect to disability, death, or detention is not reduced by the amount provided for in this subsection, the Administrator shall have a lien and a right of recovery (to the extent of such amount) against any Government benefit on account of the same disability, death, or detention; and any amounts recovered under this subsection shall be covered into the Treasury as miscellaneous receipts.

Reimbursement

(b) Under regulations prescribed by the Administrator, any employer or insurance carrier or compensation fund insuring workmen's compensation liability (other than the United States Government and the Employee Compensation Fund established under the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended), which pays workmen's compensation benefits to any person or fund with respect to a war injury, or death proximately arising from such injury, under any law of the United States or of any State, Territory, or possession of the United States, or of the District of Columbia, shall be reimbursed for the benefits so paid, including funeral and burial expenses, medical, hospital, or other similar costs for treatment and care, and reasonable and necessary claims expense in connection therewith.

Limitation on Reimbursement

(c) No such reimbursement shall be made under subsection (b) in any case (1) in which the Administrator finds that the benefits paid were on account of injury or death which arose from a war-risk hazard for which a premium (which included an additional charge or loading for such hazard) was charged, or (2) with respect to which reimbursement may be made under title I of the Act entitled "An Act to provide benefits for the injury, disability, death, or enemy detention of employees of contractors with the United States, and for other purposes," approved _____, 1942.

TIME FOR FILING CLAIMS

Sec. 105. No benefits shall be provided under this title with respect to any war injury, or death proximately resulting from such injury, unless a claim for benefits with respect thereto is filed within one year after the occurrence causing such injury, or, if such injury was sustained during enemy detention, within one year after the termination of such detention; except that benefits shall be provided with respect to death if a claim for such benefits is filed within one year after such death, and if immediately prior to such death (or in such other period as may be fixed for special circumstances in regulations prescribed by the Administrator) the deceased individual was entitled to benefits under this title and had filed a claim therefor. No compensation shall be provided under this title with respect to the detention of an individual unless a claim for benefits with respect thereto is filed within one year after the beginning of his detention or, if such detention is not officially established, within one year after he has disappeared under circumstances such as to make his detention appear probable. A claim for benefits with respect to the detention of an individual, if found by the Administrator to have been filed in good faith within the period prescribed in the preceding sentence, shall be a sufficient claim for benefits with respect to the death of

such individual occurring at any time. In the case of a war injury sustained by an individual who has not attained the age of sixteen, the filing of a notice of such injury by such individual or any person on his behalf, within one year after the occurrence causing such injury, shall be a sufficient claim for benefits with respect to such injury for the purpose of the period of limitation prescribed in this section. The Administrator, in his discretion, may waive the period of limitation prescribed in this section wherever he finds that, because of circumstances beyond the control of an individual otherwise entitled to benefits under this title, compliance therewith could not be accomplished.

DEFINITIONS

Sec. 106. As used in this title—

(a) The term "war injury" means—

(1) a personal injury sustained after December 8, 1941, proximately resulting from a war-risk hazard (as defined in title III), and includes any disease proximately resulting from such personal injury;

(2) in the case of a civilian defense worker, it also includes a personal injury sustained by such worker after December 8, 1941, while in the performance of his duty as such worker, or disease incurred by him which was proximately caused by his performance of such duty after such date; and

(3) in the case of a civilian detained by the enemy whose detention commenced after December 8, 1941, it also includes a personal injury or disease proximately resulting from such detention.

(b) The term "dependent of a civilian" means such civilian's wife or widow, husband or widower, child, or parent (as defined in regulations of the Administrator), who (1) within such period prior to such civilian's death or detention as may be prescribed in regulations of the Administrator, was receiving his or her chief support from income earned by such civilian, and (2) except in the case of a wife or widow, or a child who has not attained the age of eighteen, is incapable of self-support because of age or mental or physical disability.

(c) The term "civilian defense worker" means any civilian (except a person who is paid by the United States, or any department, agency, or instrumentality thereof, for services as a civilian defense worker) who is engaged in the Aircraft Warning Service, or is a member of the Civil Air Patrol, or is a member of the United States Citizens Defense Corps in the protective services engaged in civilian defense, as such protective services are established from time to time by regulation or order of the Director of the Office of Civilian Defense, or is registered for a course of training prescribed and approved by said Director for such protective services.

EXPIRATION DATE

Sec. 107. Except as may otherwise be provided by Congress, no payment shall be made, except as provided in section 104 (b), with respect to any individual under the provisions of this title for any period after the sixtieth month following the month during which the present wars end; nor shall any other benefit, assistance, or service of any nature under this Act be provided after such sixtieth month. Not later than the beginning of a regular session of Congress, beginning at least six months before such sixtieth month, the Administrator shall transmit a report to Congress which shall include a full statement of the cost of payments and services under this title and his recommendation as to whether or not such payments and services should be continued, and, if so, whether any modifications thereof are desirable.

TITLE II—RELIEF OF WARTIME CIVILIAN DISTRESS

APPROPRIATION

Sec. 201. (a) The Federal Security Administrator and the Director of the Office of Civilian Defense shall prepare a plan or plans to meet any emergency which may arise in the United States resulting from enemy attack, or from action to meet such attack, setting forth in detail the functions of the State and local defense councils and of the various Federal departments in dealing with such emergency. The Director of the Office of Civilian Defense shall coordinate the work of the Federal departments relating to civilian defense, and promote the development of

State and local defense councils. In order to provide assistance and services for the temporary relief of civilian distress resulting from enemy attack or the danger thereof or from action to meet such attack or danger for a reasonable period of time after such attack or danger or action to meet it, including money payments, loans (with or without interest or security) and assistance in kind and medical or other services necessary for the protection of health, safety, or welfare, such assistance and services to be available under such circumstances and to such extent as the Administrator shall prescribe to civilians who are injured, and to the survivors of civilians who are killed, and to civilians who have suffered loss of, or damage to, clothing, tools, living quarters, furniture, or real or personal property of other kinds necessary for employment or habitation, and to civilians who are in war-stricken areas, or who are being or have been evacuated from any area under the direction of civil or military authority; there is hereby authorized to be appropriated for the fiscal year ending June 30, 1942, and for each fiscal year thereafter, a sum sufficient to carry out the purposes of this title.

(b) Assistance and services under this title shall not be provided outside of the United States, unless, and only to the extent that, the President shall direct.

(c) Assistance and services under this title shall be designed to restore normal civilian activities as rapidly as possible, but not to provide any permanent rebuilding or rehabilitation. In no case shall such assistance with respect to damaged living quarters or other real property exceed the cost of making such property temporarily serviceable.

(d) In providing assistance and services under this title the Administrator shall, wherever he deems it practicable, take into consideration the resources of the persons receiving such assistance and services, including any pensions or other benefits to which they are entitled.

ADMINISTRATION

SEC. 202. (a) The Administrator shall have the power and duty of administering the provisions of this Act, and shall issue such regulations and instructions, and establish such procedures, and perform such other functions as he finds may be necessary to carry out its purposes; but nothing contained herein shall affect any jurisdiction of any military or naval authority with respect to the control or disposition of civilians.

(b) In carrying out the purposes of this Act and in accordance with the plan or plans prepared pursuant to section 201 (a), the Administrator shall, through agreements or cooperative working arrangements with appropriate agencies of the United States or of any State (including the District of Columbia, Hawaii, Alaska, Puerto Rico, and the Virgin Islands) or political subdivision thereof, and with other appropriate public agencies and private persons, agencies, or institutions, utilize their services and facilities wherever possible. He may delegate to any officer or employee, or to any agency, of the United States, of any State, or of the District of Columbia, or of any political subdivision thereof, or Territory or possession of the United States, such of his powers and duties as he finds necessary for carrying out the purposes of this Act, and may make grants to any such agency of the estimated cost of services or facilities utilized by him in carrying out the purposes of this Act; and in administering this title may transfer funds or make grants to any such agency for the making of payments and loans or the provision of services authorized under this title. Any money so granted or transferred which is not so used by any such agency for such purpose shall be returned and credited to the current appropriation available for such purpose, in accordance with such regulations as the Administrator shall prescribe.

(c) The Secretary of the Treasury shall, through the Division of Disbursement of the Treasury Department and prior to audit or settlement by the General Accounting Office, make payments authorized under this Act to such payees in such amounts as the Administrator may from time to time certify. Notwithstanding the provisions of section 3643 of the Revised Statutes, the Secretary of the Treasury shall arrange for advances to duly authorized agents of the Administrator to make possible immediate payments in currency where the Administrator finds that such payments are necessary to carry out the purposes of this title. Payments in currency out of such advance shall be accounted for in accordance with regulations of the Administrator, which may provide that a certification of such agent as to the details of the expenditure shall be a sufficient

voucher in cases where it is impracticable to furnish the payee's receipt. In situations in which the Administrator finds that the procurement of supplies, services, and materials, on an emergency basis, is necessary to carry out the purposes of this title, such procurement shall be made in accordance with regulations prescribed by him, without regard to section 3709 of the Revised Statutes.

(d) Decisions by the Administrator with respect to entitlement to benefits or reimbursement under this Act shall be reviewable by such administrative procedures as the Administrator shall prescribe. The Administrator may, at any time, reconsider or modify his decisions, and may waive recovery of money erroneously paid whenever he finds that such recovery would be against equity and good conscience or would be impracticable.

(e) The Administrator may provide for certification for joint payment to two or more individuals of the same family of the total amounts payable to such individuals.

(f) The Administrator is directed to make findings of fact, and decisions as to the rights of any individual applying for any benefit under title I. He is authorized to hold such hearings and to conduct such investigations and other proceedings as he may deem necessary or proper for the administration of this title or title I. In the course of any hearing, investigation, or other proceedings, he may administer oaths and affirmations, examine witnesses, and receive evidence. Evidence may be received at any such hearing even though inadmissible under rules of evidence applicable to court procedure.

(g) In administering this Act, the Administrator shall, insofar as they are applicable, have all the powers and duties conferred upon the Social Security Board by subsections (a), (d), (j), and (k) of section 205 of the Social Security Act, as amended; and the provisions of subsections (e) and (f) of such section shall be applicable to this Act in the same manner and to the same extent as they are applicable to title II of the Social Security Act, as amended.

(h) The Administrator shall make quarterly reports to the President and to the Congress with respect to assistance and services provided under this title, and agreements and cooperative working arrangements entered into in connection therewith, except to the extent that the information might be of value to the enemy. Such reports shall include information as to areas where and the causes why such assistance and services are provided, the kinds and extent, and probable duration of such assistance and services in such areas, and the agencies participating in their administration. The first of such reports shall be for the period ending with the third full calendar month after the enactment date of this Act, and subsequent reports shall be made thereafter for each period of three calendar months.

TITLE III—MISCELLANEOUS PROVISIONS

DEFINITIONS

Sec. 301. When used in this Act—

(a) The term "United States" when used in a geographical sense means the several States, the District of Columbia, Hawaii, Alaska, Puerto Rico, and the Virgin Islands, and shall include all bays, harbors, sounds, inlets, and similar bodies of water therein, but shall not include any other portion of the Atlantic or Pacific Oceans or the Gulf of Mexico.

(b) The term "Administrator" means the Federal Security Administrator.

(c) The term "war-risk hazard" means any hazard arising after December 6, 1941, and prior to the end of the present war, from—

(1) the discharge of any missile (including liquids and gas) or the use of any weapon, explosive, or other noxious thing by an enemy or in combating an attack or an imagined attack by an enemy; or

(2) action of the enemy, including rebellion or insurrection against the United States or any of its allies; or

(3) the discharge or explosion of munitions intended for use in connection with the national war effort (except with respect to any employee of a manufacturer or processor of munitions during the manufacture, or processing thereof, or while stored on the premises of the manufacturer or processor); or

(4) the collision of vessels in convoy or the operation of vessels or aircraft without running lights or without other customary peacetime aids to navigation; or

(5) the operation of vessels or aircraft in a zone of hostilities or engaged in war activities.

DISQUALIFICATION FROM BENEFITS

Sec. 302. (a) No person convicted in a court of competent jurisdiction of any subversive act against the United States or any of its allies, committed after the declaration by the President on May 27, 1941, of the national emergency shall be entitled to compensation or other benefits under title I, nor shall any compensation be payable with respect to his death or detention under such title, and upon indictment or the filing of an information charging the commission of any such subversive act, all such compensation or other benefits shall be suspended and remain suspended until acquittal or withdrawal of such charge, but upon conviction thereof or upon death occurring prior to a final disposition thereof, all such payments and all benefits under such title shall be forfeited and terminated. If the charge is withdrawn, or there is an acquittal, all such compensation withheld shall be paid to the person or persons entitled thereto.

(b) The Administrator may by regulations prescribe such disqualifications from benefits provided in this Act as he may deem proper with respect to enemy aliens, and such other disqualifications from such benefits as he may deem necessary or proper to protect the public interest or to carry out the purposes of such title.

FRAUD

Sec. 303. Whoever, for the purpose of causing an increase in any payment authorized to be made under this Act, or for the purpose of causing any payment to be made where no payment is authorized hereunder, shall knowingly make or cause to be made, or aid or abet in the making of any false statement or representation of a material fact in any application for any payment under this Act, or knowingly make or cause to be made, or aid or abet in the making of any false statement, representation, affidavit, or document in connection with such an application, or claim, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$1,000 or imprisoned for not more than one year, or both.

LEGAL SERVICES

Sec. 304. No claim for legal services or for any other services rendered in respect of a claim or award for compensation under this Act to or on account of any person shall be valid unless approved by the Administrator; and any claim so approved shall, in the manner and to the extent fixed by the Administrator, be paid out of the compensation payable to the claimant; and any person who receives any fee, other consideration, or any gratuity on account of services so rendered, unless such consideration or gratuity is so approved, or who solicits employment for another person or for himself in respect of any claim or award for compensation under this Act, shall be guilty of a misdemeanor and upon conviction thereof shall, for each offense, be fined not more than \$1,000 or imprisoned not more than one year, or both.

FINALITY OF DECISIONS

Sec. 305. The action of the Administrator in allowing or denying any payment under this Act shall be final and conclusive on all questions of law and fact and not subject to review by any other official of the United States or by any court by mandamus or otherwise, and the Comptroller General is authorized and directed to allow credit in the accounts of any certifying or disbursing officer for payments in accordance with such action.

DETERMINATION OF DEATH OR DETENTION

Sec. 306. A determination that an individual is dead or a determination that he has been detained by the enemy may be made on the basis of evidence that he has disappeared under circumstances such as to make such death or detention appear probable.

ASSIGNMENTS, AND SO FORTH

SEC. 307. The right of any person to any benefit under this Act shall not be transferable or assignable at law or in equity except to the United States, and none of the moneys paid or payable (except money paid hereunder as reimbursement for funeral expenses or as reimbursement with respect to payments of workmen's compensation or in the nature of workmen's compensation benefits), or rights existing under such titles, shall be subject to execution, levy, attachment, garnishment, or other legal process or to the operation of any bankruptcy or insolvency law.

**STATEMENT OF HON. CLAUDE PEPPER, UNITED STATES SENATOR
FROM THE STATE OF FLORIDA**

Senator PEPPER. Just briefly, Mr. Chairman and members of the committee, as the chairman has already indicated, this bill was introduced by me in the first instance, in the last session of Congress, and at the instance, largely, of the agencies of the Government who are interested in this problem of protecting the civilian population, and certain other enumerated classes, against injury or death sustained by act of the enemy.

England, insofar as we know, and other belligerent powers, have made such provisions, on the part of their government, and the War Department, Navy Department, and social-security agencies and other departments of the Government were concerned about this problem and at the instance, I believe, of the President they made a study of it and tried to work out, by consultation among the several agencies, in accord with the Bureau of the Budget, what would be a wise and necessary and salutary statute on the subject.

The bill was introduced and referred to the Senate Education and Labor Committee. We held rather extensive hearings before that committee, and had representatives of a large number of the Federal agencies present, and in a very fine spirit of cooperation they exchanged ideas and worked cooperatively upon the formulation of the subject, the legislation on the subject.

The bill, as originally introduced, as I said awhile ago, covered people inside the United States, citizens of the United States. It allowed the President to extend it to certain people outside of the United States, such as people in our Territories, and others owing allegiance to the United States, and it also covered those engaged in work for the United States Government or for contractors employed by the United States Government through one of its departments, in offshore areas. It also, I may add, covered merchant seamen who might sustain injury or loss of life by action of the enemy.

Now, as the Senator will recall, when the matter reached the floor, the bill was divided and the part pertaining primarily to offshore workers and that class, passed the Senate and later passed the House and was later signed by the President and is now a law and is being administered.

Then, by agreement, with which the Senator is familiar, we reintroduced the other part of the bill as Senate 2620, to which the chairman has referred. We had some hearings, the able chairman will recall, and I believe some discussion, but the matter for reasons that we knew about, was not finally recommended out, and then I reintroduced 2620 in the form of S. 450 in this session of the Congress and the chairman

is right; that the bill now before this committee is practically that former bill.

Now, Mr. Chairman, the two essential titles to this bill, the first provides benefits for various disabilities, or death, or enemy detention of civilians, and provides a scale of benefits for those who sustain such injuries, or for the beneficiaries or representatives of those who lose their lives as a result of enemy action, or enemy attack. That scale of benefits has been worked out by the Federal agencies, and primarily by the Bureau of the Budget in regard to the veterans' benefits and social-security benefits and the other Federal benefits.

The scale prescribed in this bill was arrived at by these agencies in consultation with one another, and they were confirmed here, unless they have changed their minds since the hearings before our committee, and they are represented.

Senator CLARK. May I interrupt, Senator Pepper?

It was suggested at the hearing before the special committee, in the last session, that in some instances these benefits to civilians exceeded the benefits given under existing law, at least to the veterans of the armed services.

Do you know anything about that?

Senator PEPPER. I do not know that that is true, I do not think it is true, at the present time, Mr. Chairman. That might have been true at one time, but there was an effort made to bring all those things into harmony and to let the yardstick be our social-security benefits and veterans' benefits.

Senator CLARK. I do not think we would be willing, under any circumstances, to grant civilians greater benefits than are granted to our men, our veterans of the armed forces, we could not allow the civilians to receive benefits exceeding those granted to men suffering disabilities incurred while in our armed forces.

Senator PEPPER. That is quite right, sir; and I thoroughly agree with that principle and I would like to have the representative of the Bureau of the Budget discuss the schedule of payments, those details, because they tried to reconcile the various Government benefits and arrive at a fair sort of standard in this bill.

Now, the benefits that are available to those who come within the provisions of this act are, in terms of money, and in terms of medical aid, and that medical aid is in the form of doctors' and nurses' services, drugs and other medicines, prosthetics and other appliances, hospitalization, and other reasonable services for treatment and care, that is, those benefits may be made available to persons by the administrator of the act.

It is provided here that those benefits may be provided in private hospitals and that the Government may compensate the doctors and nurses who render those services, so it is not necessary that they all be in Government hospitals.

Then, there are definitions as to who are entitled to the benefits.

Now, besides civilians residing in the United States, there is another class of people who may get the benefits of this law, and that is persons to whom the President may extend the benefits, outside of the United States.

Now, that had in mind whether or not, for example, the President might wish to extend the benefits of the bill to, we will say, the

people in the Philippine Islands, or the people in the Hawaiian Islands, or people in certain other areas, in case that might be deemed necessary and proper.

Senator GEORGE. Those outside of the limits of the United States are citizens of the United States, the ones to whom the benefits are to be extended, are they?

Senator PEPPER. They are citizens, sir. It would be in no case possible to extend the benefits to those who do not owe allegiance to the United States.

Senator CLARK. Naturally.

Senator GEORGE. Or, they could not be extended to nationals of some other country than ours?

Senator PEPPER. No, sir; only to those owing allegiance to the United States. For instance, on page 5:

Benefits shall be provided under this title to individuals residing inside the United States; but with respect to individuals residing outside the United States, such benefits shall be provided only as the President may by Executive order prescribe for classes of cases where (1) the persons to whom benefits are provided, or the persons with respect to whose death or enemy detention benefits are provided, are citizens of the United States or persons owing allegiance to the United States * * *

Now, then, the next category—

Senator CLARK (interposing). Let me ask you this: Would the provision extend, for instance, to people in the Philippine Islands who may have been bombed or subjected to injury and detention by the Japanese in their attack on the Philippines?

Senator PEPPER. Mr. Chairman, for reasons we thought somewhat persuasive, that power was given to the President, but the exercise of it, of course, depended upon the President's discretion.

Now, one of the reasons that moved the committee to allow the retention of that power was to avoid perhaps the feeling on the part of some of these people that we were not considerate of their interests and really not trying to protect them against injuries received, and they therefore might become more susceptible of approach and propaganda in the outlying territories, feeling that we had discriminated against them, and the like, and so we thought that it might be wise, we thought, to trust the President's discretion in the matter and to allow him, so far as the Congress was concerned, that power to exercise his discretion under this legislation.

Now, probably some of the agencies may have preferred to outline those benefits in more detail. Frankly, the fact is that they have actually been in a common boat with us, and they are fighting the war with us and we want to show them that we are trying to defend them, these people who need it so badly, in every way we can, and we felt that it might not be to the best interests if any of them were excluded from the proposed benefits, under the act.

Senator LUCAS. Is this legislation retroactive?

Senator PEPPER. It is retroactive back to December 6, 1941; really to December 7, 1941.

Now, the second class of persons who are eligible for benefits, looking at page 5 again, are:

(2) The person to whom benefits are provided is a seaman who sustained a war injury while under contract of employment as a seaman on a vessel documented or numbered under the laws of the United States, or is a dependent

(within the classes specified in section 106 (b)) or a seaman whose death proximately resulted from such an injury or whose detention by the enemy occurred while under such a contract.

Now, I don't know whether the law has been changed since a few months ago, or not, when we had these things under consideration. I have not checked, and to my knowledge it has not changed. There was a provision, and is now, whereby if a seaman loses his life, I think he gets \$5,000 benefits, under an arrangement put into effect by the Maritime Commission, but my information is, and it certainly was the fact at that time, 2 months ago, if the seaman sustained the loss of both his legs, he had no assurance whatever of getting any benefits that would be payable the rest of his life, or if he suffered from any permanent disability, unless the shipowner chose to pay him the benefits, and the seamen were very much pleased when, for the first time, they were covered in legislation of this character.

Now, if they had a choice, there is a provision worked out in here whereby they do not get double benefits, and they are able to derive benefits under certain other provisions of law that will be taken into consideration in the payment of benefits provided in this act, but I don't think that this bill contains a very salutary benefit for those merchant seamen who may be getting injured on a ship, and lose a limb, or be disabled for the rest of their lives, except upon the charity of the shipowner—they would not be assured of any benefits whatever.

Senator GEORGE. They are required now, Senator, the shipowners are, to provide \$5,000 insurance free of cost.

Senator PEPPER. That is correct, sir.

Senator GEORGE. Yes.

Senator PEPPER. But that applies only in case of death.

Senator GEORGE. I think now it is applicable to loss or limb or member.

Senator PEPPER. Now, at that time, when the bill was originally framed, that was not true, Senator, and if the law has been changed within the last few months the committee will take that into consideration. It had not changed when the bill was reported out a few months ago, but there is no harm in checking and making sure that they are properly covered under the law, for that is the main idea here.

Senator GEORGE. I think we are fairly well in accord there.

Mr. Chairman, I have around at the office, unfortunately I neglected to bring it with me this morning, a report by the Veterans' Administration on the bill to cover these seamen, under the Insurance Act, which goes into detail and shows all the benefits that the seamen are now receiving, and I will see that it is put into the record.

Senator CLARK. Very well.

Senator PEPPER. I think it would be extremely well for the committee to hear someone from the Maritime Commission, and I think we all want to see that our seamen are adequately covered and if they are now covered under other legislation, that is all right, we can correct this, accordingly.

Senator CLARK. There is no question about that.

Senator PEPPER. Now, another class mentioned is on page 6, where it says:

No benefit shall be provided with respect to a war injury (as defined in section 106 (a) (2)) sustained on or after July 1, 1942, by a civilian defense worker who

is a member of the United States Citizens' Defense Corps, or with respect to his death proximately resulting therefrom, unless such worker is a member in good standing of such defense corps, in accordance with regulations prescribed by the Director of the Office of Civilian Defense.

Now, with those safeguards thrown in, it provides for coverage of those in the proper categories of civilian defense work.

Mr. Lardis, of the Office of Civilian Defense, and his associate are here and will speak directly about that. The thought was that they are entitled to coverage and that is one of the matters to be determined in this hearing and by the committee.

Now, then, the general administration of this law is put into the Social Security agencies, but it is not intended and in fact no provision is made for setting up a lot of new or additional personnel. That is one thing that we tried carefully to do in the framing of the bill, to eliminate new personnel, and we wanted to use those agencies because the Budget, I think I am correct in quoting the Budget, and the Social Security authorities, thought that they had the personnel already in existence who could administer the law. Their officers and offices are scattered all over the country, in every community, and are already dealing with matters closely related to this legislation and it was thought, therefore, that probably on the whole that by virtue of their experience and the character of their personnel and the number of their employees and their distribution throughout the country, and the fact that they have a growing responsibility for benefits of this general character, that probably on the whole they might well be the most appropriate agencies to be charged with the administration of this law.

Senator CLARK. Senator, so far as personnel is concerned, I call your attention to section 101, on page 2:

In order to provide benefits by way of compensation and medical benefits with respect to the injury, disability, death, or enemy detention by civilians, arising out of the present war, there is hereby authorized to be appropriated for the fiscal year ending June 30, 1942, and for each fiscal year thereafter, a sum sufficient to carry out the purposes of this title.

Now, nothing is said about personnel, and of course no limitation is placed on the personnel with a blanket authorization of this character; and the Social Security Administration, or whatever agency does administer, would be authorized then to make estimates for any number of personnel that they thought might be necessary, in their opinion, to carry out the provisions of the act.

Senator PEPPER. At an appropriate place in there, which does not come to my mind at the moment, it was made the duty of the Administrator to use, to the fullest extent possible, the existing Federal agencies and not create new additions or subdivisions thereof.

Senator CLARK. That is a very broad blanket authorization.

Senator PEPPER. It is.

Senator CLARK. For any amount of persons that might be estimated by the Administrator to be necessary, and we all know that in actual practice, under an authorization of that sort, the various agencies just take all the personnel they can possibly crowd in, even using standing space, you might say, if necessary.

Senator PEPPER. Mr. Chairman, I am sure that I, as the introducer of the bill, would have no objection on the limitation of personnel.

The reason that amount was left as it is was because there was no way of estimating, at the time, the personnel that would be necessary.

Senator CLARK. You cannot tell how much it would cost?

Senator PEPPER. There was no way you could tell.

Senator CLARK. The fact about the whole situation is, there is no limitation, and no estimate of the amount that will be needed.

Senator PEPPER. That is exactly correct, sir. There is no way of estimating how many people are going to be hurt, how much medical care is going to be necessary, or how many artificial limbs are going to be required and, of course, it provides that an estimate shall be made, and quarterly reports shall be made to the President and the Congress, by the Administrator, so that the fullest possible information may be made available to the Congress, but certainly we have no objection to any limitation upon personnel that the committee might desire to impose.

The purpose of it is not to create or employ additional personnel, but to use the available personnel.

Senator MILLIKIN. Senator Pepper, in view of the general terms, does not the basic principle come down to this: The people that find themselves under this act are entitled to the benefits of this act and they must receive them, regardless of cost; is that not the basic principle?

Senator PEPPER. That is right. You see, Senator, for the purpose of this bill, we are trying to do what has been done in England, we feel that should be done here, and that is, namely, to provide some Federal compensation to civilians who are war casualties.

Now, if we are bombed here in the city of Washington and thousands of people are killed, the theory is that they are war casualties and their dependents are entitled to some reward or remuneration from the Government for their loss. If a civilian loses both arms, or his life, or sustains some other disability and is injured for life, it was felt that it was fairer for the Government to take care of that disability, growing out of the prosecution of the war and directly related to the war, rather than that individual might have to bear the whole of it himself, or his family, themselves.

Senator MILLIKIN. I understand the purpose thoroughly. I am just mulling around in my mind whether this is an obligation of such paramount importance and such inescapable responsibility that we should go into this bill, a bill of this kind, not having the slightest idea of what it will cost. I am in agreement that we should bear our just responsibilities, but I think we should know just what they are and what they will cost us.

Senator PEPPER. Well, Senator, it all depends on the way you view the matter. My personal view is, and the view of the governmental departments was, and the view of the President was, in the executive action which he took right at the beginning of the war, in making a certain amount of money available by Executive order to the Federal Security Administrator to pay benefits to people, the feeling was, of all of them, that the Government has an obligation to bear in this regard and it is easier for the whole people of the United States to bear this obligation or burden than it is for one poor, unfortunate individual or his family, and that is the theory of the bill.

Senator LUCAS. Recently the local papers carried a story about an air-raid warden who fell off of a roof and was killed, in the city of Washington.

Senator PEPPER. That would be covered under the provisions of the bill, and, Senator, I will say that where the proximate result is from such disability, he does get compensation under the bill.

Now, he gets no compensation for the work, and day after day he shows up for work, this fire warden, perhaps it is, and he falls or is killed in some way, stumbles down the stairs in the darkness of night, and that is in the course of his duty, and that is definitely defined and is in a determinable category, and Mr. Landis will speak on that, in detail.

Senator CLARK. It seems to me, though, that the case of an air-raid warden, in the performance of his duty, and as a part of an organized and recognized governmental agency, such as a civilian-defense corps, is in somewhat a different category, at least the Government would be entitled to regard him as being in a different category than the ordinary citizen, walking down the street during an air raid, getting hit by a piece of shrapnel, or a bomb or something, and it seems to me that your declaration of principle here goes further, a good deal further, than the specific provisions of the act which deal with specific categories.

The declaration of policy makes the Government a general insurer for anybody who may possibly be injured or suffer disability by reason of general and enemy activities. It seems to me that there is a very certain legal and moral distinction.

Senator PEPPER. Let me see if I can clear the matter.

There are two classes of cases provided for in the bill as it is now framed. One is the civilian who sustains injury or death from a war injury as defined in section 106. Now, that contemplates from the direct action of the enemy and certainly it is under certain enumerated things in there; that, in my opinion, would not cover a case of a civilian who in a black-out, for example, or even on account of an enemy raid, accidentally fell down the stairs and broke his neck, or slipped and fell while he was walking; that fellow would not be covered if he is a civilian who lives in a house and hears a siren and starts down the steps. But, if that fellow was an air-raid warden and he was coming down the stairway of a home where he was trying to rescue somebody, or was engaged in the performance of his duties, as a member of the United States Citizens Defense Corps and in the performance of that duty as a fire warden, or whatever it might be, fell off of a roof while trying to rescue somebody from a building, or had the building fall on him, in that case his coverage would be that of a civilian defense worker, in a defined category, and not as a civilian like the resident of a house who might happen to fall down and break his leg.

That is the distinction that the bill makes, Senator.

Now, in section 106, let's see how that "war injury" is defined. The term "war injury" means, on page 15, Senator, "a personal injury sustained after December 6, 1941, proximately resulting from a war-risk hazard (as defined by title III) and includes any disease proximately resulting from such personal injury."

And it goes on and defines a civilian defense worker as: "In the case of a civilian defense worker, it also includes a personal injury

sustained by such worker after December 6, 1941, while in the performance of his duty as such worker, or disease incurred by him which was proximately caused by his performance of such duty after such date."

Now, then, in title III—Senator, I do not have the definition right here before me, but I am certain—here it is, title III, on page 23, defines the term "war-risk hazard" as meaning any hazard arising after December 6, 1941, and prior to the end of the present war, from—

(1) The discharge of any missile, including liquids and gas, or the use of any weapon, explosive, or other noxious thing by an enemy or in combating an attack or an imagined attack by an enemy.

Now, that "imagined attack" is in there because if they get a false alarm, or hear a false siren and start shooting missiles in the air, those falling missiles may kill civilians and the civilian that is killed in a false air raid or alarm, is entitled to as much compensation or the same compensation as if he were killed in an actual air raid.

Now, when it says, "action of the enemy," as it does in section 2 of title III, where it says, "action of the enemy, including rebellion or insurrection against the United States or any of its allies," that means, of course, damage in actual war, whether by bomb, shell, or something else, airplane or anything else.

(3) The discharge or explosion of munitions intended for use in connection with the national war effort (except with respect to any employee of a manufacturer or processor of munitions during the manufacture or processing thereof, or while stored on the premises of the manufacturer or processor).

Now, that was brought out in the hearings that it was intended to include cases where trucks were loaded with munitions in regular transit from one place to another, by the Government, which might blow up.

That did occur in a city down south, I believe.

Senator GEORGE. In North Carolina.

Senator PEPPER. Yes, sir; and it killed a lot of people. We thought that was a war hazard where they were actually injured by exploding shells as a result of that truck disaster. They were proximately casualties of war, but that would not cover a worker in a munitions factory. That is another matter.

(4) The collision of vessels in convoy or the operation of vessels or aircraft without running lights, or without other customary peacetime aids to navigation.

That was intended primarily to cover the seamen but might cover passengers on a vessel that came within that category, and it was thought that if, due to the abnormality of operations of those vessels, any convoy, in a convoy or subject to other hazards while they were under governmental control or direction—for instance, a passenger who was legitimately on such a ship sustained an injury and it was thought that he, too, should be regarded as a casualty.

(5) The operation of vessels or aircraft in a zone of hostilities or engaged in war activities.

Well, of course, that is clear on its face, so you will see that all the definitions relate to direct action of the enemy, not indirect or remote.

The rest of it, may I say to the committee, is detail and what I have said fairly reflects the principles which are incorporated in the bill.

Now, there are various witnesses here who will go into detail of

the various parts of the bill, very much better than I can; but I will only say that experience has proved that in England legislation of this kind was put into effect immediately after the outbreak of war and that it has meant a great deal to the people of England, to have legislation like this in effect.

By the way, I omitted to add that title II, here, is a very important title and one which municipalities of the country are very much interested in, as it relates to the relief of wartime civilian distress. Now, that is primarily intended to meet emergencies such as, for instance, suppose a town down in Georgia was bombed by the enemy and there is consternation and disorganization of facilities there in that community. Maybe the people are thrown out of their homes, out on the street, and the stores are broken up and people are out of employment and many have left their tools or means of livelihood and there is an emergency situation that somebody has to deal with.

Now, that kind of a problem is primarily under the jurisdiction of the Office of Civilian Defense in that community which is composed of local people. Those officers are appointed by the mayors and local authorities and not by Washington. This bill contemplates that the administration of emergency relief should be under local people and authority, but that the money to take care of emergencies should be provided by the Federal Government because that was a result of a national effort, and that community ought to be supported during the period of the emergency, now, by the Federal Government.

Senator CLARK. That is a situation which is somewhat equivalent to the situation that has frequently arisen after a great loss suffered from floods or fires and things of that sort, where the Federal Government always extends aid, usually through the military, though, I will say.

Senator PEPPER. Senator, that is correct. Now, then, there is wide discretion there, and I might say an examination will show that the authority is limited that is vested in the Administrator, and it is stated that he must use local people and it is made his duty to organize the local effort in the best possible way, but he even has the power to give cash payments, under this language, to those people; and the representatives of the Government strongly support this provision because they said, in England, it was of immeasurable benefit to the morale of the people who had sustained bombings, to be able to go out and give them \$50 or \$25 for clothes, when they did not have anything left, or a little food, or maybe even buy tools, so that some of the men could start back to work, and it even allows them to put temporary repairs on their homes.

Suppose the windows are blown out and the doors are blown down, temporary repairs can be made which will last until affairs can be stabilized. The Government can spend the money with which the local authorities can patch the roof, put glass back in the windows, or help the man with his door or restore his well, or something like that, but the limitation is thorough, and they are limited carefully only to an emergency and to temporary repairs. Of course, permanent construction could not possibly come under that. That comes under, you will recall, the Insurance Act, which is under the jurisdiction of the Reconstruction Finance Corporation, so on the whole the bill has had a lot of study. We have had the benefit of the British experience and

statistical data and I hope the committee may find it possible to progress the matter.

Senator LUCAS. Senator, how does the rate of pay for casualties in England compare to the rate of pay here?

Senator PEPPER. My recollection is that the English rate is comparable with the one provided here.

Senator LA FOLLETTE. Mr. Chairman, I must go to the floor, in view of the important matter coming up in connection with the deficiency bill. I do not wish my absence to indicate my lack of interest, and I wish to assure the witnesses that will follow Senator Pepper that I shall very carefully read their testimony. I am somewhat familiar with the matter because the bill originally was before the Education and Labor Committee, of which I happened to be a member.

Senator CLARK. I should like to explain, Senator La Follette, that the hearing was set before we understood that the Senate was to meet at 11.

Senator LUCAS. I should like to concur with Senator La Follette's statement.

Senator CLARK. If there is no objection, I would like to proceed with the hearing until 12, and then adjourn until Monday, and we will proceed from now on and hear as much testimony as possible today.

Thank you, Senator Pepper.

Senator PEPPER. Thank you very much, Mr. Chairman.

Senator CLARK. Dean Landis, I think you are next.

Will you please state your name and official connection for the record?

STATEMENT OF HON. JAMES M. LANDIS, DIRECTOR, OFFICE OF CIVILIAN DEFENSE, WASHINGTON, D. C.

Mr. LANDIS. My name is James M. Landis, Director, Office of Civilian Defense.

The interest of the Office of Civilian Defense in this bill relates primarily to those provisions of the bill compensating members of the three civilian protective services for injuries received in the course of the performance of their duties. The first service involved is the Aircraft Warning Service, which may be more familiarly known to you as the spotters who are under the guidance and control of the Army. Our interest there is an interest of recruiting these people for the Army. We stop at that point, after having recruited them, and they are turned over to the Army from that point on.

Senator CLARK. The Army has charge of the whole administration and regulation of that group?

Mr. LANDIS. That is right.

The second group is the Civil Air Patrol, which is a branch of the Office of Civilian Defense, and consists of a group of civilian pilots who are performing duties sometimes paid for by the Army, in connection with various different aspects of the protection program.

Senator CLARK. You say "paid for by the Army," Dean Landis. As a matter of fact, they serve without compensation, do they not?

Mr. LANDIS. That is right.

Senator CLARK. And their service is entirely voluntary, and most of them furnish their own planes, do they not?

Mr. LANDIS. In all cases they furnish their own planes.

Senator MILLIKIN. And their pay relates to what—expenses?

Mr. LANDIS. A mileage rate on the flying, and it is a subsistence rate while they are on duty.

They conduct a series of patrols of which perhaps the most extensive is the antisubmarine patrol on the east coast. Then, they perform services in connection with the liaison border patrol on the Mexican border, and they carry on a series of courier services for the Army.

Senator CLARK. They have done a magnificent job.

Mr. LANDIS. I think they have, Senator.

Senator GEORGE. What is the size of that patrol, the number?

Mr. LANDIS. The size of the patrol, the entire outfit, that is, the entire number of pilots available for these services is in the neighborhood, I think, of 30,000; would that not be about right, Major Johnson [addressing gentleman in audience], and, actually, the total number is around 66,000 who are registered in the Civil Air Patrol, but the flying personnel is not that high.

As to the number of men engaged in the various different patrols, I would prefer not to mention those figures, that is, the number of men on the antisubmarine and liaison border patrol, I think those figures should not be mentioned.

Senator GEORGE. I mean the over-all, the total number in the branch, this particular branch of your service.

Mr. LANDIS. About 66,000.

Senator GEORGE. Sixty-six thousand. Thank you. You see, we will have to have some idea about it, Mr. Landis, or we won't know anything at all about the problem because we do have some dependable data as to what is going to happen, per thousand.

Mr. LANDIS. I have data later on, as to the number of casualties that have occurred in the service.

Senator MILLIKIN. Will you come to the number of men and spotters, and so forth?

Mr. LANDIS. The number of people in the spotter section, I do not have the exact figures, I think it is about a million and a quarter, but their representatives are here to testify, anyway.

I simply desire to point out that it is a slight interest that we have there, the interest of recruiting men to help out the Aircraft Warning Service in the field.

Senator CLARK. The Civil Air Patrol, then, functions directly under O. C. D., in conjunction with the Army?

Mr. LANDIS. It is arranged and administered, the missions are planned by the Army, or missions are called for by other services and, naturally, when they are on those missions they are under the control of the Army.

Senator CLARK. It is a branch of O. C. D.?

Mr. LANDIS. It is a branch of O. C. D.

The third group is the membership of the United States Citizens Defense Corps, which comprises the protection services engaged in anti-aircraft protection and they number 5,600,000 at the present time—the best figures that we have on them was the total reported for the month of December 1942. We estimate that the actual number is a little bit larger, perhaps in the neighborhood of 6,000,000, because the reports from the various communities are not all in.

I think I can give the committee the break-down with reference to the various types of services, the air-raid wardens, auxiliary firemen, auxiliary police, decontamination squads, and so forth.

Senator MILLIKIN. I did not understand whether the figures you gave called for those in the aircraft service or not.

Mr. LANDIS. Only in the A. R. P.—Air Raid Protection Services. There is no desire, nor has it been suggested by this office, that the beneficial provisions of this bill should go further than the protection services. We believe that it all ought to be limited to the protection services and that embraces an organization known as the United States Citizens Defense Corps.

Now, we have two general ideas as to why protection ought to be extended to those people. The first is that they are rendering a service for the Federal Government as a whole, and as such, if they are injured in the course of that service, that creates an obligation on the part of the Federal Government to compensate them for that injury.

The second is that their training, their morale can, I think, be greatly improved by a recognition on the part of the Federal Government that they are performing a service of that nature. Sometimes it happens that there is a hesitancy to undertake training in certain fields, which are a little hazardous because of the possibility of liability. That is, it is not true so much that the individual hesitates to go into that kind of work, but a city or a community will hesitate before allowing training for that kind of work because of the fear that there may be some liability attached to an injury on the part of one of the workers. That has been particularly true with the auxiliary fire service, where there has been a hesitancy to let them engage in the rather hazardous necessary training for that service.

Senator MILLIKIN. I might say that before I came here, I was in charge of the civil protection in my home State, and I attempted to get insurance companies to involve a blanket policy that could be purchased by our cities at a very cheap or reasonable rate, or on a reasonable basis, and I was utterly unable to bring about that sort of an arrangement. It was impressed upon me that there ought to be some type of protection for those people. I am not so sure that this is the way to do it, but certainly there should be some form of cheap insurance available to them, whether paid for by the local government or by the Federal Government, or participated in by all.

Mr. LANDIS. I think they ought to be treated in the same way or like the soldier in the performance of his duty.

They are not paid, none of them are paid, and therefore to ask them to contribute in order to get compensation for injury, I do not think that is quite right.

Senator CLARK. The test of the matter is whether it is in the line of duty.

Mr. LANDIS. The test is whether the injury was received in the line of duty and throughout that test has been carefully spelled out in this legislation. "Line of duty," of course, includes training for these services. It does not mean an air-raid warden who was injured in some other way, but it means that an air-raid warden who is injured in training for his duties: is covered by this bill as well as if he were injured in the performance of his duties during an actual air raid.

Senator CLARK. A soldier that is killed on maneuvers is just as dead as one killed in battle.

Mr. LANDIS. Yes, sir.

Senator MILLIKIN. I should think that the Federal responsibility in the matter was measured somewhat by the degree of Federal control over the activities of the force. Now, unless the situation has changed, the body, the Federal body, was merely an instructing and coordinating body, so far as the hook-up was concerned, the cost of the local units who were under the direct control of the Governors, the mayors, and of the local protective organizations.

The question is, How far does the Federal Government have responsibility where it does not have control?

Mr. LANDIS. The extent of control that we do exercise under this goes to three points. One is that the unit, itself, the particular Citizens Defense Corps, should be a thing that you can put your fingers on; in other words, that there ought to be muster rolls of some kind so that just the casual man cannot claim the benefits of this act. The second is our requirements on training. We do believe that people entitled to the benefits ought to meet certain minimum standards of training. The third requirement is the oath requirement, which is an oath to support the Constitution of the United States, giving them a sense of responsibility to the Nation as a whole, in the performance of their duties.

Now, beyond that I would hesitate to try to extend the power or authority of the Federal Government, because in this field local initiative, as you, know, is of tremendous importance.

Senator MILLIKIN. I quite agree with you.

Mr. LANDIS. Our problem is to bring that local initiative into full play.

Senator MILLIKIN. I was merely raising the point that the Federal Government does not have control of the activities of the people and the local organization does, and in this way qualifies its, the Federal Government's, responsibility.

Mr. LANDIS. Well, I suppose the answer to that is that it should be assumed that the duties laid out for these individuals, even though they are laid out by local officials, follow the general pattern that is suggested by the Federal Government and therefore there is a sort of a Federal responsibility along that line.

Senator MILLIKIN. I would not say there is not any responsibility.

Mr. LANDIS. With regard to the casualties in these services, I have the figures, if you are interested in having them, sir.

Senator CLARK. We are very much interested in having them in the record.

(The matter referred to is as follows:)

Recapitulation

CASUALTY LIST OF CIVILIAN DEFENSE WORKERS (AS OF MAR. 11, 1948)

Total casualties.....	501
Total receiving medical care for temporary disability lasting 7 days or less.....	300
Other casualties.....	195
Killed.....	47
Permanently seriously disabled.....	3
Totally but temporarily disabled for 8 days or over; now fully recovered.....	98
Totally but temporarily disabled for 8 days or more; still disabled.....	49
Medical care for temporarily disabled lasting 7 days or less.....	303

Region	Killed	Permanently seriously disabled	Totally but temporarily disabled 8 days or over recovery	Totally, etc., still disabled	Received medical care for temporary disability lasting 7 days or less
I.....	1	0	1	1	11
II.....	7	2	33	13	134
III.....	4	0	10	0	49
IV.....	1	0	8	0	3
V.....	2	0	4	0	6
VI.....	2	0	1	0	8
VII.....	0	0	0	0	0
VIII.....	1	0	0	1	2
IX.....	7	1	20	18	46
Hawaii.....	0	0	10	0	9
Alaska.....	0	0	0	0	0
Virgin Isles.....	0	0	0	0	0
Puerto Rico.....			(1)		
Aircraft warning service.....	2	0	3	6	0
Civil Air Patrol.....	20	1	9	8	28

No report.

Mr. LANDIS. The total casualties that we have had reported up to March 11, 1948, are 501, but of those 501, 306 are receiving medical care for temporary disabilities that have lasted 7 days or less.

The other casualties are 195; of those, 47 have been killed, and of the 47, 20 of the casualties were in the Civil Air Patrol work, and the rate of casualties there has been much higher, naturally, than elsewhere. Three permanently seriously disabled, 96 totally but temporarily disabled for 8 days or over, and now fully recovered, and 49 totally but temporarily disabled for 7 days or more, and still disabled.

The cost of this provision does not really seem to me to be very large. At the last hearing, certain figures were brought in from England, as to the number of casualties in the British A. R. P., and we have no more recent figures than those. That cost does not seem to have been a large cost. Of course, there is no doubt that the cost would rise with actual bombing taking place in this country.

The committee is aware that there is already operative a form of compensation for these individuals by virtue of the \$5,000,000 allocation that was given to the Federal Security Administrator for this purpose. The provisions of that allocation and the rules under which that grant is operative, rules which have only recently been promulgated, spell out the kind of administrative interpretation that I think would underlie this bill, and are tied in with the practice at the present time.

Senator CLARK. In other words, Dean, if I understand you correctly, this work is going on now; taking care of these injured people is under one of the allocations from one of the President's lump-sum programs?

Mr. LANDIS. That is right, sir; and, of course, what this bill would do would be to put it on a permanent basis instead of the temporary basis on which it stands on at the present time.

I don't know that there is much more that I can add, Senator. If there are any further questions, I will be glad to answer them.

I would like to emphasize the desirability of this legislation. The Senator from Colorado may recognize the difficulty in keeping up the morale of volunteers, and I think he recognized the value of their services. Coverage such as would be extended to them by this legis-

lation, on the part of Congress, would help a great deal. I am not particularly disturbed by the morale of the protective forces in this country at the present time. I think it is quite high, and I do not see anything in the future that is likely to make it drop enormously, but still it is a nice thing to feel that the defense corps, of which you are a member, is a living reality, recognizes and carries certain badges of merit as well as a certain accolade from the Congress of the United States.

Senator CLARK. Are there any questions, Senator?

Senator MILLIKIN. No.

Senator CLARK. Thank you very much, Dean.

Mr. LANDIS. Thank you, sir.

Senator CLARK. Mr. Olson, I think you are the only one from out of town to be heard—that is, from some distance away—and I will ask you to go on next.

Will you identify yourself for the record, please, Mr. Olson?

STATEMENT OF HERBERT OLSON, DIRECTOR, MICHIGAN MUNICIPAL LEAGUE, VICE PRESIDENT, AMERICAN MUNICIPAL ASSOCIATION, ANN ARBOR, MICH.

Mr. OLSON. I am Herbert Olson, vice president of the American Municipal Association. The American Municipal Association is the federation of the State League of Municipalities, operating in 42 of the States, and having a membership of something over 8,000 cities and villages and towns.

I am also the executive director of the Michigan Municipal League.

The cities throughout the Nation are primarily interested in the organized or the regularly enrolled volunteer workers under the O. C. D. program. This problem of taking care of injuries has been before municipal officials in various States since the war started, and this has resulted in action being taken by the various cities through the League of Municipalities in at least 28 of the States.

The States that have taken official action in their own League of Municipalities, including Arizona, Arkansas, California, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Michigan, Minnesota, Nebraska, New Jersey, New York, North Carolina, North Dakota, Oklahoma, Oregon, the League of Third-Class Cities of Pennsylvania, the Pennsylvania Association of Boroughs, South Carolina, Tennessee, Texas, Virginia, Washington, West Virginia, and Wisconsin.

Senator MILLIKIN. May I interrupt?

Mr. OLSON. Yes, sir.

Senator MILLIKIN. I would like to ask whether or not the fact that 28 States have taken action, and the others have not, indicates dissent on their part, or the fact that they just have not gotten around to it.

Mr. OLSON. I means that they have not taken official action at any annual meeting. So far as we are able to determine, there is entire unanimity of thought with respect to this problem among all the municipalities throughout the Nation.

The American Municipal Association, in convention last October—October 1942—passed the following resolution:

COMPENSATION TO CIVILIAN DEFENSE WORKERS

Whereas municipal civilian protective services call for the training of many auxiliary members to supplement regularly established city departments who take unlimited risk of personal injuries in carrying on their responsibilities, and such injuries impose a serious potential burden upon municipalities and individuals which should be met by the Federal Government: Now be it

Resolved by the American Municipal Association in nineteenth annual conference assembled, That the Congress of the United States be and it is hereby called upon to adopt legislation providing for the acceptance of that burden by the Federal Government; and be it further

Resolved, That copies of this resolution be transmitted to the Director of the Office of Civilian Defense in Washington, to the Director of the War Manpower Commission, and to the proper committees of the House and Senate of the United States Congress that are considering such legislation.

We have, through the American Municipal Association, received many telegrams both from leagues of municipalities and from individual municipal officials throughout the States. I shall not take the time of the committee to read very many of them, but there are a few there that I would like to call your attention to specifically.

This one is from the League of California Cities:

On behalf League of California Cities and the volunteer civilian defense organizations of this State, please advise Senate Finance Committee that we consider enactment of legislation providing Federal compensation for injuries to volunteer workers absolutely essential to maintain civilian defense organizations. It is already very difficult to maintain morale even in this key State and lack of congressional action on disability compensation is an important factor. Nothing but an enemy bombing would do more to reestablish prestige and morale than congressional action on S. 450. This is the official position of the league of all California cities.

I would like to quote from a telegram from——

Senator MILLIKIN. May I ask, Does the resolution of the 28 organizations which you referred to in that resolution; does it go to this bill or the principle?

Mr. OLSON. I do not just understand you, Senator.

Senator MILLIKIN. Are they endorsing this specific bill or merely endorsing the principle?

Mr. OLSON. They are simply endorsing the principle behind the bill, so far as it relates to the organized volunteer workers, and they are particularly interested in the protective services.

Now here is a resolution adopted at the 1942 war conference of the National Institute of Municipal Law Officers relating to benefits for injuries sustained by volunteer civilian defense workers:

Whereas there is pending before the Senate of the United States certain legislation providing a Federal system of compensation benefits for civilian defense volunteers who are injured in the course of their duties; and

Whereas the members of the National Institute of Municipal Law Officers believe that since this is a form of service relating directly to the conduct of the war and such injuries are incurred as the direct or indirect result of enemy action against the United States, or preparation for such action, that this cost should therefore be a charge against the Federal Government; and

Whereas the long delay in securing action to establish such a form of compensation benefits is having an adverse effect upon the morale of civilian defense volunteers who are obliged as a part of their duties to expose themselves to the hazards inherent in their type of service: Now, therefore, be it

Resolved, That the National Institute of Municipal Law Officers endorses this legislation and urges prompt and favorable action by the Congress of the United States.

Now we have a telegram here, which I shall read:

Municipal officials, State of New Jersey; favor the passage of Senator Pepper's bill; Senate 450. The annual conference of the New Jersey State League of Municipalities, representing approximately 80 percent of the population of the State, unanimously adopted the following resolution:

"Whereas municipal civilian protective services call for the training of many auxiliary members to supplement regularly established city departments who take unlimited risk of personal injuries in carrying on their responsibilities and such injuries impose a serious potential burden upon municipalities and individuals which should be met by the Federal Government, now be it resolved by the New Jersey State League of Municipalities in annual conference assembled, that the Congress of the United States be and it is hereby called upon to adopt legislation providing for the acceptance of that burden by the Federal Government."

Copies of resolution were transmitted to Director, Office of Civilian Defense, Director of War Manpower Commission, and committees of House and Senate considering the legislation.

And, from the State of Illinois:

In re Senate Finance Committee hearing on Pepper bill, Illinois Municipal League favors legislation providing Federal compensation for injuries sustained by voluntary civilian defense workers on the grounds that defense is a national function and responsibility and that municipalities have no means for meeting any such liability.

From the league in Indiana:

Indiana municipal officials favor legislation providing Federal compensation for injuries sustained by volunteer civilian defense workers, who are generously giving their time and energy. They should be compensated for injuries received in performance of patriotic volunteer service.

From the State of California:

ASSEMBLY JOINT RESOLUTION NO. 33

INTRODUCED BY MESSRS. KNIGHT, JOHN B. CRICHTON, MILLER, HOLLIBAUGH, BASHORE, DEES, MALONEY, WATERS, AND MIDDOUGH, MARCH 11, 1943, WITHOUT REFERENCE TO COMMITTEE

ASSEMBLY JOINT RESOLUTION NO. 33 Relative to memorializing Congress to enact legislation providing a Federal system of workmen's compensation for civilian defense volunteers injured in the course of their duties

Whereas a subcommittee of the Insurance Committee of the Assembly of the State of California was appointed to inquire into the need for a system of workmen's compensation for civilian defense volunteers injured in the course of their duties; and

Whereas said subcommittee has conducted hearings in the several sections of California and has heard testimony from representatives of all counties and cities and local civilian defense organizations all of whom were unanimous in the opinion that such legislation is essential; and

Whereas it is the considered opinion of the Legislature of the State of California that such workmen's compensation is primarily a Federal responsibility in that the organization for such volunteer services and the nature of the duties of such volunteers are directly related to the conduct of the war; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California hereby memorialize Congress to enact legislation which will provide a Federal system of workmen's compensation benefits for civilian defense volunteers injured in the course of their civilian defense duties; and be it further

Resolved, That a copy of this joint resolution be transmitted to the President of the United States, the Vice President of the United States, the Speaker of the House of Representatives, members of the Congress representing the State of California, and the chairmen of the committees of the Congress before which such legislation is pending.

I could go on and read a number of other telegrams and resolutions, which have been forwarded to the American Municipal Association. I assure you that all of those which have been received express the same attitude as those which I have read.

I would be glad to submit these to the committee for inclusion in your minutes, if that is agreeable.

Senator CLARK. Just give us a list of those messages, Mr. Olson. I do not think it is necessary to include them in the record, as it would simply clutter up the record with repetition. Simply submit a list of the organizations that passed resolutions and sent in telegrams following the same line of thought.

Mr. OLSON. Would you like to have them read?

Senator CLARK. Give them to the reporter.

(The list of those forwarding telegrams or resolutions, as outlined above, is as follows:)

North Carolina League, George C. Franklin.
 John G. Stutz, for Kansas officials.
 Arizona Municipal League, George D. Locke.
 Pennsylvania Borough Association, T. F. Chrostwalte, president.
 League of California Cities, Fred King, president.
 Walter W. Cooper, city manager and commander, Citizens Defense Corps, San Diego, Calif.
 Oakland (Calif.) Defense Council, Charles A. Schwanenberg.
 Edwin A. Ingham, city manager of Glendale, Calif.
 City of Berkeley, Calif., Chester C. Fisk, city manager.
 Pasadena, Calif., A. I. Stewart, chairman, Pasadena Defense Council; Los Angeles County Defense Council.
 League of Minnesota Municipalities.
 Mayor Tom B. Monk, Sacramento, Calif.
 Mayor Leonard J. Murray, Santa Monica, Calif.
 Executive committee, Columbia, S. C., J. N. Caldwell, executive secretary.
 Board of trustees of the Michigan Municipal League.
 Association of Washington Cities, Chester Blesen, Olympia, Wash.
 Utah Municipal League, George H. Harrison, president.
 League of South Dakota Municipalities, S. S. Shaw, secretary.
 League of Texas Municipalities, Hugh S. Clark, president.
 Colorado Municipal League, H. A. Storey, secretary.
 Idaho Municipal League, George H. Huebener, secretary.
 Ab Jenkins, mayor, Salt Lake City, Utah.
 Fred D. Olsen, city commissioner, Fargo, N. Dak.
 Officers and advisory committee of mayors conference, Wm. P. Capes, Albany, N. Y.
 Oklahoma Municipal League, Oklahoma City, Okla.
 Tennessee Municipal League, Don B. Campbell, president.
 League of North Dakota Municipalities, Myron H. Atkinson, executive secretary.
 Harold I. Baumes, Richmond, Va.
 Executive committee, Portland, Oregon League, Howard R. Ennor.
 Kentucky Municipal League, Carl B. Wachs, executive secretary.
 Orange County (Calif.) League of Cities, Ray H. Overacker, secretary.
 V. E. Sandberg, mayor, Minot, N. Dak.
 H. I. Stites, city manager, Burbank, Calif.
 Jack H. Helms, director, Civilian Defense, San Francisco, Calif.

Mr. OLSON. At a similar hearing last year I submitted for the record a memorandum prepared under date of April 20, 1942, prepared by the American Municipal Association, entitled "Legal Problems Involving Civilian Protection Workers."

I do not care to resubmit for the record, but would like to ask that that memorandum be referred to in the minutes.

Senator CLARK. I think that memorandum should be included in the record, Mr. Olson, for the reason that that was later submitted

before a different subcommittee, and I happened to be chairman on both, but this is a different subcommittee, and for the convenience of the Senators in checking, I think it should be included in the record in this hearing.

Mr. OLSON. The information which is contained in it elaborates to some extent upon the questions which the Senator asked a little while ago, relative to the State laws as they were set up, and what might be done as far as the protection of these workers is concerned, and cites the fact that the State laws vary from one State to another, and that there are many States in which either none, or, possibly, as in the case of Michigan, only volunteer firemen can be covered under the State compensation laws.

(The memorandum referred to by Mr. Olson is as follows:)

MEMORANDUM

APRIL 20, 1942.

Subject: Legal problems involving civilian protection workers.

The AMERICAN MUNICIPAL ASSOCIATION,

Chicago, Ill.:

Most municipalities are laying careful plans for augmenting municipal services to protect civilians and their property from war hazards. This means the expansion of present services and the addition of new ones with a resulting increase in personnel. Various devices are being used for carrying out this program. A widely accepted procedure is that proposed by the model local defense council ordinance suggested by the American Municipal Association early in 1940. This contemplated the establishment of all necessary auxiliary services by or under the control of the regular agencies of local government and that these special services would function in an unofficial or limited capacity under the control and with responsibilities to local governments. More formal procedures, however, are sometimes adopted and followed. For example, in Los Angeles, the air-raid warning service is by ordinance established under the control of the chief of police. A somewhat similar situation is found in Cincinnati, where the city manager is authorized to appoint, deputize, control, and call into service in emergencies as many volunteer, unpaid auxiliary fire and police officers as he thinks necessary. At the other extreme, there are some examples of completely extra-legal arrangements such as are found in North Dakota and in Wisconsin, where defense activities are operated under auspices of the county defense councils unofficially and in informal capacity outside of the regular agencies of government.

Apparently principles of sound administration add experience which seem to require some formal relationship between the auxiliary services and the regular agencies of government with the official agencies being given some recognizable degree of control. Whatever plan or organization is adopted will not supersede existing agencies of government and will have to operate under and with some responsibility or subordination to them. Indeed, that result was contemplated by the Presidential order of May 20, 1941, establishing the Office of Civilian Defense in requiring it to cooperate with and work through existing State and local agencies of government insofar as possible. The recommended organization plan suggested by the Office of Civilian Defense, October 20, 1941, proposed a volunteer "Citizens' Defense Corps" to operate under the control of the established governmental units, and to have charge of protection work.

Experiences already had with auxiliary services indicate the desirability of their control and coordination and we may profit from them. For example, after laying elaborate plans for coordinating fire-fighting agencies, the executive committee of the California State fire disaster plan asked the California State Defense Council on April 2, 1942, to inform all local councils "that the California fire disaster plan, as adopted, in no wise supplants the apparatus, equipment, and manpower required for local defense." It seems obvious that neither should the leadership and administration of such an agency supersede or replace the regular agencies of government responsible for similar functions.

These various plans call for the selection, training, or instruction, and calling into service in emergencies of air-raid wardens and fire watchers, auxiliary fire-

men and policemen, first-aid and rescue workers, emergency medical service and sanitation squads, messengers, drivers, bomb squads, repair squads, communications and utilities squads, and others. In spite of the most complete and carefully laid plans it may be anticipated that, in addition, unforeseen situations will arise and many casual volunteers will be called into the general service of cities in case of an actual emergency.

PROBLEMS CREATED BY CIVILIAN PROTECTION ACTIVITIES

As these persons doing civil-defense work volunteer their services to the local government for their own protection and for the protection of their families no question as to the payment for these services is raised except in very special cases. Compensation does not constitute a motive for the performance of these services and there is no implied responsibility on cities to pay for them. It is understood that a large percentage of local civilian protection workers are paid for their services in England by the British Government, although they are paradoxically referred to as volunteers. However, no such plan is contemplated here, and, generally, compensation is paid only for certain supervisory and promotional work and not for protection work.

Many other problems for municipalities arise out of the establishment of these services. Most of them revolve around the question of the relationships of the auxiliary workers to the municipalities. It is merely pointed out that if these workers are agents of the municipality they can make contracts that are binding upon their principal. Likewise, municipalities may be liable for their tortious acts within the scope of their authority. Because of the very nature of the emergency, the services in question are extra hazardous and many questions will arise as to the liability of the local governmental agencies for death or injuries to these persons.

No attempt is made here to discuss the problems of contract or tort liability. Our concern here is with the possible liability under workmen's compensation laws or otherwise for these volunteers and auxiliary workers. Fundamentally, the question is one of the status of these persons as employees under the common law or under the workmen's compensation acts of the various States. Apparently municipalities are facing an exposure to liability here. What is the extent of that possible liability? How can it be met? How can it best be avoided, if at all? It is to these questions that our attention is directed.

It would seem to be rather an impossible task to estimate the probable injuries that may be inflicted upon either civilians or civilian protection employees. Any figure that might be mentioned would be merely speculative. We do know from the experience in England that fewer nonmilitary persons were killed and injured as a result of bombings and other military actions than was anticipated.¹ It is assumed that the reported figures cover public employees as well as industrial employees and civilians.

It is, of course, impossible to anticipate where military attacks will be made, where sabotage will take place, or where fires or other disasters in connection with the war program will strike. The danger is not limited to the larger and more affluent districts, but is apt to strike in an isolated small community as well as anywhere else; where it occurs there are certain to be many workers maimed or even killed. When such a disaster strikes it will also undoubtedly create extensive property damage in the community as well, thus reducing the ability of the municipality to bear the burden of compensating injuries to employees. In any case, therefore, the municipalities of this country are facing a serious potential burden of liability for injuries to persons engaged in various civilian protection functions.

MEETING THE BURDEN

Nothing should be placed in the way of municipalities in setting up civilian-protection activities. These activities should be organized on a sound administrative basis and coordinated as far as possible with the organization of present municipal functions under responsible officers of the city. Yet the more formalization given to this program the more danger there will be of liability for injuries to persons serving in protective work, under the holdings of the courts, as will be

¹ British Cities at War. A report of the American Municipal Association, P. A. S. Publication No. 76, June 1941, p. 67.

seen hereinafter. Certainly this potential liability should be met with a minimum burden on local government.

One remedy being considered is to call upon the Federal Government to come to the aid of cities. While the operation of the machinery for the protection of civilian population is the primary function of cities, that protection is a national problem and a portion of its expense might well be borne by the Federal Government. Moreover, the Office of Civilian Defense is sponsoring the recruiting and training of protective corps by local governments and this would seem to impose some responsibility upon the Government in this connection. In fact, certain Members of Congress have already proposed³ that the liability should be assumed by the National Treasury for the disability or death of any air-raid warden or other volunteer worker engaged in the work of civilian defense resulting from a personal injury sustained in the performance of his duties during the present state of war. Obviously, many questions of procedure, relationships, and the cost and extent of any such national coverage will have to be taken into consideration, but none of these would seem insurmountable.

In view of a recent Minnesota decision holding the city of Duluth liable for the injuries of a Work Projects Administration worker who had already been compensated for his injuries by the Federal Government,⁴ there would seem to be an important question as to the method by which this liability would be assumed. The objective would be to relieve the municipalities of a burden and not to compensate injured workers twice. This case might support the conclusion that the proper method to establish Federal aid in this field would be to provide for the assumption by that Government of the cost of certain definite liabilities imposed upon cities on a reimbursement basis. Or perhaps that should be done in addition to accepting responsibility for persons who are assumed not to be municipal employees.

It is of interest to note what has been done in this field in England. There the compensation for injuries of civilian-defense volunteers has been assumed by the Central Government. This was accomplished by the adoption of the Personal Injuries (Emergency Provisions) Act, 1939, which created a new type of compensation for war service injuries, payable by the Central Government, and which relieves municipalities and other employers from liability for compensation under workmen's compensation or employers' liability acts or for damages at common law.

There is some precedent for Federal action in this field. Already Congress has adopted a war-risk insurance bill⁵ which provides that \$1,000,000,000 may be made available by the Reconstruction Finance Corporation to the newly created War Damage Corporation with which to provide through insurance, reinsurance, or otherwise, reasonable protection against loss or damage to property, real and personal, which may result from enemy attack—with such general exceptions as the War Damage Corporation, with the approval of the Secretary of Commerce, may deem advisable. While this act does not refer to public properties, assurance has been given that the same coverage will be given to municipal property as to privately owned property of the same class, and at the same premium rates. Also, by an Executive order issued early this year, the President made \$3,000,000 available to the United States Public Health Service to be used for the hospitalization of civilians injured as the result of enemy action. Logically, persons volunteering to perform defense services should receive no less consideration from the local, State, or National Government than civilians who have undertaken no such public services.

WORKMEN'S COMPENSATION STATUTES

It is intended here to consider, briefly, a few of the problems involved in determining the employment status of these civilian workers and the general

³ Several bills have been introduced in the House for this purpose. A provision for such coverage was proposed in the second war powers bill, S. 2208, but was not adopted. It now appears that such legislation will not be incorporated in a separate bill, but will be included in an over-all measure to provide a system of Federal benefits for the "injury, disability, death, or enemy detention of civilians, and for the prevention and relief of civilian distress arising out of the war." Two such bills already have been introduced by Senator Pepper, of Florida, the most recent one being S. 2419. This provides for an elaborate scheme of injury disability and death benefits for war injuries, the amount to be determined in each case—within specified maximum and minimum limits—in light of the person's salary and number of dependents.

⁴ *Wagner v. City of Duluth* (Minn. Sup. Ct., Nov. 14, 1941), 800 N. W. 820.

⁵ S. 2198, 77th Cong.

character of the possible employment liability created by any injuries to them. There are several questions with reference to the status of these volunteers in civilian-protective services under the workmen's compensation acts of the several States in the case of death or injuries that require consideration. Do they assume their own risks and the losses to their personal fortunes resulting from any injuries occurring to them in case of air raid, fire, or other disaster, because they are volunteers or because of the hazardous character of their service? Are they employees for whose injuries in the course of their duties the employing agency is liable? If there is a public liability created, where does it rest—on the municipality, county, State, or Federal Government? Is the responsibility varied by the form of organization under which they work or the formalities employed? Can municipalities guard against any possible liability? What agency of government should assume the burden of such liability?

Absolute and categorical answers cannot be given to these questions. Liability in any case will depend on the law of the State, the facts involved, and court interpretations based on peculiar reactions of the courts induced by the emergency. Ample evidence is found to indicate the extremely complicated character of this problem of liability involved here.

In all States but Mississippi the liability of employers for injuries to their employees in the course of their employment is fixed by statute. As a general rule public agencies are expressly or impliedly included under the workmen's compensation laws of the respective States. In many cases all municipal employees are expressly brought under the coverage of these acts. In cases where the State does not set up a State fund to cover public employees on a mandatory basis cities have the option of carrying insurance or assuming their own risks. In Arkansas, Missouri, and New Hampshire public employees are excluded from the Workmen's Compensation Act, but in Missouri the law authorizes an affirmative acceptance of its provisions by the State departments and by political subdivisions of the State and in New Hampshire compensation may be awarded to State employees under a similar procedure. In Alabama, Arkansas, and Tennessee public employees may be covered under the law, by voluntary action. These statutes largely supersede and render obsolete the earlier court decisions which placed the determination of liability on the question of the character of the activity as being governmental or corporate.

Since employment is usually the primary test of municipal liability under workmen's compensation laws, it is essential to determine if a relationship of employer and employee is created. It may become important, also, to determine how and when that relationship is established. Nowhere is there a greater variety of contingencies than in this particular phase of the subject. Volumes have been written on these questions. Court decisions involving them, based on varying states of facts, are legion, and they arrive at varying conclusions. To analyze and harmonize them all would be a difficult if not impossible undertaking, the results of which would be of doubtful value. It will be attempted here merely to set forth some of the situations that may arise and the problem that may be involved in carrying on this program.

STATUS OF VOLUNTEER SERVICES AND EMERGENCY ACTIVITIES

For purposes of analysis, volunteers in and auxiliaries to various regular services of a municipality are to be distinguished from those participating in special civilian defense activities. In the former case the activity itself has a legal status which is generally predetermined. Where the activity undertaken is unrelated to the regular operation of city government and for the protection of civilian population of the community, the additional question is raised as to the status of that activity. A question of ultra vires may arise in some instances, although it is generally concluded that municipalities may perform services connected with national defense.¹ Even assuming that the function—such as building barricades for the protection of air-raid watchers, digging air-raid cellars, or cleaning up debris after a bombing or violent explosion—is undertaken for the protection and the safety and welfare of the populace, in a governmental capacity in which the city is not liable, we have a new class of persons involved concerning whose status there are no court decisions.

¹ *McNichols v. City and County of Denver*, 101 Colo. 816, 74 Pac. (2d) 99; *Miles et al. v. Lee et al.*, 284 Ky. 39, 143 S. W. (2d) 843.

I the police, fire, or any other department of city government has control over the persons performing protective services, and if we accept the theory that this work is a proper municipal function, we must also accept the conclusion that the city is acting within its power in establishing and conducting an air-raid protection system. Then the acts of an officer in directing air-warden activities within the corporate limits are the acts of the municipality. When such activity is carried on outside of the municipality the usual rule that there must be an express or implied authority found to legally sustain that action would obtain.

The city is acting in a governmental capacity in carrying on emergency defense work and no liability rests upon it for failure of this service in any respect nor for its improper performance. No liability would rest upon a municipality for the improper action of the members of these services performed in the discretion of the municipality for the protection of its citizens or for the acts of volunteers as agents of the municipality. Although they are not compensated, members of these organized services are not liable for their acts performed in any case, but to escape liability for the consequences of their own negligence in performing this service, these persons must have some official status.

EFFECT OF SELF-INTEREST

Waiving any question of patriotic or civic motives, most persons voluntarily enrolling in the municipal protective services are activated by some self-interest. That interest is in the protection of their families and their property. However, that fact would not change the status of these persons as employees. This conclusion is set forth in the American Law Institute, Restatement of the Law of Agency,¹ as follows: "The fact that the predominant motive of the servant is to benefit himself or a third person does not prevent the act from being within the scope of employment. If the purpose of serving the master's business actuates the servant to any appreciable extent, the master is subject to liability if the act otherwise is within the service. * * *" Thus we conclude that this element of self-interest would not be found to be a bar to recovery in case an injury is received by a volunteer in the civil-protection services of a city if he were otherwise found to be an employee of the municipality.

WAR SERVICE AS AN ASSUMPTION OF RISKS

As a rule an act of God or of a public enemy offers certain relief from normal liabilities. They can be pleaded as a valid excuse for the loss of funds by a fiscal officer,² and for the failure to fulfill a contract obligation. It is very doubtful, however, that the rule would be extended to bar the liability of a city to its employees injured in the course of rendering services to the city, although that question has never been before the courts. It does not appear that anyone has ever suggested that the situation is changed by the theory that these workers accept their own risks by volunteering in a hazardous employment. The question was not raised in other cases where hazards were found to exist. The New York court in the so-called *Wall Street Explosion case*³ held that the injuries sustained were compensable on the theory that the employee was subject to a street risk.

The injured employee was an "outside man" employed in the printing business of the defendant corporation and was properly passing along the street when bomb exploded there. His injury was thus incurred in the course of the plaintiff's employment. In a later case, where injuries were incurred by a workman when the cornice of an adjoining building fell on him, the New York court held that the workman was subject to the benefits of the Workmen's Compensation Act because the injuries arose out of the employment and the cornice constituted a hazard.⁴ The same court previously had upheld a finding of liability under the act when a garage mechanic went aboard a boat with his employer and in the course of repairing its motor went out into open water

¹ Vol. 1, p. 530, sec. 236. Followed in *Forsberg v. Teets* (191 Wash. 85, 71 Pac. (2d) 859), and *Murray v. Kaufman Biscuit Co.* (Wash.), 85 Pac. (2d) 1061).

² *United States v. Thomas* (15 Wall. 387), cf. *United States v. Prescott et al.* (8 How. 577).

³ *Roberts v. Newcomb & Co.* (234 N. Y. 553, affirming 201 App. Div. 759).

⁴ *Metter of Flettli v. Lerode Homes Corp.* (244 N. Y. 291). The court attempted to distinguish *McCarter v. LeRock* (240 N. Y. 282), where injuries due to the explosion of a World War shell were not within the act as there was no casual connection between the employment and the injury.

and both were drowned when a hurricane arose." By analogy, where a person in regular municipal employment, engaged in the performance of his regular duties is injured as the result of a military attack, it would appear that the court would be forced to hold the injuries to rise out of his employment. Thus, a policeman walking a beat or a fireman or ambulance worker answering a call might properly be found to be within the rule of the above bases. Similarly, if the immediate service being performed by regular or emergency employees were made necessary as a result of military action, the service would not seem to be removed from the protection of the Compensation Act, if otherwise within it.

LIABILITY AND WORKMEN'S COMPENSATION ACTS

To remove any doubt about unpaid firemen being employees, most State compensation laws have been amended specifically giving them that status. These laws have remained on the statute books long after such groups have ceased to be independent of city governments and after they have been placed on a basis of payment for services rendered by them. Thus provide the laws of California.¹¹ "Every male member registered as an active fire-fighting member of any regularly organized volunteer fire department, having official recognition and full or partial support of the government of the city, town, or district in which such volunteer department is located, is an employee of such city, town, or district for the purpose, of this division (workmen's compensation liability) and is entitled to receive compensation from such city, town, or district in accordance with the provisions thereof." Similarly, the 1941 Pennsylvania State Legislature¹² changed the Workmen's Compensation Act by redefining the word "employee" to include members of volunteer fire departments or companies and added to the liability for damages received while going to or returning from a fire the following: "or while performing any other duties of such companies or fire department authorized by such cities, boroughs, incorporated towns, and townships." This quoted provision makes it extremely important to determine just what "other" duties may be or are assigned to these organizations.

Although the statutory law seems fairly clear, there still are a great number of problems in this field bothering city officials.¹³ In California, for example, this problem has arisen: Under the present rating there is a minimum charge by the State compensation fund of \$10 per man for every man carried on the department rolls as a volunteer fireman. Several cities are adding volunteers. One small city has recruited 50 of them—upon the express understanding that they will be subject to call for duty in the event of a major catastrophe or disaster. During the training of these men there is a likelihood of injury. The cities, for the sake of the men who have thus volunteered as well as for protection of the city against liability, would like to be assured that they are protected with workmen's compensation insurance, but \$500 for extra premiums is beyond the reach of most small cities.

South Dakota presents a somewhat different problem with reference to firemen and volunteers in the fire service. There the statutes¹⁴ so specifically authorize the members of a fire department or any city official to call bystanders to their aid in fighting fires. The workmen's compensation law brings volunteer firemen within the act. However, it also defines such positions in such terms as to include only those who are formally appointed by the fire chief and approved by the city council.¹⁵

Thus, the Attorney General has ruled that this restriction excludes persons impressed into the fire service or who volunteer informally to serve.

EMPLOYEE RELATIONSHIP

Under a broad statutory definition of "employment" might not the court say, even with a limited definition of membership to be included in established services, that such persons are employees of the municipality or other public agency? Thus, the Wisconsin Code¹⁶ brings public employees including volunteer firemen

¹¹ *Hawkins v. Raynor* (286 N. Y. 13, 35 N. E. (2d) 926).

¹² Sec. 3361, Dering's Code of California, 1937.

¹³ Act No. 101, Laws of Pennsylvania, 1941.

¹⁴ Reported, western city, September 1941, p. 76.

¹⁵ South Dakota Code of 1939, sec. 13, 1612.

¹⁶ Sec. 64.0102 (b) (1).

¹⁷ Sec. 102.07.

under the act. It does not specify how that employment is created. The court of that State has held that a person killed while engaged in assisting a village marshal in suppressing a disturbance of the peace was held to be employed by the village and was within the Workmen's Compensation Act.¹⁷ Compensation was allowed to the widow under the State act, the marshal's acts being held to constitute a command to assist in the execution of a criminal process under the statutes of Wisconsin, so that a refusal would have subjected the deceased to the penalties of the law. As a result, the court found that he was engaged with the marshal in performing police duties in the village and acquired the status of a police officer at the time of his death.¹⁸

This decision has been accepted in other Wisconsin cases as representing the law. In a subsequent case the court upheld a conviction for the killing of an officer where a member of a posse called to aid the United States marshal in apprehending and arresting certain draft evaders was killed while performing that duty.¹⁹ The court here pointed out that by the very nature of a posse, gotten together for immediate, urgent help by law-enforcement officers, the formalities of appointment and induction cannot be observed. Likewise in another case involving injury by gunshot wounds to a member of a posse, organized to capture two suspected killers, the victim was held to be under the Workmen's Compensation Act.²⁰ Here the deputy sheriff was in charge of one prisoner and called upon two men, without deputizing them or swearing them in, to get others to assist them if necessary and go after two suspected persons. The plaintiff went with these two men, also without the observance of any formalities of appointment, and in complying with their demands was injured. He was allowed to recover compensation. Again, in Wisconsin it was held that a dance-hall inspector employed by the county under a county ordinance, who had powers of a deputy sheriff, had power to call a patron of a dance hall for assistance in quelling a disturbance.²¹ In that case, a patron who was injured after having been summoned to aid the inspector without taking the oath of office or being sworn in was held entitled to compensation as an employee of the county.

The decisions of the Wisconsin court have not been limited to emergency employments as considered here. In another reported case²² a farmer was requested by the chairman of a town board to drive to a neighboring municipality and there get certain reinforcing rods and return with them to a bridge under construction, with the least possible delay. For his services the chairman said the town would pay him "whatever was right." The man's truck went into a ditch when he was on his way to get the rods. He was held to be entitled to compensation as an employee of the town for the injuries he sustained.

The liability found to exist in these cases is not the result of any peculiar status of law in Wisconsin nor is it due to any idiosyncrasy of the courts of that State. Similar conclusions have been arrived at by the courts of other States. California holds that a citizen aiding in making an arrest is within the Workmen's Compensation Act. Thus, in one case²³ a sheriff wished to arrest certain prohibition-era lawbreakers and was looking for a certain constable to assist him. Rather than permit the violators to escape he called upon several persons, including the deceased and commanded them to aid him without organizing a formal posse comitatus. The deceased was killed when he was taking a post to bar the lawbreaker's escape. He was held to be within the operation of the Workmen's Compensation Act and his widow was permitted to recover.

The same conclusion was reached under the law of Utah.²⁴ There it was held that an auto salesman called upon in a 4-day search to help in capturing an escaped prisoner although not commissioned or sworn in, was within the contemplation of the State compensation act and his wife could recover from the county for his death. After the death of the deceased, compensation was paid to his widow for 4 days' services although no previous pay authorization had been given by the county. Recovery was based upon the pay of a deputy sheriff rather than on the pay the deceased had been receiving in his private employment.

Ohio is in accord with the rule adopted in these other States. There it was held that a person who was called upon by the deputy sheriff to aid in the arrest

¹⁷ *Village of West Salem v. Industrial Comm.* (162 Wis. 57, 155 N. W. 920).

¹⁸ Compensation was granted on the basis of police pay rather than deceased's income as a plumber.

¹⁹ *Krueger v. State* (171 Wis. 560, 553, 177 N. W. 917, 923).

²⁰ *Vilas County v. Monk* (200 Wis. 228, N. W. 501).

²¹ *Ravenshoe County v. Industrial Commission* (171 Wis. 963, N. W. 500).

²² *Town of Fenton v. Industrial Commission* (171 Wis. 264, N. W. 274).

²³ *County of Monterey et al. v. Rader* (Calif. (1926) 248 Pac. 912).

²⁴ *Millard County v. Industrial Commission* (62 Utah 46, 217 Pac. 974).

of a dangerous criminal was an employee of the county.²⁰ He was told by the deputy sheriff that he was to act as his deputy. The statute, similar to that of many other States, authorizes the sheriff to call others to his aid and imposed a penalty upon anyone refusing.²¹ The same power was held to extent to a deputy sheriff although he was not mentioned in the act.

The General Code of North Carolina,²² like that of Ohio, requires any person lawfully commanded to assist in making an arrest, retaking a prisoner, or in executing a legal process, to do so and makes refusal a misdemeanor. There a keeper of a cafe was deputized in an emergency by the town policeman to aid in serving a warrant. He was injured and his appointment was held to be sufficiently formal to make him subject to the workmen's compensation law.²³

The irregularity of the appointments in the above cases and the informality of the control exercised over the activities of the persons involved in them make them analogous to many situations that will undoubtedly arise in connection with civilian protection of employees and activities. This will no doubt be true in many cases of emergency action, for, despite the most careful planning, casual bystanders in such situations are certain to be impressed into various services by officials and volunteers. This possibility and the resulting exposure to injuries of these persons constitute a serious phase of the problem.

There is considerable authority to the effect that a person volunteering his services without expectation of remuneration is not protected by the Workmen's Compensation Acts.²⁴ However, in most of these cases the person involved acted on his own initiative and independent of any responsible employing agent of the alleged public or private employer. This line of cases is not applicable here since the cities, States, and Federal Government actively solicit the aid of civilian defense volunteers.

COMPARISON OF WORK RELIEF EMPLOYMENT LIABILITY

The situations found to be confronting cities here compare in some respects to the situations arising out of the various work relief programs of the depression years. The cases in that field will not be found particularly helpful. However, it is noted that probably the majority of those cases held these relief clients to be the employees of the public agencies supplying the work projects upon which they were employed²⁵ despite the efforts of local officials to avoid disability to such persons and the opinions rendered by numerous attorneys general to the contrary.

The threat of liability was sufficient to influence the adoption of a provision State compensation act.²⁶ It is to be specifically noted that the cases denying that Federal relief workers were "employees" of cities did so largely because of the lack of control of the cities.²⁷ When there was control by the city a different result was reached.²⁸ In the present emergency there may be numerous cases where some protective activities will be carried on unofficially and informally and that fact may in some cases permit the avoidance of liability. However, that is not the recommended pattern for the operation of the program and it will undoubtedly prove to be the exception and not the rule. Many ordinances will be found giving not only auxiliary firemen and policemen a formal status but the wardens as well. Thus, as an example, the black-out ordinance of Philadelphia adopted December 16, 1942, provides at section 4 that "all police and firemen and all members of the auxiliary police and fire forces and air-raid wardens of the city are hereby authorized and directed to enforce black-out plans and defense

²⁰ *Mitchell v. Industrial Commission of Ohio* (57 Ohio Appeals 319, 13 N. E. (2d) 730).

²¹ Sec. 12937 of the General Code of Ohio reads as follows: "Whoever, when called upon by a sheriff, coroner, constable, or other ministerial officer to assist in apprehending a person charged with, or convicted of, a criminal offense, or in securing such person when so apprehended, or in conveying him to prison, neglects or refuses so to do, shall be fined not more than \$50."

²² *Nichols' Code*, 1935, sec. 4379.

²³ *Fomlinson v. Town of Norwood* (208 N. C. 716, 162 S. E. 650).

²⁴ *City of Long Beach v. Industrial Accident Commission* (4 Cal. (2d) 624, 51 Pac. (2d) 1089); *Farrington v. U. S. Railroad Administration* (228 N. Y. 161, 127 N. E. 272); *Smith v. State Industrial Accident Commission* (144 Ore. 480, 23 Pac. (2d) 804); *Nobles v. Texas Indemnity Ins. Co.* (24 S. W. (2d) 367); *Holbrook v. City of Wilkes-Barre* (309 Pa. 586, 164 Atl. 719).

²⁵ See cases collected in *Columbia Law Review*, April 1936, pp. 655-614.

²⁶ *Laws of North Dakota*, 1935, ch. 28A, sec. 7.

²⁷ *City of Los Angeles v. Industrial Accident Commission* (0 Cal. (2d) 705, 72 Pac. (2d) 540); *Hoover v. Independent School Dist.* (220 Iowa 1361, 264 N. W. 611); *Donnell's case* (301 Mass. 514, 24 N. E. (2d) 327); *Shelton v. City of Greenville* (130 Tenn. 87, S. W. (2d) 1016).

²⁸ *Hendershot v. City of Lincoln* (136 Nebr. 606, 286 N. W. 909).

measures and the rules and regulations pertaining thereto during such black-out and defense periods and summarily to compel compliance therewith. In cases where urgent need of action exists they may abate conditions dangerous to the public safety."

Section 5 provides a penalty for violation of the provisions of the ordinance or for any person during any period of black-out and air-raid defense, to violate "any of the rules and regulations, requirements, and directions pertaining thereto or who shall fail or refuse during any such period to comply with any instructions lawfully given by any policeman or fireman or any member of the auxiliary police or fire forces or air-raid warden of the city shall be liable to a fine of not exceeding \$100" for each violation.

Municipal officials are thus confronted with the possibility of extensive liability for injuries to auxiliary employees and persons engaged in local protective activities. Just when such liability would begin or end will be as difficult to state in general terms as it will be to determine the question of the existence of liability. In the last analysis the question will have to be determined for each individual case, although certain generalities may be ventured, such as the conclusion that persons merely attending block protection committee meetings, central instruction meetings for block organizers or even attending voluntary police, fire, or first-aid training courses, are in most cases not then public employees whether or not they ever do become such.

AVOIDING LIABILITY

Without intending to create any individual hardships or injustice, municipal officials will naturally desire to reduce this potential liability to a minimum for the protection of the public interest. In the performance of regularly authorized and usual or normal local Government functions the matter will be difficult, if not impossible.

In special activities, such as the functions to be performed by air-raid wardens and fire watchers liability may be avoided if the activities are carried on informally and not under the control of the regular officers of the city. That informality itself, it is generally concluded, might lead to an undesirable administrative situation.

The public policy supporting the adoption of the workmen's compensation laws makes it difficult to avoid the liability established thereunder. Section 21.5 of the United States Employees' Compensation Act provides that no official superior is authorized to require an employee to agree to waive his right of compensation either before or after an injury. Several States prohibit any agreement to waive liability under the act. Thus, the Minnesota law declares: "No agreement by any employee or dependent, whether made before or after the injury or death, to take as compensation an amount less than that prescribed by law shall be valid."

The New York statute contains a similar provision and the court of that State has held that no only the express provisions of the statute, but the social philosophy supporting the law prohibited a contract to limit the liability of the employer."

There an owner of a dredge contracted with a dredging company which owned scows and other equipment to supply and operate a dredge and certain commissary equipment. Under that contract he was to receive payment on a monthly basis and each party agreed to relieve the other of any liability arising out of the work. The dredge owner was injured subsequently, and upon suit was held to be an employee and permitted to apply to a public employee. The court said in part, "An agreement by an employee to waive his right to compensation under the workmen's compensation law is not only void as against public policy, but also under the express provisions of section 32 of that act."

Other court decisions prohibit such waiver of rights under State acts on principle alone. Thus, in the State of Washington it was held that rights under the compensation act could not be waived. There a stevedore fell and was injured while returning to work after he had temporarily suspended work to get his supper. A grant of compensation was allowed for an agreement had been made as to the employer's liability."

Of the character of the Workmen's Compensation Act the court said, in part: "Our act, let us be reminded, is one under which neither the employer nor the employee has any right of election as to whether he will come under and be gov-

¹ Laws of Minnesota, 1937 (ch. 64, sec. 1).

² *Portley v. Vician & Co.* (164 N. Y. Supp. 426, 169 App. Div. 170).

³ *Shaguncary v. Northland Steamship Co.* (94 Wash. 325, 162 Pac. 546).

erned by its provisions so far as extrahazardous employment is concerned. Neither can exempt himself from the burdens which imposes nor by contract waive the benefits thereof in the sense that he can bar himself from the right to claim its benefits."

Several decisions of the Illinois courts place that State among those that hold an employer cannot relieve himself from liability by a contract with his injured employee whether made before or after the injury. Thus, in one case²¹ in the application for employment the deceased agreed in writing "to assume all risks of accidents happening as a result of his own negligence while in such employment and to acquit plaintiff in error of all liability for any personal injury suffered while in such employment."

This was held to be contrary to the policy of the act. Similarly, agreements made with injured employees the courts of Illinois hold, must be considered as having been made under the act whether expressly so stated or not.²² And the provisions of the act are to be strictly construed to extend and apply to the act.²³

Two Illinois decisions involving settlements between employers and employees deserve mention. In one case²⁴ an employee of the Tribune Co., after injury, was paid certain specified weekly payments. After their expiration the injury persisted and the company made a cash settlement of \$150 with him, which action was confirmed by the commission.

A year or so subsequently the employee alleged a recurrence of the injury and petitioned the commission for a review of his case, and it made an award to him. The court ruled on certiorari that the employer cannot avoid liability under the Compensation Act by making a contract with his employee. A similar situation arose out of an injury to a taxicab driver.²⁵

There the driver made application to the Industrial Commission for an award against the cab company for the loss of an eye and the fracture of his skull. On March 1, 1923, an agreement was made with the approval of the commission for a settlement. On June 12, 1923, a new agreement was entered into as a result of an alleged increase in disability under which the last payment was made. That agreement was filed with, but not approved by, the commission.

He sought further action before the commission when his disability rendered it impossible for him to work and proceedings were allowed. The company sought a writ of certiorari, which was denied.

The *taxicab* case held an employer cannot relieve himself of liability by a contract with his injured employee and any settlement or agreement made with an employee must be considered as having been made under the Compensation Act, whether so expressly stated or not.

The question of alteration of employees' rights was recently considered by the United States Supreme Court and rejected in an analogous case involving the United States Employees' Liability Act.²⁶

Certiorari was granted by that court to decide whether an agreement entered into between an interstate railroad and one of its employees, after he had been injured in the performance of his duties and who therefore had a right to recover damages for his injury subject to the Federal act, amounted to a bar to suit under the act. By the agreement the employee accepted \$800 for necessary living expenses pending negotiations for retirement on condition that he would not bring suit unless he first returned the \$800. It was held that the suit was not barred even if the payment was not returned, as section 5 of the act invalidates "any contract, regulation, or device whatsoever" that has as its purpose permitting a common carrier to exempt itself from any liability under the act.

This provision was held to apply to agreements entered into after injury as well as before. The court rejected the argument that the agreement in question did not have as its purpose the creation of exemption from liability, since it left the question of settlement open.

Most of the cases here are concerned with private employers. However, where municipalities are accepted and included under State compensation acts as employers, the rules of these cases would appear to be applicable to them and to prohibit any contract with public employees limiting or denying liability. Even in States where municipalities are permitted to elect to come under the provi-

²¹ *Chicago Ry. Co. v. Industrial Board* (276 Ill. 112).

²² *Websak Railway Co. v. Industrial Commission* (286 Ill. 194).

²³ *Reynolds v. Chicago City Ry. Co.* (287 Ill. 124).

²⁴ *Tribune Co. v. Industrial Commission* (290 Ill. 402).

²⁵ *Checker Tax Co. v. Industrial Commission* (343 Ill. 139, 174 N. E. 849).

²⁶ *Duncan v. Thompson* (62 Sup. Ct. 422).

sions of the State act, but have not done so, they could nevertheless be subject to common-law liability for injuries to their employees.

CONCLUSION

The sum total of this discussion and these analogies and precedents establishes only one thing conclusively.

That is that the subject of municipal liability for volunteer civilian protection workers cannot be summarily disposed of. On the chance that municipal liability may arise, and that it may thus be avoided, a considerable number of cities are requiring these workers to sign waivers of liability. For example, Chicago is requiring a release from persons enrolling as members of the auxiliary police force.

Likewise, the town of Irvington, N. J., in forming auxiliary corps of firemen recruited the men from healthy able-bodied citizens who were required to pass medical tests and to sign a release protecting the city against injury in line of duty, although it was questioned there whether the city would or could refuse to take proper care of an auxiliary fireman injured in the line of duty.⁴²

The attorneys general of several States have issued opinions holding that such volunteer defense workers as a group⁴³ or special classes of them⁴⁴ are not employees for whose injuries municipalities are liable.

Nevertheless, the legal effectiveness of municipalities attempting to absolve themselves from liability by these methods is open to serious doubt. Moreover, even if such methods should prove effective in absolving municipalities from all liability, they would still be subject to the objection that, from the standpoint of public policy, it is unfair and improper to ask patriotic civilian volunteers to assume all the risks involved besides donating their time and services to this work. Accordingly, therefore, legislation by Congress and possibly by State legislatures as well⁴⁵ would seem to be necessary and proper to define the extent of the governmental liability that is to exist and to establish that liability as a part of the cost of national defense. Meantime, of course, municipalities should be as fully advised as possible as to their probable liabilities in this field, even though it is anticipated that in the great majority of cases they will assume such liabilities voluntarily rather than undertake to effect exemption therefrom through such methods as those hereinabove described.

AMBROSE FULLER,

Legal Consultant, American Municipal Association.

Senator CLARK. Well most of the municipalities are actually faced with a debt limit and a number of States, also, and they are unable to undertake to enter into any such compensation because of that debt limitation.

I know that is true in my State. We have a debt limit on municipalities which would make that absolutely impossible.

Mr. OLSON. Well, we have a record here which I can submit, showing the costs which have been incurred by municipalities in setting up their defense activities on a local basis. This tabulation is divided as between the New England cities, other coastal cities, and the lake and Gulf States cities. I would be glad to submit that for you.

Senator CLARK. That may be included in the record, and the reporter will copy it into the record at this point.

(The document referred to follows:)

⁴² Fire Engineering, August 1941, p. 422.

⁴³ Opinion July 18, 1941, Smith Troy, attorney general of Washington.

⁴⁴ See opinion, South Dakota attorney general, ante.

⁴⁵ Massachusetts has expressly exempted civilian defense workers from liability under the State act (Massachusetts Acts and Resolves, 1941, ch. 719, sec. 5).

TABLE I.—Average total and per capita appropriations for civilian defense in the first 2 years of activity for cities over 25,000, by population and area

Area	Total		Per capita	
	First year	Second year	First year	Second year
	OVER 100,000			
Coastal:				
New England.....	\$27, 172	\$50, 936	\$0. 16	\$0. 27
Other.....	15, 774	44, 823	. 12	. 275
Great Lakes-Gulf.....	14, 457	25, 561	. 08	. 08
Inland.....	9, 667	50, 050	. 05	. 135
50,000 TO 100,000				
Coastal:				
New England.....	\$25, 307	\$28, 659	\$0. 25	\$0. 49
Other.....	6, 812	14, 633	. 09	. 24
Great Lakes-Gulf.....	4, 800	10, 166	. 06	. 17
Inland.....	3, 000	7, 900	. 04	. 13
25,000 TO 50,000				
Coastal:				
New England.....	\$7, 823	\$14, 293	\$0. 20	\$0. 40
Other.....	6, 000	10, 000	. 19	. 23
Great Lakes-Gulf.....	2, 700	3, 647	. 08	. 11
Inland.....	2, 010	2, 000	. 055	. 05

Source: Office of Civilian Defense, Statistics Division, Dec. 7, 1942.

TABLE II.—Appropriations for civilian defense activities for cities over 25,000 population for first 2 years of activities

Area	Cities reporting		Appropriation ¹					
	Number	Proportion of total class population	First year			Second year		
			Lower quartile	Median	Upper quartile	Lower quartile	Median	Upper quartile
OVER 100,000								
Coastal:								
New England.....	10	91. 1	\$11, 068	\$27, 172	\$50, 264	\$25, 000	\$50, 936	\$100, 000
Other.....	29	78. 5	6, 660	15, 774	33, 610	15, 475	44, 623	251, 575
Great Lakes-Gulf.....	21	92. 3	4, 527	14, 457	75, 819	8, 150	23, 861	65, 374
Inland.....	13	81. 3	2, 639	9, 667	20, 495	26, 236	50, 050	92, 540
50,000 TO 100,000								
Coastal:								
New England.....	9	69. 6	\$1, 498	\$25, 307	\$45, 000	\$18, 313	\$25, 659	\$50, 499
Other.....	26	58. 4	1, 725	6, 842	28, 175	6, 060	14, 685	41, 632
Great Lakes-Gulf.....	19	56. 7	3, 309	4, 800	9, 806	3, 928	10, 166	23, 157
Inland.....	7	45. 2	250	3, 000	5, 000	3, 040	7, 900	16, 750
25,000 TO 50,000								
Coastal:								
New England.....	27	74. 0	\$3, 000	\$7, 823	\$17, 782	\$9, 800	\$14, 293	\$25, 000
Other.....	42	69. 9	1, 948	6, 000	15, 016	4, 979	10, 000	17, 812
Great Lakes-Gulf.....	45	58. 9	968	2, 700	6, 800	1, 612	3, 647	6, 825
Inland.....	14	48. 3	555	2, 040	2, 522	208	2, 000	4, 000

¹ Expenditures substituted for appropriation where no appropriation was reported.² Including 3 cities under 25,000 population.

Source: Office of Civilian Defense, Statistics Division, Dec. 8, 1942.

TABLE III.—Per capita appropriations for civilian defense activities for cities over 25,000 population for first 2 years of activities

OVER 100,000								
Area	Cities reporting		Appropriation ¹					
	Number	Proportion of total class population	First year			Second year		
			Lower quartile	Median	Upper quartile	Lower quartile	Median	Upper quartile
Coastal:								
New England.....	10	91.1	\$0.05	\$0.16	\$0.31	\$0.22	\$0.27	\$0.54
Other.....	39	78.8	.04	.12	.31	.11	.275	.43
Great Lakes-Gulf.....	21	92.8	.03	.06	.155	.045	.06	.30
Inland.....	13	81.3	.02	.05	.065	.09	.135	.39
80,000 TO 100,000								
Coastal:								
New England.....	9	69.6	\$0.025	\$0.25	\$0.59	\$0.34	\$0.49	\$0.70
Other.....	26	55.4	.03	.09	.32	.07	.24	.56
Great Lakes-Gulf.....	19	56.7	.05	.06	.16	.06	.17	.34
Inland.....	7	45.2	.003	.04	.08	.05	.12	.23
25,000 TO 80,000								
Coastal:								
New England.....	27	74.0	\$0.11	\$0.20	\$0.41	\$0.28	\$0.40	\$0.626
Other.....	42	59.9	.05	.19	.47	.15	.23	.54
Great Lakes-Gulf.....	45	58.9	.03	.06	.155	.05	.11	.21
Inland.....	14	48.3	.01	.055	.08	.01	.05	.11

¹ Expenditures substituted for appropriation where no appropriation was reported.² Including 3 cities under 25,000 population.

Source: Office of Civilian Defense, Statistics Division, Dec. 7, 1942.

Municipal Civilian Defense Appropriations

NEW ENGLAND (FIRST REGION) CITIES

Place	Population	First year	Second year	Source
Boston, Mass.....	770,816	\$50,000	\$413,350	Loans.
Providence, R. I.....	253,604	90,977	.....	General operating budget.
Worcester, Mass.....	193,694	5,000	50,936	General operating budget, loans.
Hartford, Conn.....	166,267	50,000	100,000	General operating budget.
New Haven, Conn.....	160,605	34,343	54,815	General operating budget, salvage, community chest, miscellaneous.
Springfield, Mass.....	149,554	18,000	8,031	General operating budget, salvage, revenue.
Bridgport, Conn.....	147,121	13,097	.....	General operating budget.
Fall River, Mass.....	115,426	722,670	25,000	General operating budget, loan.
New Bedford, Mass.....	110,341	5,033	30,000	Do.
Fomerville, Mass.....	102,177	20,000	.....	Loan.
Waterbury, Conn.....	99,314	23,307	90,000	General operating budget.
Lynn, Mass.....	98,123	70,000	.....	General operating budget, loan.
Lawrence, Mass.....	84,323	40,000	.....	General operating budget, bonds.
Pawtucket, R. I.....	75,797	50,000	.....	General operating budget.
Portland, Maine.....	72,643	27,229	.....	Do.
Medford, Mass.....	63,063	1,910	30,938	Do.
Brockton, Mass.....	62,343	1,492	19,318	General operating budget, bonds, loans.
Malden, Mass.....	58,016	676	28,650	General operating budget, bonds.
Holyoke, Mass.....	53,750	1,300	19,308	General operating budget.
Stamford, Conn. (city).....	47,938	6,000	15,373	Do.
Cranston, R. I.....	47,053	9,800	20,900	General operating budget, notes.

Source: Survey conducted by the Municipal Finance Officers Association.

Municipal Civilian Defense Appropriations—Continued

NEW ENGLAND (FIRST REGION) CITIES—Continued

Place	Population	First year	Second year	Source
Everett, Mass.	46,784	\$30,000		General operating budget.
Haverhill, Mass.	46,752	7,100	\$30,000	General operating budget. bonds.
Fitchburg, Mass.	41,824	397	7,965	General operating budget, loan.
Chicopee, Mass.	41,664	8,000		General operating budget.
Chelsea, Mass.	41,269	501	3,959	Do.
Salem, Mass.	41,213	23,949		Revenue; bonds.
Wahham, Mass.	40,020	4,796	25,000	Bonds.
Lewiston, Maine	38,598	26,054		General operating budget.
Greenwich, Conn.	35,509	11,000	40,000	Do.
Watertown, Mass.	35,427	8,000	25,000	Do.
Revere, Mass.	34,405	10,000	10,000	Do.
West Hartford, Conn.	33,776	1,300	8,000	Do.
Nashua, N. H.	32,927	2,000		Do.
Newport, R. I.	30,523	4,597	13,587	General operating budget, bonds.
Bristol, Conn.	30,167	10,421	6,000	General operating budget.
West Haven, Conn.	30,021	17,782	10,000	Do.
Bangor, Maine	29,222	7,823		Do.
Warrick, R. I.	28,737	4,398	198,717	Do.
Burlington, Vt.	27,686	2,785	10,000	Do.
Concord, N. H.	27,171	2,000		Do.
Torrington, Conn.	26,968	6,759	12,364	General operating budget; donations, general emer- gency fund.
Belmont, Mass.	26,867	24,549		General operating budget.
Beverly, Mass.	25,537	900	25,000	Do.
Stanford, Conn. (town)	13,377	20,318		Do.

OTHER COASTAL CITIES

New York City, N. Y.	7,454,995	\$2,275,000	\$1,068,694	General operating budget.
Philadelphia, Pa.	1,981,334	665,000	600,000	Do.
District of Columbia	668,081	2,000,000		Loan.
San Francisco, Calif.	634,436	611,026	\$1,302,963	General operating budget, revenue.
Buffalo, N. Y.	575,901	28,824	\$220,000	General operating budget, bonds.
Newark, N. J.	429,780	8,000	116,377	General operating budget.
Seattle, Wash.	368,302	600,000	147,052	Do.
Portland, Oreg.	306,304	40,269	\$85,563	Do.
Atlanta, Ga.	302,268	37,700		Do.
Oakland, Calif.	302,183	77,221	\$246,300	Do.
Syracuse, N. Y.	205,967	7,320	15,828	General operating budget; Work Projects Administration.
San Diego, Calif.	203,341	72,213		General operating budget.
Richmond, Va.	193,642	100,000		Do.
Jacksonville, Fla.	178,085	11,984	25,000	Do.
Long Beach, Calif.	164,271	185,941	\$718,411	Do.
Norfolk, Va.	144,332	18,000	25,000	Do.
Scranton, Pa.	140,404	6,000		General operating budget loan.
Paterson, N. J.	139,656	16,160	39,245	General operating budget.
Albany, N. Y.	130,377	1,219	6,178	Do.
Trenton, N. J.	124,697	8,500	35,000	Do.
Spokane, Wash.	122,001	2,199	14,416	Do.
Camden, N. J.	117,536	1,500	8,000	Do.
Erie, Pa.	116,953	10,734		General operating budget, salvage donations.
Wilmington, Del.	112,504	16,563	\$100,000	General operating budget.
Reading, Pa.	110,568	2,000	5,000	Do.
Tacoma, Wash.	106,408	13,774	24,613	Do.
Tampa, Fla.	106,291	2,500	\$8,400	Do.
Sacramento, Calif.	105,958	26,821	\$50,000	General operating budget salvage.
Utica, N. Y.	100,518	25,000		General operating budget.
Savannah, Ga.	95,482	97,482	\$2,816	Bonds.
Schenectady, N. Y.	87,549	27,400	43,176	General operating budget.
Wilkes Barre, Pa.	86,236	700	1,000	Do.
Berkley, Calif.	85,547	31,296	\$25,000	Do.
Oxnard, Calif.	82,562	60,170	\$63,917	Do.
Pasadena, Calif.	81,864	64,566	\$114,858	General operating budget, utility funds.

† Part year.

Municipal Civilian Defense Appropriations—Continued

OTHER COASTAL CITIES—Continued

Place	Population	First year	Second year	Source
Binghamton, N. Y.	73,309	\$13,114	\$10,300	Salvage loan.
Niagara Falls, N. Y.	73,079	50,000	30,000	General operating budget.
Troy, N. Y.	70,304	3,200	37,000	Do.
Rosnoke, Va.	69,287	64	4,568	Do.
East Orange, N. J.	68,945	7,500		Do.
Johnstown, Pa.	68,663	10,000		Loan.
Atlantic City, N. J.	64,094	30,500		General operating budget.
Passaic, N. J.	61,394	13,850		Do.
Lancaster, Pa.	61,345	2,000		Do.
St. Petersburg, Fla.	60,812	10,268	5,000	Do.
Fresno, Calif.	60,635	5,013	19,249	Do.
Durham, N. C.	60,195	6,183	14,000	Do.
Greensboro, N. C.	59,319	1,804	12,023	Do.
New Rochelle, N. Y.	58,408	3,000	60,024	General operating budget, bonds.
Macon, Ga.	57,865	5,000	5,000	General operating budget.
York, Pa.	56,712	1,500		Do.
Stockton, Calif.	54,714	1,001	13,370	Do.
Santa Monica, Calif.	53,500	19,173	130,500	Do.
Asheville, N. C.	51,310	1,331	1,000	Do.
Portsmouth, Va.	50,745	2,87	12,300	Do.
Clifton, N. J.	48,837	1,000	7,500	Do.
New Castle, Pa.	47,638	2,000		Do.
Raleigh, N. C.	46,897	3,073	10,000	Do.
Lynchburg, Va.	44,541	13,273		General operating budget, salvage.
Kittap County, Wash.	44,387	18,244	10,300	General operating budget.
Williamsport, Pa.	44,355	1,789		Do.
San Bernardino, Calif.	43,646	4,566	10,000	Do.
Jamestown, N. Y.	42,638	3,250		Do.
Perth Amboy, N. J.	41,242	20,000		General operating budget, emergency fund.
Poughkeepsie, N. Y.	40,478	14,000		General operating budget, current surplus.
White Plains, N. Y.	40,327	1,500	18,813	General operating budget.
Lower Merion, Pa.	39,566	3,873	43,233	Do.
Cumberland, Md.	39,483	5,000		Do.
Kearny, N. J.	39,467	3,000	45,000	Do.
Alhambra, Calif.	38,935	20,207	5,000	Do.
Haklston, Pa.	38,009	3,300		Do.
Plainfield, N. J.	37,469	5,000	20,000	Do.
Newport News, Va.	37,057	30,351	20,800	Do.
Alameda, Calif.	36,256	11,946	54,709	Do.
Auburn, N. Y.	35,753	6,132	10,950	General operating budget, revenue, miscellaneous.
Orange, N. J.	35,717	300	13,217	General operating budget, revenue.
Santa Barbara, Calif.	34,956	15,000		General operating budget.
Easton, Pa.	33,589	2,500		Do.
Alexandria, Va.	33,523	100,000		Do.
Watertown, N. Y.	33,523	639	16,000	Do.
Ragerstown, Md.	32,491	250	250	Do.
Santa Ana, Calif.	31,921	17,919	4,972	Do.
Petersburg, Va.	30,631	160	3,003	Do.
Everett, Wash.	30,224	13,065	18,400	Do.
Inglewood, Calif.	30,114	14,977	17,000	Do.
Wilkinsburg, Pa.	29,853	5,000		Salvage, donations.
Bellingham, Wash.	29,314	24,777	2,500	General operating budget.
Bakersfield, Calif.	29,252	10,098		Do.
Huntington Park, Calif.	28,748	17,745	1,992	Do.
Kingston, N. Y.	28,589	3,944	5,000	General operating budget, revenue.
Bellerille, N. J.	28,167	10,000		General operating budget, emergency fund.
Haverford, Pa.	27,894	809	13,144	General operating budget.
Woodbridge, N. J.	27,191	6,070	10,000	Do.
Alquippa, Pa.	27,023	1,000	888	Do.
South Gate, Calif.	26,945	5,236	14,670	Do.
Beverly Hills, Calif.	26,823	27,430	15,000	Do.
Hackensack, N. J.	26,279	1,373	30,000	Do.

† Part years

Municipal Civilian Defense Appropriations—Continued

GULF AND LAKE CITIES

Place	Population	First year	Second year	Source
Chicago, Ill.	3,396,808	\$500,000		General operating budget.
Detroit, Mich.	1,628,452	227,114	\$747,407	Do.
Cleveland, Ohio	878,336	318,000		General operating budget, utilities budget, State revenue.
New Orleans, La.	494,337	6,997	6,300	State, donations.
Cincinnati, Ohio	455,610	48,087		General operating budget.
Indianapolis, Ind.	384,972	25,000		Do.
Houston, Tex.	384,514	6,292	23,881	State.
Columbus, Ohio	306,087	86,637	80,747	General operating budget.
Dallas, Tex.	294,734	25,803		State.
Toledo, Ohio	282,349	65,000		General operating budget.
Birmingham, Ala.	267,383	1,981		State.
San Antonio, Tex.	253,854	2,687	10,000	General operating budget.
Akron, Ohio	244,791	96,000		State.
Dayton, Ohio	210,718	83,600		Do.
Fort Worth, Tex.	177,662	14,457	12,500	General operating budget.
Grand Rapids, Mich.	164,292	12,910		Do.
Flint, Mich.	131,543	2,442	50,000	Do.
Fort Wayne, Ind.	118,410	10,000		Do.
Canton, Ohio	105,401	4,053		State.
Peoria, Ill.	105,097	4,000		
South Bend, Ind.	101,268	5,000	5,000	General operating budget.
Shreveport, La.	98,167	13,332		Do.
Evansville, Ind.	97,062	4,000	5,350	Do.
El Paso, Tex.	96,810	4,800		Do.
Rockford, Ill.	84,637	5,000		General operating budget salvage.
Saginaw, Mich.	82,794	9,294	30,000	General operating budget.
Lansing, Mich.	78,753	300	21,314	Do.
Mobile, Ala.	78,720	3,309	4,380	Do.
Madison, Wis.	67,447	3,500		Do.
Racine, Wis.	67,193	3,214		Do.
Oak Park, Ill.	66,015	4,050		Do.
Evanston, Ill.	65,289	3,800	20,000	Donations.
Jackson, Miss.	62,107	3,428	3,000	General operating budget.
Galveston, Tex.	60,862	9,806	10,166	Do.
Decatur, Ill.	59,303	10,000		Do.
East Chicago, Ind.	54,637	5,453		General operating budget salvage.
Kalamazoo, Mich.	54,097	2,959		General operating budget.
Amarillo, Tex.	51,686	1,642	3,475	Do.
Highland Park, Mich.	50,810	10,000	25,000	Do.
Hamilton, Ohio	50,862	16,000		State.
Hamtramck, Mich.	49,839	4,667	10,000	General operating budget.
Jackson, Mich.	49,656	7,626		Do.
Kenosha, Wis.	48,765			Do.
Bay City, Mich.	47,956	13,443		Do.
Muskegon, Mich.	47,697	62		Do.
Aurora, Ill.	47,170	3,078		Do.
Port Arthur, Tex.	46,140	2,040		Do.
Lorain, Ohio	44,135	166	2,761	General operating budget, State.
Warren, Ohio	42,637	9,000		Do.
LaCrosse, Wis.	42,707	3,433	10,000	State.
Sheboygan, Wis.	40,633	1,566		Salvage; villages in the county; junior chamber of commerce.
Quincy, Ill.	40,460	2,800		Revenues.
Portsmouth, Ohio	40,466	9,300		Sources other than taxation.
East Cleveland, Ohio	39,493	15,000		General operating budget, State.
Oshkosh, Wis.	39,089	6,000		General operating budget, State, salvage.
Steubenville, Ohio	37,651	5,371		General operating budget, State.
Mansfield, Ohio	37,154	4,400		General operating budget, State.
West Allis, Wis.	36,364	7,200	10,000	General operating budget.
Superior, Wis.	35,136	989		Do.
Moline, Ill.	34,608			
Norwood, Ohio	34,010	5,531		State.
Kokomo, Ind.	33,795	2,900	3,711	General operating budget.
Elkhart, Ind.	33,433	100		Do.
Port Huron, Mich.	32,739	1,500		Do.
Lubbock, Tex.	31,858	906		Do.
Marion, Ohio	30,817			County.
Eau Claire, Wis.	30,745	1,786		General operating budget.

¹ Part year.

Municipal Civilian Defense Appropriations—Continued

GULF AND LAKE CITIES—Continued

Place	Population	First year	Second year	Source
Wyandotte, Mich.....	30,618	\$9,174	\$5,363	General operating budget.
Ann Arbor, Mich.....	29,815	600	2,583	Do.
Appleton, Wis.....	28,436	750		Do.
Monroe, La.....	28,309	899	2,000	Do.
Mishawaka, Ind.....	28,298	2,500	2,500	Do.
Tyler, Tex.....	28,279	1,200	1,200	Do.
Wauwatosa, Wis.....	27,769	1,500	5,000	Do.
Fond du Lac, Wis.....	27,209	855		Do.
Alexandria, La.....	27,098	4,437	870	Do.
Massillon, Ohio.....	26,644	8,455		State.
Arlene, Tex.....	26,612	150	425	General operating budget.
Michigan City, Ind.....	26,476	600	1,750	Do.
New Albany, Ind.....	25,414	1,000	1,000	Do.
Beloit, Wis.....	25,365	9,400	12,100	General operating budget donations.
Elyria, Ohio.....	25,190	3,870		General operating budget.
Royal Oak, Mich.....	25,087	2,456	15,500	Do.
Georgetown, Ohio.....	1,848	82,000	8,000	General operating budget, State.

INLAND CITIES

St. Louis, Mo.....	816,048	\$50,000	\$100,000	
Minneapolis, Minn.....	492,370			General operating budget, utility.
Kansas City, Mo.....	398,178	19,090		Salvage.
Denver, Colo.....	322,412	20,000		General operating budget, revenues.
Louisville, Ky.....	319,077	20,900	25,000	All expenditures charged to city departments.
St. Paul, Minn.....	287,736			
Omaha, Nebr.....	223,844			Donations.
Oklahoma City, Okla.....	204,424	2,886	29,912	General operating budget.
Des Moines, Iowa.....	186,819	2,500		Do.
Salt Lake City, Utah.....	149,934	2,778	70,150	Do.
Wichita, Kans.....	114,966	9,667		Do.
Knoxville, Tenn.....	111,680	2,500		Do.
Duluth, Minn.....	101,063			
Huntington, W. Va.....	78,836	3,000		
St. Joseph, Mo.....	73,711	250	25,000	Do.
Topeka, Kans.....	67,833	3,000	5,000	
Phoenix, Ariz.....	65,414	3,000	18,500	Do.
Covington, Ky.....	62,018	5,000		Do.
Wheeling, Va.....	61,660	5,000	7,500	
Pueblo, Colo.....	52,163	180	1,080	General operating budget, salvage.
Lexington, Ky.....	49,304	2,500		
Dubuque, Iowa.....	45,892	636		General operating budget.
Council Bluffs, Iowa.....	41,439			
Sioux Falls, S. Dak.....	40,832	500	3,000	Do.
Tucson, Ariz.....	36,818	2,500	12,000	Do.
Colorado Springs, Colo.....	36,799	5,266		Do.
Paducah, Ky.....	33,765	1,543		
University City, Mo.....	33,023	2,530	15,000	Do.
Fargo, N. Dak.....	32,580	7,500		Do.
Hutchinson, Kans.....	30,013	2,500		Do.
Mason City, Iowa.....	27,080	53	15	General operating budget, salvage.
Rochester, Minn.....	25,312	1,500		General operating budget.
Clinton, Iowa.....	26,770		400	Do.
St. Cloud, Minn.....	24,173	331		

¹ Part year.

Office of Civilian Defense, Statistics Division, Jan. 11, 1943.

Mr. OLSON. These show the first- and second-year records of local expenditures. This information was prepared for the Office of Civilian Defense, I believe, through the cooperation of the municipal finance officers.

It shows, by and large, that, on a per capita basis, of course, the cost varies, the smaller municipalities in order to do a job naturally

would have a higher per capita cost, but the costs vary all the way from 8 cents up to 40 cents per capita, for expenditures which are being made now, and as you have suggested, the debt limitations which are set upon municipal governments makes it impossible to take very much more of that burden.

Senator CLARK. In my State the debt limitation is fixed by the constitution so that they cannot be changed in any legislation.

Mr. OLSON. They are in Michigan, also, although there are two sets of limitations, one is large enough, the one under which most municipalities operate is large enough so that they can carry on their operations properly. The thing which impresses us more, probably, than any one other point is the point which the Senator brought out a moment ago, that insurance companies do not have an experience record on this kind of thing, and are unable to give a quotation on the costs, if they were insured.

The other thing that impresses us is that in any one municipality, for instance, a city, say, along the coast of New York, or New Jersey, or Florida, or California, or Washington, if a municipality received a severe bombing and it wiped out a third, or a half, or more of that municipality, its individual ability to take care of any kind of a compensation load under those conditions would be absolutely impossible, and doing it on a Federal basis, and particularly by the Federal Government, the cost of compensation for injuries may be done at cost and we will not have to gamble at all on the amount that is being paid for the premiums, money perhaps being paid in by municipalities in the interior of the United States, might be wasted in that case.

Senator MILLIKIN. May I ask, have your organizations considered whether it would be fair or practicable to have a joint program with costs jointly shared by the municipalities and the Federal Government, or possibly the States, also?

Mr. OLSON. No studies have been made in that direction.

The only way that studies might be made would be to take what little cost data there are and base it on that; and, as Dean Landis has mentioned this morning, the total number of accidents is less than 500, and it is a very difficult thing to get any kind of average costs on that basis.

The only thing that might possibly be done in that direction, as I see it, would be an effort by the Federal Government possibly to set up something on some kind of a percentage basis, that is, outline what the benefits shall be and then allow the States to participate.

Senator MILLIKIN. Possibly some insurance system providing that the Federal Government will become the residual guarantor, but also providing for participation—

Mr. OLSON. It would be a tremendous undertaking and would require a great deal of study and working out in any possible figures we might arrive at.

Senator MILLIKIN. Well, I have no theories about the matter.

Senator CLARK. Mr. Olson, do you have the financial figures Dean Landis mentioned awhile ago?

Mr. OLSON. No, sir; I do not have them.

Senator CLARK. Do you have those figures, Dean Landis? They were read into the record on the floor of the Senate last fall, but I do not have them in mind at the moment. Of course, conditions over

there are very different; that is, the British figures we are referring to, from what they are here at the present time, and we all hope they will continue that way.

Mr. LANDIS. The costs, Senator, are not here. The numbers are here. This is a statement that was made at the last hearing.

(The statement referred to was read by Mr. Landis and is as follows:)

We have been informed from England that injury allowances have been drawn by 35,000 civilian defense workers. That is for the entire period. Of this number, only 1,250 civilian defense workers were still drawing injury allowances on June 1, 1942, for temporary disabilities; 1,650 were drawing permanent disablement pensions, and 450 were receiving dependent pensions. As you see, they drop off. The injury disappears and the compensation stops.

Senator CLARK. What is the over-all figure?

Mr. LANDIS. Thirty-five thousand.

Senator CLARK. Thank you, Mr. Landis.

Now, will you proceed, Mr. Olson?

Mr. OLSON. I have already referred to the resolution passed at the last annual meeting of the National Institute of Municipal Law Officers, so I would simply like to say in conclusion that we are very hopeful that at this session of the Congress this matter of compensation for the regularly enrolled defense workers or civilian defense workers will be taken care of by your body.

Senator CLARK. Are there any questions?

Senator MILLIKIN. Perhaps I should have asked this question of Dean Landis, but I will ask you.

I am very much opposed to any centralization of authority over these local civilian defense agencies. I want to keep all of the control of the actual workings of those organizations in the local communities and in the States.

Mr. OLSON. Yes, sir.

Senator MILLIKIN. Will this afford a back-door method of controlling those local organizations and federalizing them and centralizing them?

I notice a provision in the proposed legislation that says that these benefits shall be provided in accordance with regulations prescribed by the Office of Civilian Defense. Could a provision of that kind be used as a back-door method of intensifying Federal control over these local agencies?

Senator CLARK. The Office of Civilian Defense has that authority under its present regulations, they may do what they deem proper now, I think.

Senator MILLIKIN. I beg to differ, sir. The organizations now are on a purely local basis. The organization here is purely advisory and has no control whatever, in a directive sense, over the local organizations.

Mr. OLSON. I believe, if I may make a statement on that, Senator, that we feel that the decisions which the O. C. D. has made, to stress local authority and responsibility for carrying out of the O. C. D. activities, has been very wise.

Senator MILLIKIN. Yes; I agree with you.

Mr. OLSON. There is an inclination on the part of some of the State defense councils to exercise more control over local activities than

the local officials feel that they should; but in some of the States I believe there is some excuse for that, and that local government has not in all cases responded to the extent which it should.

Senator MILLIKIN. But, I may say, and this has no reference to the administration under Dean Landis, but when I was in charge in Colorado, I paid no attention to the organization down here, I got my own manuals from England and from Canada and evolved my own training courses and we just went ahead on an independent basis. Later on, we were very glad to receive whatever instructions or advice we could get and did not go any further than that, and I feel, from my slant, that I do not want the local organizations to be centralized or Federalized.

Mr. LANDIS. In answer to your original question, Senator, I believe that the administration of any compensation schedule would not interfere with the activities of those organizations. Throughout the Federal Works Program, the Federal Government made reimbursement, or carried the compensation load for those who were on the P. W. A., W. P. A., and all those Federal controls which were set up due to the large expenditures of money. The fact that they did carry the compensation insurance had no additional factor of Federal control, except in this way, that they were possibly a little more careful, on construction jobs, to see that proper safety measures had been taken on projects than might ordinarily be taken in some local jurisdictions; but this is an insurance type of activity and its administration is entirely different from the activities that would be going on, in O. C. D.

Senator MILLIKIN. The thought occurs to me, tentatively, that perhaps the legislation should have some definite control in it that would prevent a centralization of control over the actual local operation of these agencies.

Mr. OLSON. That would be a good idea.

Senator MILLIKIN. In the same way that we had to set up a certain control in our vocational training act, which called for Federal contributions.

Mr. OLSON. Yes, sir; that would be a very good idea.

Mr. LANDIS. May I interrupt here?

Senator MILLIKIN. Yes, indeed.

Mr. LANDIS. I think I can give you a rather interesting example.

I happened yesterday to be in New York City at a meeting of the State directors of the States from in the north, and they raised exactly that question. They said, well, now, supposing we call this thing the Massachusetts Defense Corps, are we going to be denied compensation under the bill? And I said, "Of course, not; that is nonsense, as you know." And they said, "Well, now, suppose we don't exactly follow the pattern that you have set down, that of having a Commander in charge. We will have somebody else in charge in our group. Will we be denied that compensation then?"

And I said, "Not as far as I could see."

And, it seems to me that there were three important things which should be called for under any Federal control or Federal standards, and that is the insistence on a corps or a unit, and the second was the insistence on minimum educational requirements, and the third, I think, ought to call for an allegiance to the United States, in addition to the State and local allegiance.

Senator MILLIKIN. We have that without the civilian defense; our citizenship implies that.

Mr. LANDIS. It is just a reason for—

Senator MILLIKIN. I don't think it is necessary to be saluting the flag every 2 or 3 minutes.

Mr. LANDIS. I might say "minimum training" rather than "education"; that is a better term in that connection.

Senator MILLIKIN. I am not worried about Dean Landis, but the tides toss peculiar fellows up here in Washington, in the administrative agencies, and also in the Congress, and I was thinking about those tides.

Mr. LANDIS. From my standpoint, I have no objection to an expression along those lines, in the regulations.

Senator CLARK. Is there anything further, Mr. Olson?

Mr. OLSON. That is all I have; thank you.

Senator CLARK. Thank you very much, sir.

Mr. OLSON. I appreciate the opportunity, sir.

Senator CLARK. Now, Major Johnson.

Will you come forward and state your name and official connection, for the record?

STATEMENT OF MAJ. EARL L. JOHNSON, NATIONAL COMMANDER, CIVIL AIR PATROL, WASHINGTON, D. C.

Major JOHNSON. Maj. Earl L. Johnson, national commander, Civil Air Patrol.

Senator CLARK. Major, who are the commander of the Civil Air Patrol?

Major JOHNSON. Yes, sir.

Senator CLARK. Have you any statement you wish to make?

Major JOHNSON. Yes, sir.

Senator CLARK. The committee would be delighted if you would explain as much as you can, properly, the workings of the Civil Air Patrol.

Major JOHNSON. Well, the Civil Air Patrol is an organization composed of 71,000 members, divided up into 48 wings, each wing divided into groups, squadrons, and flights. It was organized with the thought that there were certain jobs that had been done, but which civilian planes and pilots could do, thereby relieving the military planes and pilots for more important duties.

We are very much interested in this bill due to the fact that many of the jobs being performed by the Civil Air Patrol are on a par with the jobs being performed by members of the United States Army.

At the present time we are doing coastal patrol, which is perhaps the largest.

Senator CLARK. Let me ask there, you say Civil Air Patrol, and that is for the most part exclusively composed of flyers who cannot get in the Army or Navy, are they not over-age or something of that sort or suffering from disabilities of some type and consequently not able to get into the armed forces, but nevertheless they are performing very much the same services as the armed forces actually perform?

Major JOHNSON. That is true, sir. The average age of pilots we have on the coastal patrol is 37.7 years of age. Many of these have

physical defects, bad eyesight, and so forth, that would not allow them to get into the service of their country as soldiers.

At the present time we are patrolling the coast from Tampico, Mexico, to Canada. We have a certain number of bases located along the coast. We have flown to date 16,000,000 plus miles out over the water. In doing that job we have lost 62 airplanes at sea; we have lost 20 men in that job; we have had 26 men hurt so that their disability was more than 7 days, and 59 whose disability was less than 7 days.

This work is all performed by pilots with their own equipment, for a subsistence allowance and not for pay.

The airplanes are hired at so much per hour, per horsepower, depending on the size of them, and in this charge comes insurance, maintenance, and operation, and so forth.

Senator CLARK. You mean insurance borne by the owner of the plane?

Major JOHNSON. Yes; and gasolin, and so forth.

The other jobs that we are performing are courier service—at the present time we are flying, in the Northwest, on one job for the Army, 21,000 miles per day, on schedule, hauling monkey wrenches, spare parts, spark plugs, and so forth, from one Army base to another. We are doing tracking missions for the Army, and by "tracking missions" I mean flying over anti-aircraft gun emplacements with our aircraft so that when enemy airplanes come over, if they do, they will know how to proceed in shooting at them.

We are also flying tracking missions at night, to activate certain searchlights run by the Army, together with targets which we tow for the Army, so that they can practice shooting at those.

We are doing liaison patrol work for the Army between—or on the Mexican border. We are doing forestry patrol for various States throughout the country.

We are patrolling the Mississippi levees during flood seasons to watch for leaks and report them before they get so large they cannot be stopped.

Senator CLARK. I know that the civil air patrol has rendered very valuable service to our State in the floods last year.

Major JOHNSON. Yes, sir. We do a great deal of that flood work and we do a great deal of hunting for Army ships that are forced down or lost, rather, in the mountain areas, and it has been very effective because of the fact that these pilots know the country over which they are flying. Their planes fly slowly and they have many, many times found planes that were down after the Army or Navy had given them up, due to the fact that they knew the terrain, they had planes that flew slowly.

Senator CLARK.—Maybe, Major, the slowness of their flying has been a rather great advantage in spotting submarines; is that so?

Major JOHNSON. Yes; it has.

Senator CLARK. The fact that they fly slower than the fast Army planes renders them peculiarly adaptable to that service, does it not?

Major JOHNSON. Yes, sir. The planes we are using fly less than 100 miles an hour, and they fly at an average height of 350 feet above the water.

Those are the jobs that we are performing for the Army, and on top of those jobs we do many jobs for municipalities and States and cities, and so forth, when the emergencies arise.

We feel that those men who have been killed, the widows of those men who have been killed, should receive similar compensation to the compensation received by men who are lost overseas, or anywhere else.

Senator CLARK. They were killed just as much in line of duty as the men getting killed in action.

Major JOHNSON. Yes, sir; we feel that way, and feel that the men who are hurt certainly ought to have hospitalization and care of some kind along those lines.

As Dean Landis said, it was or would be something that would add greatly to the morale of our whole organization if some similar legislation to that which is before you now could be passed. It is not easy to keep up the enthusiasm and interest of a volunteer organization, to keep it going indefinitely, unless we do hold out a few things for them.

So far the enthusiasm has held up and the work they are doing is improving all the time. We are being asked daily to perform more and more jobs.

It might be interesting to you, to know that when we last appeared before you last year the jobs performed were costing the Army Air Force \$18,000 per month. In the month of February the bill was \$1,180,000, which gives you an idea of the increase in the jobs we have been asked to perform by the Army Air Force.

We also do a great deal of work for the United States engineers. They have certain schools where they train men for camouflage work, and we fly those men up to see their mistakes, and so forth.

We also do a good deal of work for the United States Chemical Warfare Department, flying men over smoke screens and other things that they lay down.

Those are the main types of work that we are performing.

Senator CLARK. Are there any questions?

Senator MILLIKIN. No questions.

Major JOHNSON. There are just two things, in reading over this bill, that we think should be put in. One is, due to the fact that our men are not on a salary, they are on a subsistence allowance under this bill, if they were put on—it should be assumed that their wages would be \$180 a month, to get the maximum amount out of this bill. That is one thing.

The other thing is, and I think probably it is taken care of, but there is considerable discussion about our moving over under the Army, instead of under O. C. D. Well, whether that will take place or not, I don't know, but if it should, I would want it to be made clear that this bill would follow the civil air patrol, as long as it was a civilian organization.

Those are the only two suggestions I have that we would like to be assured that those things could be in it.

Senator CLARK. I think they should be included in it.

I would like to say, Major, that I have had some opportunity of finding out about the work of the civil air patrol, and I do not believe that any group of Americans are rendering any more patriotic, coura-

geous or beneficial service than is the civil air patrol at the present time.

Major JOHNSON. Thank you, sir.

Senator CLARK. Are there any questions?

Senator MILLIKIN. No; thank you.

Senator CLARK. Thank you very much, Major.

Now, Mr. Taft, I believe you are next.

Mr. CHARLES TAFT. Senator, I would like to ask what the intention of the committee is? I will certainly take some little time with my presentation.

Senator CLARK. Perhaps, Mr. Taft, would it be convenient for you to come back Monday, and I can put you down for that time, when you can have probably as much time as you need?

Mr. TAFT. I will be glad to do so, sir.

Senator CLARK. Then, I will call witnesses today whose testimony will be short.

Mr. TAFT. That will be perfectly satisfactory.

Senator CLARK. Mr. Keegan, I believe you are the next witness, but before you come forward, I believe Mr. Odom has quite a short statement to make.

STATEMENT OF EDWARD E. ODOM, SOLICITOR, VETERANS' ADMINISTRATION

Mr. ODOM. Mr. Chairman, the bill—

Mr. TAFT (interposing). Senator, I wonder if I might interrupt just for a moment, to supplement Major Johnson's last statement?

Senator CLARK. Certainly.

Mr. TAFT. On the question of pay, if that is not in the bill now, it has been in, in the earlier draft, and actually the legislation is being considered on the basis he suggested now, that pay basis.

Senator CLARK. You mean the recommendation he made?

Mr. TAFT. The assumption that the pay would be \$130 a month, so that they would get the maximum.

Senator CLARK. I do not think there will be any dispute about that.

Now, proceed, Mr. Odom.

Mr. ODOM. Mr. Chairman, and members of the committee, General Hines will be very happy to appear before the committee for any additional information or questions that you may desire to ask him.

The bill, as we understand it, is similar to S. 2620, of the Seventy-seventh Congress, last session, and in the hearings on that bill General Hines testified, and also read into the record his report on the bill. That begins on page 51 of the printed record of the previous hearings and, if desired, may be introduced in the record through that print.

Senator MILLIKEN. I would prefer it to be introduced here.

(The statement of Brig. Gen. Frank T. Hines, Administrator of Veterans' Affairs, is as follows:)

STATEMENT OF BRIG. GEN. FRANK T. HINES, ADMINISTRATOR OF VETERANS' AFFAIRS

Senator CLARK. It seems to me, General, that the class of injuries contemplated in this act is more analogous to the type of injuries that

have heretofore been handled by the Veterans' Bureau than any others and the committee would be glad to hear your observations on this bill.

General HINES. Mr Chairman, and gentlemen of the subcommittee, we have just prepared a report, that has not been cleared through the Budget, but I feel that I can make a better record by reading that report. It is a rather short one.

Senator CLARK. We would be very glad to have you do so.

General HINES (reading):

Further reference is made to your letter dated June 23, 1942, requesting a report on S. 2620, Seventy-seventh Congress, a bill to provide benefits for the injury, disability, death, or enemy detention of civilians, and for the prevention and relief of civilian distress arising out of the present war, and for other purposes.

The provisions of S. 2620 are similar, with certain modifications, to the provisions of title I and title II of S. 2412, Seventy-seventh Congress, a bill to provide benefits for the injury, disability, death, or enemy detention of civilians and for the prevention and relief of civilian distress arising out of the present war, and for other purposes.

The first title establishes a program of a social insurance nature and the second title a program of public assistance nature, both of which are to be administered by the Federal Security Administrator.

Title I would provide benefits to civilians who suffered disabilities due to war hazard, to the dependents of civilians detained by the enemy, and the surviving dependents of civilians killed through instrumentalities and other hazards of war.

Civilians suffering disabilities as the result of war hazard would be eligible for medical and hospital treatment and for monthly cash benefits. Cash benefits would be payable only to individuals who are 16 years of age or more. Provisions are made for a minimum of \$10 and a maximum of \$30 a month for disability not less than one-third of total, and a minimum of \$30 and a maximum of \$35 for total disability, with \$50 additional if an attendant is necessary. Intermediate amounts would be related to the previous earnings rate of the individual and the degree of disability.

Detention benefits would be payable to the dependents of civilians detained by the enemy. These benefits would be payable only to the wife, husband, children, and parents, but only if they had been receiving their chief support from the civilian detained. Husbands, parents, and children over 18 would be ineligible for benefits unless incapable of self-support.

The minimum monthly benefits for eligible dependents would be \$30 per month to a husband or wife, plus \$10 additional for each child. If there should be no husband or wife, \$20 to the first child, plus \$10 for each additional child, and \$20 to one parent or \$15 each to both. The total maximum amount which one family could receive would be \$55. In death cases the monthly cash benefits would be payable together with such funeral expenses as may be provided by the Administrator.

The bill does not prescribe any maximum amount which might be allowed for funeral expenses. Employers, insurance carriers, and compensation funds will be reimbursed for any workmen's compensation, payments made for war injuries under a State or Federal law, provided that no special premium had been charged to cover the war hazard. Cash benefits would be reduced by one-half of the amount of any contributory Government benefit, and by the entire amount of any noncontributory Government benefit, except benefits under war-risk insurance, United States Government life insurance, or national service life insurance. Injuries caused by intoxication, misconduct, or subversive activities are not compensable.

Benefits under this title are not payable to those cases in which benefits are provided for disability, death, or detention under title III of the bill, nor for detention or death of civilian employees of the United States if such employees are authorized to make an allotment of pay under Public, No. 490, Seventy-seventh Congress.

The Administration may disqualify alien enemies and such others as he may deem necessary and proper to carry out the provisions of the title.

Title II of the bill provides for the temporary relief of civilian distress or danger thereof resulting from an enemy attack, including money payments, loans, assistance in kind, and medical or other services to civilians who are killed or suffered damage to real or personal property, and to civilians in war-stricken areas, or those who are evacuated. Assistance and service to those outside of the United States would not be authorized except on direction of the President.

As to S. 2412, under date of May 1, 1942, the Veterans' Administration was advised by the Director, Bureau of the Budget, that the proposed legislation was in accord with the program of the President. This information was furnished by transmittal of copy of the letter of Director of the Bureau of the Budget to the chairman, Committee on Education and Labor, United States Senate, copy of which is enclosed.

The provisions of this bill which generally are those contained in titles I and II of S. 2412 were discussed in detail by representatives of the Bureau of the Budget and the Federal Security Agency in the hearings before a subcommittee of the Committee on Education and Labor on S. 2412 March 31 and April 2, 1942.

Prior to the completion of a draft of a bill which became S. 2412, the Veterans' Administration reported February 5, 1942, to the Bureau of the Budget on a preliminary draft.

It was stated therein that the Veterans' Administration was directly concerned only to the extent, if any, that the provisions of the bill would affect benefits under laws administered by the Veterans' Administration and it was the view of the Administrator of Veterans' Affairs that the only benefits pertaining to veterans or their dependents should be the responsibility of the Veterans' Administration.

It was further stated, in the light of these principles that the benefits payable to widows and children under title II of the bill which became S. 2412 which is title I of S. 2620, should not exceed amounts payable under legislation pertaining to wartime service-connected deaths under laws administered by the Veterans' Administration.

Suggestion was made that it would appear that some definitions and limitations would be desirable in connection with such benefits to insure correlation with existing legislation. Within the same limitations it was suggested that while the bill contemplated that the Federal Security Administrator, under the proposed act, might enter into agreements with respect to utilization of facilities of other agencies, it was not clear the agreement of the head of any such agency would be a condition precedent to the delegation of the powers and duties of the Administrator under the act and in this connection it was thought necessary that the Veterans' Administration first take care of all veterans' needs respecting hospitalization before attempting to utilize its facilities for civilian casualties generally.

The bill is not entirely clear with reference to the benefit of burial allowance insofar as it does not expressly preclude payment of burial allowance in any instances where expenses have been paid by any other agency of the Federal Government—

Senator TAFT. General, is there a limitation on their expenses under the act?

General HINES. Yes; \$100 and a flag.

Senator TAFT. It would be wise to impose some limitation here. If that is the veterans' laws, it would be wise to have it in this law.

General HINES (continues reading):

nor is there any maximum amount provided, the latter being desirable as a guaranty against excessive expenditures by the Federal Government for this benefit. With reference to death benefits, in some instances, the rates to particular dependents would exceed the rates of pension or compensation payable to such dependents based upon wartime service-connected death as provided by the laws administered by the Veterans' Administration.

As to the aggregate benefit payable, it is noted that in S. 2620 the aggregate amount is \$35, which includes payments to dependent parents as well as widows and children, whereas under the laws administered by the Veterans' Administration the aggregate is \$33, which aggregate is applicable only to widows and children. Other matters have been left to determination by the Federal Security Administrator.

Senator CLARK. In the matter of the dependent parents, that matter has been passed on very recently by the Congress, in which mothers and fathers were included.

General HINES. That is correct, Mr. Chairman. [Reading:]

Consideration has been given to the possibility of providing the relief proposed by the bill through some system or systems of insurance. Under the provisions of Public, No. 503, Seventy-seventh Congress, approved March 27, 1942, protection for damage to property may be secured from commercial insurance companies. Insofar as the need for compensation and hospital treatment from war hazards are concerned any attempt to provide relief in the form of insurance at a cost to civilians would introduce administrative complications and probably would be open to the objection that the amount of premiums paid by the individual. Those able to pay higher premiums would be better able to pay for any medical or hospital treatment than those who could pay only a lesser premium.

This would result in those having the least need receiving the greatest benefit. Moreover, the need of medical and hospital care and treatment in case of war injury would be urgent and there would not be sufficient time to determine an individual's right under any form of insurance to treatment prior to the time it would be necessary to furnish the same.

Further, any system requiring the maintenance of separate individual records would break down by the sheer weight of numbers. The Veterans' Administration does not have any data upon which to base an estimate of the cost of the bill.

Senator CLARK. It seems to me, neither does anyone else.

General HINES. I might say, Mr. Chairman, taking an estimate based upon experience of the British, if I might include it at this point, the ratio of killed to injured as a result of war injuries to civilians the following is an estimate of cost of paying death and disability compensation to those persons affected.

For each group of 1,000 civilians killed as a result of war injuries it might be expected that perhaps 800 would be seriously injured and 1,000 would receive minor injuries. Of the 1,000 killed, approximately 75 percent might have dependents who would receive a monthly pension under the provisions of this bill.

If this pension averaged \$50 a month, the cost for death compensation for 1 year would approximate \$450,000.

If it can be assumed that most of the seriously injured would have permanent disabilities, and if the monthly compensation for this group averaged \$40, the cost for 1 year would approximate \$384,000.

To hospitalize the seriously injured at an average of weeks, at a cost of \$3 a day, would result in the expenditure of \$33,600 making a total cost of death and disability compensation and hospitalization of approximately \$900,000 per year per thousand.

Senator CLARK. That is per 1,000 killed?

General HINES. Per thousand killed. Of course, this is hazarding a very indefinite guess you might say. It is a difficult bill to estimate, but if that ratio held good, most certainly it would give a guide to the committee on cost.

Senator TAFT. Have you any guide to the cost of the Civilian Defense Corps members?

General HINES. No; I have not, Senator.

Senator TAFT. Is there any way you could estimate that, General?

General HINES. As a matter of fact, I did not expect to be called on this particular bill. The hearings have been held in the other committee, and what we have has been rather hastily prepared. Of course, that would be an item that the Office of Civilian Defense could undoubtedly best estimate, knowing the people involved and the hazards. [Continues reading:]

It is believed that this particular bill has far-reaching implications and for apparent reasons no effort has been made to compare the rates therein provided with the rates of employees' compensation provided under the laws of the various States.

(The foregoing report subsequently cleared the Bureau of the Budget as indicated by the report received by the finance committee from the Veterans' Administration, July 6, 1942.)

General HINES. I desire to assure to assure the committee that the Veterans' Administration is anxious to cooperate in every possible way if the bill is administered as it is now proposed in S. 2620.

I have a feeling that less complication would probably arise if a fixed rate for disability could be taken rather than the varying rate. However, I know that the rates are based upon the rule under the workmen's compensation acts, and that is what makes the difference in the rates paid to dependents of soldiers who are taking part in the war as against the rates that would be paid in this bill, and undoubtedly if we adhered to the maximum rate, which a dependent could obtain under this of \$66.67 or two-thirds, the committee will be pressed to increase the rates of all of the dependents of veterans.

I am satisfied of that.

Senator CLARK. You mean on the theory, General, that the dependents of the man who may have been a civilian, not engaged in active military operations, are not entitled to more than the dependents of a man who was injured in the line of duty, in the armed forces of the United States? That is the argument to which you are referring.

General HINES. Certainly. I would feel undoubtedly that that argument could not be resisted very well.

Senator CLARK. Not by me.

General HINES. We should, I feel, keep that in mind. I believe in further study of the proposition of compensating for injuries and deaths, and if fixed rates can obtain. I was rather interested in that. I thought that maybe the committee might ask Mr. May what the British system is on that. I was under the impression that they have a fixed rate that they paid to the individual per week when he is injured, and so on.

Now, as to the administration, I think adequate arguments have been presented to the committee, to utilize the machinery already set up under the Social Security Board and the agencies of the Social Security Administration. However, it must be kept in mind that in a given area all of the hospitals, for instance, will be called upon to assist. We contemplate that ours will, up to the extent that we can

make our clinics, operating rooms, and so on, available. Plans are pretty well worked out locally in that respect as we have indicated.

I would feel that one of the most important problems to be decided in legislation would be to fix the responsibility locally in some one person to administer under conditions accepted by this bill.

Now, it is true that we have local defense committees, but we also know that many of those committees are made up of individuals that have responsibilities in other directions. It seems to me that the import of a possible air raid and what might happen would justify definitely placing in the hands of some one person, whether it be military or civilian, acting under either the mayor or the Governor of the State, is highly desirable in the administration of this kind of an act.

Now, the matter of rating claims, the matter of paying property damage, is a matter of adjudication. Most of those claims will take place after the action, except immediately you would be called upon to hospitalize and treat the injured.

We do not feel, Mr. Chairman, that our experience in adjudicating claims under the bill as now proposed is such that it would justify saying we could do it any better than anyone else. However, our experience in handling claims should be referred to wherever possible, because over the many years we have gained considerable practical experience in the handling of claims, and what is necessary to weed out the meritorious claim from the nonmeritorious claim.

Senator CLARK. Well, the character of injuries contemplated to be covered by this bill are essentially the same as those handled by the Veterans' Bureau throughout its existence, are they not, General?

General HINES. That is correct, except these are fixed at 33 1/2 percent.

Senator CLARK. The determination of the extent of the disability depends on the nature of the injuries.

General HINES. Our tables would all be available for that, and our personnel could be used.

Senator TAFT. It seems to me that the injuries to civilians caused by bombing raids would be very much the same kind as you have been handling.

On the other hand, the injuries to the Civilian Defense Corps people are much more analogous to the injuries that come under the workmen's compensation insurance.

General HINES. That is correct. We feel the administrative expense by utilizing the machinery set up within the States is well worth considering, because administering a bill of this kind under a separate organization, one that was built up from the ground up, would undoubtedly be costly.

Even if nothing happened, it would be costly getting ready for it.

Senator CLARK. Senator Taft, do you have any questions?

Senator TAFT. No.

Mr. ODOM. On the question of rates, and may I say that General Hines' interest in this was more from the standpoint of the rates than anything else, because, as he has testified before the subcommittee and full committee many times, he does feel that there is an impor-

tant principle in the Veterans' Administration being confined to the administration of laws pertaining to veterans and dependents of veterans, and this would be not a matter in which the Veterans' Administration should be directly interested, from the standpoint of administration, but the rates are, in some instances, somewhat higher, as shown in this printed hearing, on page 99, where there is a tabulation giving the comparative rates. I think that the present bill does not change those rates, but I am not positive of that.

Senator MILLIKIN. Is that included in the statement of General Hines?

Mr. ODOM. It is not, but it may be inserted.

Senator CLARK. Yes that should be copied into the record.

Mr. ODOM. There is just one thing that I should say about the notation, note No. 1, with respect to the insurance limitations, the Congress has since repealed that, as the Senator will remember, so these rates are absolute, at the present time.

(The tables referred to are as follows:)

TABLE 1.—Comparison of monthly payments to survivors under 4 specified plans

Family composition	Veterans. World War II ¹	Minimum benefits payable under—		Benefits payable on basis of average monthly wage of—						Civilian war benefits and war relief bills			
				\$100		\$175 ⁴		\$250 ⁵		Title I, S. 2020		S. 2412 (Long- shoremen's and Harbor Work- ers' Act)— Benefits pay- able on average monthly wages of—	
		United States employees compensa- tion ²	Old-age and sur- vivors' in- surance ³	United States employees compensa- tion	Old-age and sur- vivors' insurance (without increment)	United States employees compensa- tion	Old-age and sur- vivors' insurance (without increment)	United States employees compensa- tion	Old-age and sur- vivors' insurance (without increment)	Mini- mum ⁶	Maxi- mum			$100	$12.50
Widow under 65 without chil- dren.....	38-445	\$30.62		\$35.00		\$61.25		\$61.25		\$30.00	\$45.00	\$35.00	\$57.88
Widow 65 and over without children.....	45	30.62	\$10.00	35.00	\$18.75	61.25	\$24.37	61.25	\$30.00	30.00	45.00	35.00	57.88
Widow and 1 child.....	48-60	39.37	12.50	45.00	31.25	78.75	40.62	78.75	50.00	40.00	60.00	45.00	74.13
Widow and 2 children.....	56-73	48.12	17.50	55.00	43.75	96.25	56.37	96.25	70.00	50.00	75.00	55.00	90.83
Widow and 3 children.....	64-83	56.87	20.00	65.00	50.00	113.75	65.00	113.75	80.00	60.00	85.00	65.00	100.63
Widow and 4 or more children ..	72-83	58.33	20.00	66.67	50.00	116.66	65.00	116.66	80.00	66.67	85.00	66.67	108.33
No widow but—													
1 child.....	20	21.87	10.00	25.00	12.50	43.75	16.25	43.75	20.00	20.00	30.00	15.00	24.38
2 children.....	33	30.62	10.00	35.00	25.00	61.25	32.50	61.25	40.00	30.00	45.00	30.00	48.75
3 children.....	46	39.37	15.00	45.00	37.50	78.75	48.75	78.75	60.00	40.00	60.00	45.00	73.13
4 children.....	54	48.12	20.00	55.00	50.00	96.25	65.00	96.25	80.00	50.00	75.00	60.00	97.50
5 children.....	62	56.87	20.00	65.00	50.00	113.75	65.00	113.75	80.00	60.00	85.00	66.67	108.33
6 children.....	70	58.33	20.00	66.67	50.00	116.66	65.00	116.66	80.00	66.67	85.00	66.67	108.33
7 children.....	78	58.33	20.00	66.67	50.00	116.66	65.00	116.66	80.00	66.67	85.00	66.67	108.33
8 or more children.....	83	58.33	20.00	66.67	50.00	116.66	65.00	116.66	80.00	66.67	85.00	66.67	108.33
1 parent.....	45	21.87	10.00	25.00	12.50	43.75	16.25	43.75	20.00	20.00	30.00	25.00	40.63
2 parents.....	50	35.00	10.00	40.00	25.00	70.00	32.50	70.00	40.00	30.00	45.00	50.00	81.25
1 grandparent.....												25.00	40.63
2 grandparents.....												50.00	81.25
Grandchild, brother, sister (each).....												15.00	24.38
Maximum family benefit.....	83	58.33	20.00	66.67	50.00	116.66	65.00	116.66	80.00	66.67	85.00	66.67	108.33

¹ Act of July 19, 1939, benefits payable in the absence of insurance limitations.
² In computing survivors' compensation under the United States Employees' Compensation Act the monthly pay is considered not less than \$87.50 unless the compensation thus computed would exceed the actual monthly pay, in which case the monthly compensation is the full amount of the pay.
³ The minimum monthly primary benefit to any one individual under the old-age and survivors insurance program is \$10 and to any group of survivors is not more than twice such primary amount or \$20.
⁴ All wages in excess of \$175 a month are disregarded in computing monthly benefits under the United States Employees Compensation Act.

⁵ All wages in excess of \$3,000 a year (\$250 a month) are disregarded in computing monthly benefits under the old-age survivors insurance program.
⁶ The minimum monthly benefit payable under title I of the civilian war benefits and war relief bill to survivors in the United States. Payments under this title to individuals outside the United States may be lower. The minimum benefit is payable to survivors of nongainfully employed individuals and of gainfully occupied individuals earning \$45 or less.
⁷ Under certain conditions, parent's benefits are payable in addition to this over-all maximum for widow, child or children.
⁸ The over-all maximum for widow, children, and parents. The over-all maximum for old-age and survivors insurance with increments is \$45 per month.

TABLE 2.—Comparison of monthly payments for total and permanent partial disability under 3 specified plans

Percent disability	World War II veterans' benefits ¹	United States employees' compensation based on average monthly wage of—				Civilian war benefits and war relief bills				
						Title I, S. 2620		Title S. 2412		
		\$100 ²	\$150	\$200 ³	\$400	\$45 or less ⁴	\$100	\$127.50 or over ⁵	\$100	\$162.50 or over ⁶
Total.....	\$100	\$66.67	\$100.00	\$116.66	\$116.66	\$30	\$66.67	\$55.00	\$66.37	\$108.33
90.....	90	60.00	90.00	116.66	116.66	27	60.00	78.50	(7)	(7)
80.....	80	53.33	80.00	106.66	116.66	24	53.33	68.00	(8)	(8)
70.....	70	46.66	70.00	93.33	116.66	21	46.66	59.50	(9)	(9)
60.....	60	40.00	60.00	80.00	116.66	18	40.00	51.00	(10)	(10)
50.....	50	33.33	50.00	66.66	116.66	15	33.33	42.50	(11)	(11)
40.....	40	26.66	40.00	53.33	106.66	12	26.66	34.00	(12)	(12)
33 1/3 ⁷	(7)	22.22	33.33	44.44	88.88	10	22.22	28.33	(13)	(13)
30.....	30	30.00	30.00	40.00	80.00	.....	.....	.....	(14)	(14)
20.....	20	13.33	30.00	26.66	83.33	.....	.....	.....	(15)	(15)
10.....	10	6.66	10.00	13.33	26.66	.....	.....	.....	(16)	(16)

¹ Act of March 20, 1933, as amended and veterans regulations.

² The minimum monthly amount for total disability under the United States Employees' Compensation Act is \$58.33 unless the employee's monthly pay is less than \$58.33 in which case his monthly compensation is the full amount of his pay.

³ The maximum monthly amount for total and partial disability under the United States Employees' Compensation Act is \$116.66. The corresponding amount of wages is \$175 per month.

⁴ Assumed wage of nongainfully employed.

⁵ Assumed maximum wage.

⁶ This schedule applies only to disabilities not specifically compensable by law, additional or alternative payments are made for certain specific disabilities. Total monthly payments up to \$250 are paid for specific total disabilities.

⁷ Minimum payable.

⁸ Maximum benefit payable per month. Maximum total payable \$7,500.

⁹ An additional \$35 a month is paid to partially disabled individuals for loss of use of hands or feet.

¹⁰ No minimum benefit amount specified under this title. In cases of specific permanent partial disability, amounts equal to 66 2/3 percent of average weekly wages are paid for varying periods of time, depending on the nature of the disability. The maximum period compensated is 280 weeks and the minimum 3 1/2 weeks. This compensation is granted in addition to compensation for temporary total disability which is also paid at the rate of 66 2/3 percent of the disabled individual's average monthly wage for the duration of his total disability. In cases of nonspecified permanent disability, compensation is payable at the rate of 66 2/3 percent of the difference between previous average wages and current earning capacity.

¹¹ Inserted for comparative purposes because title I of the civilian war injury bill compensates for partial disability if permanent and in excess of one-third of total disability. Under veterans' benefits, partial disability is usually rated in 10 percent intervals.

Average benefit payments under State unemployment insurance laws for total unemployment, by State, January to March 1942

Social Security Board Region and State	Average benefit payment	Social Security Board Region and State	Average benefit payment
Average, 51 States.....	\$12.37	Region VIII:	
Region I:		Iowa.....	\$10.27
Connecticut.....	11.76	Minnesota.....	12.24
Maine.....	7.41	Nebraska.....	10.92
Massachusetts.....	10.93	North Dakota.....	10.67
New Hampshire.....	9.13	South Dakota.....	9.06
Rhode Island.....	11.40	Region IX:	
Vermont.....	10.28	Arkansas.....	7.00
Region II: New York.....	12.11	Kansas.....	10.77
Region III:		Missouri.....	12.06
Delaware.....	9.05	Oklahoma.....	11.84
New Jersey.....	12.06	Region X:	
Pennsylvania.....	11.23	Louisiana.....	9.00
Region IV:		New Mexico.....	9.46
District of Columbia.....	12.66	Texas.....	8.75
Maryland.....	12.62	Region XI:	
North Carolina.....	6.84	Arizona.....	11.63
Virginia.....	8.67	Colorado.....	10.71
West Virginia.....	10.54	Idaho.....	12.83
Region V:		Montana.....	11.47
Kentucky.....	8.13	Utah.....	14.26
Michigan.....	13.08	Wyoming.....	14.40
Ohio.....	12.44	Region XII:	
Region VI:		California.....	14.99
Illinois.....	13.65	Nevada.....	13.44
Indiana.....	13.02	Oregon.....	13.88
Wisconsin.....	11.89	Washington.....	13.22
Region VII:		Territories:	
Alabama.....	8.33	Alaska.....	14.65
Florida.....	10.79	Hawaii.....	9.95
Georgia.....	8.91		
Mississippi.....	8.63		
North Carolina.....	8.16		
Tennessee.....	9.31		

Source: Reports and Analysis Division, Bureau of Employment Security, Social Security Board.

Mr. ODOM. Now, Mr. Chairman, there is very little more to add other than to say that the report has been prepared, pursuant to a request of the chairman of the committee, addressed to Senator George, which has not been cleared by the Bureau of the Budget.

It brings out just a few points that the Administrator thought perhaps the committee would want to consider, if the bill is given serious consideration; and they have to do only with the impact that these certain provisions might have upon the laws pertaining to veterans.

I could insert this in the record; I would be glad to read it if the committee thought it necessary, but it is three pages long, and I can summarize it.

Senator CLARK. Summarize it, Mr. Odom, and it may then be copied in the record.

Mr. ODOM. That perhaps would take less time and might be just as satisfactory.

Of course, he reiterates those general principles which I mentioned before, so I won't take that up.

If these rates are adopted, they follow more nearly the employees' compensation rates than the pension rates. The Administrator has testified that he feels that that might lead to questions as to why the death pension rate should be less in some instances. Of course, I might

say that question was raised somewhat by an allotment allowance act, but he merely brings that to the attention of the committee.

Then, if there were to be any great demand in a certain locality for hospitalization in Administration facilities, I think this committee is very well aware of General Hines' fears that we may be momentarily, or in the future, undertaking more with respect to hospitalization than our facilities, from the standpoint of the employees or other priority matters, may permit us comfortably to handle, so that is one feature that might deserve consideration.

The bill contemplates certain benefits, more or less broadly defined as gratuities, shall be taken into consideration in connection with paying the rates under this bill, and that deductions thereof shall be made from the amount authorized by the bill. Some benefits are exempt specifically, and others are exempted as contributory benefits for example, insurance—National Service, I believe, and Government, as well as war-risk insurance.

Well, of course, to a certain extent those are contributory, but as this committee well knows, the contribution in the way of premiums pays not more than 20 percent of the actual cost of that insurance, so it is contributory only to that extent. Automatic insurance is wholly gratuitous.

There is a technicality there. We do not know whether the term "war injury" is sufficiently defined. It might have, if it were being administered through the Veterans' Administration, under comparable statutes, it might include aggravation of an injury which had been existent for many years, and things of that nature. We thought perhaps there might be a more definite definition desirable there.

Senator MILLIKIN. Do you think it is broad enough, Mr. Odom, to include sabotage, injuries from sabotage?

Mr. ODOM. From action by enemy aliens?

Senator MILLIKIN. Yes, sir.

Mr. ODOM. I'm afraid I don't quite grasp your question, Senator.

Senator MILLIKIN. I mean, suppose an enemy agent goes into the interior of this country and sets off a powder plant, what then?

Mr. ODOM. Senator, I have not studied the bill enough to decide the answer to that question, if I may be excused.

Now, it provides for the recovery of certain overpayments made, where these deductions that I have spoken of have not been accomplished, and apparently would permit such recovery to be made from any man's pay on account of the same disability or death or detention.

General Hines' report indicates there would be a possible objection to that from our standpoint, but there is a possible further effect because of the broad language in the bill. Our law, I mean by that section 3, Public. 262, Seventy-fourth Congress, as amended, makes these benefits payable under laws pertaining to veterans exempt from the recovery of any debt or overpayment except those which arise out of that specific payment to that individual or his estate. There might be a conflict there between those two. I am sure that an amendment could be worked out by us so that it would not conflict. It is, of course, quite possible that the Congress might want to broaden that. However, the principle of that is simply that the Government would not collect any indebtedness against a disabled veteran, or the dependents of a disabled veteran, unless that indebtedness arose out of the admin-

istration of that particular benefit, itself, rather than coming from— or maybe because he had an F. H. A. loan, or something of that sort he did not pay.

Those are most all of the particular matters that we are bringing to the attention of the committee, but I should repeat: This report has not been cleared by the Bureau of the Budget. Our information informally is that consideration is being given to the report submitted by other agencies, I expect particularly the Federal Security Agency.

Senator CLARK. Are there any questions?

Senator MILLIKIN. No questions.

Senator CLARK. Thank you, Mr. Odom. Will you give the stenographer the data you referred to?

(The report referred to is as follows:)

Hon. WALTER F. GEORGE,

*Chairman, Committee on Finance,
United States Senate, Washington, D. C.*

MY DEAR SENATOR GEORGE: Reference is made to your letter dated January 10, 1943, enclosing a copy of S. 450, Seventy-eighth Congress, a bill to provide benefits for the injury, disability, death, or enemy detention of civilians, and for the prevention and relief of civilian distress arising out of the present war, and for other purposes, and requesting a report thereon.

This bill is identical with S. 2020, Seventy-seventh Congress, on which a report was furnished your committee July 7, 1942, and on which hearings were held before a subcommittee of the Committee on Finance on July 1 and 2, 1942. This report is set forth on pages 51-55 of the printed copy of the hearings on S. 2020 with my observations on certain aspects of the bill.

S. 2020, Seventy-seventh Congress, incorporated with certain modifications, the provisions of titles I and II of S. 2412, Seventy-seventh Congress, a bill to provide benefits for the injury, disability, death, or enemy detention of civilians, and for the prevention and relief of civilian distress arising out of the present war, and for other purposes, on which hearings were held before a subcommittee of the Committee on Education and Labor, United States Senate, on March 31 and April 2, 1942. A copy of the report of these hearings is enclosed. S. 2412, Seventy-seventh Congress was later enacted into law after titles I and II were eliminated, as Public Law 784, Seventy-seventh Congress, an act to provide benefits for the injury, disability, death, or enemy detention of employees of contractors with the United States, and for other purposes, approved December 2, 1942.

While the Veterans' Administration will not be responsible for administration of the provisions of S. 450, which would be administered by the Federal Security Agency, it is directly concerned with its provisions to the extent that they would affect benefits authorized under laws administered by the Veterans' Administration. It is felt that the rates payable to certain dependents under the proposed bill should not exceed the rates payable to similar dependents under laws administered by the Veterans' Administration for wartime service-connected death. It would also seem desirable that the rates payable under the proposed bill be in line with rates payable under the Employees' Compensation Act, as amended, or State employees' compensation laws. As to this phase, it is suggested that you may desire a report from the United States Employees' Compensation Commission.

The extent to which Veterans' Administration facilities may be made available for the treatment and care of civilian casualties, generally, would be limited in view of the necessity of utilizing such facilities for the treatment and care of veterans requiring hospitalization.

The bill would have far-reaching effects. Correlation of its provisions with existing law and pending legislation receiving favorable consideration, to avoid overlapping or duplication of benefits appears to be indicated. Such action would cover monetary benefits and hospitalization or medical services, available under Federal laws relating to veterans, State or United States employees' compensation laws, or the rehabilitation programs now under consideration.

The bill, in providing for reduction of compensation payable under its provisions by the amount of noncontributory benefit, does not clearly indicate

whether benefits payable under laws administered by the Veterans' Administration, such as compensation, pensions, adjusted compensation, emergency officers' retirement pay, and similar benefits, such as military or naval retirement pay, are comprehended within the meaning of the term "Government benefit" as used in section 104 (a). The bill specifically exempts payments of insurance from reduction and unless it is intended that compensation, pensions adjusted compensation or retirement pay are to be considered in making such reduction, it is felt that such benefits should be specifically exempted or that the language used in defining the term "Government benefit" should be clarified.

It is not clear whether "war injury" as that term is defined in section 103 (a) of the bill comprehends aggravation of a preexisting injury, or disease, for which benefits are payable by the Veterans' Administration or other State or Federal agency, or in case aggravation of a preexisting injury or disease results from war injury, whether compensation would be payable for the whole injury, or for the aggravation alone. This provision should be clarified to avoid administrative complications, particularly as affecting other departments and agencies.

Section 104 (a) of the proposed bill further permits recovery of any overpayment made, through failure to make such reductions, against any Government benefit on account of the same disability, death, or detention. It is believed consideration should be given to the question of the effect of this provision in connection with the specific provisions of section 3 of the act of August 13, 1935 (Public No. 262, 74th Cong.) as amended by section 5 of the act of October 17, 1940 (Public No. 888, 76th Cong.) which provides:

"* * * From and after the date of approval of this amendatory Act this section shall be construed to prohibit the collection by set-off or otherwise out of any benefits payable pursuant to any law administered by the Veterans' Administration and relating to veterans, their estates, or their dependents, of any claim of the United States or any agency thereof against (a) any person other than the indebted beneficiary or his estate; or (b) any beneficiary or his estate except amounts due the United States by such beneficiary or his estate by reason of overpayments or illegal payments made under such laws relating to veterans, to such beneficiary or his estate or to his dependents as such: *Provided, however*, That if the benefits be insurance payable by reason of yearly renewable term or of United States Government life (converted) insurance issued by the United States, the exemption herein provided shall be inapplicable to indebtedness existing against the particular insurance contract upon the maturity of which the claim is based, whether such indebtedness be in the form of liens to secure unpaid premiums, or loans, or interest on such premiums or loans, or indebtedness arising from overpayments of dividends, refunds, loans, or other insurance benefits: *Provided further*, That nothing in this amendatory Act shall be construed to modify or repeal section 7 of Public Law Numbered 425, Seventy-fourth Congress, enacted January 27, 1936 (33 U. S. C. 687-b; 49 Stat. 1101)."

In the opinion of the Veterans' Administration the foregoing protective legislation should not be impaired as it is in accord with the general policy of insuring current payments to those entitled, with only necessary exceptions. It is suggested that the bill should specifically exempt such benefits from the recovery provisions. Enactment of legislation to permit deductions in such cases would not only violate the foregoing principle but would introduce complicated administrative procedure involving delays and additional expense.

As pointed out in my report, certain provisions of the bill, particularly those relating to burial benefits, should be clarified as the bill does not expressly preclude payment thereof in any instance where such benefits have been paid by any other agency of the Federal Government, nor does it place any limit on the maximum amount payable.

The Veterans' Administration will be pleased to furnish any information desired by the committee relative to rates of benefits, conditions of eligibility, and other facts pertaining to the laws administered by the Veterans' Administration.

For the foregoing reasons and the reasons stated in previous report furnished your committee, on S. 2620, Seventy-seventh Congress, the Veterans' Administration is unable to recommend S. 450 to the favorable consideration of your committee.

Very truly yours,

FRANK T. HINES, *Administrator.*

Senator CLARK. All right, Mr. Keegan, will you come forward now? State your name and official connection for the record, please, sir.

STATEMENT OF JOHN J. KEEGAN, COMMISSIONER, UNITED STATES EMPLOYEES COMPENSATION COMMISSION

Mr. KEEGAN. John J. Keegan, Commissioner of Compensation.

In a letter to the chairman, when the original bill was before the committee in July 1942, I believe the Commission made ourselves clear as to this particular bill. I don't know that I have much to add to what we have said in this communication to the chairman at the time.

Senator CLARK. Do you have a copy of the letter?

Mr. KEEGAN. Yes, sir; I do.

Senator CLARK. Give that to the stenographer so that it may be copied into the record.

(The letter referred to, dated July 7, 1942 is as follows:)

Hon. BENNETT CLARK,

Committee on Finance, United States Senate,

Washington, D. C.

DEAR SENATOR CLARK: At the hearing held on July 2, 1942, before you as chairman of the subcommittee of the Committee on Finance considering the bill S. 2620, Mr. John J. Keegan, a member of the Commission, testified concerning one feature of the bill in which the Commission is directly interested. However, there is another feature of the bill not developed by Mr. Keegan which the Commission wishes to bring to the attention of the committee.

The Commission is concerned regarding the legislation proposed in the bill S. 2620 in two respects: (1) that the proposed legislation should not overlap the field covered by the Federal workmen's compensation laws, and (2) that the benefits proposed to be extended under such legislation should not exceed the benefits extended under title I of the bill S. 2412 to workmen employed outside of the United States in connection with the war effort.

Concerning the first point above mentioned, it will be noted that title I of the bill S. 2620 proposed to extend benefits to persons rendering voluntary services to the United States as members of the United States Citizens Defense Corps. The benefits proposed for a civilian defense worker are not restricted to an allowance or gratuity for disability or death resulting from a war-risk hazard, but are in the nature of workmen's compensation for any disability or death resulting from a personal injury sustained after December 6, 1942, while in the performance of duty as a civilian defense worker. Benefits are also provided for the effects of disease proximately caused by the performance of such duty. In other words, the pending legislation would if enacted into law, provide workmen's compensation benefits for ordinary occupational injuries and disease in the case of voluntary workers in the civilian defense corps, without regard to war-risk hazard as the cause.

The administrative staff of the Office of Civilian Defense and all personnel of that office engaged in civilian defense work who receive salary or pay from the Federal Government are civilian employees of the United States, and as such are entitled to the benefits of the Federal Employees' Compensation Act of September 7, 1916. Persons rendering voluntary services to the United States in a civilian capacity under the Office of Civilian Defense would, except for the element of pay, also qualify as civilian employees of the Government, where serving under Federal administrative control. In the event it is deemed necessary and desirable to provide some measure of protection in the form of disability or death benefits for such voluntary workers who may be injured while in the performance of their special duties as defense workers, the Commission believes that such benefits fall within the field of workmen's compensation and that the proposed protection should be extended under existing workmen's compensation laws, modified as may be necessary or desirable to meet this irregular and unusual service.

There is precedent for the application of the Federal Employees' Compensation Act of September 7, 1916, in modified form, to employments other than regular service in the civil branch of the Government. This law has been extended to

employments on Federal projects created to relieve unemployment, such as the former Civil Works Administration, the Civilian Conservation Corps, the Work Projects Administration, and the National Youth Administration. In extending Federal workmen's compensation benefits to employees on such relief work projects, the Congress restricted coverage under the compensation law, reduced substantially the monthly limit on compensation benefits and placed a limit on the aggregate amount that might be paid in an individual case for disability or death.

Coverage was limited to disability or death resulting from traumatic injury which is defined by law to include "only injury by accident which caused damage or harm to the physical structure of the body and shall not include a disease in any form except as shall naturally result from the injury" (act of February 15, 1934, 48 Stat. 351).

The minimum rate of compensation was removed so that a totally disabled employee would receive only 63½ percent of his actual monthly wage. The maximum compensation was originally fixed at \$25 per month and subsequently increased to \$50 per month. The aggregate payment in any individual case for disability or death, exclusive of medical costs, was limited originally to 3,500 and was subsequently increased to \$4,000. At the present time, enrollees in the Civilian Conservation Corps and employees on projects of the Work Projects Administration are eligible for compensation benefits only for the effects of traumatic injury and their compensation may not exceed a monthly award of \$50 for total disability or death, and the aggregate payment for their disability or death is limited to \$4,000.

Under the provisions of title I of S. 2620, the President may by Executive order extend the benefits for war-risk injury to a seaman injured while under contract or appointment as a seaman on a vessel documented or numbered under the laws of the United States, or to the dependents of a seaman whose death proximately resulted from such injury, or whose death by the enemy occurred while under such contract. In many instances seamen qualify as civilian employees of the United States. Seamen regularly employed aboard vessels operated by the Army Transport Service are and have been eligible to the benefits of the Federal Employees' Compensation Act. While the proposed legislation relates to injuries, resulting from a war-risk hazard, it may be observed that such injuries in the case of seamen, for compensation purposes may be considered as resulting from risks incident to such employment, and compensable under the Employees' Compensation Act. In view thereof, it would seem appropriate and logical to extend benefits for war injuries to seamen on the basis of workmen's compensation legislation rather than in the form proposed.

Concerning the second point above mentioned, the Commission wishes to point out that the benefits proposed to be extended under title I of S. 2620 may greatly exceed the benefits extended to workmen exposed to war hazards at military and naval bases outside of the United States who are eligible to receive the benefits of the Longshoremen's and Harbor Workers' Act, or the benefits for the war-risk injuries contemplated by the bill, S. 2412, recently passed by the Senate. Under the provisions of the pending bill, a civilian permanently and totally disabled may receive a total monthly compensation of \$135 or \$1,620 per annum. (The proposed legislation provides for a maximum award of \$85 per month for total disability and an additional allowance of not to exceed \$50 per month for an attendance, if necessary.) The payment thus contemplated may be paid for a period extending 5 years after the end of the present war.

It is apparent that if the war should last 3 years a permanently and totally disabled civilian could receive as much as \$13,000 for such disability. A workman on a military base outside the United States who is subject to a far greater hazard than is a civilian within the continental United States could not receive more than \$7,500 for permanent and total disability, or his dependents, in case of death, could not receive in excess of such sum. As above indicated, enrollees in the Civilian Conservation Corps and workmen on Work Projects Administration employments, many of whom were engaged in hazardous employment, may not be paid more than \$4,000 for permanent and total disability, and dependents of such workmen who are killed while in the performance of duty may not be paid more than \$4,000.

Another point that might be mentioned relates to the reimbursement for workmen's compensation losses. Subdivisions (b) and (c) of section 101 of the bill, S. 2620, contain provisions relating to reimbursement of employers, insurance carriers, and workmen's compensation funds to the extent of payments of workmen's compensation benefits made by them to workers injured during employ-

ment as a result of war hazard. These reimbursement provisions do not appear to be germane parts of title I, as that title relates to civilian benefits having no relation to workmen's compensation benefits. If employers, carriers, and funds are to be reimbursed for these workmen's compensation losses, provisions should be included by appropriate change in section 104 of the bill, S. 2412, now in House committee (where this subject matter appears properly to belong), as this latter bill is designed to filter off war hazard liability in workmen's compensation cases. The settlement of claims should, for the protection of the United States, be made by the agency engaged in handling questions arising under workmen's compensation laws, in view of the highly specialized nature of such work and the amount of experience necessary adequately to evaluate such claims.

The Commission has no official interest in other features of the proposed legislation. It desires, however, to bring to your attention these features of the proposed legislation, which, in its opinion, either overlap the field of workmen's compensation or which seem to discriminate in favor of the civilian population and against industrial workers who are exposed to far greater hazards.

Very truly yours,

(Mrs.) JEWELL W. SWOFFORD, *Chairman.*

Mr. KEEGAN. We feel, after listening to the discussion this morning and from our experience in working out a portion of the bill, that is, the original bill, as you will recall it had a section known as the third division of the bill, and that was stricken from the original bill and made into a law itself and placed under our Commission for operation and administration.

Senator CLARK. What happened was that that was passed and the rest of the bill was stricken out and referred back to the committee.

Mr. KEEGAN. Well, in the administration, and listening to the testimony this morning, it occurred to me that there was just a possibility of a great deal of overlapping. For instance, you have a provision in this bill for reimbursing insurance companies, and so forth, which we are doing now and have the organization set up to do, and I believe that the great number of cases that will be administered under that particular provision will be under our Commission at any rate, and whether or not you would care to have set up, or cause another division to be set up, or an organization to do the same thing we are doing now, might be of some interest to the committee.

Senator CLARK. In other words, Mr. Keegan, it would seem that those provisions having to do with insurance and workmen's compensation funds are covered by the portion of the bill already enacted into law, the portion of the original bill that has already become law?

Mr. KEEGAN. While I am not in a position to state for the Maritime Commission, in so much as some little overlapping complicates or causes complications between the administration of our work now and the Maritime Commission, it occurs to me that there might be just that same element entering into this bill, between some agencies, as to the provisions of paying. There ought to be details as to the administration of the law itself.

A great deal of thought should be given to the provisions covering men who have just been spoken about—what do you call them, air raid patrol, is that the official title?

Senator CLARK. Civil Air Patrol.

Mr. KEEGAN. Yes; Civil Air Patrol.

Now, in their case, you are practically paying them for their services. There would be no reason for us to take cognizance for injuries, if it was not for service they were rendering to the United States, and if they are rendering service to the United States, they are then in

the same position as an employee of the United States, and to merely say that these men were employed, or employees of the United States, would give them that relief immediately, under the law already in existence, and that is all there is to it.

Senator MILLIKIN. I do not believe I quite gathered your last thought, Commissioner.

Mr. KEEGAN. For instance, the bill, 784, Public Law 784, rather, that was stricken from the original bill we are now considering and made into law itself, and put under our Commission to administer, if these men were placed under the provisions of that law by a simple amendment to the act itself, they would now be getting their compensation immediately, and without any further delay.

I do not know of anything else.

Senator CLARK. Are there any further questions, Senator?

Senator MILLIKIN. No questions; thank you.

Senator CLARK. That is all, and thank you, Mr. Keegan.

Mr. Starling.

STATEMENT OF HOWARD M. STARLING, MANAGER OF THE WASHINGTON OFFICE OF THE ASSOCIATION OF CASUALTY AND SURETY EXECUTIVES

Senator CLARK. Will you identify yourself for the record, please, sir?

Mr. STARLING. Howard M. Starling, manager of the Washington office of the Association of Casualty and Surety Executives.

I am appearing here on behalf of the association, which is composed of some 60 of the leading stock casualty and surety insurance companies.

We favor the principles of Senate bill 450, but with particular reference to that section of the bill which provides for the reimbursement of insurance companies by the Federal Government of amounts paid in compensation for injured employees under a State workmen's compensation law, and the bill provides not only for the reimbursement to an insurance company but to a State fund or a self-insurer.

Now, our reasons for our particular interest in this bill are this:

Workmen in factories engaged in the war effort may be injured, and under the law of the States in which we are working, their employer is charged with the responsibility of providing workmen's compensation benefits for them, as provided by their State law.

We are very definitely of the opinion that an injury to a workman while at work, received from a bombing or some enemy attack, would be covered under that State workmen's compensation law, and the insurance company will be called upon to pay the benefits, under the State law, or if the employer was a self-insurer, he would pay the benefits as provided by the State, or if it was in a State in which the compensation was covered by a State fund, the State fund would pay the benefits as prescribed by the law, and believing that the cost of the war is a cost which should be shared by all of the people, rather than the employers of a particular district, or a particular locality, we believe that it is fair and reasonable that the insurance company should be reimbursed for the amounts which they have paid, for those reasons.

Senator CLARK. You mean, due to direct enemy acts?

Mr. STARLING. Due to direct enemy action; yes, sir.

Senator MILLIKIN. Would you include sabotage in that?

Mr. STARLING. I do not believe, sir, that the definition of "war risk," as it is presently included in the bill, is broad enough to include acts of sabotage.

Senator MILLIKIN. I wonder whether it should not. Of course, I come from the interior of the country, while the coastal areas are subject to direct enemy attacks, still, the installations which are in the interior of the country are also subject to sabotage, and I can see no difference whether a plant be bombed or blown up by a bomb dropped from an airplane, or whether that bomb is placed there by the hand of a saboteur, if it can be proven that it is that kind of a case.

Mr. STARLING. If you are asking for my personal opinion, sir, I believe that action of a saboteur, or an act of sabotage, should be covered.

Now, just one more point that I would like to make for the benefit of the committee, and that is that this bill provides only for reimbursement of an insurance company where there has been no charge made for that insurance, and I might say, further, that there is no loading in the workmen's compensation insurance rates for the additional hazard of war. Therefore, no premium has been or will be charged for that hazard.

Senator MILLIKIN. Your clients are not issuing war policies, are they?

Mr. STARLING. Now, may I inquire what you mean by war policies, sir.

Senator MILLIKIN. I mean, a clause in the policy to cover a man who is injured as an incident to the war. Are you issuing policies, for example, to cover auxiliary firemen for injuries sustained in their line of duty, say, as auxiliary firemen?

Mr. STARLING. Could I answer that off the record?

Senator MILLIKIN. Surely.

(Discussion off the record.)

Senator CLARK. Do you have anything further, Mr. Starling?

Mr. STARLING. That is all I have.

Senator CLARK. Thank you, Mr. Starling.

Now, Mr. Wicker, I believe you are next. Will you come forward and identify yourself for the record?

STATEMENT OF JOHN WICKER, JR., AMERICAN MUTUAL ALLIANCE, RICHMOND, VA.

Mr. WICKER. John J. Wicker, Jr., appearing here as counsel for the American Mutual Alliance, I should say; my residence is Richmond, Va.

Mr. Chairman, and gentlemen of the committee, the American Mutual Alliance is an association of mutual casualty insurance companies, and our interest and our views are very similar to those presented by Mr. Starling, on behalf of the stock insurance companies.

The workmen's compensation law for the various States provides, as matters of law, of course, whether the employer or employee want it, or not, that certain liabilities in case of anything that happens to an employee arising in and out of the course of employment, must be covered.

The insurance, whether it is a matter that is carried by the employer himself, if he is large enough, or by a State fund or by the insurance company—the insurance is based and the contributions are based, of course, on the contemplated hazard, and in no rates in any State of the Union, in workmen's compensation rates, no matter whom paid to, whether by State fund or insurance carrier, nowhere has any sort of a war hazard ever been taken into consideration and no charge whatsoever made in there.

Senator CLARK. You mean rates are based on experience tables, and experience tables do not include war risks?

Mr. WICKER. That is correct, sir.

Senator MILLIKIN. Let me ask, categorically, do insurance companies set up a reserve for war risk?

Mr. WICKER. There is not anything in the workmen's compensation, in making up the rates, the regulatory bodies, the rate-making bodies of the various States having regulation of their rates, and other States where they have an advisory service, and where the insurance carriers have their own rate-making policies and tables for figuring their own experience and projections—there is nothing anywhere whereby they can consider at all the element of war risk hazards, even if they tried to do it—the rates would be too prohibitive.

Senator MILLIKIN. Do the insurance companies, in spite of the fact that the rates are calculated on experience tables, and they have had no experience tables on war risk, in effect do they set aside, or set up a reserve for war hazards, despite the fact that you have no figures in your own right?

Mr. WICKER. I might say, Senator, that prudence might call for that; but it is a matter of being able to set it up out of a rate, when there is nothing in that rate out of which we can create such a reserve.

Senator MILLIKIN. You could certainly set up such a reserve out of your surpluses.

Mr. WICKER. Yes; but such surplus would not exist under our rates. Whatever surplus may be created would be, I might say, insignificant compared to what would be regarded as, in any way, even partially an adequate reserve, commensurate with war risk.

Senator MILLIKIN. Many businesses are carrying reserves for acts of God.

Mr. WICKER. Yes, sir.

Senator MILLIKIN. Out of their own surpluses.

Mr. WICKER. Yes, sir.

Senator MILLIKIN. Now, I will ask you again, do insurance companies set up that kind of a reserve?

Mr. WICKER. I think the only way I can answer it, and I wish I could give you a "Yes" or a "No"; but that is a question that cannot be answered "Yes" or "No." All I can say is that insurance companies do set up all the reserve that they can without having the rate too high. Of course, they guard against uncertainties of the risk attendant upon the risk which they have insured, but there again I say that in the making of rates, and out of the rates of course comes their only funds for reserves, in the making of the rates and the moneys that they collect, based on those rates, there is never any charge and no contemplation, no amount in there that could be used or has been used to set up any such, or any reserve fund that you could call in anyway useful in meeting a risk like that.

Senator MILLIKIN. I understood you thoroughly the first time you said that, but your rates do produce surpluses, over costs, and I had in mind that possibly some of that surplus might be set into a reserve fund for war risks or acts of God or extraordinary hazards. That is solely what I am driving at.

Mr. WICKER. Well, sir, I do not believe they do. I do not believe any portion, or any available fund in any insurance rate or in any State fund exists for setting up any surplus for war-risk casualties.

Senator MILLIKIN. It might be well to take a look into that and perhaps you might let the committee have a note telling us what you find out.

Mr. WICKER. I will be very glad to, Senator, and if I find out anything, I shall write you, sir.

Mr. DORSETT. May I answer that, also?

Senator CLARK. Yes, sir.

Mr. DORSETT. The answer is emphatically no.

Senator MILLIKIN. Thank you, sir.

Mr. WICKER. Now, as it stands, this is a rather serious situation, particularly not only with insurance companies but particularly with State funds.

For example, take the State of Washington, out there in the Northwest in a position where, if there is an enemy bombing, they might be supposed to come in for it. I believe that under workmen's compensation insurance, which there is a monopolistic State fund—well, it would require a very small calculation to see what would happen to that fund in the case of any sort of bombing there, and in the event it was followed by another bombing, there would be nothing left in the latter at all.

So, we feel that this is really very important legislation. The principles of this—we are not going into the details of the bill, as to who shall administer it, or what the rate of disability benefits may be, but as to that portion of it which provides for the reimbursement of State funds, self-insured employers and insurance carriers, where they are called upon to pay out workmen's compensation, under a menace for which they have not received any premium—we feel that that is the proper thing for the Government, as a national responsibility, to assume, and the sooner the better.

Senator MILLIKIN. I think you make a very persuasive case for that.

Mr. WICKER. Thank you, sir.

Senator CLARK. Have you anything further?

Mr. WICKER. No, sir.

Senator CLARK. Any questions?

Senator MILLIKIN. No; thank you.

Senator CLARK. Thank you, Mr. Wicker.

Now, Mr. Hardesty, please.

Will you come forward and identify yourself for the record, please?

STATEMENT OF PAUL HARDESTY, MANAGER, DIVISION OF INSURANCE, UNITED STATES CHAMBER OF COMMERCE

Mr. HARDESTY. Paul L. Hardesty, manager, insurance department, United States Chamber of Commerce.

Mr. Chairman, and members of the committee, my purpose in appearing before the committee is a brief one, which I will state very laconically: The insurance committee of the national chamber, at its meeting on February 26, endorsed the principle of this bill. The committee represent all major divisions of the insurance industry as it applies to private companies, life, fire, marine, and casualty, and they recommend that their endorsement of the principles be communicated to the Committee and that the speediest possible consideration to the passage of the principles embodied in this bill be given.

I think that is all I have to say.

Senator CLARK. Any questions?

Senator MILLIKIN. No.

Senator CLARK. Thank you, Mr. Hardesty.

Now Captain Stebbins, will you come forward and identify yourself for the record?

STATEMENT OF CAPT. ROWLAND STEBBINS, JR., ARMY AIR FORCES, AIRCRAFT WARNING SERVICE

Captain STEBBINS. Capt. Rowland Stebbins, Jr., from the office of Director of Air Defense, headquarters, Army Air Forces.

Senator CLARK. Proceed, Captain.

Captain STEBBINS. The Aircraft Warning Service is operated under the direction and control of the Army, through the defense commanders charged with defense of the coast against air attack.

I am authorized to state the War Department favors the inclusion of the members of the Aircraft Warning Service in this bill.

I would be glad to describe them, if you desire.

Senator CLARK. The committee would be delighted if you would, Captain.

Captain STEBBINS. There are two groups of volunteer workers in the Aircraft Warning Service. One group under our Army Air Force is the ground observers corps, composed of about 900,000 members. They man observation posts located up and down the coasts 24 hours a day, in shifts, and report all aircraft that they see or hear, to the aircraft warning centers, run by the air forces.

In those centers, the second group of volunteer workers receives filters and displays that information for the defense commander and his staff located at those centers.

That group numbers about 30,000, mostly women.

On the basis of that information are conducted the necessary activities to intercept hostile flights and also are initiated the warnings that activates the civilian air raid warning system.

Under the present plan for air defense, we could not have an effective air defense without the use of these volunteers. Certainly, if any group of volunteers is going to be included or benefit this type—

Senator CLARK. They do not receive any pay at all?

Captain STEBBINS. No, sir, they do not receive any pay at all.

We feel that if any are going to be included for benefits of this type, that these groups should be.

Senator MILLIKIN. How much time do they put in, Captain?

Captain STEBBINS. The time they put in varies considerably, depending on the type of post they man.

Of course, you understand that these posts are located at points determined by the tactical necessities of the situation. Consequently, in some rural areas men and women devote as much as 24 hours a week to the service; in other more densely populated areas they will take as little as one 2-hour shift a week.

Senator MILLIKIN. Passing the coastal areas and coming into the interior of the country, would you distinguish between the work you people do and the work of, say, the volunteer firemen or volunteer policemen?

Captain STEBBINS. We have no aircraft warning service set up, operated by the Army, in the interior portion of the country.

Senator MILLIKIN. You are speaking, then, entirely of that service which is under the direct command of the Army?

Captain STEBBINS. Yes, sir.

Senator CLARK. Anything else, Captain?

Captain STEBBINS. Nothing else, sir.

Senator CLARK. I believe Dean Landis' department had some figures as to the number of casualties; do you recall them?

Captain STEBBINS. He testified, to my knowledge—I think it was 501.

Senator CLARK. That was the total, was it?

Captain STEBBINS. I believe he referred to the Civilian Defense Corps, and that would not include the Aircraft Warning Service.

Senator CLARK. Do you have any figures on that; I don't want you to disclose any confidential information, of course?

Captain STEBBINS. I have no accurate figures on that; I have some reports.

Senator CLARK. There have been people injured?

Captain STEBBINS. There have been some people injured and I would say that the reports we had, which I heard about a month ago, were under 50. I don't recall the exact number. Some of those would not be eligible under this act.

Senator CLARK. Are there any questions? (No response).

Thank you, Captain.

Now, Colonel Shaw, will you come forward and identify yourself for the record, please, sir?

STATEMENT OF LT. COL. RANDOLPH SHAW, JUDGE ADVOCATE GENERAL'S DEPARTMENT, WAR DEPARTMENT

Colonel SHAW. Randolph Shaw, lieutenant colonel, Judge Advocate General's Department, Army of the United States.

As I understand the reason for my presence before the committee is to explain to the committee, or to make available such information, as to the existing provisions of relief for dependents of service personnel and Government employees as might be comparable to aliquot portions of the pending bill.

Senator CLARK. That is correct.

Colonel SHAW. The basic statute that makes that provision, as the committee undoubtedly knows, is Public Law 490, approved March 7, 1942, and which has been amended by Public Law 848, approved December 24 of the same year.

That law, known as the Missing Persons Act, makes provision for the dependents of military and naval personnel who may be missing,

captured, interned, or beleaguered, and for civilian employees of the Government in the same status.

The general provisions of the law, as amended, include the allotments which may be directed to the dependents of that personnel and for the maintenance of insurance premiums.

For the committee's information, and I think it might be inserted here in the record, I have an instruction of the War Department Allotment Board, of which I was then a member.

That board was appointed by the Secretary of War to administer for the War Department the provisions of Public Law 490, and we set out in these instructions, the instructions which guided the administrative section as to the amount which would generally be allotted to the dependents of persons eligible for benefits under the bill. I should say that these amounts are merely guiding amounts and are not necessarily conclusive in the case of extreme dependency.

Under the original law, any amount up to the base pay and longevity pay of the missing person could be allotted. The amended act permits such allotment as, under the regulations of the service concerned, may be allotted. It, of course, should be emphasized that these allotments are in all instances from the pay of the missing person. They are not, in any sense, Government beneficences, beyond that.

I will introduce that, if I may.

Senator CLARK. That may be copied into the record, if you will give it to the stenographer.

(The document entitled "Instruction No. 8, Dependency Allotment Branch, Adjutant General's Office," is as follows:)

Subject: Delegation of authority to the Dependency Allotment Branch to take final action on certain dependency allotment claims under section 3, Public Law 400 (77th Cong.).

Pursuant to the provisions of Board of Officers' Memorandum No. 5, dated July 8, 1942, Instructions No. 2, dated June 12, 1942, is hereby amended and superseded by the following:

1. Effective at once, the Dependency Allotment Branch, Adjutant General's Office, will take complete action for the board upon requests and recommendations for dependency allotments under section 3, which it finds to be of a more or less routine nature and susceptible of action under rules hereinafter established by the board governing determinations of relationship, dependency, and allotments.

2. General rules, as referred to above, are as follows:

a. Alleged relationships to the person in service of his lawful wife, children, and parents shall be accepted if established by sworn statements or other evidence which eliminates reasonable doubt.

b. Dependency justifying allotment for support under section 3, Public Law 400, shall be considered established, as follows:

(1) Lawful wife: By relationship, provided no facts appear which evidence a substantial interruption of support.

(2) Minor children with lawful wife: By relationship.

(3) Parents: By reasonable evidence of the following:

(a) Substantial support from the son; or

(b) New conditions establishing necessity for such support; and

(c) Assured income inadequate. In general monthly incomes less than the following will be considered inadequate.

1. For a lone parent the amounts stated in column 1, paragraph 2 c (3) (d), but not less than \$50 per month.

2. For a lone parent having as other members of the household minor children or other relatives requiring support an amount computed as in 1 above, plus \$15 for one such member, \$25 for two such members, and \$35 for three or more such members.

3. For two parents together the amounts stated in column 2, paragraph 2 c (3) (d), but not less than \$90 per month.

4. For two parents together having as other members of the household minor children or other relatives requiring support an amount computed as in 3 above, plus \$15 for one such member, \$25 for two such members, and \$35 for three or more such members.

c. Allotments:

(1) The schedules hereinafter stated shall be the normal schedules and shall be applied subject to the following:

(a) In applying column 3 in cases of enlisted men reduce amounts stated by amount of allotments for insurance premiums if these are greater than 10 percent of amount stated.

(b) An allotment shall not, in general, exceed the amount requested. A monthly allotment to a dependent from the pay of an enlisted man of grades 4 to 7, inclusive, shall be \$22 whenever a less amount or an amount not materially greater is requested.

(2) Schedule for wives and children: To be applied when it does not appear from the records in the case that there are dependent parents requiring support; if there are, reference to the board is required to adjust multiple allotments.

SECTION 3

	Wife	Wife and 1 child	Wife and 2 or more children
	1	2	3
Colonel.....	\$305	\$325	\$340
Lieutenant Colonel.....	265	285	300
Major.....	225	245	260
Captain.....	175	195	210
First lieutenant.....	140	160	175
Second lieutenant.....	135	145	160
Enlisted men:			
Grade 1.....	135	140	150
Grade 2.....	100	115	125
Grade 3.....	80	95	105
Grade 4.....	65	75	85
Grade 5.....	50	60	70
Grade 6.....	40	50	60
Grade 7.....	35	45	55

(3) Parents:

(a) An allotment to a mother may be made if dependency is established, although she is not designated as a beneficiary or otherwise in official records.

(b) An allotment to a father whose dependency is established may be made only in case he is designated in official records.

(c) Applying when it does not appear from the records in the case that there is dependent wife (and children) requiring support. If there is, reference to the board is required.

(d) Amounts normally allotted shall be the following; subject to provisions of paragraph 2 c (1) (b) above.

SECTION 3

	Lone parent	2 parents
	1	2
Colonel.....	\$150	\$185
Lieutenant colonel.....	130	160
Major.....	115	140
Captain.....	90	110
First lieutenant.....	70	90
Second lieutenant.....	70	85
Enlisted men:		
Grade 1.....	65	80
Grade 2.....	55	70
Grade 3.....	50	60
Grade 4.....	35	40
Grade 5.....	30	35
Grade 6.....	25	30
Grade 7.....	25	30

(4) Allotments under section 3 shall be effective not earlier than the date of beginning of absence and shall expire 12 months from that date.

3. There shall be referred to the board for final action:

- a. All cases involving doubt as to relationship.
- b. All cases not specifically covered by rules.
- c. All cases in which any circumstances are deemed to indicate the desirability of departure from the rules.
- d. All cases requiring adjustment of multiple allotments.
- e. All cases of denial of allotment except for manifest reasons.

E. L. BAILEY,

*Major, Adjutant General's Office,
Chief, Dependency Allotment Branch.*

Colonel SHAW. Now that, in general, I believe, furnishes the information which might be comparable to the provisions of the pending bill for the benefit of persons who are detained by the enemy.

Senator CLARK. Any questions? (No response.)

Thank you very much, Colonel Shaw.

Now, Mr. Merrick, will you come forward and identify yourself for the record?

STATEMENT OF RICHARD L. MERRICK, ATTORNEY, LEGISLATIVE SECTION, LEGAL BRANCH, PURCHASES DIVISION, SERVICE OF SUPPLIES, WAR DEPARTMENT

Mr. MERRICK. My name is Richard L. Merrick. I am an attorney in the Legislative Section, Legal Branch, Purchases Division of the War Department.

I was connected with the work of preparation of the legislation which Congress enacted last fall, known as Public Law 784, and that previously was incorporated in the original bill introduced by Senator Pepper.

The War Department has submitted a report on this present bill, Senate 450, in which it states that it favors enactment of the legislation, provided section 210 (a) is amended, as therein suggested.

Senator CLARK. What is that number, Mr. Merrick?

Mr. MERRICK. It is referred to in the report as 210 (a). It is my recollection that it should be 201 (a). I think perhaps that is a misprint, yet, it should be 201 (a) on page 17, instead of 210 (a).

The bill provides in that section that the Federal Security Administrator and the Director of the Office of Civilian Defense shall prepare a plan or plans to meet any emergency which may arise in the United States resulting from enemy attack, or from action to meet such attack, setting forth in detail the functioning of the State and local defense councils, and of the various Federal departments in dealing with such emergency. The Director of the Office of Civilian Defense shall coordinate the work of the Federal departments relating to civilian defense and promote the development of State and local defense councils.

It was felt that there might be some possibility that the authority contained in this section would be construed as paramount to the authority of the Army and the Navy, so we suggest that—rather, the War Department suggested—that the bill be amended in line 19, on page 17, by inserting the provision—

the authority and duties conferred upon the Federal Security Administrator and the Director of Office of Civilian Defense, or either of them, shall not affect, impair, limit, or interfere with any military or naval authority with respect to the control and disposition of civilians or any other military or naval activities or duties.

Senator CLARK. Do you have a copy of that amendment there?

Mr. MERRICK. Yes, sir.

Senator CLARK. Leave that with the committee, please, so that it may be entered in the record.

(The document referred to, under date of February 11, 1943, is as follows:)

HON. WALTER F. GEORGE,

Chairman, Committee on Finance, United States Senate.

DEAR SENATOR GEORGE: The War Department favors enactment of S. 450, Seventy-eighth Congress, a bill to provide benefits for the injury, disability, death, or enemy detention of civilians, and for the prevention and relief of civilian distress arising out of the present war, and for other purposes, on which you have requested a report, provided in section 210 (a) is amended as hereinafter suggested.

The legislation proposed by this measure had its origin during the Seventy-seventh Congress in connection with a bill prepared by the War and Navy Departments, with the assistance and cooperation of the United States Employees' Compensation Commission, for the solution of problems of compensation and protection against war hazards of civilian employees of Government contractors in various parts of the world outside continental United States. That bill was first introduced as S. 2266, Seventy-seventh Congress, and contained some provisions for affording compensation to certain civilian employees engaged in war production in continental United States.

The Federal Security Agency had been studying the problems of civilian distress likely to follow bombing raids or other enemy attacks on this country, and on February 6, 1942, had been allotted the sum of \$5,000,000 for such relief from the Emergency Fund of the President appropriated by the Independent Offices Appropriation Act, 1942, approved April 5, 1941. That agency expressed a desire and the opinion that legislation on the subject should include provisions covering civilians generally in continental United States. Accordingly, such provisions were prepared and included as titles I, II, and III of S. 2412, which superseded S. 2266, the War and Navy Department's proposed legislation being incorporated in S. 2412 as titles IV and V. This measure was reported favorably to the Senate by the Committee on Education and Labor on June 8, 1942. However, when it was considered on the floor of the Senate it was divided into two parts. Those portions which were designed to meet the problems of the War and Navy Departments were retained, passed by the Senate, and became titles I, II, and III of Public Law 784, Seventy-seventh Congress, approved December 2, 1942.

The provisions sponsored by the Federal Security Agency were introduced in the Senate as a separate measure and became S. 2620, which failed of passage during the Seventy-seventh Congress. Those provisions now constitute the bill under consideration, S. 2620, Seventy-seventh Congress, and S. 450, Seventy-eighth Congress, being identical in language.

While a lengthy discussion in this report of the provisions of S. 450 is deemed unnecessary, it is felt that a summary of its principal features properly should be included.

The bill is divided into four parts, the first containing a short title for the measure, as well as findings of fact and a declaration of legislative policy. The three remaining parts consist of titles I, II, and III.

Title I, if enacted, would establish a program of a social-insurance nature by providing benefits for the injury, disability, death, or enemy detention of civilians who (1) suffer personal injury after December 6, 1941, proximately resulting from a war-risk hazard, including any disease proximately resulting from such injury; (2) civilian defense workers who suffer personal injury after December 6, 1941, while in the performance of such duty, this protection being in addition to that afforded all citizens against injury from war hazards; and (3) detention by the enemy commencing after December 6, 1941, including per-

sonal injury or disease proximately resulting from such detention (sections 101 and 106).

The term "war-risk hazard" is defined as any hazard arising after December 6, 1941, and prior to the end of the present war from (1) the discharge of any missile (including liquids and gas), or the use of any weapon, explosive, or other noxious thing by an enemy or in combating an attack or an imaginary attack by an enemy; (2) action of the enemy, including rebellion or insurrection against the United States or any of its allies; (3) the discharge or explosion of munitions intended for use in the war effort except with respect to any employee of a manufacturer or processor of munitions during manufacture or processing, or while such munitions are stored on the premises of the manufacturer or processor; (4) the collision of vessels in convoy or their operation without running lights or other peacetime aids to navigation; and (5) the operation of vessels or aircraft in a zone of hostilities or while engaged in war activities (section 301).

The benefits proposed to be afforded range from \$10 per month for partial disability to \$85 per month for total disability (section 103 (a) (1) and 103 (b) (3)), and for death or detention from \$30 to \$85 per month to a wife or widow, husband or widower, plus \$10 per month additional for each child under the age of 18 or other dependent who is incapable of self-support because of age or physical or mental disability and who was receiving his or her chief support from the income earned by the deceased or detained civilian. Provision also is made for compensation benefits to children without surviving parents who are 18 years of age or over, and for parents of deceased or detained civilians (sections 103 (a) (2), 103 (b) (3), and 106 (b)).

In addition to the foregoing, reimbursement for funeral expenses, hospitalization, doctors' and nurses' services, drugs, prosthetic appliances, and medical care would be provided (section 102 (a), (b), and (c)).

While the measure is intended to cover the United States only, as defined in the bill, authority would be given to the President by Executive order to provide benefits to individuals residing outside the United States who are citizens of or who owe allegiance to the United States, or who are seamen under contract for service on vessels documented or numbered under the laws of the United States and dependents of such seamen (section 102 (f)).

Benefits payable under title I in cash would be reduced by one-half of the amount of any contributory Government benefit received by the individual from another source, and by the entire amount of any noncontributory Government benefit so received. If such noncontributory benefit, or one-half of such contributory benefit equals or exceeds the compensation provided by title I, no compensation shall be payable thereunder (section 104 (a)).

The bill contains reimbursement provisions applicable to insurance carriers, compensation funds, or employers required by workmen's compensation or other laws to pay workmen's compensation and other benefits to employees for injuries or to their dependents in case of death arising from war hazards (section 104 (b)).

Legislation in the States, Territories, and possessions of the United States providing for the payment of workmen's compensation and other benefits for injuries arising out of and in the course of employment, enacted during peacetime, did not anticipate the payment of compensation for injuries or deaths arising from war hazards. Premiums for workmen's compensation insurance issued by insurance carriers, except in rare cases, do not include any charges or loading for assuming the risk of compensation for injuries, deaths, or detentions resulting from war hazards. Relief of employers and their insurance carriers from a burden created by peacetime legislation, and relief of persons who are injured as a result of war hazards, are deemed to be appropriate matters for congressional action, as well as the rates of any benefits provided.

In most instances, the benefits payable directly to dependents of civilians covered by title I of the bill seem to be slightly more liberal than those provided for dependents of members of the military and naval forces of World War I under the act of July 19, 1939 (48 Stat. 481; 38 U. S. C. 472b), or to dependents of members of the armed forces of the present war under the act of December 19, 1941 (Public Law 359, 77th Cong.).

Title II proposes to afford benefits and services for the temporary relief of civilian distress resulting from enemy attack or danger thereof, or from action to repel or meet such attack or danger, including money payments, loans, and assistance in kind, and medical or other services, such as shelter, food, clothing, transportation, and temporary rehabilitation to civilians who are injured

and to their survivors in case of death, and to civilians suffering damage to or loss of real or personal property or who are evacuated from war-stricken areas (sec. 201 (a)).

Assistance and services under title II would not be provided outside the United States, unless and only to the extent that the President might direct. All assistance and services under this title would be designed to restore normal civilian activities as rapidly as possible and not to provide any permanent rebuilding or rehabilitation (sec. 201 (c)).

Section 201 (a) provides that the Federal Security Administration and the Director of the Office of Civilian Defense shall prepare a plan or plans to meet any emergency which may arise in the United States resulting from enemy attack, or from action to meet such attack, "setting forth in detail the functions of the State and local defense councils and of the various Federal departments in dealing with such emergency," and that "the Director of the Office of Civilian Defense shall coordinate the work of the Federal departments relating to civilian defense, and promote the development of State and local defense councils."

The War Department feels that these provisions, without limitation, might be construed to authorize the Federal Security Administrator or the Director of Civilian Defense to issue orders or regulations affecting the jurisdiction and activities of the armed forces. The planning and execution of all defense measures are responsibilities of the War and Navy Departments, and any division or impairment of those responsibilities would tend to lessen their effectiveness and destroy their results. Accordingly, the War Department feels that amendment of this section in such manner that there can be no likelihood of dispute or misunderstanding with respect to the jurisdiction or duties of the respective departments and agencies concerned is desirable and necessary. A provision of such nature with respect to administration is found in section 202 (a), and it is felt that language of similar import should be incorporated in section 201 (a). This can be accomplished by adding at the end of the section, beginning in line 19, on page 18, of S. 450, the following provision:

"The authority and duties conferred upon the Federal Security Administrator and the Director of the Office of Civilian Defense, or either of them, shall not affect, impair, limit, or interfere with any military or naval authority with respect to the control and disposition of civilians, or any other military or naval activities or duties."

The War Department believes that clarification of the third subdivision and enlargement of the fifth subdivision of the definition of war-risk hazard are desirable, as follows:

In line 11, page 24, immediately after the word "processor," insert "unless such discharge or explosion occurs as the proximate result of an act by an enemy, as provided under subdivisions (1) and (2) of this subsection."

Insert the words "vehicles or locomotives, or other transportation equipment," in line 15, page 24, so that subdivision (5) will read as follows:

"(5) the operation of vessels, aircraft, vehicles, or locomotives, or other transportation equipment in a zone of hostilities or engaged in war activities."

Title III contains definitions of the various terms used in the bill and defines "United States" when used in a geographical sense, as including the several States, the District of Columbia, Hawaii, Alaska, Puerto Rico, and the Virgin Islands, as well as all bays, harbors, sounds, inlets, and similar bodies of water therein, but not including any other portion of the Atlantic or Pacific Oceans or the Gulf of Mexico.

In this respect there would be a conflict between the provisions of the bill and those of Public Law 784, Seventy-seventh Congress, approved December 2, 1942, providing benefits for the injury, disability, death, or enemy detention of employees of contractors with the United States outside the continental limits of the United States, except that in S. 450, on pages 9 and 10, beginning with line 20 of section 103 (g), and on page 13, beginning with line 11 of section 104 (c), provisions are included to the effect that no compensation or benefits or reimbursements shall be paid in cases covered by the act referred to above.

Provision also is made on page 9, lines 15 to 20 of section 103 (g), that no compensation shall be paid under title I with respect to the detention or death of a civilian authorized to make an allotment under the act of March 7, 1942 (Public Law 490, 77th Cong.), which provides for the continuance of the pay of civilian employees of the executive departments, among others, assigned for duty outside the continental limits of the United States or in Alaska, reported missing, missing

in action, interned in a neutral country, or captured by the enemy, and for the making of allotments by such civilians.

At the time of the introduction of S. 2620, Seventy-seventh Congress, Public Law 784 had not been enacted. In introducing S. 450, the language of S. 2620 was followed literally. Accordingly, the following technical corrections and additions should be made in S. 450:

On page 1, line 4, "1942" should be changed to "1943", or other appropriate year, depending on the date of enactment and approval of the measure.

In line 23, at the bottom of page 2, "1942" should be changed to "1943", or such other fiscal year as may be appropriate.

The blank space in line 3 on page 10 should be filled by insertion of "December 2", and it would be appropriate to follow the year "1942", appearing in that line, with "(Public Law 784, 77th Cong.)."

The blank space appearing in line 20 on page 13 should be filled in the same manner by inserting "December 2", and by following the year "1942" with the same words and figures, namely, "(Public Law 784, 77th Cong.)."

The year "1942" appearing in line 18 on page 18 should be changed to "1943" or such other fiscal year as may be appropriate.

While there appears to be little immediate danger of bombing and other raids and attacks on continental United States, apparently there is likelihood of such attacks in Alaska, Hawaii, and possibly Puerto Rico, and the Virgin Islands. It is felt, therefore, that enactment of legislation of the nature of S. 450 would tend to promote and enhance the morale of civilians as well as members of the armed forces having dependents in the areas vulnerable to attack by the enemy. Aside from the provisions of Public Laws 490 and 784, there is no statutory authority for affording relief of the nature contemplated by this measure.

Accordingly, it is recommended that S. 450 be amended, as indicated above, and enacted into law.

Owing to the uncertainty and impossibility of predicting future events, an estimate of the fiscal effect of enactment of this legislation cannot be made. In the event of large-scale attacks upon continental United States, the expense would be considerable, but it is felt that such a burden should be borne by the country as a whole and not alone by the citizens or occupants of exposed areas. A similar plan of affording compensation and relief to civilians for injuries and losses resulting from war hazards has been in operation in England for some time.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

HENRY L. STIMSON,
Secretary of War.

Mr. MERRICK. Now, there is a somewhat similar provision in section 202 (a) of the bill which says that "but nothing contained herein shall affect any jurisdiction of any military or naval authority with respect to the control or disposition of civilians."

It is felt that the proposed amendment should go in 201 (a), as well as 202 (a).

Senator CLARK. Those are the same amendments you suggested in the hearing on this companion bill in the last Congress, before the subcommittee of this committee?

Mr. MERRICK. Substantially the same, sir.

There are some other minor amendments suggested to clarify the provisions of the bill, and also an enlargement recommended of the definition of one subdivision of the war risk, and that is to insert, on page 24, in line 15, subdivision 5, the words "vehicles or locomotives or other transportation equipment," so that subdivision 5 will read as follows:

The operation of vessels, aircraft, vehicles or locomotives, or other transportation equipment in a zone of hostilities or engaged in war activities.

That recommendation is based on a concrete case as to which there was some doubt as to whether it would be covered in the event that this legislation were enacted.

I was also asked, by the office of Administrative Service of the Service of Supply, to invite the committee's attention to the fact that there might be some change in the status of members of the Civil Air Patrol, and I suppose that that should be brought to the attention of Major Johnson, who testified a few minutes ago.

Senator CLARK. Major Johnson suggested that in this testimony.

Mr. MERRICK. Yes; I think he did.

And, as to what their status would be in the event that a member of that patrol should be captured and detained by the enemy, whether he would be treated as a belligerent civilian, if he was covered by this bill, or whether he would be entitled to be treated as a prisoner of war.

Now, there might be some danger with respect to the consequences to these members of the Air Patrol in the event they should be captured by the enemy.

I am expressing no opinion whatever on that point, merely bringing it to the attention of the committee, with the statement that if the committee should desire any information as to what their status would be we shall be glad to arrange to furnish that information.

Senator CLARK. The committee will be glad to have that information, Mr. Merrick.

Mr. MERRICK. I have nothing further to offer except it is assumed the committee will consider the report that the War Department has filed.

Senator CLARK. You may be assured that it will be thoroughly considered. Thank you.

Now, the committee will take a recess at this time until 10:30 o'clock Monday morning and at that time we will hear the testimony of any other witnesses who may desire to be heard.

(Whereupon, at 12:50 p. m., the committee recessed until Monday, March 15, 1943, at 10:30 a. m.)



WAR INJURY AND DEATH BENEFITS FOR CIVILIANS

MONDAY, MARCH 15, 1943

UNITED STATES SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON FINANCE,
Washington, D. C.

The subcommittee met at 10:30 a. m. pursuant to adjournment, in Room 312, Senate Office Building, Senator Bennett Champ Clark (chairman) presiding.

Senator CLARK. The committee will come to order.
Major Johnson.

STATEMENT OF MAJ. EARL L. JOHNSON—Continued

Senator CLARK. Major Johnson, did you have any supplemental information to give the committee?

Major JOHNSON. Yes, sir. There has a question arisen, Senator, as to whether or not the Civil Air Patrol were treated as prisoners of war, if they were captured. I have with me here a ruling signed by Colonel King, who is also here, stating that if our men are in uniform at the time they are captured, they are to be treated as prisoners of war.

Senator CLARK. The Civil Air Patrol wear uniforms in actual practice?

Major JOHNSON. Yes, sir.

I have here a directive setting forth what the uniform is, what it looks like, and so forth, which I would like to leave with the committee. (The matter referred to was filed with the committee.)

Senator CLARK. What kind of a uniform is it, Major?

Major JOHNSON. It is similar to the one I am wearing, with the exception that it has red shoulder straps and silver buttons instead of gold buttons. The ornaments on it are silver instead of gold.

Senator CLARK. You are referring to these uniforms that the Civil Air Patrol are wearing?

Major JOHNSON. Yes.

Senator CLARK. With the exception that the name is Civil Air Patrol, it has similar declarations, with the exception of the shoulder straps and the color of the buttons?

Major JOHNSON. Yes.

Senator CLARK. In other words, it is a military uniform with certain distinguishing insignia.

Major JOHNSON. Yes. The shoulder badge carries the letters, "U. S." in it, so we are connected with the Army of the United States. Then I have a directive here relative to the bombs which we carry on our planes. I feel that should be left with you, also. The planes

do carry bomb racks and bombs while they are on this antisubmarine patrol, and the men on those machines, due to the fact that they carry registered mail, are also armed. I thought perhaps you ought to know that.

Senator CLARK. In other words, if one of your men out on patrol happened to see a submarine, he would be able to do something about it. He simply has to radio in, but he actually can drop a bomb on the submarine.

Major JOHNSON. Yes, sir. May I leave these?

Senator CLARK. Yes; they may be included in the record.

(The matter referred to is as follows:)

[Restricted]

OFFICE OF CIVILIAN DEFENSE

WASHINGTON, D. C.

Operations Directive }
No. 23-A

CIVIL AIR PATROL,
NATIONAL HEADQUARTERS,
WASHINGTON, August 26, 1942.

CAP COASTAL PATROLS

(This Operations Directive No. 23-A supersedes Operations Directive No. 23 of June 22, 1942, which is hereby rescinded as of midnight August 31, 1942, and which will be removed from files. This Directive is hereby classified as "Restricted." Its distribution will be limited to Civil Air Patrol Command and Staff Officers for use in the performance of official duties. It will not be quoted, published, posted, or otherwise made available to anyone unauthorized to receive it or to the public.)

1. *General Policy.*—(a) The Headquarters Army Air Forces has defined the policy governing the operation of Civil Air Patrol Coastal Patrols as follows:

"Under the general policy governing the utilization of Civil Air Patrol Services, the following procedure will be observed.

"a. The First Air Force will issue through National Headquarters, Civil Air Patrol, Washington, D. C., instructions defining areas to be covered, missions to be performed, and procedure to be followed by each of the Coastal Patrols of the Civil Air Patrol.

"b. Operations will be conducted by the Civil Air Patrol under the supervision of the First Air Force and in accordance with instructions from the First Air Force. The First Air Force will meet any special tactical situations that may arise by issuing such instructions as may be necessary direct to the Coastal Patrol Commanders concerned.

"c. Any major change in existing instructions will be effected through National Headquarters CAP, rather than by direct dealing with individual patrol units."

(b) Under the provisions of this statement of policy, all CAP Coastal Patrols will operate directly under the command of National Headquarters and all directives, orders, and instructions issued to said Coastal Patrols, except instructions issued thereto by the First Air Force to meet any special tactical situations that may arise, will be issued by this Headquarters. Coastal Patrol Commanders will receive instructions from no other sources. Commanders of all Coastal Patrols will be appointed by the National Commander.

2. *Designation.*—Coastal patrols will be designated by numbers only (Example: CAP Coastal Patrol No. 1) and not by the names of the bases to which they are assigned nor by the names of the states in which said bases are located.

3. *Bases.*—Coastal Patrols will be based at such points as may be assigned by National Headquarters and may be reassigned from point to point at any time as the situation may require.

4. *Organization.*—All CAP Coastal Patrols will be organized in accordance with the instructions herein set forth. The following Table of Organization represents the maximum authorized strength for such Coastal Patrols and is based on the assignment to each Patrol of fifteen (15) Pilots and fifteen (15) Observers.

The number of airplanes and the number of personnel of each category assigned to each Coastal Patrol will be determined by operating requirements, and will be held to the *minimum* consistent with said requirements. In no case will the number of personnel in each category exceed the authorized maximum shown in the table, nor will the number of airplanes to be operated in any one day exceed a total of fifteen (15), except upon written authorization from National Headquarters.

5. *Table of organization (maximum strength).—*

a. Commanding Officer.....	1	l. Radio Operators.....	2
b. Operations Officer.....	1	m. Mechanics.....	5
c. Engineering Officer.....	1	n. Radio Mechanics.....	2
d. Intelligence Officer.....	1	o. Administrative Section Head....	1
e. Assistant Operations Officer....	1	p. Plotting Board Operators.....	2
f. Pilots.....	15	q. Clerk Typists.....	4
g. Observers (Including pilot-observers).....	15	r. Apprentice Mechanics.....	2
h. Assistant Engineering Officer....	1	s. Servicemen.....	5
i. Assistant Intelligence Officer....	1	f. Guards.....	10
j. Airdrome Officer.....	1		
k. Flight Surgeon.....	1	Aggregate.....	78

6. *Succession of command.*—(a) During the absence of the Commanding Officer, the next ranking staff officer will succeed to command. Succession of command will operate according to the following relative rank of staff officers:

- (1) Operations Officer.
- (2) Engineering Officer.
- (3) Intelligence Officer.
- (4) Assistant Operations Officer.
- (5) Assistant Engineering Officer.
- (6) Assistant Intelligence Officer.
- (7) Airdrome Officer.

(b) If the Commanding Officer is away from his Base for a short period of time on an informal leave of absence, or for other reasons, the assumption of command by the next ranking staff officer will be announced to all personnel of the Base by the officer assuming command. Such notification may be oral or in the form of a Special Order.

(c) If the Commanding Officer is authorized by National Headquarters to be away from his Base for an extended period of time, the assumption of command by the next ranking staff officer will be announced to all personnel of the Base, to National Headquarters, and to appropriate Army authorities, by the officer assuming command. Such notification will be by means of a Special Order.

7. *Membership requirement.*—Assignments to CAP Coastal Patrols will be limited to properly qualified members of the Civil Air Patrol holding official Membership Identification Cards. No applicants for enrollment who do not hold official identification cards will be assigned to duty with said Coastal Patrols, including temporary duty, except upon written authorization from National Headquarters. Nonmembers of the Civil Air Patrol will not be permitted to engage in any Coastal Patrol activities.

8. *Active duty oath.*—Each person serving in any capacity with CAP Coastal Patrols will be required to execute the following Active Duty Oath, which will be filed with the Commanding Officer immediately upon reporting for duty. Copies of said Active Duty Oath will be supplied by the Commanding Officer.

"I, a member of the Civil Air Patrol, an agency of the United States of America, having been assigned to active duty with Civil Air Patrol hereby voluntarily enlist subject to any and all orders of the National Commander of Civil Air Patrol to a term of continuous active service for the term of _____ months, commencing _____ 194____, and I hereby agree to be available for duty continuously and at all times during said term.

"During said term and any extension thereof, I do solemnly swear that I will bear true faith and allegiance to the United States of America: that I will serve them honestly and faithfully against all their enemies whomsoever; that I will fully and faithfully perform all duties assigned to me and obey the orders of the President of the United States and the orders of the officers appointed over me subject to the rules and Articles of War.

"In the event that I shall not report or be available for active duty at any time during said term or any extension thereof which I shall voluntarily undertake, or if I shall not faithfully and fully perform all duties assigned to me, I hereby consent to the revocation and cancellation of my license to own, operate, and service any aviation and radio equipment."

9. *Requisitions for personnel and airplanes.*—Requisitions for assignment and replacement of personnel and airplanes for Coastal Patrols will be made to National Headquarters by Coastal Patrol Commanders only. Said requisitions will be submitted in writing.

10. *Assignment of personnel.*—(a) All assignments of personnel to Coastal Patrols will be made by National Headquarters and will be covered by Special Orders issued by this Headquarters. No Per Diem payments or Travel Allowances will be made to any personnel assigned to Coastal Patrols unless said assignments have been made by National Headquarters. Orders terminating assignments to Coastal Patrols will be issued by National Headquarters.

(b) The assignment and reassignment of individuals within said Coastal Patrols will be effected by Special Orders issued by Coastal Patrol Commanders. Said assignments will be made only to such positions as are herein set forth in paragraph 5, Table of Organization (Maximum Strength). Forms for such orders will be substantially as follows:

CIVIL AIR PATROL

CAP Coastal Patrol No. ----

Special Orders } (Location)-----
No. ----- } (Date)-----

1. (First Name) (Middle Initial) (Last Name) (Serial No. -----), Squadron No. -----, Wing No. -----, having reported to this Headquarters pursuant to paragraph No. -----, Special Orders No. -----, National Headquarters, Civil Air Patrol, dated -----, is hereby assigned to duty as (designation of position—paragraph 5, Table of Organization), effective ----- (date)

(Name signed)-----,

(Name typed)-----,

----- Civil Air Patrol,
(Rank)

Commanding.

Dist:

2—Nat'l Hq.

1—(Individual(s) Named in order).

1—File.

(c) Orders issued by Coastal Patrols effecting changes in duties and assignments of personnel, will be marked for distribution so as to include the following, as indicated in the model Special Orders given in paragraph 10b above: 2 copies, National Headquarters; 1 copy to each individual named in order; 1 copy, Coastal Patrol file.

11. *Command and staff officers.*—The Coastal Patrol Commander is required to be a pilot or former pilot. The Operations Officer and the Assistant Operations Officer are required to be pilots meeting all the requirements hereinafter set forth in paragraph 12. The Engineering Officer, the Intelligence Officer, the Assistant Engineering Officer, the Assistant Intelligence Officer, and the Airdrome Officer are not required to be pilots, but pilots are preferred for these assignments.

12. *Pilots.*—(a) All pilots assigned to duty as Pilots or Pilot-Observers with Coastal Patrols will be required to hold a currently effective Civil Aeronautics Administration Airman Certificate of the grade of Private Pilot, or higher, and to possess the following qualifications:

(1) Shall have officially logged a minimum of 200 hours as a pilot.

(2) Shall hold a currently effective Federal Communications Commission Restricted Radiotelephone Operator Permit.

(3) Shall have a practical working knowledge of Air Navigation and be skilled in the use of the Air Navigation Computer in the solution of ground-speed and radius-of-action problems and in the calculations involved in the preparation of complete flight plans.

(b) Before making final assignments, Coastal Patrol Commanders will verify the qualifications of each pilot and make certain that such pilot has the necessary ability to perform the duties to be assigned.

13. *Observers.*—(a) Observers assigned to Coastal Patrols are not required to be pilots, but pilot-observers are preferred. All observers will be required to possess the following qualifications:

(1) Shall have officially logged a minimum of 30 hours of solo flying as a student pilot or a minimum of 30 hours as an observer on air missions.

(2) Shall hold a currently effective Federal Communications Commission Restricted Radiotelephone Operator Permit.

(3) Shall have a practical working knowledge of Air Navigation and be skilled in the use of the Air Navigation Computer in the solution of ground-speed and radius-of-action problems and in the calculations involved in the preparation of complete flight plans.

(b) Before making final assignments, Coastal Patrol Commanders will verify the qualifications of each observer and make certain that such observer has the necessary ability to perform the duties to be assigned.

(c) Observers will be given no assurance of any kind that they will be afforded opportunity to serve as pilots.

14. *Flight surgeons.*—(a) The Commanding Officer of each Coastal Patrol will endeavor to enlist the interest of a reputable local physician and surgeon in making application for membership in Civil Air Patrol incident to assignment as Flight Surgeon at the Coastal Patrol Base. Said assignments will be made by National Headquarters on the recommendations of the Coastal Patrol Commanders.

(b) Flight Surgeons will be available on call for emergency service in case of accidents and will make regular semi-monthly inspections of sanitary and living conditions and first-aid facilities and of the general health and physical fitness of the personnel on duty at the Bases. Said inspections will in each case be covered by a written report which will be submitted to the Base Commander in duplicate, one copy to be retained in the Base file and one copy to be forwarded to National Headquarters.

(c) Flight Surgeons will be required to become thoroughly familiar with all material presented in War Department Technical Manual (TM 1-705)—Physiological Aspects of Flying and Maintenance of Physical Fitness—copies of which may be obtained from National Headquarters.

(d) Flight Surgeons may receive an allowance of \$3.00 for each such semi-monthly inspection and for each day they are called to the Bases for said emergency service in case of accidents.

(e) In cases where a reputable physician and surgeon is on duty with a Coastal Patrol in one of the staff or flight assignments, he may be assigned to act as Flight Surgeon in addition to his regular assignment. In such event, his per diem allowance will be at the rate of \$3.00 even though the per diem allowance corresponding to his regular assignment is at a lower rate. (See paragraph 26 hereof.)

15. *Mechanics.*—On account of the limited number of certified A. & E. Mechanics available for assignment to Coastal Patrols, it may be impossible to assign more than one such mechanic to a Patrol, the remaining mechanics being men who are not certificated but who are qualified to do the work under the direction of the certificated mechanic. The Engineering Officer or the Assistant Engineering Officer may be the certificated A. & E. Mechanic.

16. *Guards.*—(a) An armed guard will be organized at each Coastal Patrol Base to provide for the safety and security of property and buildings within the jurisdiction of the Coastal Patrol established at the Base. Said armed guard will be on duty twenty-four (24) hours per day, seven (7) days per week and will function on three 8-hour shifts or other equivalent schedule. The number of men assigned to the guard will in all cases be held to the minimum consistent with safety and security. Except on written authorization from National Headquarters, the number of men so assigned will in no case exceed a total of sixteen (16).

(b) Guards will be armed with No. 12-gauge shotguns, preferably pump guns, or such other firearms as circumstances may dictate and will be equipped with police whistles and focusing flashlights. Guards will furnish their own guns, whistles, and flashlights. Ammunition will be supplied by the Army.

(c) At all times during their tours of duty (shifts), guards will be armed and on the alert and will maintain a moving patrol over assigned areas in such manner as may be prescribed by the Base Commander.

17. *Assignment of women.*—The assignment of women to Coastal Patrols will be restricted to the following categories: Radio Operators, Administrative Sec-

tion Head, Plotting Board Operators, and Clerk-Typists. In no case will women be used as Pilots or Observers or assigned to any positions with the ground element other than those herein specifically authorized.

18. *Minimum period of assignment.*—Assignments of personnel and airplanes to Coastal Patrol Duty will be limited to personnel and airplanes available for such duty for periods of not less than ninety (90) consecutive days. Personnel and airplanes available for less than said prescribed minimum period will under no circumstances be assigned to such duty.

19. *Reassignments.*—Personnel and airplanes assigned to Coastal Patrols are subject to reassignment from one Coastal Patrol to another by National Headquarters at any time, as the situation may require.

20. *Assignment of airplanes.*—All assignments of airplanes to Coastal Patrols will be made by National Headquarters. No payments will be made for the use of any airplanes assigned to said Coastal Patrols unless said assignments have been made by National Headquarters.

21. *Airplanes.*—(a) *Coastal Patrol Duty.*—The number of airplanes assigned to Coastal Patrol Duty will in no case exceed the number authorized in writing by National Headquarters. All airplanes assigned to Coastal Patrol Duty will be required to be of the three-place type or larger and of not less than ninety horsepower (90 hp.), to have two-way radiotelephone, to be equipped for instrument flying and to have a cruising range of not less than three hours and fifteen minutes. (A cruising range of not less than four hours is preferred.) In addition to the usual temperature, pressure, and quantity gauges, the instrumental equipment of said airplanes will be required to include, but need not be limited to, the following: (a) magnetic compass (compensated), (b) air-speed indicator, (c) sensitive altimeter, (d) tachometer, (e) turn-and-bank indicator, (f) rate-of-climb indicator, and (g) clock with a sweep second hand. All instruments will be required to be in proper adjustment and in good working order. Except in cases of emergency, airplanes assigned to Coastal Patrol Duty will not be used for Auxiliary Service Duty.

(b) *Auxiliary service duty.*—Unless otherwise authorized in writing by National Headquarters, each Coastal Patrol will have in operation not more than one (1) airplane for the performance of any Auxiliary Service Flights, such as ferrying supplies, equipment, and personnel, which may be necessary for the proper conduct of official business of the Coastal Patrol. Airplanes assigned to Coastal Patrols for Auxiliary Service Duty will be required to be either two-place airplanes of not more than ninety horsepower (90 h. p.) or other airplanes of less than ninety horsepower (90 h. p.) and to have two-way radiotelephone, but will not be required to be equipped for instrument flying. Said airplanes will be used exclusively for Auxiliary Service Flights and will be flown only by pilots regularly assigned to the Coastal Patrols. Under no circumstances will said airplanes be used for Coastal Patrol Duty.

(c) To determine the eligibility of aircraft for Coastal Patrol assignment and the Hourly Rates to be paid for the use of airplanes assigned to Coastal Patrols, the horsepower rating (maximum, except take-off) recorded by the Civil Aeronautics Administration for each such airplane will be used. The use of higher octane fuels, changes in propeller pitch and such other methods of "scuping up" an engine, will not be considered in any way as affecting the horsepower rating for the purpose of admitting the aircraft to Coastal Patrol assignment, or as effecting a change in the Hourly Rates.

(d) All airplanes assigned to the Coastal Patrols, whether for Coastal Patrol Duty or for Auxiliary Service Duty, will be required to have a currently effective Civil Aeronautics Administration Airworthiness Certificate.

(e) Any airplanes which report for duty with Coastal Patrols and which do not meet the foregoing requirements for the type of duty to which they are to be assigned will be rejected and will be required to return to their home stations at no expense to the Government.

(f) In order to insure continuity of operations, it is desirable that airplanes report for duty with an extra propeller and an extra battery.

22. *100-hour inspection required.*—Each airplane ordered to report for duty with Coastal Patrols will undergo a regulation 100-Hour Inspection covering the entire airplane, including the powerplant, immediately before departure from its home station and such inspection will be properly certified in the Airplane Log Books. Any airplanes reporting for duty at Coastal Patrol Bases without such certified 100-Hour Inspections and/or which are found to be in an unairworthy condition will not be accepted for assignment to duty nor permitted to remain

at said Bases, until such certified inspections have been accomplished and/or such airplanes have been put in an airworthy condition.

23. *Armament.*—(a) All airplanes assigned to Coastal Patrol Duty will be subject to use in operations involving the dropping of bombs and depth charges. Bomb racks and release equipment for such armament will be installed by the Army Air Forces without expense to airplane owners. Airplanes which are not available for such service will not be accepted for assignment to Coastal Patrol Duty.

(b) No armament will be installed on airplanes assigned to Coastal Patrols for Auxiliary Service Duty.

24. *Radio.*—(a) Each airplane will be required to be equipped with a radiophone transmitter of at least 7.5 watts power on 3105 Kc. and a radio receiver to receive in the airways band of 200-400 Kc. Said radiophone transmitter should be installed with a one-quarter-wave Hertz trailing type antenna, which (for 3105 Kc.) should be exactly seventy-five (75) feet long measured from the transmitter antenna blinding post to the extreme end of the antenna. The antenna wire should be No. 10 or No. 12 gauge stranded phosphor copper.

(b) There will be one low-power radio ground transmitter sent up at each Coastal Patrol Base to control operations. This transmitter will operate on a frequency assigned by the War Department. There will be at least one, and preferably two, radio ground receivers to receive radiophone signals on 3105 Kc. Said receivers will be equipped with loud-speakers. Special instructions will be issued to each Coastal Patrol Base by National Headquarters covering ground radio installations.

25. *Priorities.*—In cases where suitable airplanes have definitely been made available for Coastal Patrol Duty and arrangements have been completed for them to be assigned to such duty for periods of ninety (90) or more consecutive days, National Headquarters will assist the owners of said airplanes in obtaining Priorities (Preference Rating Certificates) from the War Production Board for the purchase of aircraft instruments, radio, and other equipment and accessories necessary to meet the foregoing requirements.

26. *Reimbursement schedules and insurance.*—Reimbursement Schedules setting forth the Per Diem Allowances for personnel on duty with Coastal Patrols, the Rates paid for the use of aircraft assigned to Coastal Patrols, and the Insurance Requirements for Coastal Patrol Operations are presented in Operations Directive No. 13-C. No vouchers calling for payments in excess of these scheduled rates will be approved, nor will payments be approved for personnel or airplanes exceeding the authorized strength. All Per Diem and Airplane Vouchers will be submitted to National Headquarters as of the fifteenth and last day of each month. Said Per Diem allowances for personnel and said Rates paid for the use of aircraft are the only allowances made by the Government to cover living expenses and personal service of personnel and expenses, both tangible and intangible, incident to the operation, inspection, maintenance, overhaul, repair, depreciation, replacement, and insurance of aircraft on duty with said Coastal Patrols.

27. *Travel allowances.*—The Travel Allowances for personnel and airplanes ordered to duty with Coastal Patrols and the procedure to be followed in submitting vouchers therefor will be set forth in Operations Directive No. 19, to be issued by National Headquarters.

28. *Functional titles.*—In the preparation of vouchers, reports, and other documents and in correspondence, the only functional titles used in referring to personnel assigned to duty with Coastal Patrols will be the titles listed in the Table of Organization herein presented in paragraph 5.

29. *Requests for special services.*—All requests for special services, supplies, and information pertaining to the administration and general conduct of operations will be addressed to National Headquarters.

30. *Special service flights.*—Except in cases of real emergency, written authorization will be obtained from National Headquarters before any airplanes assigned to Coastal Patrols and used in the performance of any Special Service Flights for other agencies. Any such Special Service Flights which may be authorized by National Headquarters will, so far as possible, be performed by airplanes assigned for Auxiliary Service Duty. Cases of emergency which, in the opinion of the Coastal Patrol Commander, justify a departure from the procedure herein prescribed will in each case be covered by a written report to National Headquarters setting forth in detail (a) the factors justifying such emergency action and (b) the mission performed.

31. *Pilot-observer crews*.—All airplanes on Coastal Patrol Missions will carry two-man crews consisting of pilot and observer regularly assigned to and actively engaged in these operations. There will be no departure from this procedure. This requirement does not apply to Auxiliary Service Flights covered by paragraph 21-b or to Special Service Flights covered by paragraph 30.

32. *Operations orders*.—All missions of whatsoever nature performed by Coastal Patrols will be covered by official Operations Orders in accordance with the provisions of Operations Directive No. 15-A, Administrative Procedure for C. A. P. Coastal Patrols.

33. *Cameras*.—No cameras will be permitted on Coastal Patrol Bases or to be carried in airplanes on duty with Coastal Patrols except upon written authorization from National Headquarters or upon written or telegraphic instructions from the First Air Force for the performance of specific official missions.

34. *Firearms*.—Firearms will be carried whenever necessary to insure the safety and security of personnel, equipment, and property or to insure the successful performance of operations. In accordance with the provisions of the Rules of Land Warfare, said firearms will be carried openly.

35. *Civil Air Patrol uniforms*.—All personnel assigned to duty with Coastal Patrols will wear regulation Civil Air Patrol uniforms and insignia while on duty. Said uniforms will have securely sewed to the outer half of the left sleeve thereof, one-half inch below the shoulder seam, the official Civil Air Patrol shoulder patch. No other uniforms or insignia will be worn by said personnel while on duty. Neckties may be omitted while performing assigned duties on the Bases and while engaged in the performance of flight missions.

36. *Membership identification cards*.—All personnel assigned to duty with Coastal Patrols will carry with them at all times while on duty with said Coastal Patrols their official Membership Identification Cards and copies of the Special Orders issued by National Headquarters assigning them to said duty.

37. *First-aid course for civilian defense*.—All personnel assigned to C. A. P. Coastal Patrols who do not hold certificates from the American Red Cross indicating that they have satisfactorily completed the First Aid Course for Civilian Defense (see Training Directive No. 4 National Headquarters—January 21, 1942) will be required by Coastal Patrol Commanders to take this course of instruction as soon as practicable after reporting for duty.

38. *Infantry drill*.—In order to develop precision of action, general efficiency and esprit de corps, all personnel on duty with Coastal Patrols, except technicians and administrative personnel, will devote at least one (1) hour per week to Infantry Drill, including Roll Call, Inspections, and Reviews.

39. *Airplane markings*.—(a) All airplanes on duty with Civil Air Patrol Coastal Patrols will display on wings and fuselage distinctive markings to distinguish them from other airplanes, including other Civil Air Patrol airplanes, not assigned to this duty. These markings, which will in each case consist of a blue disk with superimposed white triangle *without* the red three-blade propeller of the basic Civil Air Patrol insignia, will be displayed only on airplanes on duty with Civil Air Patrol Coastal Patrols. Airplanes displaying this marking will be flown exclusively by Civil Air Patrol pilots on active duty with Coastal Patrols.

(b) Insignia disks placed on wings will be centered on the top side of the left wing and on the bottom side of the right wing at a point one-third of the distance from the wing tip to the fuselage. The diameter of said disks will not exceed two-thirds of the wing chord at the point of application.

(c) Insignia disks placed on the fuselage will be centered on both sides of the fuselage at a point one-third of the distance from the leading edge of the horizontal stabilizer to the trailing edge of the wing. The diameter of said disks will not exceed two-thirds of the depth of the fuselage at the point of application.

(d) Commanding Officers of Coastal Patrols will see that all airplanes on duty with their units are properly marked in accordance with the foregoing and that when airplanes are relieved from Coastal Patrol duty said markings are either removed therefrom or have the standard red three-blade propeller of the basic Civil Air Patrol insignia superimposed on the white triangle thereof.

(e) The red three-blade propeller appearing on the basic Civil Air Patrol insignia will not be displayed on markings used on airplanes on duty with Civil Air Patrol Coastal Patrols.

By direction of National Commander Johnson:

HARRY H. BLEE,

Colonel, Air Corps, Operations Officer.

[First endorsement]

War Plans

JAG 383.6

War Department, J. A. G. O.,

To The Adjutant General.

1. Receipt has not been acknowledged of the basic letter from the National Commander, Civil Air Patrol, Office of Civilian Defense, Washington, D. C., dated January 21, 1942, and inclosures, relating to the status and rights of civilians enlisted in the Civil Air Patrol as lawful noncombat belligerents, requesting opinion as follows:

"(a) Is further Executive Order necessary to establish status as non-combatant auxiliary to the Armed Forces?

"(b) Is lettering 'U. S.' in lower segment of insignia sufficient to indicate the Federal nature of the organization?

"(c) Is size of insignia satisfactory?

"(d) Is location of insignia worn on left arm as brassard or as shoulder patch on sleeve satisfactory?"

2. The Annex to Hague Convention No. IV of October 18, 1907, to which the United States, Great Britain, Germany, Italy, Japan, and Russia are signatories, laid down the qualifications of belligerents as follows:

"9. Lawful belligerents—(a) *Armies, militia, and volunteer corps.*—The laws, rights, and duties of war apply not only to armies, but also to militia and volunteer corps fulfilling the following conditions:

"1. To be commanded by a person responsible for his subordinates;

"2. To have a fixed distinctive emblem recognizable at a distance;

"3. To carry arms openly; and

"4. To conduct their operations in accordance with the laws and usages of war. In countries where militia or volunteer corps constitute the army, or form part of it, they are included under the denomination 'army' (N. R., art. 1)." (FM 27-10, par. 8a).

For the purposes of this discussion of the applicable principles of international law, no further executive order of the President is required to bring the members of the Civil Air Patrol within the scope of the above-quoted agreement. In fact, I am of the opinion that, under international law, militia and volunteer corps may be established without any formality, so long as they are recognized by the government which they are serving, and that the members thereof are entitled to the status of belligerents if they conform to the conditions hereinabove set forth.

3. To be entitled to the status of belligerents, members of militia or volunteer corps must wear a fixed distinctive emblem recognizable at a distance. The answers to the remaining questions propounded (b, c, and d) depend upon the interpretation of this condition. It is not indispensable that the distinctive emblem bear the name of the country which is served by the organization, though it would be advisable for the device to contain the letters "U. S.", the American eagle, the arms of the United States, or some other clear indication of the nationality and official character of the wearer. The distinctive sign must be such that the wearer may be immediately identified, even from a distance, as a member of the forces of the United States. It, therefore, appears that the letters "U. S.", in the lower segment of the insignia are sufficient. However, the size and location of the insignia are questionable. An authoritative writer on international law (J. W. Spaight, "War Rights on Land," p. 57) says:

"The 'distinctive emblem' does not mean a uniform. The delegates of Norway and Sweden had pointed out that the Norwegian Landsturm did not wear a full uniform. But the sign must be fixed—externally, so as not to be assumed or concealed at will.

"At the Hague Conference of 1907, Germany proposed that notification of the distinctive emblem should be provided for, but the proposal was defeated in committee.

"At what distance should the sign be recognizable? The German authorities demanded in 1870 that the French irregulars should be distinguishable at rifle range. This, says an eminent English jurist, is 'to ask not only for a complete uniform but for a conspicuous one.' When rifles are sighted to 2,000 yards and over, the German requirement is clearly un-

reasonable. If the sign is recognizable at the distance at which the naked eye can distinguish the form and colour of a person's dress, all reasonable requirements appear to be met. At the commencement of the Russo-Japanese War, the Russian Government addressed a Note to Tokio, stating that Russia had approved the formation of certain free corps composed of Russian subjects in the seat of war, and that these corps would wear no uniform but only a distinctive sign on the cap or sleeve. Japan replied—

"The Japanese Government cannot consider as belligerents the free corps mentioned in the Russian Note, unless they can be distinguishable by the naked eye from the ordinary people or fulfill the conditions required for militia or volunteers by the Hague *Reglement*."

4. If the proposed emblem is to be used with civilian clothes, it is apparent that it would not be sufficiently large to be identified at a distance. Furthermore the emblem on the shoulder could not be seen from a position directly in front of the wearer. The pilot's and observer's wings are to be made of metal, and will presumably be pinned to the clothing. As this insignia is not fixed, i. e., sewn, it cannot be considered as complying with the conditions of the Annex to the Hague Convention; and even if this insignia were permanently affixed, it is obvious that it would be even less visible from a distance than the shoulder patch or brassard.

5. Among the inclosures with the basic letter is the proposed identification card to be issued to members of the Civil Air Patrol. This card bears General Curry's name and title in type. In order that the official character of the card may be readily determined upon inspection, it is recommended that the card bear either the signature of the national commander, or the signature of some other duly authorized official, or an official seal, or both.

6. It is further recommended that the airplanes which are to be utilized by the Civil Air Patrol be marked with the regular Air Corps markings or with the distinctive device of the patrol, or both.

7. Although the Annex to the Hague Convention does not require that our enemies be notified of the distinctive markings of volunteer units such as the Civil Air Patrol. I deem it advisable that such notice be given to them through Swiss diplomatic channels.

8. Summarizing the answers to the questions presented are as follows: (a) No. (b) Yes. (c) and (d). No. The shoulder patch or brassard should be supplemented or replaced by similar insignia of a larger size to be worn on the breast, so that the individual may be identified as a member of the Civil Air Patrol from a position directly in front of the wearer.

9. The answers to questions c and d are predicated upon the assumption that the members of the patrol are to wear civilian clothes. If they are to wear a distinctive uniform, this uniform together with the insignia of the size and location proposed will sufficiently identify the wearers.

10. If the views above expressed are approved by the War Department it is recommended that reply be made to the basic communication in harmony therewith.

For the Judge Advocate General:

ARCHIBALD KING,
Colonel, J. A. G. D., Chief of Section.

OFFICE OF CIVILIAN DEFENSE
WASHINGTON, D. C.

CIVIL AIR PATROL,
NATIONAL HEADQUARTERS,
Washington, July 17, 1942.

Subject: Uniform, insignia, and rank.

To: All Unit Commanders.

1. Uniform.

(a) By authority of the War Department, Civil Air Patrol may wear the regular army uniform with certain distinguishing features which apply to all personnel, officers or enlisted men, as follows:

1. Red shoulder loops: Will be worn on shirt, jacket, blouse or outer garment. Color of loop will be Cable No. 14906—Textile Color Card Association. No

deviation or near substitute will be permitted. The red loop will be of size and shape of the regular loop on an officer garment.

2. Sleeve emblem: The official CAP shoulder patch, bearing 3-bladed propeller emblem of Civil Air Patrol and the letters U. S., will be worn on the left sleeve of all outer garments, $\frac{1}{4}$ " below shoulder seam.

3. Cap: Army Officers' Overseas cap; remove piping and substitute red piping, same color as shoulder loop.

(b) Minimum uniform to be purchased and kept in good condition by each member shall consist of: *shirt*, Army Officers' type, khaki or chino, with red shoulder loops; trousers, khaki or chino, without cuffs except for women members for whom culottes are the official wear; belt, tan web, plain brass buckle; shoes, tan Oxfords, plain toes, strap and buckle preferred to laces; socks, plain tan; tie, plain tan, no tie pin; cap, overseas.

(c) The shirt is the prescribed wear except in weather which requires outer garments such as the regulation Officers' field jacket, leather flying jacket, or trench coat. It is recommended that CAP units wear outer garments alike, insofar as is possible without undue expense.

(d) Blouse, Air Corps Officers', with the sleeve braid removed and red braid, same color as the shoulder loops, substituted, and with silver CAP buttons in place of the gold buttons. Purchase of blouse is optional. Its wear is recommended for Wing, Group, and Squadron Commanders. Members will find it more practical to wear the field jacket or leather flying jacket.

e. Wearing of the uniform is required during all flying missions and drills of Civil Air Patrol and at such other times as unit commanders may prescribe. Members on active duty will wear the correct uniform throughout the period of their assignment under the same rules that apply to Army personnel in this regard. Unauthorized items will not be worn.

2. Insignia.

(a) The following insignia have been approved for Civil Air Patrol by the War Department. Correct insignia will be worn on the authorized uniform at all times as specified below. Never mix the insignia. Do not wear any part of State Guard, Reserve, or other insignia on the CAP uniform. Discharged Army personnel will not wear qualification medals or Army wings. However, service ribbons and decorations may be worn.

(b) Officers insignia shall be:

1. Silver C. A. P. instead of gold U. S. on right shirt collar and on lapels of blouse.

2. Silver wings same design as Air Corps Officers' collar ornament on left shirt collar, on lapels of blouse below the C. A. P., and on left side of cap, 1" from front.

3. Insignia of rank, regulation Army; will not be worn without the red shoulder loops and without written appointment in grade by National Headquarters.

(c) Flight officers and warrant officers: Same uniform and insignia as officers without insignia of rank. Flight Officers include all members with accredited aeronautical ratings as Pilot Officers or Observer Officers and not appointed as commissioned officers.

(d) Enlisted personnel:

1. Disc insignia, CAP 3-bladed propeller emblem, silver and enamel in color, on cap and on blouse lapels if blouse is worn.

2. Chevrons, regulation Army, on red patch same color as shoulder loop, on both sleeves halfway between elbow and shoulder seam, for noncommissioned officers and first class privates.

3. Shirt, no collar insignia.

(e) Title insignia: Sleeve insignia denoting Wing, Group, and Squadron Commanders and Staff and Flight Leaders, optional, to be worn $\frac{1}{2}$ " below the CAP sleeve insignia on the left sleeve.

(f) Aeronautical ratings: For pilots and observers qualified in accordance with Operations Directive No. 10. Worn above left shirt or blouse pocket or on left breast of flying jacket. Silver.

1. Pilot wings: (a) Pilot or pilot officer; (b) senior pilot officer; (c) master pilot officer.

2. Observer wing: (a) Observer or observer officer; (b) senior observer officer.

(g) Mechanic and radio ratings: Worn on forearm of right sleeve, halfway between elbow and bottom of cuff.

1. Mechanic: Holder of currently valid CAA A & E Mechanic license. Radio-telephone or Radio Telegraph Operator or Amateur Class A.

(h) Volunteers: Members who volunteer for specified periods of active-duty service, pursuant to GM-32, on signing active-duty oath, may wear a special V-shaped emblem on the forearm of the left sleeve, halfway between the elbow and the bottom of the cuff, in colors as follows:

1. Red, 1 or 2 months continuous service per year.
2. White, 3 months per year.
3. Blue, duration of war.

(i) Service stripe: An active duty volunteer may wear a service stripe for each term of active duty completed; not more than one stripe per year. The service stripes shall be centered $\frac{3}{4}$ " below the V emblem and $\frac{1}{2}$ " apart. Colors: red for 1 month service completed; white for 2 months; blue for 3 months or more service in a year.

(j) Merit awards: Emblems, authorized for individuals only on special order of the National Commander, will be triangular and will be worn point down above the left pocket of the shirt or blouse as follows:

1. Red: Commendation—For exceptional performance contributory to the planning or execution of missions of unusual merit.

2. White: Merit citation—For initiative and performance of unusual merit on specific missions.

3. Blue: Distinguished service citations—For exceptional performance of specific missions, or acts of heroism, under unusually difficult or hazardous conditions.

(k) Civilian wear: A small lapel emblem bearing the CAP 3-bladed propeller emblem without the U. S. similar to the CAP pilot wings may be worn by accredited members not in uniform. No other insignia of the Patrol will be worn except on full and correct CAP uniforms. CAP insignia will not be worn by members wearing shoulder patch with U. S. The CAP insignia will not be worn or displayed on aircraft or vehicles except by accredited members of CAP.

(l) Display of CAP Insignia on Aircraft and Vehicles: The Civil Air Patrol insignia will be painted or placed by decals on the wings and fuselage of all aircraft engaged in official CAP missions as follows:

1. Wings: Insignia disks shall be centered on the top of the left wing and on the bottom of the right wing at a point one-third of the distance from the wing tip to the fuselage. Diameter of disk shall not exceed two-thirds of the wing chord at point of application.

2. Fuselage: Insignia disks shall be centered on both sides of the fuselage at a point one-third of the distance from the leading edge of the horizontal stabilizer to the trailing edge of the wing. Diameter of disk shall not exceed two-thirds of the depth of fuselage at point of application.

3. Use of planes: Any aircraft while displaying such insignia shall be flown exclusively by members of Civil Air Patrol. This is not to be construed as requiring the display of CAP insignia on aircraft engaged in CAP practice activities, or limiting participation of aircraft bearing insignia in such activities, or preventing aircraft with insignia from being used in nonofficial flying provided the pilot is a member of CAP.

4. Autos: Insignia may be displayed on autos, trailers, and other vehicles owned and operated by CAP members and used in CAP missions. Stickers and plates embodying insignia shall be circular, from 4 to 12 inches in diameter, or rectangular, no larger than 6 to 12 inches. Automobile stickers and plates may be used only in compliance with state laws applicable to windshield or vehicle stickers.

5. Omit U. S.: The U. S. is to appear on the sleeve emblem, arm band, and official CAP flags, and is to be omitted from insignia for aircraft, autos, or all other uses.

(m) Ordering insignia: In purchasing uniform and insignia items not obtainable in retail stores, members will place orders through their unit Supply Officers. Orders will be transmitted to the supply source by the Wing Commander who may delegate this responsibility to Wing, Group, or Squadron Supply Officers signing for him. Orders for Task Force members may be placed by the Task Force Commander or his duly authorized deputy signing by his order.

(n) Manufacture of CAP insignia: Pursuant to Section 3 of Office of Civilian Defense Regulations No. 2, no official articles, including collar and cap emblems, sleeve insignia, uniform buttons, aircraft decal insignia, lapel pins and buttons, arm bands, and automobile stickers and plates, may be manufactured, sold, or distributed by any manufacturer without a license readily obtainable from the Insignia Section in the Washington office of O.C.D. This applies to all articles embodying the CAP insignia (blue disk with superimposed white triangle and with

red 3-bladed propeller superimposed on triangle) or any reproduction of this design in any color.

(o) Directives superseded: This memorandum supersedes GM-9, GM-18 GM-31, GM-40, OD-2 and OM-4, all of which will be removed from current files.

§. Rank.

An addendum to this memorandum soon will set forth regulations for appointment of members as CAP officers and non-commissioned officers. Insignia of rank will not be worn meanwhile. A memorandum on supply sources also will be issued to supersede GM-29 and Paragraph 5 of GM-39.

EARLE L. JOHNSON,
National Commander.

OFFICE OF CIVILIAN DEFENSE
CIVILIAN DEFENSE

Operations Directive }
No. 7 }

NATIONAL HEADQUARTERS,
Washington, March 12, 1942.

RULES OF LAND WARFARE

1. *General.*—It is imperative that members of the Civil Air Patrol be thoroughly familiar with certain fundamentals of the Rules of Land Warfare and that Civil Air Patrol operations be conducted in accordance with these Rules. To this end, Unit Commanders will regularly bring to the attention of all members of the Civil Air Patrol the Rules of Land Warfare. The extracts from the Rules of Land Warfare presented herewith will be read to all enrollees when the oath of office is given. Unit Adjutants will occasionally call attention to these Rules at drill formations.

2. *Text.*—The accompanying extracts are from War Department Basic Field Manual FM 27-10, "Rules of Land Warfare."

3. *Distribution.*—Copies of this Directive will be distributed to Units on the basis of four copies per Unit.

4. *Rules.*—As a Volunteer Corps serving as an auxiliary to the Armed Forces, the members and units of the Civil Air Patrol will observe the following rules:

(a) Obey their officers.

(b) Wear the Civil Air Patrol shoulder patch sewn on their clothing.

(c) Carry only such arms as may be required.

(d) Conduct operations according to laws and usages of war.

5. *Questioning By the Enemy.*—Should a Civil Air Patrol member be captured by an enemy, the enemy Intelligence Officer would probably ask many questions in an attempt to learn as much as possible about our Army and Navy. Under the Rules of Land Warfare, it is not necessary to answer these questions. Prisoners of war under these Rules are required to give only the following information to the enemy: "Name, grade and serial number".

6. *Requirement.*—Due to the importance of this Directive, its contents will be impressed upon members of the Civil Air Patrol by frequent reiteration.

By Command of Major General CURRY:

HARRY H. BLFE,
Colonel, Air Corps,
Training & Operations Officer.

EXTRACTS FROM RULES OF LAND WARFARE

(War Department Basic Field Manual FM 27-10)

1. The Rules of Land Warfare are based on various treaties which the United States has entered into with other nations of the world. As early as 1864, Red Cross conventions were held. The Hague Convention, first held in 1864, relates to the laws and customs of war on land. Such subjects as the treatment of prisoners of war, their parole, the rights of citizens in occupied countries, and the prohibition of the use of certain types of weapons were set forth in treaties to which the United States and other nations became signatories. There are also unwritten rules and laws of war.

2. When an enemy occupies a hostile country, the population is divided into two general classes, known as the armed forces and the peaceful popu-

lation. Both classes have distinct rights, duties and disabilities. No person can belong to both classes at one and the same time.

3. It is important that lawful belligerents observe the Rules of Land Warfare so that when captured they will be treated as prisoners of war.

4. Lawful belligerents are composed of armies, militia, and volunteer corps. The laws, rights and duties of war apply not only to armies, but also to militia and volunteer corps fulfilling the following conditions:

(a) To be commanded by a person responsible for his subordinates.

(b) To have a fixed distinctive emblem recognizable at a distance.

(c) To carry arms openly.

(d) To conduct their operations in accordance with the laws and usages of war. In countries where militia or volunteer corps constitute the army, or form part of it, they are included under the denomination "army."

Combatants and noncombatants: The armed forces of the belligerent parties may consist of combatants and noncombatants. In the case of capture by the enemy, both have a right to be treated as prisoners of war.

[Restricted]

CIVIL AIR PATROL ACTIVE DUTY OATH

I, a member of the Civil Air Patrol, an agency of the United States of America, having been assigned to active duty with Civil Air Patrol hereby voluntarily enlist subject to any and all orders of the National Commander of Civil Air Patrol to a term of continuous active service for the term of ----- months, commencing -----, 194--, and I hereby agree to be available for duty continuously and at all times during said term.

During said term and any extension thereof I do solemnly swear that I will bear true faith and allegiance to the United States of America; that I will serve them honestly and faithfully against all their enemies whomsoever, that I will fully and faithfully perform all duties assigned to me and obey the orders of the President of the United States and the orders of the officers appointed over me subject to the rules and Articles of War.

In the event that I shall not report or be available for active duty at any time during said term or any extension thereof which I shall voluntarily undertake, or if I shall not faithfully and fully perform all duties assigned to me, I hereby consent to the revocation and cancellation of my license to own, operate, and service any aviation and radio equipment.

 Subscribed and sworn to before me this ----- day of -----, 1942.

Notary Public.

My commission expires:

Senator CLARK. Is there anything else?

Major JOHNSON. I think not. Maybe Colonel King would have something.

Senator CLARK. Thank you. I think Colonel King should come forward.

STATEMENT OF COL. ARCHIBALD KING, JUDGE ADVOCATE GENERAL'S OFFICE, WAR DEPARTMENT

Senator CLARK. Colonel King, just identify yourself for the purpose of the record, please.

Colonel KING. My name is Archibald King, colonel in the Judge Advocate General's Department, United States Army, on duty as Chief of the War Plans Division of the Judge Advocate General's office.

Major JOHNSON. If you will pardon me a minute, I would like to say that the planes are also marked distinctively.

They have a white triangle in a circle, which is a distinguishing mark of all of the planes on civil air patrol.

Senator CLARK. Thank you.

Colonel King, have you got some information about this matter that Major Johnson was just speaking about?

Colonel KING. I have no factual information. I could give you my opinion as a lawyer.

Senator CLARK. We will be glad to have it.

Colonel KING. The opinion to which Major Johnson alluded a moment ago was not signed by me, as he said, gentlemen, in my individual capacity, but on behalf of the Judge Advocate General.

Since I was informed that the committee was concerned with reference to the status of these persons, members of the Civil Air Patrol; Saturday noon, I have done a little research into the matter. The matter of the status of the persons engaged in belligerent occupations with the Army, who do not belong to the Army, is regulated in part by the unwritten rules of war, the customs of nations, and in part by conventions and treaties made at The Hague and at Geneva. The last and most important of those was the Geneva Convention of 1929. The convention is printed in volume 4 of the Collection of Treaties, Conventions, International Acts of the United States, at page 5224, and it begins with a statement of the persons to whom the convention shall apply, that is to say, the persons who may be legally made prisoners of war. It is, of course, desirable, that these members of the Civil Air Patrol if captured should be entitled to the privileges of prisoners of war and not by any possibility considered spies or civilians unlawfully taking part in combat.

The first article of the Geneva Convention of 1929, on page 5229 of the document to which I have referred, says that the present convention shall apply:

(1) To all persons mentioned in articles 1, 2, and 3 of the regulations annexed to The Hague Convention respecting the laws and customs of war on land, of October 18, 1907, and captured by the enemy.

And the Hague Convention, to which the United States was also a party, provides:

The laws, rights, and duties of war apply not only to armies but also to militia corps fulfilling the following conditions:

- (1) To be commanded by a person responsible for his subordinates;
- (2) To have a fixed, distinctive emblem, recognizable at a distance;
- (3) To carry arms openly; and
- (4) To conduct their operations in accordance with the laws and customs of war.

Article 3 of the Hague regulations says:

The armed forces of the belligerent parties may consist of combatants and noncombatants. In the case of capture by the enemy both have the right to be treated as prisoners of war.

So, if these persons satisfy the requirements which I have read, they are lawful members, or at least lawfully accompanying our armed forces, and if captured, may be made prisoners of war.

And the opinion to which the Major alluded was designed to assure that they should comply with those requirements, and in view of the

directives that have been given as to their uniforms, their marking and other directives that have been given them, I have no doubt that they do now satisfy those requirements and if captured, may lawfully be made, or are entitled to be made prisoners of war.

Nor do I think that the fact they are mentioned in the bill which is now pending before your committee, if that bill should be passed, would deprive them of that status.

It mentions them in a civilian capacity, but everybody knows that they are civilians. Civilians, as this shows, may, in certain circumstances, be made prisoners of war. There are historical instances of it and rulings on it where civilians, in some other capacities, have been made prisoners of war, and it was so stated by various writers on international law.

Before I go to any writers' or historical instances, I might also remark that another article of the Geneva Convention on prisoners of war, article 81, expressly mentions certain classes of civilians who may be made prisoners of war.

That article says:

Individuals who follow armed forces without directly belonging thereto, such as correspondents and newspaper reporters, sutlers, contractors, who fall into the enemy's hands and whom the latter thinks expedient to detain, shall be entitled to be treated as prisoners of war, provided they are in possession of a certificate from the military authorities of the armed forces which they are accompanying.

It is my understanding that these men are in possession of a certificate, of identifying cards like that which the personnel in the Army carry.

Senator LUCAS. May I interrupt to ask a question?

Colonel KING. Yes.

Senator LUCAS. Is Japan at the present time following the International Code, as far as prisoners of war are concerned?

Colonel KING. As far as I know, they are; yes, sir.

Senator LUCAS. Now, you say, as far as you know. I do not want to go into the question too thoroughly, but how much do you know?

Colonel KING. Well, I have tried to keep myself informed on the subject.

Senator LUCAS. I have heard of some violations of the war code by the Japanese.

Colonel KING. Of course, the attack of Pearl Harbor itself was a gross violation of those rules.

Senator LUCAS. I understand. I am not talking about that. I am talking about prisoners of war. What do you know with respect to the men captured in the Philippines, as to whether or not the Japanese are living up to the International Code as far as prisoners of war are concerned?

Colonel KING. I am unable to say with definiteness. I have tried to keep myself informed on that subject. I have heard of violations by the Japanese in Hong Kong in regard to the persons captured, when they took that city.

Senator LUCAS. My only reason for asking is that, in any event, if the Japs refuse to recognize international law, as far as America or England or any other countries are concerned, whether or not they would pay any attention to the war code in the event that they captured any of the Japs?

Colonel KING. Of course, Senator, I cannot give you any guaranties as to what Japan would do.

Senator LUCAS. I know, and nobody else could give any guaranties as to what the Japs would do. As far as my own personal opinion is concerned, from what I know of the Japs, I don't think they would pay any attention to any type or kind of international law as to prisoners of war, or anything else.

Colonel KING. It is, I think, desirable for us to be on the safe side in these matters.

Senator LUCAS. That is right.

Colonel KING. And to make our own conduct square with law, and I think we are doing so with respect to these persons.

Senator CLARK. About all we can do in this matter, Colonel, is not to violate the international law ourselves, by putting the men into the classification of persons who are entitled to treatment as honorable prisoners of war.

Insofar as the enemy's violation of international law is concerned, there is nothing we can do about it except possibly retaliate in kind.

Colonel KING. That is true. There is an instance in our Civil War when the Judge Advocate General of the United States Army ruled that a civilian engineer of a river steambot used by the enemy for military purposes, who was captured, might lawfully be made a prisoner of war.

Now, as to the writers on international law, there are two books on the definite subject of prisoners of war, one by Major Fooks, retired.

In paragraph 1 of that book he undertakes to define the persons who may be made prisoners of war. Then I have a more recent book by Flory on prisoners of war. On page 35 he mentions a number of different classes of civilians who may be made prisoners of war, and says that they are merely examples and that the list he gives is not exhaustive.

Senator LUCAS. What would you say about the labor battalion in the island of Guam that was captured?

Colonel KING. The Japs certainly, if they hold them at all, are, in my opinion, bound to treat them as prisoners of war.

In other words, their choice is simply to release them as persons having no connection whatever with the Army, or, if they hold them at all, they should retain them as prisoners of war.

Our own manual on the subject, the Rules of Land Warfare, in paragraph 76, subparagraphs (d), (e), (f), and (g), mentions several different classes of civilians who are entitled to be treated as prisoners of war.

(d) *Levee en masse*.—The citizens who rise en masse to defend their territory or district from invasion by the enemy, if captured, are entitled to be treated as prisoners of war.

(e) *High civil functionaries*.—High civil functionaries, such as the sovereign and members of the royal family, the president or head of a republican state, and the ministers who direct the policy of a state are liable to be made prisoners of war whether accompanying an army or not.

(f) *Civil officials and diplomatic agents*.—Civil officials and diplomatic agents attached to the Army may be made prisoners of war.

(g) *Inhabitants*.—Persons whose services are of particular use to the hostile army or its government, such as the higher civil officials, diplomatic agents, couriers, guides, etc., also all persons who may be harmful to the opposing state while at liberty, such as prominent and influential political leaders, journalists, local authorities, clergymen, and teachers, in case they incite the people to resistance, may be made prisoners of war.

So, it is pretty well established that there are a number of classes of civilians, among whom I think the members of the civil air patrol may be properly included, who, if they are captured, are entitled to be held as prisoners of war.

Senator CLARK. There seems to be no doubt about it from the authorities you have cited, since the civilian—civil air patrol personnel wear uniforms plainly marked and distinctive, carry arms openly and have their planes marked with insignia, you come in that class that is entitled to become prisoners of war.

Colonel KING. That is my opinion, sir. I might cite one other then, in conclusion.

The late Professor Oppenheim, who was professor of international law at Cambridge University in England and a leading authority on international law, in the sixth edition, volume 2, of his work on international law, goes even further than the others whom I have already cited and makes the very broad statement that every individual who is deprived of his liberty not for a crime, but for military reasons, has a claim to be treated as a prisoner of war.

Senator CLARK. Do you have any questions, Senator Millikin?

Senator MILLIKIN. I am sorry I came in late. I wonder if the Colonel cited any authorities tending to show how the Japanese and Germans view these questions of international law?

Senator LUCAS. I just raised that.

Senator MILLIKIN. How do they view it?

Colonel KING. I have no definite authority on the subject, Senator.

Senator CLARK. Thank you very much, Colonel.

Mr. Patterson.

STATEMENT OF MILTON J. PATTERSON, PRESIDENT, AMERICAN PUBLIC WELFARE ASSOCIATION, BALTIMORE, MD.

Senator CLARK. Will you identify yourself for the purpose of the record, please, sir?

Mr. PATTERSON. I am Milton J. Patterson, president of the American Public Welfare Association and director of the State Department of Public Welfare of Maryland.

I am appearing before you today to express the interest of the American Public Welfare Association in the problem of assuring assistance to civilians affected by enemy action, with which title 2 of this bill is concerned.

Last July, when hearings were held before a subcommittee of the Senate Finance Committee on S. 2620, an earlier version of the pending bill, Mr. Hoehler, director of this association, filed a statement which you will find printed on pages 55 to 57 of the hearings.

Since Mr. Hoehler is now overseas on a mission for Governor Lehman, it is not possible for him to appear here today.

The 8½ months which have passed since he testified have only served to emphasize in our minds the importance of what he said at that time. Modern war not only makes heavy demands on civilians in terms of work and sacrifice, but it holds over them the constant threat of exposure to the actual physical dangers of enemy action. Even though we, in this country, are still fortunate in our comparative isolation from the actual combat areas of the war and from the operat-

ing bases of our enemy, we must be prepared for any eventuality, not only in terms of air raids, air-raid drills, but also in terms of our ability to extend the services to the people which will meet their immediate needs and reestablish them on a functioning basis.

Most of the State welfare departments, including the one of which I am head in Maryland, are already prepared to do their share in such eventuality.

Plans have been worked out pretty completely by the Office of the O. C. D. and committees representing the Public Welfare Association, State, and local departments.

We are working with the State defense council in gearing our plans to their protective organization, and have entered into an agreement with the Social Security Board to act as their agent in connection with the present Civil War assistance program set up under an allocation from the President's emergency fund.

The proposals incorporated in S. 450 would require no new administrative machinery and would involve Federal expenditures only to the extent that civilian needs resulting from enemy action would require.

We feel, however, that recognition of Federal responsibility for civilians affected by enemy action through congressional enactment would be both an insurance against possible future needs and an assurance to civilians throughout the country that they will be protected, no matter what the war may bring.

I would like, in this connection, to quote one paragraph from Mr. Hoehler's testimony which seems to me particularly pertinent to the present situation:

It seems to me that in considering this type of legislation the extent of present need and the unpredictability of future needs are not of so much importance as the declaration by our national policy-making body, that if and when those needs come, the Federal Government through its regularly constituted agencies, is prepared to stand back of its citizens in meeting them. It is possible now for Congress to consider these problems in the comparative calm of a time when direct enemy action affects only a few of our citizens. Should this measure be delayed until a serious catastrophe was already upon us, such deliberate and careful consideration would become virtually impossible.

The committee has already had in its records a copy of Mr. Hoehler's statement. I would be glad to leave a copy in this record.

(The statement is as follows:)

STATEMENT BY FRED K. HOEHLER, DIRECTOR, AMERICAN PUBLIC WELFARE ASSOCIATION

The American Public Welfare Association is a nongovernmental membership organization which concerns itself with problems of public administration in the welfare field. Its membership is composed largely of persons actively engaged in this field. State and local welfare administrators have their own organizations within the association—the Council of State Public Assistance and Welfare Administrators and the Council of Local Public Assistance and Welfare Administrators.

Even before the United States entered the war the American Public Welfare Association, first through its defense committee and later through its war services committee, has been studying the role of welfare services in a war situation.

Our association has been studying this problem because we know that modern war creates needs among the civilian population which must be met if the war is to be won. Public-welfare workers are like doctors in that they strive constantly to eliminate the conditions that create the necessity for their work. On the other hand, when they see that need exists they feel it a part of their professional responsibility to take whatever action they can to see that it is met

and to point out to those in authority any deficiencies in existing measures for meeting it.

During the winter of 1940-41, the association, realizing that the United States might well become involved in the spreading world conflagration, sent a representative, Eric Biddle, to England to study the role of welfare services in a country at war. We realized that modern war imposes unprecedented conditions on civilians and that the United States could learn many lessons from the experience of England. As the year progressed and the magnificent courage of British civilians under fire won increasing recognition as a positive factor in Britain's survival, Mr. Biddle's observations were naturally of great value.

I am leaving with you a copy of Mr. Biddle's report, Mobilization on the Home-Front, which incorporated the more important of his observations and conclusions. I would like also to summarize briefly the conclusions drawn from English experience which seem to me to bear directly on the legislation which you are considering.

First. In any area of military operations or any area threatened with military operations, needs will be created among the civilian population.

Second. Military necessity requires that these needs be met in order that civilian morale may be maintained, panic avoided, and the civilian population's activities directed in accordance with general military strategy. The contrast between the chaotic condition of the French population at the time of the fall of France, and the calm and orderly courage of the English resulted in considerable measure from the responsibility assumed by the English Government for the needs of the civilian population.

Third. Assistance to civilians affected by enemy action must be a public responsibility with private agencies furnishing supplementary aid rather than assuming primary responsibility. Such aid must not only be geared to public policy but must be based on the authority and resources of a governmental body.

Fourth. The financing of such aid must rest upon the entire Nation and not upon the locality directly affected.

Obviously a city like Coventry, singled out for devastation, had to look to the entire country for assistance. In this country, while general public assistance is now a State and local responsibility, it would be naive to assume that in a war which is both national and international in character, the individual community singled out for enemy attack by reason of its geographical location, should be thrown back exclusively on its own resources in meeting the needs created by enemy action.

Such a policy would not only place an impossible burden on the community affected but it is not in keeping with the American tradition of generous aid to localities singled out by disaster.

Fifth. Assistance should be administered through regularly established agencies of Government which are equipped by experience and staff to do the job. There is nothing to be gained by creating a duplicating and expensive emergency set-up.

In England this regularly constituted agency was the public-assistance board. In this country it is the Federal Security Agency, together with its affiliated and constituent agencies.

I realize that in drawing on English experience it is necessary to consider the differences between their situation and ours. It seems to be that the difference is one of degree rather than kind and that one of our greatest dangers is the attitude of mind which assumes that we are immune from what other nations have experienced.

It is true that we do not have land-based bombers within 20 miles of our own shores; on the other hand, we have been evacuating women and children from Hawaii and Alaska; hardly a day passes that seamen are not brought ashore from torpedoed ships in immediate need of medical attention, hospitalization, and other assistance; shells have fallen on our territory in Puerto Rico, California, and Oregon; the bombing of Pearl Harbor and Dutch Harbor could very well be repeated there or elsewhere.

It seems to me that in considering this type of legislation the extent of present need and the unpredictability of future needs are not of so much importance as the declaration by our national policy-making body that if and when those needs come the Federal Government, through its regularly constituted agencies, is prepared to stand back of its citizens in meeting them.

It is possible now for Congress to consider these problems in the comparative calm of a time when direct enemy action affects only a few of our civilians.

Should this measure be delayed until a serious catastrophe was already upon us, such deliberate and careful consideration would become virtually impossible.

In conclusion I would like to refer briefly to the problem of administration presented by title II, the section dealing with temporary relief of need resulting from enemy action.

I think it may be of interest to the committee in this connection to know of the action already taken by governors and mayors in many States and localities, acting through their defense and war councils, in designating their public-welfare departments as the public agency responsible for meeting needs of this character.

In California, more aware of its danger perhaps than any other State, the State department of social welfare and the county departments are well advanced in their planning for evacuation and assistance in the event of attack.

In New York State, through special legislation, this responsibility has been clearly placed on the State welfare department.

In Maryland, Alabama, Oregon, and many other States the welfare departments are moving forward in the assumption of the responsibilities placed on them in the Office of Civilian Defense-Office of Defense Health and Welfare Services-Red Cross agreements to which I believe reference has already been made.

I mention this because I believe there has been fear on the part of some Members of the Senate that this bill would require the creation of vast new welfare machinery. On the contrary, it is the genius of this bill that it makes it possible for the Federal Government to discharge its fundamental obligations to its citizens to see them through the hazards of war without the creation of any new bureaucratic machinery whatsoever.

The State and local public-welfare departments are already in existence as a part of the permanent machinery of democratic government. It is their job to help people confronted with needs beyond their personal power of solution. They are prepared to fulfill this obligation in time of war as well as peace.

But the war and the problems it creates are not local problems; the first responsibility must rest on the Federal Government. State and local welfare agencies are glad to put their machinery at the disposal of the Federal Government in meeting these problems. They will continue to do their share, but they cannot do it unaided.

Mr. PATTERSON. I think you all have available the operative letter No. 101, that explains in detail the arrangement made between the State Department of Public Welfare and Office of Civilian Defense.

That is all that I have to present, unless you have some questions.

Senator CLARK. Are there any questions, Senator Millikin?

Senator MILLIKIN. I should like to ask Mr. Patterson if he has any record of what the Federal Government did for civilians, toward making them whole for military damage, in connection with the Revolutionary War, the War of 1812, and the Civil War.

Mr. PATTERSON. I do not, Senator. I have no information on that at all.

Senator CLARK. I can supply the information on that about the Civil War.

It was left as a matter of claims, and the Congressmen have been acting on the claims ever since.

Thank you very much, Mr. Patterson.

Mr. Luhrsen.

STATEMENT OF J. G. LUHRSEN, EXECUTIVE SECRETARY-TREASURER, RAILWAY LABOR EXECUTIVES' ASSOCIATION

Mr. LUHRSEN. Mr. Chairman, and members of the committee: Unfortunately, I have not been here to listen to the previous testimony, but in reading the bill rather hurriedly, I want to express our sympathy in behalf of this legislation.

I represent 20 of the railway labor organizations as executive secretary here.

Senator CLARK. You represent the Railway Labor Executives' Association?

Mr. LUHRSEN. That is right.

That includes 20 organizations, and I will leave the names of them with the secretary here, so he may incorporate them in the record, if you so desire.

Senator CLARK. That may be done.
(The affiliated organizations are as follows:)

- Brotherhood of Locomotive Firemen & Enginemen.
- Order of Railway Conductors of America.
- Switchmen's Union of North America.
- Order of Railroad Telegraphers.
- American Train Dispatchers' Association.
- Railway Employees' Department, A. F. of L.
- International Association of Machinists.
- International Brotherhood of Boilermakers, Iron Shipbuilders & Helpers of America.
- International Brotherhood of Blacksmiths, Drop Forgers and Helpers.
- Sheet Metal Workers' International Association.
- International Brotherhood of Electrical Workers.
- Brotherhood Railway Carmen of America.
- International Brotherhood of Firemen and Oilers.
- Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees.
- Brotherhood of Maintenance of Way Employees.
- Brotherhood of Railroad Signalmen of America.
- National Organization Masters, Mates, and Pilots of America.
- National Marine Engineers' Beneficial Association.
- International Longshoremen's Association.

Mr. LUHRSEN. The Railway Labor Executives' Association endorses S. 450 since the protection it affords is both worthy and necessary.

The benefits themselves are meager compared with the various risks that attach to any and all work for which these people covered by this bill volunteer their services.

Night duty, and much of it in addition to their regular daily tasks, all add to what we may well term unusual as well as extensive hours for the protection of the civilian population throughout the Nation.

Opportunity for contracting sickness during inclement weather and the necessity to face risks greater than in ordinary life, by attending to duties and responsibilities involving greater hazards, certainly justifies such protection of benefits as this bill contemplates.

Volunteers who enter or join the service of this Nation are not excluded from such payments or benefits which flow to those who are drafted. The people who volunteer in the work which adds safeguards and protection for our civilian population are entitled to whatever possible protection we can give them. Many of these so-called air raid wardens at the early stages of the program contributed out of their own pockets for such immediate equipment as was necessary, not even thinking of a source of repayment for whatever their outlay may have been.

Both communities and the Federal Government requested volunteers and nowhere have I as yet seen anything in the press, or otherwise, indicating that the response was neglected. It must be obvious to all thinking people that the more of these volunteers we have in the home field, the more men we release for the actual service,

which otherwise would require depleting the ranks to just that extent.

These volunteers should not be expected to assume both physical and financial hazards without at least some financial assistance that will aid them financially in case of injury or financial stress, and at a sacrifice of their own immediate families.

Praise alone will not serve as a remedy, and something positive and something concrete should be done for these volunteers even though the benefits as set forth in S. 450 will not sufficiently take care of the losses accruing to these volunteers. It is a step in the right direction; it is bound to improve the general morale since it is at least a recognition of the good work these volunteers are performing, and their appreciation or even a partial recognition will encourage their greater efforts and continuance in this laudable volunteer service.

We recommend the enactment of this legislation and urge your valued assistance to bring it about.

Senator CLARK. Do you have any questions, Senator Lucas?

Senator LUCAS. No.

Senator CLARK. Any questions, Senator Millikin?

Senator MILLIKIN. No.

Mr. LUHRSEN. Might I raise a question as a matter of information? I read the bill hurriedly, but on page 4 under paragraph (c) it states:

The actual cost of such benefits may be paid directly or by way of reimbursement to any person entitled to such benefits, or may be paid to the person furnishing such benefit.

If that is confined strictly to persons who advance the benefits, I think the thing is quite clear, but the only question I raise, is: Does it invite some attorneys who may be instrumental in trying to prosecute a case where another man would not say anything about it?

Would it give him a broad opportunity there?

That is the only thing I question. I am not a lawyer, so I do not know whether that could be improved upon, or whether it is all right as it is.

I just brought it out as a thought to be considered.

Senator CLARK. That is a very pertinent suggestion, Mr. Luhrsen.

The obvious purpose of that provision is to relieve the provision of the law on Government hospitals. In other words, some of these people may be injured where Government facilities would not be available, either by reason of remoteness or by reason of the fact that those facilities might be crowded, and the idea was to permit these people to be taken care of even though it is not in the public hospital.

I think the question you raised was in reference to ambulance-chasing lawyers.

Mr. LUHRSEN. I raise it for that reason. I have been in the railroad business 50 years, and I have handled many, many cases, and the person who did not take it to such lawyers, but made a settlement, I found was usually better off than one who went in the other direction.

Senator CLARK. I have had many years of experience in the law business, and I can agree with you heartily on this.

Do you have any questions, Senator Lucas?

Senator LUCAS. No.

Senator CLARK. Any questions, Senator Millikin?

Senator MILLIKIN. Mr. Luhrsen, does the approval of the organization cover benefits to civilians who are not connected with the war but to civilians generally?

Mr. LUHRSEN. That is another question that I had in my mind that I was not sure of.

In reading this bill, when I found whom it covers, the question immediately flashed through my mind about railroad terminals where a man is really in his regular vocation.

He would not come under this, as I understand it, and I thought perhaps we would get what this bill calls for rather than taking in a broad field.

We have disability laws, unemployment compensation, and protective measures in other ways, and I did not want to get that involved in this.

Senator LUCAS. Where are you going to draw the line? What is worrying me, this is just one phase of a tremendous amount of legislation of this character that this committee is apparently going to consider, and I am just wondering where you are going to draw the line, once you start in compensating civilians in wartime for injuries sustained in connection with the war effort.

That thing is constantly worrying me.

I am thinking of the fellow who is deferred on a farm. He is working there on the farm in the interest of the war primarily, because he is deferred. We have said he has got to stay there. He is working on a farm, he is run over by a tractor and injured for life, and I was wondering whether or not he can sue the Federal Government to take care of him.

I was wondering what would be the result if the Bankhead bill passes.

There are a hundred different fields, probably. When we enter into this, I think we ought to be consistent.

Mr. LUHRSEN. I think there must be a limit, but I believe in ordinary circumstances, you can distinguish and get ample proof for the people that are supposed to be covered in this bill without going into an extensive field.

That is the reason I answered Senator Millikin as I did. I do not believe we should get confused in this issue right here now. I think the interpretation of what it is intended to cover is quite clear.

Senator LUCAS. As far as this bill is concerned, it is quite clear, perhaps, if we stopped there.

However, we have another bill pending, Mr. Chairman.

Senator CLARK. Of course, we have the general rehabilitation bill, which was recommitted to the Committee on Education and Labor.

Senator LUCAS. That is the one I was thinking about, which obviously covers more fields than this one does.

Senator CLARK. That covers everybody.

Mr. LUHRSEN. We had a broad experience in our Railroad Retirement Act, for example. Everybody would like to get under it because we pay a greater benefit than Social Security.

Senator CLARK. I am not certain that I understand all the implications of the bill, but, as I understand it, the declaration of principle, section 2, is somewhat broader than the specific provisions of the rest of the bill.

If I understand it correctly, the purpose of this bill is to afford general relief to civilians in general, who may be injured by direct enemy action.

Mr. LUHRSEN. That is right.

Senator CLARK. Then it makes a specific provision for benefits to those engaged in these volunteer services who, in pursuance of those efforts, may be injured or suffer disability.

Then, of course, it makes certain provisions for the protection of the various insurance and workmen's compensation systems in the States where they suffer unusual losses, not contemplated in the amount paid in, due to direct enemy action.

Is not that your understanding, Senator Lucas?

Senator LUCAS. Yes.

Mr. LUHRSEN. As a general statement I can say we are sympathetic to this bill because we think, if anyone is broad enough and patriotic enough to volunteer for such emergencies as we have men doing, and women as well, doing today, let us give them something in the way of a reward.

Thirty dollars a month is not very much money, but it is recognition of their broad-mindedness, patriotic, and loyal feeling for the Government.

So we stand on that principle. Now, when we get outside of that field it is another question.

I do not want to contend for any benefits for our railroad men. We will try to get along without asking you to pass legislation, at this time at least, but we do not want to be discriminated against.

Senator CLARK. You take pretty good care of your men.

Mr. LUHRSEN. I think we can; thank you.

Senator CLARK. Thank you, Mr. Luhrsen.

Mr. Haddock.

STATEMENT OF HOYT S. HADDOCK, LEGISLATIVE REPRESENTATIVE, CONGRESS OF INDUSTRIAL ORGANIZATIONS, MARITIME COMMITTEE

Mr. HADDOCK. My name is Hoyt S. Haddock. I am the legislative representative of the C. I. O. Maritime Committee.

Mr. Chairman, we are in favor of this bill, its general provisions.

I want to particularly emphasize the tremendous assistance that the Civil Air Patrol has afforded in protecting the lives and ships that carry the cargoes to the far-flung battle fronts of the world. I might say that there is no other one thing which has done more to add to the morale of seamen than the work that has been done by the Civil Air Patrol.

The fact that these planes come out and hover over their ships en route, report submarines and keep submarines from attacking them, has had a tremendous effect upon the morale of merchant seamen, and it is one of the contributing factors for merchant seamen continually going back to sea after having survived torpedoing after torpedoing.

In addition, however, to the coverage that is given those various volunteers, who have specific volunteer duties and specific titles under volunteer programs, we want to emphasize that the bill retain its coverage or extend its coverage to all civilians, irrespective of whether or not they have that specific title or that specific duty.

Just because a person happens to be an air raid warden, for instance, does not mean that he is the only one in the neighborhood who is going to participate in that type of activity.

I live in a little community of 70 families just outside of Washington. We have our air raid wardens, we have our volunteer fire departments, we have our Red Cross people, and so forth, but I think it is safe to say that everyone in the community, including some who are physically disabled and cannot even go outside of the house, are integrated into the civilian program in such a way that they would participate in some activity in case of air raids, or other disasters.

Senator LUCAS. You mean all the 70 in that community ought to be included in this?

Mr. HADDOCK. I think all 70 families should definitely be included.

If anyone is injured in the community where I live, or in any community of the United States, they ought to be taken care of.

Senator CLARK. You mean by direct enemy action, Mr. Haddock?

Mr. HADDOCK. Or causes in connection with the war, that can be contributed to the proximity of the enemy.

For instance, we may have someone who is participating in some activity in the community, who has no specific title or specific duty.

For instance, a fire in our community brings out the whole community, but there are only a certain number of people who are on the volunteer fire department.

I should like to see all the people covered, irrespective of whether or not they have certain titles.

Senator CLARK. You do not mean, if you have a fire in your own community, to use an example, entirely unconnected with any war, that everybody who turns out for the fire should be insured by the Government?

Mr. HADDOCK. No; certainly not.

Senator CLARK. You do not mean to say if the man is in a bath tub, if he is not an air raid warden, or in any of the civilian services, but he is in the bath tub and he hears the siren, the air raid warning, and leaps out of the bath tub, bangs his head on the side of the bath tub, that he should be compensated?

Mr. HADDOCK. No; I would not say that. I would not like to see that sort of compensation, either.

For instance, if a fire was started by reason of enemy action, and people in the community other than the volunteer fire department, volunteers in connection with the defense program, are injured in attempting to bring that fire under control, I think they ought to be compensated.

Senator CLARK. That would come under the category of direct enemy action, which is contemplated in the bill.

Mr. HADDOCK. I do not know just how broad the coverage is, but I should like to see all civilians covered, irrespective of whether or not they have these titles or have these jobs, because they do participate in the program.

That is all I have, Mr. Chairman,

Senator CLARK. Mr. Haddock, do you have any summary that you could give the committee on the present insurance system available to merchant seamen from governmental and commercial companies?

Mr. HADDOCK. No.

Senator CLARK. That question has been raised before the committee, as to the extent to which the merchant seamen are presently covered, or have available insurance.

Mr. HADDOCK. Mr. Chairman, I am positive there is no one, in the Government or out, who can summarize competently, the insurance that is afforded seamen.

Senator CLARK. There is before the Senate a bill to extend national service life insurance to merchant seamen, introduced by Senator Bone.

The matter has come before the committee several times, as to the extent to which insurance has been extended.

Mr. HADDOCK. We do not propose to testify on that bill.

The merchant seamen have certain coverages now. They have a \$5,000 coverage on insurance that is being revised to \$7,500.

Senator CLARK. That insurance is carried by the steamship companies and applies to the employment of merchant seamen.

Mr. HADDOCK. That is correct.

That is not sufficient. For instance, a merchant seaman that is in a convoy to Iceland or to Murmansk, if that convoy was torpedoed, if his ship was torpedoed and he went into the icy waters and lost his limbs, he would not be covered under that insurance.

Senator CLARK. It just covers death?

Mr. HADDOCK. No. It covers more than death. If the torpedo hit him and blew off his arms and legs, he would be covered, but if he got them frozen off, in the water he would not be covered.

If a man had hearing only in one ear and if the torpedo hit the ship and burst the other ear drum, he would not benefit by that. If he lost his mind because of torpedoings or bombings, he would not be covered by that.

It is very inadequate, and there are attempts at present to rewrite it and give it proper coverage, but to date it has not been done.

Senator LUCAS. What encouragement are you getting from the steamship companies along the lines you suggested?

Mr. HADDOCK. We are getting no encouragement from the steamship companies and little from the Government.

Senator LUCAS. I can understand the distinction.

Senator CLARK. Mr. Haddock, you say if a man gets his leg blown off by being hit by torpedo, he is compensated, but if he gets it frozen off in water, he is not. There is no sense in such a distinction.

Mr. HADDOCK. The distinction is because of a fight that has grown up between war-risk insurance and marine-risk insurance.

Now, prior to the war, all these things were covered by the marine risk.

Vessels took a certain natural risk in everyday plying of their different routes. Since the war the underwriters got into a fight as to who was going to pay under this: Is the war-risk insurance going to pay or is the marine-risk insurance going to pay, and the result is every case, almost every case is left to the mercy of the court for decision, and no one is going to be able to tell whether the court is going to say it is marine risk or war risk.

There is legislation which is going to conference today that will clear that up.

That provides that all of these matters be settled as war risk pending any decision, and if it is decided that it is a marine risk, they are still covered.

Senator MILLIKIN. What is that legislation?

Mr. HADDOCK. H. R. 133 and S. 162.

The bills have passed both Houses. There was an amendment adopted in the Senate. The conferees have agreed to adopt the amendment that was adopted by the Senate, and it goes back to both Houses.

Senator MILLIKIN. Does the bill satisfy you?

Mr. HADDOCK. Yes; it does.

Senator CLARK. In other words, the purpose of that legislation is to see that the man gets his money.

Mr. HADDOCK. That is correct.

Senator CLARK. Then let the war-risk and marine-risk insurance fight it out as to who should pay the money.

Mr. HADDOCK. That is correct.

Senator CLARK. But the injured man gets his money without any delay?

Mr. HADDOCK. That is correct.

We have cases now that happened in the first month of the war that are still not compensated for.

Senator MILLIKIN. You are not directly interested in this bill for the benefits that might come to your organization?

Mr. HADDOCK. No. We feel our coverage will be ample for us in that respect.

Senator CLARK. Any further questions, Senator Lucas?

Senator LUCAS. No.

Senator CLARK. Thank you very much, Mr. Haddock.

Mr. HADDOCK. Thank you.

Senator CLARK. Mr. Taft.

STATEMENT OF CHARLES P. TAFT, ASSISTANT DIRECTOR, OFFICE OF DEFENSE HEALTH AND WELFARE SERVICES, FEDERAL SECURITY AGENCY, WASHINGTON, D. C.

Senator CLARK. Will you identify yourself for the record, please?

Mr. TAFT. My name is Charles P. Taft. I am Assistant Director, Office of Defense Health and Welfare Services, Federal Security Agency.

First, I want to apologize, Senator, because we are not prepared to suggest detailed amendments. We felt on the whole we would rather know what the committee had in mind and work with their legislative counsel on whatever might seem to be necessary.

I will try to cover the various questions that have been asked by members of the committee as I go along.

Senate 450, in general, is identical with Senate 2620, considered by the Senate Finance Committee, during the last session of the Congress. However, I would like to point out to the committee that Senate 450, as introduced, does not correspond with the last committee print dated July 8, 1942, in which a number of amendments were provided which have been suggested as desirable in the course of the testimony of some of the other witnesses.

For instance, the question that was raised here, as to the activity of lawyers was taken care of, at least in part, on page 4, line 7, by changing "actual" to "reasonable" and striking out "directly or by way of reimbursement."

So that it would then read:

The reasonable cost of such benefits may be paid to any person entitled to such benefit or may be paid to the person furnishing such benefit.

That makes it at least clearer and simpler.

There are a number of other changes of that kind that were made in the committee print and which the committee could consider by getting that last print.

I would like to say a word, in connection with this, about the purpose of the bill, which is more general than has perhaps been indicated by what has been said here. It is perfectly true that the course of the war has made the benefit to civilian defense workers, and to others who are named specifically, more important at the moment, and yet there is no question that the general reimbursement to civilians who are injured by air raids or other enemy action, if that should occur, would be far more serious and far more important than that which, at the present, seems to be more likely to call for payment under the bill.

Title I, as the committee knows, provides medical benefits for civilians who sustain war injuries and cash benefits for disability, death, or detention arising out of the war. It includes other specific classes of civilian defense workers for injuries sustained in the course of performing their official duties.

The benefits provided under the bill may not continue beyond a 5-year period after the end of the war.

Title II would provide for immediate but temporary assistance to relieve civilian distress resulting from the war. It would be limited to cases of injury, death, detention, evacuation, damage to clothing, tools, living quarters, furniture, and real or personal property necessary for purposes of employment or habitation.

The assistance rendered under this title is designed to tide people over immediate emergencies.

On February 6, 1942, the President allocated to the Federal Security Administrator the sum of \$5,000,000 for the provision of temporary aid to civilians necessitated by enemy action. I see that that was not introduced in the record at the last hearing, and I will therefore offer it for inclusion.

Senator CLARK. It may be included in the record.

(The matter referred to is as follows:)

Allocation No. 42-70.

THE WHITE HOUSE,
Washington, February 6, 1942.

The honorable the SECRETARY OF THE TREASURY.

MY DEAR MR. SECRETARY: By virtue of the authority vested in me by the provisions of the appropriation entitled "Emergency fund for the President," contained in the Independent Offices Appropriation Act, 1942, approved April 5, 1941, I hereby make the following allocation: To the Administrator of the Federal Security Agency, \$5,000,000, to be expended by the Administrator of the Federal Security Agency, or through such Federal or other agencies as he may designate, for providing temporary aid necessitated by enemy action to civilians, other than enemy aliens, residing in the United States:

- (1) Who are disabled; or

(2) Who are dependents of civilians who are killed, disabled, interned, or reported as missing; or

(3) Who are otherwise in need of assistance or services.

This allocation is not intended to cover civil or other personnel of the Federal Government for whom other provisions are contemplated.

The funds hereby allocated shall be available for all necessary expenses in carrying out the above-described activities, including the procurement of supplies, services and materials without regard to section 3709 of the Revised Statutes; and the employment of such personnel without regard to the civil service or classification laws as may be necessary or expedient for the accomplishment of these purposes.

Please arrange for the necessary transfer of funds and advise the Administrator of the Federal Security Agency.

Sincerely yours,

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE,
Washington, February 6, 1942.

Hon. PAUL V. McNUTT,
Administrator, Federal Security Agency,
Washington, D. O.

MY DEAR MR. McNUTT: In order to permit sufficient time for the study and development of adequate legislation required because of enemy action which has necessitated aid to the civilian population, it is necessary that provision be made for temporary immediate aid. Pending the development of such legislation, I am asking you, as Federal Security Administrator, to assume responsibility for providing temporary aid necessitated by enemy action to civilians, other than enemy aliens, residing in the United States: (1) Who are disabled; or (2) who are dependents of civilians who are killed, disabled, interned, or reported as missing; or (3) who are otherwise in need of assistance or services. This aid may take the form of cash allowances or temporary provision for hospitalization, medical care, food, shelter, clothing, and transportation. It is not intended that such aid should cover civil or other personnel of the Federal Government, for whom other provisions are contemplated.

I have directed the Secretary of the Treasury to make available to you the sum of \$5,000,000 from the appropriation "Emergency Fund for the President" contained in the Independent Offices Appropriation Act, 1942, approved April 5, 1941. This sum is intended to provide for the contingencies arising out of enemy action as defined in my letter to the Secretary of the Treasury, copy of which I enclose.

Numerous proposals covering various parts of this problem have already been made and others are being developed. I have asked the Bureau of the Budget to give particular attention to the coordination and recommendation of legislation required because of enemy action which necessitates aid to the civilian population. I should, therefore, like you to continue to keep in close touch with the Bureau of the Budget so that all proposals can be considered in the submission of over-all legislation.

Sincerely yours,

FRANKLIN D. ROOSEVELT.

Mr. TAPP. As explained at the hearing before your subcommittee on S-2620 last July, a temporary program for civilian-war benefits and relief was developed under this authorization. On October 5, 1942, the terms of the allocation were modified and clarified in several respects and it brought within its scope persons who have been evacuated and certain civilian-defense workers. That also, I think had better be included in the record.

Senator CLARK. It may be included in the record.
(The matter referred to is as follows:)

Allocation No. 42/3-56 (amending allocation No. 42-70).

THE WHITE HOUSE,
Washington, October 5, 1942.

The honorable the SECRETARY OF THE TREASURY.

MY DEAR MR. SECRETARY: On February 6, 1942, I allocated \$5,000,000 to the Federal Security Agency from the emergency fund for the President contained in the Independent Offices Appropriation Act of 1942, to be expended for providing temporary aid necessitated by enemy action to civilians.

The funds so allocated shall be available for providing temporary aid to civilians (including enemy aliens) within the United States:

(1) Who are injured as a result of enemy attack or of action to meet such attack or the danger thereof, or who are injured while in the performance of their duties as civilian-defense workers; or

(2) Who are dependents of individuals (a) injured or killed under circumstances described in clause (1), or (b) interned by the enemy or reported as missing under circumstances indicating such death or internment; or

(3) Who are being or have been evacuated from any area under the direction of civil or military authority; or

(4) Who are otherwise in need as a result of enemy attack or of action to meet such attack or danger thereof. Such aid may include money payments, loans (with or without interest or security), and assistance in kind and medical or other services necessary for the protection of health, safety, or welfare.

As used in this letter the term "civilian defense worker" means any civilian (except a person who is paid by the United States, or any department, agency, or instrumentality thereof, for services as a civilian defense worker) who is engaged in the Aircraft Warning Service, or is a member of the Civil Air Patrol, protective services engaged in civilian defense, as such protective services are established from time to time by regulation or order of the Director of the Office of Civilian Defense, or is registered for a course of training prescribed and approved by said Director for such protective services. The term "United States" as used in the allocation, includes Alaska, Hawaii, Puerto Rico, and the Virgin Islands.

Aid under the allocation shall be available to civil or other personnel of the Federal Government to the same extent as to other civilians. Any other Government benefit payments shall be taken into account, so far as may be practicable in determining the aid to be provided under the allocation.

The funds shall also be available for the development of necessary plans and surveys in preparation for meeting possible emergencies within the scope of the allocation.

In other respects the availability of these funds shall be governed by my letter of February 6, 1942.

Sincerely yours,

FRANKLIN D. ROOSEVELT.

Mr. TAFT. The temporary programs now in operation under the authority of these allocations are similar to those contemplated by S. 450 and its predecessor S. 2620.

The sum of \$750,000 was allocated to the Social Security Board and the responsibility for the fulfillment of the objectives of this allocation which corresponds in general to title I, was placed in the Bureau of Old Age and Survivors' Insurance, except for medical care, and that corresponding to title II in the Bureau of Public Assistance.

I might add, in answer to a question previously raised by the committee, that no additional Federal staff was employed for either of those two purposes. The Bureau of Old Age and Survivors' Insurance has provided aid on a compensation basis to certain dependents of civilians killed or missing as the result of enemy action outside the United States.

I will give the exact figures in a few moments. Under this program the dependents of civilian employees of Government contractors operating at Government bases which have been affected by enemy

action, such as those in Wake and Guam Islands, received compensation benefits.

Most of such cases are now taken care of by the United States Employees' Compensation Commission under the authority of Public Law 784.

The Bureau of Old Age and Survivors Insurance has recently broadened the temporary program to provide aid on a compensation basis to volunteer civilian defense workers in the protective services of the Office of Civilian Defense, in the Aircraft Warning Service, and the Civil Air Patrol, who are disabled as the result of injury incurred in the performance of official duty, and to the dependents of such persons as are killed.

The Bureau of Public Assistance is now administering a temporary program to provide assistance of short duration to meet emergency need resulting from enemy attack or action taken to meet such attack or the danger thereof, that of course being the official volunteers of various kinds.

This program is being operated through established State and local welfare agencies which would administer funds in accordance with the instructions of the Social Security Board as they are already doing with other Federal funds.

Under this program assistance and other welfare services are provided to persons in need, who have been evacuated from Hawaii and Alaska, exchanged nationals reaching this country on diplomatic exchange ships, to dependents of merchant seamen killed or missing because of enemy attacks and one category as to which there has been a small sum obligated and as to which we have some doubt, which is now being considered in our office, persons in need because of acquisition of land by the military and other persons in need within the scope of the allocation.

Under this program also, the State welfare agencies, financed by Federal funds, are developing plans under which assistance and other welfare services could be provided to the civilian population should it be subjected to actual enemy attack. I might say as to that, that some funds have been allocated to States to provide for temporary State personnel to work out those plans in case of an emergency, not over 3 months, and the requirement of another application for any further service desired.

The sum of \$500,000 was allocated to the United States Public Health Service to enable it to make temporary provision for hospitalization and medical care for persons entitled to temporary aid within the scope of the allocation under title I.

Through the Emergency Medical Section created within that organization—the Public Health Service—to fulfill these responsibilities, the Public Health Service has provided medical care for persons evacuated from Hawaii and Alaska, for exchanged nationals arriving in this country on diplomatic exchange ships, for seamen rescued from ships sunk by the enemy, and more recently for civilian defense workers in the protective services injured while on official duty.

Funds were also made available to finance certain necessary expenditures of the Joint Evacuation Committee of the Office of Defense Health and Welfare Services, and the Office of Civilian Defense, on which the Office of Education, the United States Public Health

Service, and the Children's Bureau and the Bureau of Public Assistance are also represented.

I might say in that case, from funds already available to my office, one additional person has been employed; there being no one available, apparently that could handle that new activity. He is assigned to work full time with the Joint Committee on Evacuation.

This Joint Evacuation Committee is responsible for seeing that plans are prepared for the evacuation of certain groups of the civilian population, such as the aged, sick, young children, and pregnant women, when the military authorities so direct.

These plans are being worked out in cooperation with the military authorities and through the State agencies, and in the last word we have from the Army, they have, at least temporarily, limited that detailed activity to certain of the coastal areas on the east and west coasts.

Arrangements have been made to make small amounts of money available to finance the preparation of these plans when States certify they need financial assistance for this purpose.

Evacuation operations according to approved plans, if ordered or recommended by the military authorities, would also be financed by these funds.

That would run to considerable money, but that would be only in event of direct enemy action on the coasts.

The agencies to which these responsibilities have been assigned have maintained close contact with each other and have coordinated their respective plans through mutual arrangements.

All planning has been closely related to the operations of the Office of Civilian Defense. Relationships between the planning of these agencies and the American Red Cross have been developed in accordance with national agreements reached by the Office of Defense, Health, and Welfare Services, and the Office of Civilian Defense and the American Red Cross.

Those agreements were introduced into the record the last time on pages 32 to 36.

Senator CLARK. They may be included again, Mr. Taft. It will be much more convenient in examining the record

(The agreements referred to are as follows:)

JOINT STATEMENT OF THE OFFICE OF DEFENSE HEALTH AND WELFARE SERVICES AND THE AMERICAN RED CROSS CONCERNING DISASTER RELIEF AND CIVILIAN WAR AID

The purpose of this joint statement is to present a plan which is clear-cut and readily understood, locally as well as nationally, for the distribution of functions pertaining to disaster relief and civilian war aid. This plan avoids the creation of unnecessary machinery, preserves the values inherent in retaining established agencies—public and private—without impairment of their normal function, is susceptible of application in all jurisdictions, and is effective without change in principle, or method, in major or minor emergencies. It recognizes the basic responsibility of Government for Civilian War Aid and of the American Red Cross for disaster relief.

BACKGROUND

On September 4, 1941, a general understanding was reached between the American Red Cross and the Office of Civilian Defense which stated in part that since "the Red Cross is the responsible agency for the relief of suffering caused by disaster, both in peacetime and in the national defense emergency, by providing food, clothing, shelter, medical and nursing care, and other basic neces-

sities," it should serve in the "emergency care and rehabilitation of individuals and families suffering from disaster caused by enemy action."

On February 4, 1942, an understanding was reached between the Office of Civilian Defense and the Office of Defense Health and Welfare Services covering the relationships between those two offices. The substance of that statement is that, while the Office of Civilian Defense coordinates the work of the Federal departments relating to civilian defense and promotes the development of State and local defense councils and programs, the Office of Defense Health and Welfare Services is the agency through which the Office of Civilian Defense works with respect to all activities of Federal and national agencies in the field of health, welfare, education, nutrition, recreation, and related services.

On February 6, 1942, the President authorized the Federal Security Administrator to provide such aid to the civilian population as may be necessitated by enemy action.

DEFINITIONS

In the interest of clarity, the term "disaster" will not be used in connection with emergencies created by enemy action. Through long usage the term "disaster" has come to have special significance as referring to natural and accident-caused situations, usually catastrophic in nature, such as hurricanes, tornadoes, and other destructive windstorms, floods, fires, explosions, and epidemics. The term "disaster" has a peculiar connotation which makes its use ill-advised in connection with emergencies resulting from enemy action. Therefore, the word "disaster" will be used to refer only to natural and accident-caused situations, whereas the term "civilian war aid" will be used to describe the relief aspects of situations created by enemy action. The hazards which may involve aid to civilians affected by war operations include civilian needs resulting from enemy attack or the danger thereof or from action to meet such attack or danger and the removal of civilians because of military necessity.

NEEDS

The human needs for civilian war aid arising out of an emergency created by enemy action are in general the same as those arising out of disaster.

These needs may be dealt with in three stages: (1) On a mass basis immediately following the emergency; (2) on a temporary individual basis following the restoration of normal community facilities; and (3) on a long-time basis through indemnity or other benefits.

The need for services will be most pronounced immediately following the emergency before the community facilities begin to operate normally or in communities which are so devastated that money will not meet the need for necessary goods and services through ordinary channels. Such services include inquiry and information service; first aid and emergency medical service; more extended medical, nursing, and hospital care; transportation of persons and their necessary belongings and appropriate services en route; food and mass feeding; clothing; shelter, temporary and long-time; household furnishings, workmen's tools, and stock in trade of shopkeepers; occupational aid; and aid to families returning to their original homes or being resettled in new locations.

Where the normal facilities of the community are not so seriously disrupted by the enemy action that persons with money cannot procure the necessary goods and services, the Federal Security Administrator will make temporary aid available through the facilities of the Social Security Board and appropriate State and local public agencies which are now responsible for meeting the needs of individuals and families. On a long-time basis persons who are injured and dependents of persons who are injured or killed may receive continuing assistance in the form of indemnity benefits, in the nature of workmen's compensation, but not restricted to wage earners, through the Social Security Board.

With regard to medical, nursing, and hospital care, the Federal Security Administrator has designated the United States Public Health Service and the cooperating State and local public health departments as the responsible agencies, utilizing funds made available to the Federal Security Administrator. The American Red Cross will supplement medical, nursing, and hospital care in accordance with such plans as may be developed between the United States Public Health Service and the American Red Cross, with the approval of Office of Defense, Health, and Welfare Services.

The Federal Security Administrator, working through the Social Security Board and appropriate State and local public agencies, will make provisions for the long-time maintenance of civilians affected by enemy action, the provision of household furnishings and of long-time or permanent shelter (including repair and rebuilding of homes), occupational assistance, and aid to families returning to their original homes or in need of permanent resettlement elsewhere.

POLICIES AND PROCEDURES

(1) The American Red Cross, under its congressional charter, is the responsible agency for extending relief in natural disasters and those caused by accident or sabotage, whether they occur in peacetime or in wartime. As in the past, the Red Cross in extending such relief will be supported and assisted by the appropriate governmental agencies and facilities.

(2) The Federal Government has basic responsibility for the protection, welfare, and care of the civilian population in emergencies resulting from enemy action. In view of the President's allocation to the Federal Security Administrator on February 6, 1942, and pending legislation to make such functions more permanent, it is assumed that necessary funds will continue to be available to provide for all needs of civilians affected by enemy action.

(3) With respect to the emergency period during which special facilities must be made available to meet emergency needs without notice, the Federal Security Administrator will look to the organization, facilities, and resources of the American Red Cross to provide food, clothing, and temporary shelter. As soon after the emergency as the Federal Security Administrator determines that aid can be extended through normal channels, he will carry out his function through the regular Federal, State, and local public agencies which are now responsible for meeting the needs of dependent individuals and families, and the Red Cross will arrange for the orderly termination of its emergency aid.

(4) With regard to food, clothing, and temporary shelter, the American Red Cross will use its organization, facilities, and resources, in conformity with this joint statement and such additional detailed plans as may be developed by it and the Federal Security Administrator. The American Red Cross will function in every community on the basis of conditions agreed upon by it with the State and local public-welfare agencies in conformity with this joint statement and with such additional detailed instructions as may be agreed upon by the Federal Security Administrator and the American Red Cross. In addition to providing food, clothing, and temporary shelter, the American Red Cross will, where appropriate, provide inquiry and information service and assist in the transportation of persons, and their necessary belongings, in connection with civilian aid.

(5) The American Red Cross is prepared to undertake appropriate added responsibilities for sufferers from war-caused emergencies and will provide assistance and services supplemental to those made available by public agencies in those cases which are referred to it by the public agencies for consideration of special needs and services.

(6) Should enemy action cause needs for food, clothing, and temporary shelter of such magnitude as to be beyond the normal scope of voluntary financing, or should the Federal Security Administrator even in situations within the normal scope of voluntary financing prefer to discharge the Government's basic responsibility by financing these needs, the Federal Security Agency will make payment for the major expendable items, after the fact and upon presentation by the American Red Cross of properly certified vouchers. In all activities which the American Red Cross undertakes, detailed accounting will be maintained in accordance with existing procedures so that adequate vouchers, properly audited by the War Department, may be presented.

(7) Since the operating details of civilian war aid will vary in the communities according to existing facilities and practices, the State and local agencies designated by the Federal Security Administrator will work out the details of local operations with chapters of the American Red Cross. At each level, the Government has basic responsibility for meeting the needs and the American Red Cross will work out the details with the responsible State and local public authorities in the same way that it has worked out the national policies and procedures with the Federal Security Administrator in order that the local operations will conform to the general principles and procedures stated herein.

(8) The American Red Cross national organization will arrange immediately for compliance with the provisions of this joint statement by its local chapters.

Similarly, the Federal Security Administrator will use all reasonable means to secure compliance by State and local governmental authorities.

Approved: April 17, 1942.

PAUL V. McNUTT,
Director, Office of Defense Health and Welfare Services.
 NORMAN H. DAVIS,
Chairman, American Red Cross.

JOINT STATEMENT OFFICE OF CIVILIAN DEFENSE AND AMERICAN RED CROSS

To secure unity of effort and avoid duplication of facilities in meeting civilian needs arising from enemy action, this statement is issued by the Office of Civilian Defense and the American National Red Cross for the guidance of defense councils and Red Cross chapters.

It is the responsibility of local defense councils to see that adequate provision is made for all services required in the event of bombing or other enemy attack. During an emergency period the commander of the Citizens' Defense Corps will exercise control over all such services.

With respect to emergency medical services and emergency feeding, housing, and clothing, provision should be made in each community in conformity with the following principles:

EMERGENCY MEDICAL SERVICES

During bombing or other enemy attack, all services are directed from the control center in charge of the commander of the Citizens' Defense Corps. Responsibility for the care of those injured, as a result of enemy action, rests with the emergency medical service of the Citizens' Defense Corps under the direction of the chief of the emergency medical service.

Red Cross chapters assist the emergency medical service by (a) recruiting and training volunteer nurses' aides who will be utilized by the emergency medical service at base and casualty hospitals, casualty stations, and first-aid posts; (b) furnishing lists of persons trained in first aid to be enlisted by the emergency medical service as members of its stretcher teams; (c) providing dressings, bandages, and supplementary equipment as the chapter may decide in consultation with the chief of emergency medical service; (d) equipping and operating emergency ambulances to be assigned to the emergency medical service and to serve under its direction; (e) providing supplementary transportation for walking injured and for emergency medical service personnel. During the emergency period, ambulances and motor units assigned to such transportation service will be under the direction of the chief of emergency medical service or the transport officer. The emergency medical service of the Office of Civilian Defense will not be duplicated by the Red Cross but will be utilized by the Red Cross in natural disasters.

EMERGENCY FEEDING, HOUSING, AND CLOTHING

In the joint statement dated April 17, 1942, of the Office of Defense Health and Welfare Services and the American Red Cross it is agreed: "With respect to the emergency period during which special facilities must be made available to meet emergency needs without notice, the Federal Security Administrator will look to the organization, facilities, and resources of the American Red Cross to provide food, clothing, and temporary shelter." These services will be provided locally during an emergency period by the Red Cross under the control of the commander of the Citizens' Defense Corps in accordance with detailed plans to be worked out jointly by the commander, the Red Cross chapter, and the public-welfare authority.

Defense councils should avoid duplication of these facilities. Where an emergency food and housing corps has already been organized and equipped to the satisfaction of the commander of the Citizens' Defense Corps, its function should be coordinated with those of the public-welfare authorities and the Red Cross chapter and, if possible, consolidated.

After the emergency period the appropriate public agencies are expected to undertake the care of civilians in accordance with plans developed in conjunction with the Office of Defense Health and Welfare Services and the Federal Security Administrator. Funds will be made available for this purpose by the

Federal Government through the Federal Security Administrator. Local welfare agencies and Red Cross chapters should be guided in their relationships by the agreement signed on April 17, 1942, by the Office of Defense Health and Welfare Services and the American Red Cross.

All Red Cross volunteers enlisted in the emergency housing and feeding service, and all other Red Cross volunteers who are to be in service, during and following bombing or other enemy action, will register with the local civilian defense volunteer office. The cards of all such registrants are to be marked so as to show that these volunteers are in Red Cross service. In order to obtain necessary freedom of movement during and immediately after enemy action, Red Cross personnel certified to the commander by the chapter for emergency feeding, housing, and clothing services will be furnished with identification cards issued to Citizens' Defense Corps personnel and will be authorized to wear the official arm band.

This statement supersedes the jointing statements of September 4 and December 22, 1941.

NORMAN H. DAVIS,
Chairman, American Red Cross.

Approved: May 18, 1942.

JAMES M. LANDIS,
Director, Office of Civilian Defense.

IMMEDIATE RELEASE

OFFICE OF CIVILIAN DEFENSE,
Washington, D. C., May 22, 1942.

[For the press.]

Three important agencies—the Federal Security Agency, the Office of Civilian Defense, and the American Red Cross—have agreed upon plans to assist civilian victims of enemy action, in case of bombing.

Immediate responsibility for the care of persons injured as a result of enemy action is placed upon the emergency medical service of the United States Citizens' Defense Corps. The Red Cross will assist in furnishing nurses' aides, stretcher teams, ambulances, and supplementary equipment; it will not duplicate the work of the emergency medical service.

Because of the long experience of the Red Cross in disaster relief, the joint statement of the Red Cross and the Federal Security Agency states that the Federal Security Administrator will look to the organization, facilities, and resources of the Red Cross to provide food, clothing, and temporary shelter for masses of individuals in the emergency period during and immediately following enemy attack when special facilities must be made available.

The Red Cross will continue these special functions only until the regular Federal, State, and local public agencies which have the normal responsibility for meeting the needs of dependent persons can make their services available after the emergency. The Red Cross will provide additional services to the appropriate public authorities, upon their request, to supplement normal community facilities.

The joint statement of the Red Cross and the Office of Civilian Defense makes it clear that emergency feeding and housing, though similarly recognized as a responsibility of the Red Cross, is a function of the over-all emergency services of the Citizens' Defense Corps. This service thus operates under the control of the commander of the Defense Corps in accordance with detailed plans to be worked out jointly by the commander, the Red Cross chapter, and local public-welfare agencies, much as the Red Cross operates as an auxiliary of the Army on the field of battle. At the same time it is agreed that where an emergency food and housing corps has already been independently organized and equipped, no duplication of its facilities should take place; its organization should be coordinated with the Red Cross and, if possible, consolidated.

The two joint statements provide the means through which the work of the Government dovetails with the work of agencies voluntarily supported by the public. The 3,734 Red Cross chapters can now work on a common understanding with local defense councils and public-welfare and health agencies in every county in the United States—for the safety and welfare of the American people.

Mr. TAFT. While expenditures from these funds to date, have not been large, they have made possible Nation-wide planning and the establishment of administrative machinery to give the described financial aid and services.

It is now 1 year since the original allocation. That was made to enable the Government to meet the civilian emergency needs on a temporary basis while allowing sufficient time for the study and preparation of legislation to provide a continuing program for assistance to civilian war casualties. A part of the legislation originally proposed has already been enacted as Public Law 784 of the Seventy-seventh Congress.

This act made permanent provision for the largest group of persons who, up to the time of its enactment, had received aid under the temporary program, namely the dependents of civilians who were killed or reported missing in the first onslaughts on our outlying bases in the Pacific.

It now seems probable that the largest remaining group of beneficiaries will be civilian defense workers injured in the course of their official duties and the surviving dependents of those who are killed in the performance of civilian defense duties. The likelihood that a large number of civilian casualties would have to be handled immediately on an emergency basis now seems far less than it did at the time the emergency program was undertaken. It may happen, however, and we feel we should be prepared.

We would suggest very tentatively for the consideration of the committee that at the present time, a maximum limitation of \$1,500,000 instead of \$5,000,000 would certainly do the job until some actual emergency, by way of attack should develop.

Now that reasonably satisfactory administrative arrangements have been worked out and the danger of a large-scale emergency care problem is less immediate, it seems to me appropriate to ask Congress to define the scope of the program, and to sanction its continuance.

I am inclined to believe that the program should not be continued on its present basis beyond the end of the current fiscal year in the absence of a clear indication that Congress desires its continuation—either to allow further time for the consideration of legislation, or because it is considered that present needs can be more appropriately handled through an emergency program set up under Executive authority. I do not wish to be understood as minimizing the importance of the Federal Government's remaining ready to discharge its responsibility to prevent and relieve distress suffered by the civilians as a result of the war.

It is necessary to be in a position to meet such emergencies even if they never materialize. The point I wish to make now is that we believe that the time has come for an expression by the Congress on the policies to be followed in such a program.

For the purpose of illustrating some of the problems inherent in a program of war relief, I should like to take the time of the committee to point out some of the principal questions which have arisen.

One very troublesome question is the territorial scope which should be given to the civilian war benefits and relief program. For example, it has been suggested by the War Department that the bill be amended to apply to all persons in the Canal Zone, certain civilians, such as

employees, Government employees living in adjacent areas in the Republic of Panama—and I understand now the War Department feels that any further request or push should come from the Canal Zone authorities—and civilian defense workers belonging to the civilian defense organization established under authority of the Governor of the Canal Zone, including volunteers in American communities in the Republic of Panama.

Senator CLARK. The authorities in the Canal Zone are Government departments?

Mr. TAFT. They are, but they are in a rather distinctive status.

We find, from having to deal with them in a number of cases, the War Department have told me they have said all they care to say about it, and if the Canal Zone authorities wish to push it any further, it is up to them, so the committee may ask them if they wish to be heard on the matter.

They also wish to include civilian defense workers belonging to the civilian defense organization established under the authority of the Governor of the Canal Zone, including volunteers in American communities in the Republic of Panama.

There has also been raised a question with reference to the American Field Service, which, as the committee knows, is a volunteer organization financed by private funds which sends ambulance drivers to various fronts, who perhaps provide some type of insurance, but who certainly are running risks comparable to that of the Civil Air Patrol and merchant seamen.

I am simply raising that as a type of question which is presented to us. We have not to date recognized that, of course, as a legitimate claim.

Senator CLARK. Those activities are more nearly comparable to those of soldiers, are they not? They go right up to the front?

Mr. TAFT. They do.

Senator CLARK. I would a good deal rather have a gun and a bayonet than drive one of those ambulances, as far as I am concerned.

Mr. TAFT. This suggestion of the Canal Zone must be considered as part of the general problem of determining which casualties, or other effects of enemy action taking place outside of the United States, should be recognized as the responsibility of this Government, and which persons, if any, living outside the continental United States should be considered beneficiaries of the program.

Citizenship, employment as a seaman on a vessel of the United States, residence or allegiance to the United States are prescribed by this bill as conditions of coverage in cases of detention or casualties occurring outside the United States.

Under similar conditions benefits may be provided by Executive order to persons living outside the United States. Not all the people in the Canal Zone and the Republic of Panama for whom the War Department suggests coverage will meet these conditions. It is necessary to examine again the basis on which payment shall be made to persons outside the United States or on account of death or injury occurring outside the United States.

Here is a second problem. Under the authority contained in the President's letter of October 5, civilian defense workers in the protective services are covered while engaged in official duties.

Similar provision is made in S. 450 which lists these services as the Civil Air Patrol, Aircraft Warning Service, and the protective services of the Citizens Defense Corps

There are a number of services within the Citizens Defense Corps and from time to time others may be established or included by the Director of the Office of Civilian Defense.

The question as to auxiliary police and auxiliary firemen engaged in helping regular police and firemen as a part of their training, has now been settled under the allocation of October by a specific and detailed definition by Mr. Landis of the need for including in training, practice of that kind as the very best way of preparing for enemy action.

Congress, however, should pass on this. If the committee would care to see Mr. Landis' definition we would provide it.

Senator CLARK. The committee would like to see it.
(The matter referred to is as follows:)

OFFICE OF CIVILIAN DEFENSE

Washington, D. C.

[Issued March 13, 1943. Effective immediately]

OPERATIONS LETTER NO. 117

To: Regional directors.

From: James M. Landis, Director.

Subject: War civilian security program—performance of official duties by members of and trainees for the United States Citizens Defense Corps.

Special distribution instructions: State and local defense councils.

Operations Letter No. 95, dated December 1, 1942, discusses the President's allocation of \$5,000,000 to the Federal Security Agency which has been made available to provide temporary aid to civilian defense workers injured "while in the performance of their duties" and to dependents of such civilian defense workers injured or killed under like circumstances. This program will be known as the war civilian security program, and will be administered by the Federal Security Agency.

Since the war civilian security program provides relief only when the civilian defense worker is killed or injured in the performance of official duties, it is necessary for careful determination to be made of what constitutes such duties. Section 12 of Office of Civilian Defense Regulations No. 3 prescribes the general duties of members of the Citizens Defense Corps, in addition to duties prescribed by State or local officials and specific duties prescribed by the commander of the local Citizens Defense Corps or the local chief of a service. Injury or death in the performance of any such duties are compensable under the war civilian security program.

In a great many instances, activities of members of the Citizens Defense Corps will be considered to be performance of official duties even though not in consequence of or in direct preparation for enemy attack. If such activities are part of officially prescribed training or practice directed toward a more effective civilian protection organization, they will be considered to be in performance of official duties.

Section 7 (a) of Office of Civilian Defense Regulations No. 3, as amended, provides:

"Before becoming a member of the Defense Corps, a registrant for training shall complete, in a manner satisfactory to the commander of his local Defense Corps, and not below such standards as may be prescribed by order of the Director, courses of training or instruction prescribed and approved by order of the Director for the particular unit of the Defense Corps. Enrolled members shall take such additional courses of training and instruction and shall participate in such air-raid drills and group or field training as shall be prescribed by order of the Director or such commander."

In view of the fact that there has been no intensive bombing in this country to date, it has been necessary to determine methods of training and practice in accordance with existing situations. It is particularly important to seek opportunities for field training in situations which approximate as nearly as possible conditions of enemy attack.

In case of auxiliary police and auxiliary firemen, the most effective training is provided by having such persons operate in conjunction with regular police and fire services of a community. In view of the fact that such regular police and fire services will continue to operate during enemy action, and since such services are prepared to operate during all periods of emergency, it is appropriate and desirable that the auxiliary emergency services operate with them not only during enemy action, or practice air raid alarms, but also as part of their "group or field training." This group or field training would include responding to ordinary fire or police calls or performing other specified assignments, but only when so ordered by the commander of the Citizens Defense Corps or the chief of the particular service.

Another opportunity, observed from past experience of the United States Citizens Defense Corps, for effective field training and practice has been in disaster relief. During the Boston night-club fire, and the floods in Virginia, Maryland, West Virginia, Ohio, Pennsylvania, and elsewhere, members of the United States Citizens Defense Corps have not only been very effective, but have gained invaluable experience under stress of actual emergency conditions. All members of the United States Citizens Defense Corps, particularly those in the Emergency Medical Service, have been called upon to supplement the normal protective services of a community during such periods. Operations in disaster relief have proven most effective in training members of the United States Citizens Defense Corps.

Training is provided also for enrolled nurses' aides by periodic attendance at regular hospitals and Army hospitals and by their supplementation of medical services in communities now depleted of such services because of heavy demands of the armed forces.

All such field training, as well as similar training by other units of the Citizens Defense Corps, are deemed to be in the performance of duties.

As to persons registered for training who are not yet duly enrolled members, but who are covered by the war civilian security program, performance of duty shall likewise include prescribed courses and field service.

A broad program of training and official duties as herein set forth may be limited by definite policy in some localities. Such policy may restrict the field activities of civilian defense workers to practice black-outs and air-raid drills and narrowly specify the duties of civilian defense workers. In those situations, injuries or deaths sustained in performance of any duties not authorized by the local authorities will not be compensable under the war civilian security program.

The personnel officer of the Citizens Defense Corps will certify as to the status of a claimant for relief under the war civilian security program and as to whether the injury or death was sustained in performance of official duties. The personnel officer's certification will be subject to review by the Office of Civilian Defense in light of all circumstances in the case, Office of Civilian Defense Regulations No. 3, and any instructions and orders of the Director and local authorities relative to training, practice, and official duties of members of and trainees for the Citizens Defense Corps. The Federal Security Agency reserves the right to review and evaluate the facts in all cases where claims are filed.

Mr. TAFT. Mr. Landis wished to include forest fire fighters which we refused to do as they were not, in our opinion, related to enemy action.

Congress may wish to include them.

Senator MILLIKIN. How did you reach that conclusion?

Mr. TAFT. I think clearly, Senator, if it were a case of a fire started by a Japanese airplane, like the one in Oregon which was attempted, that would come under the definition of enemy action.

It is possible if that danger seemed likely and provision was made for it, that it would clearly come within the general definition.

However, as I understand it, the forest fire fighters are organized to meet forest fires in various other areas where there is no contemplated possibility of enemy action at all.

Senator MILLIKIN. The greatest danger to our forest is sabotage rather than direct enemy action.

Mr. TAFT. That, of course, is a possibility.

As to sabotage, I was just about to say, it is now not in the bill, I am informed there was considerable discussion in the committee as to whether it should or should not be included.

I think clearly the committee should reach a decision on that point. It, of course, is always a question of proof, just like the instance raised by the representative of the maritime union. It gets you into the question of proximate cause which has to be gone into as a question of fact in any individual case. That, at least, was the basis on which we arrived at that conclusion.

Senator MILLIKIN. Those who have worked on that matter in the field concluded that the danger to our forest was infinitely greater from sabotage than from direct enemy action.

Mr. TAFT. That is perfectly true.

Senator MILLIKIN. It is perfectly obvious, if you can load up an automobile with phosphorus leaflets and criss-cross our forest areas and distribute the leaflets in those forests the saboteurs would be thousands of miles away before they would ignite and it might cause a tremendous crop of disastrous fires.

Mr. TAFT. Certain other operations including the beach patrol which Mr. Landis no doubt inadvertently in his testimony included in the Office of Civilian Defense but which actually is under the Coast Guard, should also be mentioned specifically in the legislation.

We agree entirely that provisions should be made for taking care of the Civil Air Patrol, if it should be transferred to the War Department.

We would like to point out that S. 692 of this session provides for benefits to the Civil Air Patrol but does not indicate who should administer it.

H. R. 2024 makes the same provision and assigns it to the Veterans' Bureau.

In the interest of clarifying the coverage of this program, as it applies to civilian defense workers injured in the performance of their duties in the absence of actual enemy attack, we recommend that the committee and Congress indicate clearly those classes of civilian defense workers who should be eligible for benefits.

Similarly, it has been difficult to administer this program without more specific indications of what are "protective services" and "official duties."

Administration of S. 450 would be facilitated by a specific statutory delegation of responsibility to the Director of the Office of Civilian Defense for certifying to the administrator (a) the official status of workers and (b) the scope of their official duties.

The administrator should (c) as a part of the adjudication process, make final determinations on the question of whether the injury or death was sustained while in the performance of those official duties.

Senator CLARK. You mean the Administrator in the Office of Civilian Defense should make such determination?

Mr. TAFT. I mean the Administrator of the benefit, which in this case is the Administrator of the Federal Security Agency.

The definitions of the risks covered by the proposed legislation should be reexamined in the light of the experience gained in the temporary

program. Certain persons in distress as a direct result of the war situation who are now eligible for assistance under the temporary program would not clearly be included under the present provisions of title II of S. 450.

The following is an illustrative list indicating situations of distress which now can be met under the Civilian War Assistance program, but might not be included under title II unless it is revised.

The first is civilian defense workers and their dependents, for temporary assistance pending determination of eligibility for title I benefits.

The second is shipwrecked seamen and their dependents in need of emergency assistance until insurance benefits are available.

As to both of those, of course, provisions should be made to avoid any double payment.

I might add, so far as the question raised by the representative of the Maritime Union is concerned, that merchant seamen are included to a degree in this bill. They are protected by a \$5,000 policy provided by the United States Government which makes provision for both death and for permanent, and to some degree, for temporary disability.

The question that would come up under this bill is the extent to which that should be deducted from the benefits because this bill, as you know, provided for deduction of certain types of Government payments, and I am informed that that is a very difficult and complicated question.

I would suggest to the committee that the matter of the coverage of merchant seamen under this act should be discussed very fully with the Maritime Commission, which also has full information as to the various benefits that are paid under private or public insurance policies and so on.

The third item which can now be met but might not be included under title II is additional dependents—other than those mentioned—of civilians who are injured, the dependents of persons in war-stricken areas and of evacuees, and also of civilians who are interned or reported as missing under circumstances defined in title I. There is no provision for temporary assistance in those cases.

The fourth category is persons who are in the United States and who are deprived of subsistence by enemy action outside the United States, such as—

(a) Persons deprived of subsistence by enemy action in the Philippines;

(b) Exchanged nationals and persons escaped from war areas and stranded in this country.

The fifth category is persons in need because of having been evacuated from property acquired by civil or military authorities for war purposes.

As I said a moment ago, a small sum has been obligated under that head. We have serious doubts as to whether it is appropriate to include it even under the President's letter.

In any event, it needs to be defined.

The main reason for that, I might point out, is that in the earlier part of the war effort that kind of evacuation was handled through the Farm Security Administration which had certain funds which made it possible for them to relieve a very considerable amount of distress.

Those funds are now unavailable, due to various reasons with which the committee is familiar, and at the moment there is no way of carrying it on, except by local relief funds, which in 17 States are not available at all, for those persons who are moved by condemnation and have no resources to take care of their moving.

Senator CLARK. Some of those cases are extremely aggravated cases, caused directly by the action of the War Department, I might say. I know of a very large community in my State where the War Department sent a man to take options on the farms, where the farmers did not wish to sell the land but they acquiesced, made contract with the Government.

In about one-half of the cases, it was paid. Most of them made contracts to purchase their land, and the Under Secretary of War concluded that was an improvident contract, withholding payment from possibly 100 of these farmers and forced them to go into litigation, a litigation in which the Government has appealed to the circuit court of appeals.

Those people have been on their uppers. I don't know as it is appropriate for one branch of the Government to create a situation and another branch of the Government to meet the situation. Some of those people are actually on relief.

Mr. TAFT. Frankly, that is the reason why we did it. If the committee feels we have gone beyond the authorization, we will have to throw ourselves on your mercy.

Senator CLARK. I think it is a very appealing case, because I am familiar with some of those instances myself.

Mr. TAFT. There are certainly all kinds of cases which have been brought to our attention but in which we have not felt we were justified in making the allocation.

There are persons who have been previously supported by pension from the French Government, which now has been cut off.

There are certain requests that come to us through the State Department with reference to certain French diplomats who are now interned at Hershey, whom the State Department now wishes to release but who are without resources.

There are about 48 of them, I believe. Whether they wish to release all of them or a part of them, I do not know, but in any event, that is the request. There are certain Chinese students stranded in this country and unable to return to their native country for what I assume are political reasons in general, and the difficulty of getting into occupied China.

These are typical of questions which we have had to determine administratively, but which, in any continuing program we feel are of sufficient importance to call for action by the Congress.

I should point out that title II of the bill in its present form might exclude some cases which we have deemed most deserving of assistance. We shall, of course, hold ourselves available to provide the committee further information concerning cases that have arisen, and to make more detailed recommendations, should they be desired.

I will now give the committee a summary of the payments that have been made up to date, under the two allocations or three allocations of \$750,000 to the Social Security Board, \$500,000 to the Public Health Service, and \$20,000 to the Office of Defense Health and Welfare Serv-

ices for Evacuation. The benefits administered through the Old-Age and Survivors Insurance averaged \$35,000 per month until the passage of Public Law 784 in the Seventy-seventh Congress.

Senator CLARK. That was the bill of which this was originally a part?

Mr. TAFT. That is right.

Senator CLARK. Then this was separated out?

Mr. TAFT. This was separated out; yes.

At the present time payments are being made in behalf of 98 persons, representing 193 beneficiaries, and that costs on the average of between \$5,000 and \$6,000 a month.

In addition, 12 cases have been suspended, 10 terminated, and 15 disallowed, and 4 withdrawn; 45 are now being developed, 21 have been returned by the Employees Compensation Commission because they could not be covered under Public Law 784, and an additional 36 may be returned.

So far as the Bureau of Public Assistance is concerned under the title II provision, in the same allocation of \$750,000 as of March 10, the total amount of \$110,297.86 for administration and emergency assistance had been advanced or reimbursed to State agencies.

Of this amount, \$54,816 was for assistance and \$34,981 for administration.

I might say the reason that the administration is so large in proportion is because it includes the preparation of plans for a more general type of disaster caused by enemy action.

Senator CLARK. That is the setting up of machinery for contingencies that might develop?

Mr. TAFT. That is right, \$20,500 which has been advanced is not broken down as to expenditure because we do not have the reports back.

As of December 8, 1942, the list of casualties among civilian defense workers is as follows—and I am putting this in, in order to give a comparison of the list given by Mr. Landis, so as to show what the rate of injury is in connection with that group.

Total casualties, 476. That compares to 501 in March 1943.

Total receiving medical care for temporary disability lasting 7 days or less, 296 in December, as compared to 306 now.

Other casualties, 180 in December, compared to 195 now.

Killed, 35 in December, and 47 now.

Senator MILLIKIN. Mr. Taft, is that broken down by the type of activity that they are engaged in?

Mr. TAFT. It is not, sir.

I have it broken down geographically, but I do not have it by the type, I am sorry.

The others were not broken down by Mr. Landis, so there is no point in my giving you those figures.

Medical care (the allocation to Public Health Service) has been provided in 24 cases. That is medical care or burial expense.

A limitation in our administrative regulation has been placed on burial contributions at \$100, just the same as the veterans' provision.

A total of \$12,000 has been encumbered for that purpose, and of this amount \$9,498.75 has been paid out.

At the present time there are 46 additional cases pending, which to date have involved an expenditure of \$5,265, which may be reimbursed if they are found justifiable.

Twenty-seven of these are injury cases which have already cost a total of \$4,305. There is one death case with an expense of burial.

Bills have been submitted so far for two évacués for a total of \$860, and care is being given to another four évacués for whom no bills have yet been submitted.

I might say that that problem comes up when a person who left some State in the United States some time ago, was in Hawaii and was evacuated and comes back here, and when we cannot find any State that is willing to accept his residence. It is the old problem of the residence requirements and we are therefore in a position of continuing the payments for them.

Senator MILLIKIN. Mr. Taft, from my own standpoint, I would like to have the figures broken down for injuries. I want to see where the preponderance of risk is for these activities.

Mr. TAFT. We will endeavor to do that.

Senator MILLIKIN. Does that agree with you, Mr. Chairman?

Senator CLARK. Certainly.

(In a letter to the chairman of the subcommittee under the date of March 16, Mr. Taft offered the following remarks with regard to the matter referred to above:)

Senator Millikin requested that we submit a break-down of cases of injured and killed civilian defense workers by types of service rendered when the individual was injured or killed. I am informed that gathering these data on each of the 501 known cases would require a special canvassing of the State and local defense councils and that it would take some time to obtain this information. The Office of Civilian Defense is willing to undertake this by telegraphic request if Senator Millikin is especially anxious to have this material. This type of information will, of course, be received by the Federal Security Agency automatically as the claims are presented for payment, but it is not yet available in the Washington office.

Sincerely yours,

CHARLES P. TAFT,
Assistant Director,
Defense Health and Welfare Services.

Mr. TAFT. The expenditure for evacuation under the third allocation was \$8,436, which has so far taken care of the prospective problem on the Atlantic coast. We do not know yet whether any additional sums will be needed on the Pacific coast.

So far as the reimbursement to insurance carriers is concerned, we have not made any such reimbursement to this date.

There have been no requests, I think.

The English rates create some problem.

We have a memorandum on the British Personal Injuries Scheme which corresponds to title I and on the Prevention and Relief of Distress Scheme which corresponds generally to title II.

We found this morning that our information which was rather old on the first one, had been supplemented and we therefore will have to revise that slightly. We shall be glad to put both of them in the record.

Senator CLARK. Will you do that, Mr. Taft?

Mr. TAFT. We will be will be glad to put both of them in the record.
(The matter referred to is as follows:)

PERSONAL INJURIES SCHEME—GREAT BRITAIN¹

(Corresponds to title I—S. 450)

There are two classes of injuries covered: (1) "War injuries" which are defined to be physical injuries due to warlike operations and which may be sustained by civilians on or off duty at work or at home; (2) "war service injuries" which are defined to be "war injuries," or any other types of physical injury, which have arisen out of and in the course of performance of duties as a member of a civilian defense organization. This latter class of injury can be sustained only by a regular civilian defense volunteer.

Compensation rates vary as between "gainfully occupied persons" and "non-gainfully occupied persons." The latter are eligible for compensation in respect to "war injuries" but at rates lower than those applicable to "gainfully occupied persons" and civilian defense volunteers.

Payments in respect to disability fall into two general classes: During the period immediately after the injury, injury allowances are payable because of incapacity for work due to the qualifying injury. Applications for these are made through the Assistance Board. In case of serious and prolonged disablement, the allowances may be followed by the award of a disablement pension based upon the degree of disablement as certified by the Medical Board. Applications for these disablement pensions are made to the Ministry of Pensions.

INJURY ALLOWANCES

Injury allowances are payable in respect of medically certified incapacity for work due to war injuries and war-service injuries. The persons must be certified to be incapable of work by reason of the injury, the incapacity must have lasted for 7 consecutive days. Injury allowances are not usually paid for more than 26 weeks. Before the end of the 26 weeks the injured person will have recovered or a decision will have been reached as to the award of a disablement pension. The weekly rates of injury allowances are as follows: Half rates are payable to persons who are unmarried, and under 18 years of age.

Class of injury	Married male persons		Unmarried male persons		Female persons	
	Not in hospital	In hospital	Not in hospital	In hospital	Not in hospital	In hospital
(a) War service injuries; war injuries sustained by gainfully occupied persons . . .	35/ (\$7.07)	35/ (\$7.07)	35/ (\$7.07)	*24/6 (\$4.94)	28/ (\$5.66)	*17/6 (\$3.52)
(b) War injuries sustained by non-gainfully occupied persons	21/ (\$4.24)	10/6 (\$2.11)	21/ (\$4.24)	10/6 (\$2.11)	15/4 (\$3.29)	19/4 (\$1.86)

¹ Compensation For Civilians Injured or Killed in Air Raids, explanatory notes on the Personal Injuries (Civilians) Scheme 1941, Ministry of Pensions booklet, His Majesty's Stationery Office.

In the case of persons under class (a) of the table, additional allowances are payable for eligible children at the rate of 4s (\$0.81) for each of the first two children and 3s (\$0.61) for each of the others. An allowance for a child normally ceases at the age of 15, but if the child is in school it may be continued until he finishes school or reaches the age of 16. If the injured person is maintaining a wholly dependent relative in his home, the rates for unmarried male persons and female persons noted in the table above by (*) may be increased to 35s (\$7.07) and 28s (\$5.66) respectively. The rate of 9/4 (\$1.86) († in the above table) for a female person who has sustained a war injury and who is in the hospital may be increased to 16/4 (\$3.29) in the case of a widow with dependent children in her home.

DISABLEMENT PENSIONS

Pensions are awarded in cases in which serious and prolonged disablement has been sustained. The degree of disablement is determined by the medical board and the pension payable is proportional to the degree of disablement. The

weekly rates of pension applicable to cases of 100 percent disablement are as follows:

Class of injury	Male persons		Female persons	
	Aged 18 and over	Aged under 18	Aged 18 and over	Aged under 18
(a) War-service injuries; war injuries sustained by gainfully occupied persons, and by students and apprentices, aged 15 or over.....	37/6 (\$7.56)	15/9 (\$3.77)	27/6 (\$5.54)	15/- (\$3.03)
(b) War injuries sustained by nongainfully occupied persons.....	20/- (\$4.04)	10/- (\$2.02)	15/- (\$3.03)	7/6 (\$1.50)

¹ These weekly rates are as of December 1942. No comparable figures for 1942 are available for amounts granted in behalf of nongainfully occupied persons. The rates quoted for this group are as of 1941.

The rates under (b) above are personal and do not carry the right to family allowances mentioned, and married persons under 18 are treated for pension purposes as if they were 18 years of age or over.

FAMILY ALLOWANCES

Subject to certain conditions, gainfully occupied persons who are pensioned in respect to war injuries, and civilian defense workers who sustain war-service injuries are granted additional allowances proportioned to the degree of their disablement, in respect of certain classes of dependents as follows: (a) wife, (b) children born before or within 9 months after the date of the injury until the child is 15 or until he is 18 if he is still in school.

The weekly rates of family allowances payable to totally disabled persons are as follows: wife, 9s. 2d. (\$1.84); first child, 7s. 1d. (\$1.42); each other child, 5s. 6d. (\$1.08).¹

FUNERALS

A military funeral without cost to relatives may be arranged in behalf of persons who die as a result of war injuries or war service injuries. A grant of £7 10s. (\$30.30) may be paid toward the cost of a private funeral. In the case of civilian defense volunteers, the same amount may be paid toward the cost of a private funeral of a gainfully occupied person who died as a result of a war injury, where the cost has to be maintained by the widow or wholly dependent relative of the deceased.

WIDOWS' PENSIONS AND ALLOWANCES

For a period of 10 weeks following the death of her husband, a widow is paid a special temporary allowance of 50s. (\$1.01) per week.

A widow of a man who was a gainfully occupied person or a civilian defense volunteer is granted a pension from the termination of the special temporary allowances at the following weekly rates: (a) if under 40 and without eligible children, 17s. 6d. (\$3.52); (b) if over 40 or if she is eligible for allowances in respect of a child, 25s. (\$5.05) (c) if physically or mentally incapable of support, 25s. (\$5.05); (d) separated wives, up to 17s. 6d. (\$3.52).

PENSIONS FOR CHILDREN OF GAINFULLY OCCUPIED PERSONS AND CIVILIAN DEFENSE VOLUNTEERS

If there are children who are not living with or under the control of his widow, the children of a gainfully occupied person or a civilian defense volunteer may be paid pensions as follows: (a) if only one child, 9s. 6d. (\$1.90); (b) if there is more than one pension child, 9s. 6d. (\$1.90) for the first child, and 7s. (\$1.41) for the second child and 5s. 6d. (\$1.10) for the third.

¹ If no wife's allowance is paid, the rate for the first child is that of the wife; for the second child, that applicable to the first, etc.

PENSIONS FOR DEPENDENTS OF GAINFULLY OCCUPIED PERSONS AND CIVILIAN DEFENSE
VOLUNTEERS PARENTS' PENSIONS

Pensions may be awarded to parents provided the parent is in need and need arises from the fact that the parent is 65 years of age or over, in the case of the father, or over 60 in the case of the mother, or of because of incapacity. The deceased must also have contributed regularly to the support of the parent for at least a year prior to the date of death.

While the amount of the award is dependent upon the need of the individual, the amount of the support from the deceased person is also taken into consideration. The minimum pension is 5s. (\$1.01) per week and the maximum is usually 10s. (\$2.02) for one parent and 12s. 6d. (\$2.51) for two. The ministry in exceptional cases may grant an additional amount not exceeding 6s. 6d. (\$1.30).

PENSIONS FOR TOTAL ORPHANS

Each total orphan is granted an allowance of 11s. (\$2.22).

PENSIONS IN RESPECT OF NONGAINFULLY OCCUPIED PERSONS

Widows of nongainfully occupied persons may be awarded a pension if in need, due to the fact that a pension, allowance, annuity, or other income has terminated with the death of her husband. The amount of the pension is dependent upon the amount of her need and may not exceed the rate that could have been paid if her husband had been a gainfully occupied person at the time of his death.

A dependent child of a nongainfully occupied person who has died as a result of a war injury may be paid a pension if there is no widow to whom a pension may be awarded, as noted above, and if the child is in need. The amount may not exceed that which would have been paid if the deceased father or mother had been a gainfully occupied person at the time of his death.

I will put the one for title II in the record now, because I think that is correct.

Senator CLARK. Very well.

(The matter referred to is as follows:)

PREVENTION AND RELIEF OF DISTRESS SCHEME—GREAT BRITAIN

(Corresponds Generally to Title II, R. 4/0)

The British prevention and relief of distress scheme, developed under the authorization of the Unemployment Assistance (Emergency Powers) Act of 1939, is similar in many respects to the assistance program, contemplated by title II of S. 450.

It is administered by the Assistance Board of the Ministry of Labour and National Service through its local offices. Assistance made available is financed 100 percent from national funds.

The provisions of this scheme apply to "any person who has attained the age of 16 and is in distress by reason of the fact that owing to the action or threatened action of the enemy or to some other circumstances directly caused by the war:

"(1) He has been moved from one area under or in pursuance of plans or directions prepared, approved, or given by His Majesty's Government for the transference of members of the civil population in the event of war or the imminence of war.

"(2) He or some person on whom he is normally dependent for support has lost his employment or is unable to follow his normal occupation or has been otherwise deprived entirely or to a substantial extent of his normal means of livelihood provided that the following persons shall not be included:

"(a) Persons who are normally dependent for support on some other person who is an enemy alien and is not for the time being resident in the United Kingdom;

"(b) Persons who are normally dependent for support on some other person who is for the time being undergoing sentence of imprisonment; and

"(c) Persons in receipt of allowances payable out of public funds granted in respect of circumstances arising out of or caused by the present war."

Although determination of need under the prevention and relief of distress scheme is patterned on provisions of the unemployment assistance acts, and although the scale of allowances normally used is similar to that for the unemployment assistance program, the "means test" used in the prevention and relief of distress scheme is less rigid and the scale of grants is somewhat higher. Provision may also be made for special circumstances such as high rents, and other commitments from which it is impossible for the applicant to be released.

Through this program and the emergency relief scheme immediate emergency assistance following a blitz may be given without investigation of the circumstance of the family in order that individuals may quickly obtain shelter, food, clothing, tools, etc.

The following table of rates is for unemployment assistance. As noted above, the schedule of payments for the prevention and relief of distress scheme is higher and may be exceeded in emergencies immediately following a raid.

Unemployment assistance (present normal weekly rates)¹

Status of recipient	Householder in household	In household but not householder	Not a member of a household
Married couple.....	35s (\$7.07).....	28/ (\$5.66) plus rent allowance. Maximum 7/ (\$1.41) ².	.....
Single applicant:			
Male.....	20/6 (\$4.13).....	14/6 (\$2.92) plus rent allowance. Maximum 5/ (\$1.01) ³ .	20/ (\$4.04).
Female.....	19/6 (\$3.93).....	13/6 (\$2.72) plus rent allowance. Maximum 5/ (\$1.01) ³ .	20/ (\$4.04).
Adult dependent:			
Male.....	.....	14/6 (\$2.91)	} Same.
Female.....	.....	13/6 (\$2.72)	
Children's allowances:			
16 to 21.....	.....	12/6 (\$2.51)	} Same.
14 to 16.....	.....	7/9 (\$1.54)	
11 to 14.....	.....	6/3 (\$1.25)	
8 to 11.....	.....	5/9 (\$1.14)	
5 to 8.....	.....	5/3 (\$1.04) ⁴	
Under 5.....	.....	4/9 (\$0.85) ⁴	

¹ In the absence of special circumstances, an allowance must not exceed the amount which the applicant might reasonably expect to earn if in employment in his normal occupation.

² Rate varies by age of persons under 21 and over 15.

³ 5/9 (\$1.14) if there is only one child and not more than 2 adults in household.

Source of table: Adapted from "Social Insurance and Allied Services"—Report by Sir William Beveridge, December 1942, Table XXII, p. 230.

Mr. TAFT. A question was raised as to the comparison with the Veterans' benefits.

There are two major differences. One is the benefits—the Veterans' benefits provides for no deduction whatever, whereas, under the provisions of this law, there are deductions from these benefits; for those portions of other Government payments which might be considered to be a contribution by the Government as distinguished from what has been paid by the individual's contribution. He is permitted to keep that. That makes a very considerable difference in many cases.

These benefits are also based on a relation to the pay which has been received previously. The amount, as the committee will notice from the table on pages 99 to 101 of previous hearings, have in general a lower minimum and a slightly higher maximum.

Senator MILLIKIN. Are you referring to the report of last year?

Mr. TAFT. Of last year; yes, sir.

If that was not offered in prior testimony, I think it should be offered now.

Senator CLARK. Yes; it should be included in this record at some place.

Mr. TAFT. It should be included in this record.

(The tables referred to appear on pp. 58-60 and are included in the testimony of Edward E. Odom, solicitor, Veterans' Administration.)

You will notice, for instance, the comparisons between veterans in the first column and the civilian war benefits in the third and fourth from the right. In the case of a widow under 65 without children, for instance, the minimum for the veterans is \$38. Under this bill it is \$30. Whereas, the maximum is the same.

When you go further down to a widow with three children the minimum under this bill is \$60 as compared to \$64 for the veterans, and the maximum \$85, which is \$2 more than the \$83 paid under the veterans.

There also is considerable difference, so far as the children are concerned. The veterans vary in accordance with age, whereas, this payment has no relation to age at all.

The question was raised as to Federal control. I would only point out that if the United States Compensation Commission administer this part of the act, it would presumably be on the theory that the persons covered were employees of the Federal Government which, for whatever it is worth, would certainly establish a greater degree of Federal control than had been contemplated under the present practice.

The question was also raised as to States sharing in the cost. It would seem to us that the whole theory of the act which is based on the possibility of a serious and extensive damage in a limited area would place a type of burden on the area and State which can only be handled by a spreading of the cost on what corresponds roughly to an insurance basis, which means by paying for it through the Federal Government funds.

We do not feel, therefore, that the substantial kinds of expenditure are ones in which the States should share.

Senator MILLIKIN. I doubt whether it is practicable.

Mr. TAFT. I do not believe it is possible.

So far as the handling of this operation in the way that it is proposed in the bill is concerned, we do feel that the extensive coverage of the old age and survivors' insurance, the geographical coverage, is a facility which should be made the most use of, since it can be done without any additional expense, and in the case of the emergency services the very close relationship between our agencies and the State and local health and welfare departments is such as to lead us to believe that our agencies are the readiest for service in that way.

As a sample of that, I might offer the committee for its examination an operations letter, No. 101 of the Office of Civilian Defense, having to do with emergency welfare services, under the Citizens' Defense Corps.

Mr. Landis handed this to me and suggested the committee might be interested, because it does show the way in which these services are integrated, Federal, State, and local.

Senator CLARK. That may be included in the record.

(The matter referred to is as follows:)

OFFICE OF CIVILIAN DEFENSE

Washington, D. C.

[Issued: December 23, 1942. Effective: Immediately]

OPERATIONS LETTER NO. 101

(Supplement No. 1 to Operations Letter No. 76)

To: Regional Directors.

From: James M. Landis, *Director*.

Subject: Scope and Administration of Emergency Welfare Service of U. S. Citizens Defense Corps.

Special distribution instructions: To State and Local Defense Councils.

This supplements Operations Letter No. 76, issued September 21, 1942, in which the scope of activities of the U. S. Citizens Defense Corps to protect lives and property of citizens was broadened to embrace an Emergency Welfare Service program.

The primary objective of the Emergency Welfare Service is to bring all existing emergency services of public welfare departments, Red Cross, private agencies, and others into the protection program so that all resources of the community can be brought to bear upon the total protection of the people if and when an emergency occurs as a result of enemy action. Thus the Emergency Welfare Service acts as a coordinating force to assure completion by such agencies of necessary emergency welfare preparation and brings all services under unified control and disciplined supervision during an emergency.

Responsibility for the development and direction of the Emergency Welfare Service in each locality rests with the Chief of Emergency Welfare Service under the direction of the Commander of the Citizens Defense Corps.

EMERGENCY WELFARE SERVICES

The scope of emergency welfare services is considerable. In enemy attacks, great numbers of people may be left homeless and without food or other necessities of life. Swift services are imperative. The majority of such services are already available through public and private welfare agencies. Those services not available or inadequate must be stimulated and developed through the Chief of Emergency Welfare Service and responsibility for them delegated to agencies equipped to carry them out. All such services must be coordinated into a cohesive and comprehensive community-wide Emergency Welfare Service.

Specifically, emergency welfare services embrace the following:

1. *Emergency information and service centers*, to facilitate the reuniting of families, to answer inquiries of every nature, and to assist in securing needed services for individuals. A control will be established to prevent information that might be of assistance to the enemy from being released to the press or otherwise circulated.

2. *Counseling service*, in order to extend advice and counsel on the individual basis.

3. *Rest centers* for group care, where temporary feeding, shelter, and other assistance (for group care) will be available immediately after enemy action.

4. *A central registration file*, to provide a central listing of persons temporarily or permanently found out of their homes and who apply for assistance or service at information and service centers, welfare departments, rest centers, casualty stations, hospitals, evacuation offices, private agencies, and other organizations. Primarily, this assures speedy action when inquiries regarding individuals are received from within or outside the community.

5. *Rehousing*.—Provision should be made for rehousing persons whose homes are destroyed or uninhabitable. This involves the period *following* that during which emergency group shelter has been made available through rest centers or other facilities.

6. *Assistance*.—Provisions for meeting the individual needs of persons affected by enemy action include those concerned with food, clothing, shelter, fuel, household equipment and supplies, tools, transportation, and other requirements that may arise. (See Social Security Board Handbook, "Policies and Procedures Governing the Administration of Civilian War Assistance.")

7. *Mass feeding and shelter.*—Necessary preparations to meet the contingency of providing for a substantial number of persons for a prolonged period of time following an emergency must be made.

PARTICIPATING AGENCIES

A variety of welfare services are available through public and private agencies. While some variation may exist in localities because of differing conditions, the major responsibilities for emergency welfare service rest with the following agencies:

Social Security Board

The Federal Government has assumed basic responsibility for the welfare and care of the civilian population in emergency situations due to enemy attack or action taken to meet such attack or the danger thereof. The Social Security Board is responsible for the civilian war benefits program to be administered by the Bureau of Old-Age and Survivors Insurance and the civilian war assistance program to be administered by the Bureau of Public Assistance. The civilian war assistance program, one of the major resources to be included in planning under the Emergency Welfare Service, will operate through State and local public welfare departments designated as the agents of the Board and will be financed 100 percent by Federal funds. Field operations for this program are under the direction of the public assistance representatives of the Social Security Board, whose regional offices are identical with those of the Office of Defense Health and Welfare Services.

To accomplish the successful prosecution of a community-wide Emergency Welfare Service plan, it is therefore necessary to utilize public welfare agencies as an essential part of the civilian protection program.

Specifically, through Civilian War Assistance, provision has been made for the following:

(a) Food, clothing, shelter, fuel, household equipment and supplies, medical care, transportation, incidentals, and other ordinary requirements of individuals and families.

(b) Emergency mass care—including group shelter, feeding, emergency clothing, and necessary incidentals (such care is generally provided by the American Red Cross in accordance with the agreement between the Office of Defense Health and Welfare Services and the American Red Cross).

(c) Replacement of tools and other equipment required to enable workers to return to their employment promptly.

(d) Salvage, repair, or replacement of furniture, and minimum repairs to real property to make it habitable.

(e) Storage of household goods.

(f) Burial (generally provided by the U. S. Public Health Service).

American Red Cross

Agreements have been made on a national basis for using the organization, facilities, and resources of the American Red Cross during emergencies. On the basis of these agreements, Red Cross has accepted responsibility for the operation of Rest Centers and all forms of emergency mass care which may be necessary as a result of enemy action. Provision must be made for working out the details of State and local operations with area offices and chapters of the Red Cross. In some instances State agreements have been developed which define respective responsibilities.

O. O. D. Emergency Food and Housing Unit

Responsibility for this activity has been transferred from the wardens service to the Emergency Welfare Service. Whenever feasible, these units should be consolidated with the agency accepting responsibility for mass care.

Other Federal Agencies

Facilities, services, and assistance are available through other Federal agencies, such as the Agricultural Marketing Administration, the Farm Security Administration, the Office of Defense Health and Welfare Services, and similar resources. As these vary in localities, it is advisable to determine through their Regional or State representatives the extent to which their facilities may be used by public and private agencies involved in furnishing emergency welfare services.

Private Agencies

Provisions should be made for including within [this civilian protection effort, through the Emergency Welfare Service, all activities of private welfare agencies which can provide services and assistance to civilians during an emergency. Such plans should provide for the utilization of resources, staff, facilities, and volunteers of these agencies. While the internal direction of operations must remain within the agency itself, the over-all direction and coordination of services under emergency conditions will rest with the Chief of E. W. S., acting under the direction of the Commander of the Citizens Defense Corps.

RELATIONSHIP OF EMERGENCY WELFARE SERVICE AND EVACUATION

Emergency Welfare Services and the welfare aspects of Evacuation are differentiated primarily by the fact that the latter involves movement of people from one community to another. The former is designed to meet the needs of the people in a community at the time of bombing or other enemy action, and should be established even though people may never leave or come into the community because of an emergency.

Evacuation, on the other hand, is the removal of civilians from a community and their reception in another community because of enemy action, at the request or on instructions of the military authorities, and is executed according to plans prepared by the State and local evacuation authorities, as prescribed and approved by the Joint Committee on Evacuation. Although E. W. S. and Evacuation differ distinctly in this way, they both encompass common use of facilities, such as feeding and shelter. Therefore, evacuation plans will contemplate utilizing the facilities of Emergency Welfare Service to the fullest extent practicable whether in evacuation or reception areas or during transportation.

Should Evacuation and Reception become necessary, it is likely that all emergency welfare services would have to be expanded to provide for the increased burden of need caused by evacuation.

The Evacuation Authorities, therefore, should establish requirements for an evacuation program and indicate to the Chief of Emergency Welfare Service which aspects of emergency welfare service must be brought into play, and to what degree, both in evacuation and in the reception of civilians. This, in most instances, will require planning for an expansion of the feeding and housing aspects of E. W. S. particularly, to meet the requirements of an Evacuation program.

While it is desirable to distinguish the functions of the Emergency Welfare Service and the Evacuation program, it is recognized that some States may have combined the functions of the Chief of Emergency Welfare Service and the State Evacuation Officer and are developing one integrated emergency welfare plan to include both care of persons affected by enemy action within a community and movement of groups from one community to another under a governmental plan. In any plan designed to combine E. W. S. and Evacuation, the Emergency Welfare Service must be established as well as plans for evacuation, since emergency welfare services are designed to meet one of the primary purposes of all emergency provisions for the civilian population in case of enemy action, the restoration of persons to useful roles in the community and the war effort. The term evacuation should not be considered as synonymous with E. W. S.

ADMINISTRATIVE RESPONSIBILITIES FOR EMERGENCY WELFARE SERVICES

National Level

National responsibility for establishment and development of a suitable organization, within State and local defense councils, for coordination and direction of the Emergency Welfare Service shall rest with the Chief of the Protection Branch of the U. S. Office of Civilian Defense.

Regional Level

At the regional level, full responsibility for corresponding functions in this program shall be delegated, in the first instance, to the Regional Director, and by him to the Assistant Regional Director in charge of Civilian Protection. The Assistant Regional Director for Civilian Protection, with approval of the Regional Director, shall use any member or group on the regional staff for purposes of

establishing the program through State and local defense councils. The experience necessary to accomplish this may be found in a regional staff member ordinarily assigned to the Protection or Mobilization Branch or to the Regional Evacuation Officer.

Specifically, the responsibilities shall be as follows:

Assistant Regional Director for Civilian Protection

1. Effect the establishment of E. W. S. as part of the Civilian Protection program of State Defense Councils.

2. Secure the appointment of a State Chief of E. W. S. as part of the Civilian Protection Branch of the State Defense Council and, through these State councils, secure the appointment of a local Chief of E. W. S., within the Protection Branch, on local levels. It is recommended that the State Commissioner of Welfare (or equivalent public assistance officer) be appointed as State Chief of E. W. S.

3. Inform the State Chief of E. W. S. of the scope of the Office of Civilian Defense E. W. S. program and the manner in which it may be organized and operated on State and local levels.

4. Inform State defense councils and Chiefs of E. W. S. as to existing National emergency programs, such as Federal Civilian War Assistance and Red Cross Civilian War Aid, that are designed to provide services and funds for local communities.

5. Secure, through the Regional Director of the Office of Defense Health and Welfare Services, the assignment of field consultants of O. D. H. W. S. to provide technical assistance to the State Chief of E. W. S. in his efforts to organize and develop the program in conformity with the scope as outlined and to assure coordination of the Civilian War Assistance Program with the E. W. S. program.

6. Review proposed State Defense Council plans for E. W. S. and report to Washington office to assure conformity to general plan proposed by O. C. D.

7. Submit monthly reports of progress made by States in formulating plans and effecting provision of facilities for E. W. S.

8. Work with the Regional Evacuation Office and the community plans for E. W. S. provide for welfare services necessary in local evacuation operations.

9. Work with the Assistant Regional Director for Civilian Mobilization and see that community plans for E. W. S. provide for full use of the Welfare and Child Care Committees as Advisory groups.

RESPONSIBILITIES OF STATE CHIEF OF E. W. S.

1. Effect the establishment of E. W. S. as part of the Civilian Protection program in each local defense council.

2. Secure the appointment of a local Chief of E. W. S. under the Civilian Protection Branch of local defense councils. It is recommended that the local Chief of E. W. S. be a recognized leader in the welfare field. It should be his responsibility to effect coordinated relationships between public agencies for welfare and other public agencies whose facilities and services are essential to emergency welfare operations. Similarly, he must effect cooperative relationships with private agencies to integrate these facilities in the total community program. These responsibilities indicate the need for careful selection of a local Chief of E. W. S.

3. Advise local Chiefs of E. W. S. of objectives and scope of E. W. S. and assist them in its organization and development.

4. The State Chief shall assume, on a State level, the responsibility for individual and joint conferences with public welfare officials, Red Cross, and other private as well as public agencies in order that the State-wide and local programs may benefit from the programs, resources, and experience of these established agencies and their staffs. Specifically to—

(a) establish a pattern for cooperation on both State and local levels.

(b) determine specific responsibility of each in providing these services and assuring that understanding exists regarding the division of responsibilities.

5. Develop with the State Evacuation Authority and Officer the evacuation requirements that may be met through the E. W. S. Close coordination with Evacuation programs is necessary since virtually all welfare services are essential to and adaptable to the needs of evacuation plans.

6. Develop with the State Chief of Civilian War Services, or other appropriate defense council official, a plan indicating how all local chiefs of E. W. S. may use

the Welfare and Child Care Committees of local defense councils in an advisory capacity, to assist in developing the E. W. S. program.

7. Fully inform local chiefs of E. W. S. and defense councils as to existing national and State emergency programs so that, in planning, they make sure that the locality will avail itself of such Federal and private funds and services as are available.

8. Develop plans for training, by agencies involved, of all professional and volunteer personnel in the emergency welfare services functions, to which they are assigned.

9. Develop standards and procedures especially as concerns the operations of Information and Service Centers, Central Registration, etc.

10. Develop a plan with agencies involved to secure the transfer of local agency personnel from one community to another whenever necessary to provide emergency welfare services in a war emergency.

11. Review all local plans for E. W. S. to determine whether they are in conformity with State and National O. C. D. objectives and policies.

12. Develop with the Civilian Defense Volunteer Office a plan indicating how local Chiefs of E. W. S. may assist participating agencies in determining where volunteers may be secured and used to augment their staffs engaged in providing the services embraced by this program.

13. Submit monthly report to the Assistant Regional Director of Civilian Protection indicating progress made in localities in formulating plans and in organizing the E. W. S. program.

14. Effect complete coordination with other defense council programs such as Emergency Medical Services and Transportation.

Field Consultants of Federal agencies such as Public Assistance Bureau of the Social Security Board and the Children's Bureau of the U. S. Department of Labor, are available through the regional O. D. H. W. S. offices to assist the State Chief of E. W. S. with technical aspects of the various emergency welfare services

DUTIES OF LOCAL CHIEF OF E. W. S.

Under the direction of the local Commander of the Citizens Defense Corps, the duties of the local Chief of E. W. S. are:

1. Inform all public and private agencies of the objectives and scope of E. W. S. Inform the local defense council as to existing national emergency programs, such as Federal Civilian War Assistance and Red Cross Civilian War Aid, which are designed to make available services and funds to local communities.

Determine what plans have been made by the public and private agencies to meet civilian needs caused by enemy action.

Ascertain what services are already provided, what services are not provided, and what services are inadequate.

Assist in the organization and development of necessary services not presently established or inadequately developed, and delegate their operation to appropriate agencies which are equipped to operate them.

Coordinate all such services into a total E. W. S. community-wide program.

2. In connection with the above responsibilities, ascertain:

What assistance and other services have been planned by the public welfare agency under the Civilian War Assistance program and the permanent programs administered by it.

What plans have been made for use of the Red Cross Civilian War Aid program, and whether, due to the Red Cross-O. D. H. W. S. agreement of May 18, and the Red Cross-O. C. D. agreement of June 19th, specific responsibilities have been delegated to the Red Cross by the community.

What agreement has been reached regarding the establishment of Rest Centers and Mass Feeding and Shelter programs, and to whom responsibilities for such operations have been assigned.

When these determinations have been made, the local E. W. S. Chief should assist in the effecting of necessary negotiations or arrangements for the organization, development, and inclusion of these facilities, services, and programs in the community-wide E. W. S. plan, wherever such needed facilities, services, and programs are lacking or inadequate.

3. Obtain from the Evacuation Authority or Director in the area or locality, the evacuation program requirements to be met through agencies engaged in furnishing emergency welfare services. In most instances, the Authority or Director will specify a particular agency to handle certain functions. Arrange

with such designated and appropriate agencies for planning to meet these requirements.

4. Coordinate the E. W. S. program with all other O. C. D. activities, especially Emergency Medical Service.

5. Establish headquarters from which he (local E. W. S. Chief) may direct operations during an emergency, and arrange for a communications system by which he can order the opening of centers and the mobilization of staff, and maintain contact with all the centers.

Arrange with the Commander of the Citizens Defense Corps, for placement of a representative of E. W. S. in the Control Center or make other provision to relay orders of the Commander to the local E. W. S. Chief.

Ascertain from the Commander when the Information and Service Centers and the Rest Centers are to be opened in connection with an emergency.

6. Supervise the establishment of Information and Service Centers and Central Registration and delegate these responsibilities to agencies equipped to operate such agencies when Emergency Welfare Centers have been planned by the local welfare agency, they should be combined with Information and Service Centers.

Inspect and select sites for establishment of Information and Service Centers on a zone basis, in cooperation with the agency to whom responsibility for the centers will be assigned.

Determine with agency accepting responsibility for operation of Rest Centers, the number, location, plan for securing equipment, supplies, and mobilization of staff.

7. The Welfare and Child Care Committees of the Civilian War Services Branch of defense councils are comprised of persons experienced in social services; these committees are engaged in developing plans to meet war-caused situations in the communities and guide such plans when they are carried out through local agencies. It is recommended, therefore, that the local E. W. S. Chief use the Welfare and Child Care Committee as an advisory group to assist him in planning the emergency welfare services.

8. Develop plans, with public and private agencies involved in E. W. S., for recruitment and training of personnel necessary to carry out delegated responsibilities. Whenever it is necessary to supplement the regular and volunteer staffs of public and private agencies, the E. W. S. Chief should arrange with the local Civilian Defense Volunteer Office for provision of necessary volunteer service.

Arrange for registration with O. C. D. of all personnel of such agencies involved in this program so that plans may be worked out with the Commander of the Citizens Defense Corps for rapid mobilization of staff during an emergency.

9. Arrange with the local defense council for participation of E. W. S. agencies in field drills, blackouts, and other practice tests.

10. Submit monthly reports to the State Chief of E. W. S. on the progress and developments of E. W. S. in the community.

Mr. TAFT. A special problem arises in connection with seamen.

The agency feels that provision should be made for temporary assistance under title II to them and their dependents, but that continuing compensation under title I would be an unnecessary duplication of the benefits which are now available to those seamen in private employment and which will be available to seamen in the employ of the War Shipping Administration under a bill which has recently been passed by both Houses of the Congress.

I refer to H. R. 133. The benefits available will include old-age-and-survivors'-insurance, benefits for injury, death, detention, sickness or permanent disability, and medical care from the Public Health Service.

Senator MILLIKIN. Mr. Taft, do you happen to know whether the ship and the cargo is reinsured?

Mr. TAFT. I do not, sir. I think that is something you will have to inquire about from the Maritime Commission.

The War Department has raised a question with regard to the provision of section 201 (a) that the Federal Security Administrator and

the Director of the Office of Civilian Defense shall prepare a plan or plans to meet any emergency which may arise in the United States resulting from enemy attack, or from action to meet such attack—
 setting forth in detail the functions of the State and local defense councils and of the various federal departments in dealing with such emergency—
 and that—

The Director of the Office of Civilian Defense shall coordinate the work of the Federal Departments relating to civilian defense, and promote the development of State and local defense councils.

The War Department fears these provisions might, without limitation, be construed to affect the jurisdiction and activities of the armed forces responsible for the planning and execution of all defense measures.

We agree, and also believe that the first two sentences of section 201 (a) are not appropriate to the purposes of that section and might be taken to restrict its scope unduly.

Senator CLARK. Which ones are those?

Mr. TAFT. The first two sentences in 201 (a). The representative of the War Department discussed them Friday.

We recommend, if they are retained, that this language should be carefully reviewed and that it should be made clear that it refers to protective services, and it should be placed either in section 2 of the bill, or if that is not appropriate, in title III which deals with other administrative matters.

I think on the whole a definition of the function of the Office of Civilian Defense is appropriate in the bill, since it has, I think, only appropriation language now to justify it, and if it went as the first section in title III, I think it would be helpful.

I think that covers our various matters, Senator.

Senator CLARK. Any questions, Senator Millikin?

Senator MILLIKIN. No.

Senator CLARK. Thank you, Mr. Taft.

I have a telegram from Mr. D. B. Robertson, which I will place in the record at this point.

(The telegram referred to is as follows:)

CLEVELAND, OHIO, March 12, 1943.

CHAIRMAN, SENATE FINANCE COMMITTEE,

Room 312, Senate Office Building, Washington, D. C.

Members of the Brotherhood of Locomotive Firemen and Enginemen are deeply interested in the Pepper bill, S. 450, intended to provide compensation for civilian defense workers when injured. I express the sincere hope that the Senate Finance Committee will give the proposed measure favorable consideration.

D. B. ROBERTSON.

Senator CLARK. Are there any other witnesses who desire to be heard this morning? If not, we will recess subject to call.

(Whereupon, at 12:15 p. m., the committee recessed subject to call.)