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Working bills
"Emergency Government"*

October 3, 1962

The Honorable
Hubert H. Humphrey
United States Senate
Washington 25, D. C.

Attention: Mr. John G. Stewart, Legislative Assistant.

Dear Senator Humphrey:

We refer to your letter of September 26, 1962, asking "whether or not there have been Congressional hearings or other governmental studies of the problem that would occur should a substantial portion of the national government be wiped out in a nuclear war."

In regard to the congressional aspect of this problem, a number of hearings have been held on proposed amendments to the Constitution authorizing Governors to fill temporary vacancies in the House of Representatives in cases of national emergency. According to Senate Report No. 1449, 87th Congress, 2d session, the Senate Committee on the Judiciary held public hearings on this subject in the 82d, 83d, and 84th Congresses. Measures were actually passed by the Senate on June 4, 1954, May 19, 1955, and February 2, 1960. Although no hearings have been published in the present Congress, a similar measure, S. J. Res. 123, has been reported by the Committee and is, at this writing, on the Calendar.

The House of Representatives Committee on the Judiciary has, to our knowledge, held only one hearing on this matter, on August 23, 1961. The hearings were published under the title, "Constitutional Amendments for Continuity of Representative Government During Emergency," in 1961, as Serial No. 17. No report has been issued.

Insofar as the general subject of the continuity of the Federal Government in case of nuclear attack is concerned, we have been unable to discover any significant Congressional investigation of the matter. It was discussed briefly in hearings before the Military Operations Subcommittee of the House Committee on Government Operations in 1960, and in the report on those hearings entitled "Civil Defense

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Shelter Policy and Postattack Recovery Planning," House Report No. 2069, 86th Congress, 2d session.

We know that the Office of Civil and Defense Mobilization and its successor, the Office of Emergency Planning, have developed studies on the subject, but these, we are advised, are mostly classified. We are informed, however, that these studies may be seen by an authorized member of the Senator's staff upon request. The National Plan of the OCIM, Annex 4, "Authorities for Civil Defense and Defense Mobilization," contains a brief discussion of the matter. Another very brief discussion appears in a recent publication of the OEP, "Summary Report on Regional Conferences." We also call to your attention the following two articles:

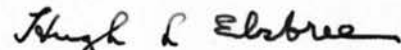
U. S. News and World Report. If bombs do fall--who'll run things? Oct. 16, 1961: 45-49.

Stanford, Neal. Would government survive? Christian Science Monitor, Oct. 20, 1961: 5.

You may also be interested in a report by James Warren Beebe, "Tomorrow's Weapons vs. the Constitution," prepared for the University of Wisconsin Law School, National Security Studies Group Seminar in Civil Defense, 1959.

We trust this information will be of assistance.

Sincerely yours,



Hugh L. Elsbree
Director



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