purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. LECOMPTE:

H. R. 8055. A bill to amend the act of July 1, 1948, to authorize the erection of appropriate Government headstones or markers in cemetery plots in memory of certain members of the Armed Forces who died while serving in the overseas theaters of operations and whose bodies have not been recovered or identified or have been buried at sea; to the Committee on Interior and Insular Affairs.

By Mr. BROOKS:

H. R. 8056. A bill to increase the normal tax and surtax exemption and the exemption for dependents from $600 to $1,000; to the Committee on Ways and Means.

By Mr. MANSFIELD:

H. R. 8057. A bill to change the name of the Great Falls Air Force Base at Great Falls, Mont., to the "Earl T. Vance Air Force Base"; to the Committee on Armed Services.

By Mr. PICKETT:

H. J. Res. 470. Joint resolution proposing an amendment to the Constitution of the United States relative to the taking of private property; to the Committee on the Judiciary.

By Mr. MARTIN of Massachusetts:

H. J. Res. 471. Joint resolution authorizing the erection of a memorial to Dr. J. Finley Wilson, in Washington, D. C.; to the Committee on House Administration.

By Mr. JONES of Alabama:

H. Con. Res. 218. Concurrent resolution approving conveyance by the Tennessee Valley Authority of terminal properties now owned by the United States; to the Committee on Public Works.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Georgia, with reference to submission of an interstate civil defense compact entered into and ratified by the States of Georgia and South Carolina, pursuant to section 201 (g) of the Federal Civil Defense Act of 1950 (Public Law 920, 81st Cong.); to the Committee on Armed Services.

Also, memorial of the Legislature of the Territory of Guam, memorializing the President and the Congress of the United States, the Secretary of Defense, the Secretary of the Interior, and the Governor of Guam relative to permitting the entry of selected Ryukyuan fishermen into the island of Guam for the purpose of aiding in the establishment of a fishing industry in aid of the economy of the island; to the Committee on Interior and Insular Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARRETT:

H. R. 8058. A bill for the relief of Luigi Mascitti; to the Committee on the Judiciary.

By Mr. GREENWOOD:

H. R. 8059. A bill for the relief of Dorothy Sonya Goldschmidt; to the Committee on the Judiciary.

By Mr. HAND:

H. R. 8060. A bill for the relief of Karin Rita Hopf (Karin Rita Grubb); to the Committee on the Judiciary.

By Mr. LATHAM:

H. R. 8061. A bill for the relief of Alessandro, Carmela, Pasqualina, Massimo, and Michele D'Antonio; to the Committee on the Judiciary.

By Mr. PERKINS:

H. R. 8062. A bill for the relief of Thomas J. Turner; to the Committee on the Judiciary.

By Mr. SASSCER:

H. R. 8063. A bill for the relief of Pantelis Morfesis; to the Committee on the Judiciary.

H. R. 8064. A bill for the relief of Lilburne D. Sheats; to the Committee on the Judiciary.

H. R. 8065. A bill for the relief of William E. Aitcheson, to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

748. Mr. REED of New York presented a petition of Dunkirk Aerie No. 2447, Fraternal Order of Eagles of Dunkirk, N. Y., with reference to the uncontrolled waters of the rivers of this country, which are causing so much devastation to life and property, and urging the creation of a governmental commission, composed of authorities in the field of flood control whose sole duty it will be to study methods for combating these awesome floods and their terrifying consequences, which was referred to the Committee on Public Works.

SENATE

MONDAY, JUNE 2, 1952

Rev. Mr. Benjamin Lynt, pastor of the Second Presbyterian Church of the United States, Alexandria, Va., offered the following prayer:

Our Father in Heaven, who didst reveal Thyself to us in the person of Christ Jesus, imbue each of us, we beseech Thee, with a sense of personal responsibility for those whose lives we help govern. Renew within us the consciousness that we do not function in a vacuum, that we cannot strike our words and deeds from the record which Thou dost keep, that Thou hast not made us in Thine image for the performance of petty things.

Toughen Thou, therefore, our moral fiber so that we do not fall apart under the pressures of this day's work, but may be enabled to do great things. Let all said and done here bring credit to ourselves, to those whom we serve, and to Thee, whose guidance we seek. Amen.

THE JOURNAL

On request of Mr. MCFARLAND, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, May 29, 1952, was dispensed with.

LEAVE OF ABSENCE

On request of Mr. MCFARLAND, and by unanimous consent, Mr. KEFAUVER and Mr. RUSSELL were excused from attendance on the sessions of the Senate this week.

TRANSACTION OF ROUTINE BUSINESS

Mr. MCFARLAND. Mr. President, I ask unanimous consent that Senators may be permitted to transact routine business, without debate.

The PRESIDENT pro tempore. Without objection, it is so ordered.

PETITION

Mr. ELLENDER presented a resolution of the Senate of the State of Louisiana, which was referred to the Committee on Armed Services:

Senate Resolution 5

Whereas it has come to the attention of the senate that Camp Polk, near Leesville, La., is being reactivated as a training center for infantry and armored divisions of the Army of the United States; and

Whereas Camp Polk was found to be ideally suited for such purpose during World War II; and

Whereas the proper authorities have no doubt seen fit to reactivate this camp as a training center because of the nature of its terrain and facilities; and

Whereas Barksdale Field, near Shreveport, La., is the only permanent installation in the State of Louisiana which is devoted entirely to aviation; and

Whereas the need for a suitable location for the training of infantry and armored divisions is self-evident; and

Whereas the need for such installation as Camp Polk will continue in the future because of unsettled world conditions: Therefore be it

Resolved by the Senate of the State of Louisiana, That we earnestly appeal to our President, Hon. Harry S. Truman, to the commanding general of the Army Ground Forces, and to the congressional delegation of the State of Louisiana to use their good offices to make Camp Polk a permanent Army post in the State of Louisiana; be it further

Resolved, etc., That the secretary of the senate be and is hereby directed to send, without delay, a certified copy of the resolution to the Honorable Harry S. Truman, President of the United States of America; to the commanding general of the Army Ground Forces; to the Louisiana Members of the Senate and of the House of Representatives of the United States.

C. E. BARHAM,
Lieutenant Governor and President of the Senate.

AMENDMENT OF CONSTITUTION RELATING TO TREATIES AND EXECUTIVE AGREEMENTS—RESOLUTION

Mr. WILEY. Mr. President, I send to the desk a resolution forwarded to me by Charles F. Nolan, secretary of the Republican Party of Wisconsin for the Sixth Congressional District.

The resolution endorses the constitutional amendment proposed by the Senator from Ohio [Mr. BRICKER] and now being studied by a Senate Judiciary Subcommittee dealing with the significant matter of the effect of treaties and executive agreements.

I ask unanimous consent that the resolution be printed in the RECORD and be thereafter referred to the Judiciary Committee.

There being no objection, the resolution was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

REPUBLICAN PARTY OF WISCONSIN, SIXTH CONGRESSIONAL DISTRICT

(Chairman: Ronald Stephenson, Cedarburg; vice chairman: Mrs. Konrad Testwuide, Jr., route 1, Sheboygan; secretary: Charles F. Nolan, Oshkosh National Bank Building, Oshkosh; treasurer: Norton J. Williams, 116 South Commercial Street, Neenah.)

Resolved by the membership of the Republican Party of the Sixth Congressional Dis-

trict of the State of Wisconsin in caucus assembled this 21st day of May 1952, in the city of Fond du Lac, That we do hereby endorse Senate Joint Resolution 130, proposing an amendment to the Constitution of the United States relative to the making of treaties and executive agreements; further

Resolved, That the district secretary be authorized and directed to transmit copies of this resolution to our Congressman, WILLIAM K. VAN PELT, and to our Senators, ALEXANDER WILEY and JOSEPH R. MCCARTHY.

COMMEMORATIVE STAMP FOR RECOGNITION OF TWENTY-FIFTH ANNIVERSARY OF FUTURE FARMERS OF AMERICA—LETTER

Mr. WILEY. Mr. President, we are all aware of the tremendous number of commemorative stamp issues which are proposed for various purposes. We recognize that Congress and the Postmaster General receive far more requests for such issues than can possibly be fulfilled and that only anniversaries, organizations, individuals, and so forth, of the highest national importance can be honored.

One such proposal which I feel should be honored is for appropriate recognition of the twenty-fifth anniversary in 1953 of the Future Farmers of America, a splendid grass-roots organization which has contributed so much to the Nation's young manhood and to the Nation's agriculture.

At this time, I send to the desk a letter which I have received from C. L. Greiber, Wisconsin State director for vocational and adult education. I ask unanimous consent that Mr. Greiber's letter in favor of an FFA stamp be printed in the RECORD, and thereafter be appropriately referred.

I trust that the Postmaster General will indeed take due note of it and of similar appeals.

There being no objection, the letter was referred to the Committee on Post Office and Civil Service, and ordered to be printed in the RECORD, as follows:

STATE OF WISCONSIN,
STATE BOARD OF VOCATIONAL
AND ADULT EDUCATION,
Madison, May 27, 1952.

The Honorable ALEXANDER WILEY,
United States Senate,
Washington, D. C.

DEAR SIR: For some time an effort has been made to have the Post Office Department publish a special post stamp honoring the Future Farmers of America in 1953 in commemoration of the FFA's twenty-fifth anniversary.

The FFA in Wisconsin is sponsored by the State board of vocational and adult education and is an organization of more than 13,000 farm boys who are enrolled in the approximately 272 departments of vocational agriculture which are financed partially from Federal funds under the Smith-Hughes and George-Barden Acts. The FFA is a vital influence in the building of fine American citizens who will have a sincere appreciation of their civic, social, and economic responsibilities.

It has been brought to my attention that Senator FRANK CARLSON, of Kansas, has introduced bill S. 3002 in the Senate of the United States in order to authorize and direct the Postmaster General to issue a special postage stamp in commemoration of the twenty-fifth anniversary of the Future Farmers of America.

I hope that you may give your kind consideration to the merits of this bill. Passage of this legislation would be a fine recognition of the outstanding service which is being performed by the FFA in the development of the basic principles of good citizenship.

With best wishes, I am,
Sincerely yours,

C. L. GREIBER,
State Director, Vocational and Adult Education.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MONRONEY, from the Committee on Post Office and Civil Service:

S. 2903. A bill to amend the act entitled "An act to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress," approved June 18, 1929; with an amendment (Rept. No. 1621).

By Mr. MAYBANK (for Mr. ROBERTSON), from the Committee on Banking and Currency:

S. 2938. A bill to amend section 9 of the Federal Reserve Act, as amended, and section 5155 of the Revised Statutes, as amended, and for other purposes; without amendment (Rept. No. 1623); and

H. R. 160. A bill to amend section 5192 of the Revised Statutes, with respect to the reserves of certain national banks; without amendment (Rept. No. 1624).

By Mr. JOHNSON of Colorado, from the Committee on Interstate and Foreign Commerce:

S. 2653. A bill to standardize rates on household goods shipped by the United States Government for its employees; without amendment (Rept. No. 1625); and

S. 2829. A bill to amend section 1 (17) (a), section 13 (3), and section 13 (4) of the Interstate Commerce Act in order to extend to the Interstate Commerce Commission power to prescribe the discontinuance of certain railroad services in intrastate commerce when found to be unreasonably discriminatory against interstate commerce; with amendments (Rept. No. 1626).

AMENDMENT OF FEDERAL RESERVE ACT—REPORT OF A COMMITTEE

Mr. MAYBANK. Mr. President, from the Committee on Banking and Currency I report favorably, without amendment, the bill (H. R. 6909) to amend section 14 (b) of the Federal Reserve Act, as amended, and I submit a report—No. 1622—thereon. The bill grants the authority to the Federal Reserve banks to buy direct obligations of the United States, or obligations fully guaranteed by the United States, in an amount not to exceed $5,000,000,000 held at any one time directly from the Treasury. The grant of authority is for a 2-year period which expires July 1, 1954. At the request of the Federal Reserve Board of Governors I introduced S. 2841 which would have made the aforementioned authority permanent. The House passed H. R. 6909 granting temporary extension of the authority, and I join with the other members of the Committee on Banking and Currency in the adoption of the House bill which provides that this authority must be reviewed in 2 years before any further extension of such authority is made.

I appreciate that the bill cannot be acted on at this time, but I call the attention of the majority leader to the fact that unless the bill is passed on the next call of the calendar there will be difficulties experienced in connection with the Treasury Department's policy of refinancing.

The PRESIDENT pro tempore. The report will be received, and the bill will be placed on the calendar.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CAIN:

S. 3266. A bill for the relief of the city of Kirkland, Wash.; to the Committee on the Judiciary.

(See the remarks of Mr. CAIN when he introduced the above bill, which appear under a separate heading.)

By Mr. MCKELLAR:

S. 3267. A bill to amend the Water Pollution Control Act to raise the limit on the size of the loans which may be made under such act for the purpose of assisting local governmental agencies in the construction of works for the treatment of sewage and other wastes; to the Committee on Public Works.

By Mr. JOHNSON of Texas:

S. 3268. A bill for the relief of Annalyn Earley; to the Committee on the Judiciary.

By Mr. LODGE:

S. 3269. A bill for the relief of Maria Del. C. R. Jablonski; to the Committee on the Judiciary.

By Mr. CAIN:

S. 3270. A bill authorizing the construction of certain public works on rivers and harbors at Anacortes Harbor, Wash.; to the Committee on Public Works.

(See remarks of Mr. CAIN when he introduced the above bill, which appears under a separate heading.)

CITY OF KIRKLAND, WASH.

Mr. CAIN. Mr. President, the mayor of the city of Kirkland, Wash., has brought to my attention a serious financial problem and has asked for assistance in solving it. The problem arises out of a grant or loan of $20,000 made by the Federal Government under the War Mobilization and Reconversion Act of 1944. There is a real difference of opinion between the city government and the Housing and Home Finance Agency over the extent to which the money must be repaid by the citizens of Kirkland. The sum in question presents a sizable financial burden to the citizens of Kirkland. The city government has offered a compromise settlement which has been rejected by the Agency. I believe that this question merits full study and consideration by the Congress. Accordingly I introduce for appropriate reference a bill for the relief of the city of Kirkland.

The bill (S. 3266) for the relief of the city of Kirkland, Wash., introduced by Mr. CAIN, was read twice by its title and referred to the Committee on the Judiciary.

CONSTRUCTION OF CERTAIN PUBLIC WORKS ON RIVERS AND HARBORS AT ANACORTES HARBOR, WASH.

Mr. CAIN. Mr. President, I introduce for appropriate reference a bill providing for the construction of certain public

works at Anacortes Harbor in the State of Washington.

This is an essential project which was approved by the Corps of Engineers as far back as September 1950.

The matter was returned by the Budget Bureau for further consideration because some of the work involved would be largely of local benefit and would require a cash contribution locally. The decision as to the amount of that local contribution is still under study by the Corps of Engineers.

It now seems clear that any further delay in submitting proposed legislation on this subject will make impossible action by the Congress this year.

Accordingly, Mr. President, I am introducing the bill in the hope that the basic study can be completed by the Public Works Committee while the Corps of Engineers is studying the problem of the local contribution. Thus, much of the time needed for committee action can be disposed of by the time we obtain the report of the engineers.

I ask unanimous consent that the reports of the Corps of Engineers on this matter be printed as part of my remarks.

The PRESIDENT pro tempore. The bill will be received and appropriately referred, and, without objection, the reports will be printed in the RECORD.

The bill (S. 3270) authorizing the construction of certain public works on rivers and harbors at Anacortes Harbor, Wash., introduced by Mr. CAIN, was read twice by its title, and referred to the Committee on Public Works.

The reports are as follows:

DEPARTMENT OF THE ARMY,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D. C., August 1, 1950.

Subject: Anacortes Harbor, Wash.
To: The Secretary of the Army.

1. I submit herewith for transmission to Congress the report of the Board of Engineers for Rivers and Harbors in response to resolution of the Committee on Public Works of the United States Senate, adopted June 17, 1947, requesting the Board to review the report on Anacortes Harbor, in the State of Washington, submitted on May 10, 1933, and previous reports, with a view to determining the advisability of making improvements in the harbor facilities at Anacortes, Wash.

2. After full consideration of the reports secured from the district and division engineers, the Board recommends modification of the existing project for Anacortes Harbor, Wash., to provide for a mooring basin 12 feet deep at mean lower low water, 570 feet wide, and 960 feet long, adjacent to the north side of Capsante waterway, protected by a pile breakwater 380 feet long about 50 feet east of the mooring basin, generally in accordance with the plan of the district engineer and with such modifications thereof as in the discretion of the Chief of Engineers may be advisable, at an estimated cost to the United States of $150,000 for construction and $3,500 annually for maintenance in addition to that now required, subject to the condition that local interests agree to (a) furnish without cost to the United States, all lands, easements, rights-of-way, and spoil disposal areas suitably bulkheaded where necessary, for construction and maintenance of the improvement, when and as required; (b) hold and save the United States free from all damages due to construction and maintenance of the improvement; (c) provide and maintain adequate mooring facilities and a public landing with service and supply facilities open to all on equal terms; and (d) maintain to project dimensions those portions of the basin where mooring facilities are provided.

3. After due consideration of these reports, I concur in the views and recommendations of the Board.

LEWIS A. PICK,
Major General, Chief of Engineers.

DEPARTMENT OF THE ARMY,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, May 29, 1952.

Hon. HARRY P. CAIN,
United States Senate,
Washington, D. C.

DEAR SENATOR CAIN: Reference is made to your letter dated April 23, 1952, your file No. 3102, addressed to the district engineer at Seattle, Wash., concerning our report on Anacortes Harbor, Wash. Reference is also made to the Seattle district engineer's reply dated April 28, 1952, informing you that additional information on the status of the report on Anacortes Harbor would be furnished by this office. I am pleased to give you the current status of the report at this time.

As you know this report was approved by the Chief of Engineers and transmitted to the Bureau of the Budget on September 19, 1950, recommending modification of the existing project to provide a mooring basin 12 feet deep, and 570 by 960 feet in area protected by a pile breakwater 380 feet long, all at an estimated Federal cost of $150,000 for construction and $3,500 annually for maintenance.

On January 26, 1951, the Bureau of the Budget returned the report to this office for reconsideration of the recreational benefits and of the allocation of costs on the basis of the small-boat formula, which was adopted subsequent to the time the report was submitted to the Bureau of the Budget. A review of the report by the reporting officers, the Board of Engineers for Rivers and Harbors, and by this office indicated that, on the basis of the small-boat formula, it would be necessary to alter the requirements of local cooperation in connection with the recommended project.

It has been determined that, in addition to the requirements of local cooperation set forth in the report of the Chief of Engineers dated August 1, 1950, a copy of which is inclosed for your ready reference, a cash contribution will be required from local interests to help defray the first cost of the improvement. This cash contribution is required because of the amount of benefits that will accrue to the local community as compared with the amount of general benefits which will accrue to the Nation as a whole.

This office is currently engaged in making a study to determine the amount of local cash contribution that will be required in addition to the usual items of local cooperation. Upon reaching a decision on the amount of the local cash contribution required the reporting officers will meet with the Anacortes Port District to set forth and explain the revised requirements of local cooperation. After determination of the willingness of local interests to comply with the revised requirements the report will be resubmitted to the Bureau of the Budget prior to transmittal to Congress by the Secretary of the Army.

Every effort will be made to expedite our study on this matter and I will be pleased to keep you advised of future progress, both in this office and at field level.

I trust this additional information is sufficient for your present needs on this matter. However, should you require additional information, I shall be pleased to furnish it upon receipt of your request.

Sincerely yours.

C. H. CHORPENING,
Brigadier General, United States Army,
Assistant Chief of Engineers for Civil Works.

APPROVAL OF CONVEYANCE BY THE TENNESSEE VALLEY AUTHORITY OF TERMINAL PROPERTY IN CERTAIN CITIES IN TENNESSEE AND ALABAMA

Mr. HILL (for himself and Mr. SPARKMAN) submitted the following concurrent resolution (S. Con. Res. 80), which was referred to the Committee on Public Works:

Resolved by the Senate (the House of Representatives concurring), That the Congress, pursuant to section 4 (k) (b) of the Tennessee Valley Authority Act of 1933, as amended (55 Stat. 599–600, 16 U. S. C. 831c (k) (b)), hereby approves the conveyance by the Tennessee Valley Authority in the name of the United States, by deed, lease, or otherwise, for the purpose of said section 4 (k) (b) and on the basis of the fair sale or rental value determined by the Tennessee Valley Authority, of the public use terminal properties now owned by the United States and in the custody of the Tennessee Valley at Knoxville, Chattanooga, and Harriman, Tenn., and Decatur and Guntersville, Ala.

EXECUTIVE AND INDEPENDENT OFFICES APPROPRIATIONS—AMENDMENT

Mr. SMITH of New Jersey submitted an amendment intended to be proposed by him to the bill (H. R. 7072) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1953, and for other purposes, which was ordered to lie on the table and to be printed.

APPROPRIATIONS FOR DEPARTMENT OF DEFENSE—AMENDMENT

Mr. LODGE submitted an amendment intended to be proposed by him to the bill (H. R. 7391) making appropriations for the Department of Defense and related independent agencies for the fiscal year ending June 30, 1953, and for other purposes, which was referred to the Committee on Appropriations, and ordered to be printed.

DEFENSE PRODUCTION ACT AMENDMENTS OF 1952—AMENDMENTS

Mr. SCHOEPPEL submitted an amendment intended to be proposed by him to the bill (S. 2594) to extend the provisions of the Defense Production Act of 1950, as amended, and the Housing and Rent Act of 1947, as amended, which was ordered to lie on the table and to be printed.

The PRESIDENT pro tempore. In his capacity as a Senator the Chair submits an amendment intended to be proposed by him to the bill (S. 2594) to extend the

provisions of the Defense Production Act of 1950, as amended, and the Housing and Rent Act of 1947, as amended.

The amendment will be printed and will lie on the table, and without objection, the amendment, together with a letter from W. M. Farris, of Nashville, Tenn., will be printed in the RECORD. The Chair hears no objection.

The amendment is as follows:

At the proper place in the bill, insert the following: *"Provided further,* That the Office of Price Stabilization in the exercise of its rule-making and regulatory powers pertaining to products of the soil (forestry products) shall not classify or separate for pricing purposes any areas or boundaries which conflict with long-established trade customs or which are contrary to geologic maps or forestry surveys officially recognized by the various States or which are contrary to the United States Geological Survey."

The letter is as follows:

FARRIS HARDWOOD LUMBER CO.,
Nashville, Tenn., May 29, 1952.

Hon. KENNETH MCKELLAR,
United States Senate,
Washington, D. C.

DEAR SIR: With reference to your telegram dated May 23, which reads as follows:

"Re your call amendment referred to not included in DPA bill as reported in the Senate. Shall be glad to do what I can when this measure is before the Senate.

"Regards,

"KENNETH MCKELLAR."

We thank you for your prompt reply and cooperation although the message is naturally quite a disappointment. Anything you can do to get the amendment in question included in the bill when it comes before the Senate will, needless to say, be greatly appreciated by the Nashville and other middle Tennessee sawmill operators who have been so unfairly and unnecessarily discriminated against by the OPS in the adoption of a timber boundary line purporting to separate one price region from another.

The boundary as established is contrary to long-established custom and geologic map of Tennessee compiled by the Division of Geology and the United States Geological Survey.

We have sought relief from the OPS but have been unsuccessful.

In our opinion only the inclusion of the amendment or expiration of the entire bill will take care of the situation.

Enclosed is a copy of the amendment, the same as left with you on March 13.

Respectfully yours,

FARRIS HARDWOOD LUMBER CO.,
W. M. FARRIS.

Mr. MUNDT. Mr. President, on behalf of myself, and the Senator from North Dakota [Mr. YOUNG], I submit an amendment intended to be proposed by us, jointly, to the bill (S. 2594) to extend the provisions of the Defense Production Act of 1950, as amended, and the Housing and Rent Act of 1947, as amended. I ask unanimous consent that I be permitted to make a brief statement concerning the amendment.

The PRESIDENT pro tempore. The amendment will be received, and printed, and will lie on the table; and, without objection, the Senator from South Dakota may proceed.

Mr. MUNDT. Mr. President, the amendment would reincorporate section 104 in the new legislation.

Senators will recall that section 104 is a part of the Defense Production Act, and provides protection for peanuts, butter, cheese, and other dairy products. The Senator from North Dakota and I are suggesting, in this amendment, the addition of oats, rye, barley, and wheat other than for human consumption; and rice and rice products, because of the fact that these products are all in serious distress.

If section 104 were to expire without the kind of protection which would be afforded by the amendment the American taxpayers are likely to find themselves confronted with the necessity of providing support prices for products of this nature wherever they are raised in the world. We are aware of the fact that foreign countries are making plans to dump excess amounts of these products on our shores immediately after the expiration of this section.

I ask unanimous consent to incorporate in the RECORD at this point a short statement explaining in further detail the provisions of section 104 as revised and submitted by the Senator from North Dakota and myself.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR MUNDT

The amendment would continue for another year section 104 of the present act providing for import controls of fats, oils, peanuts, butter, cheese and other dairy products, and rice and rice products with the addition of oats, rye, barley, and wheat other than for human consumption.

First, I would like to comment on the need for extending import controls on dairy products.

The dairy industry of the United States is traditionally operated on a self-sufficient basis. Between 1925 and the outset of World War II dairy imports exceeded exports by a very small margin which amounted to about 1 percent of our total milk production. During and since World War II the exports from this country have risen tremendously. However, this rise was not a natural or normal one.

For instance much of the increase has been made up of exports to former Allies of World War II. Belgium, France, Greece, and the United Kingdom were recipients of 30.1 percent of United States dairy exports between the years 1949 and 1951. In 1939 these same countries accounted for less than 4 percent of our exports. In 1939 Germany and Japan received less than one-tenth of 1 percent of our total dairy exports. In the 1949–51 period those nations accounted for 10 percent of our total exports of dairy products.

The increases which I have mentioned above are directly associated with various types of export subsidization programs such as ECA, UNRRA, Army relief feeding, purchases for export by agencies to which the United States has contributed funds, such as the United Nations Children's Fund and the International Refugee Organization of the United Nations, and these are only a few of the programs. We cannot expect that these programs will be continued into the future for very much longer. The nations receiving such aid have been able to build back their own dairy herds and with the exception of Austria and Switzerland production in each of the countries now exceeds that of the pre-World War II period.

In short, we shall be returning to a period very similar to that previous to World War II, when American dairy products were largely consumed domestically. If we should submit to competition from foreign sources who, through their lower costs of labor and production, are able to supply milk to this country at a market level below that of domestic dairy producers, then we will by one fell stroke be tolling the death knell for thousands of American dairy producers who will be forced to sell their herds off for beef.

I would now like to comment on my reasons for the inclusion of oats, rye, barley, and feed wheat in this amendment.

The prairie Provinces of Canada have certain advantages in reaching the eastern feed-consuming markets of the United States, as well as the far western markets, because their transportation costs have not advanced as rapidly as those of the United States. This advantage coupled with the fact that farm wages in this country are higher and are advancing faster than those in Canada, makes it not surprising at all that Canada is able to supply feed grains to certain areas of the United States at a market price lower than can the domestic producer.

The 1952 price supports announced for oats, barley, and rye are approximately 82 percent of transitional parity. The clear intent of the agricultural legislative programs is to assist farmers to obtain parity. It is then, unthinkable that parity can be realized while imports absorb a substantial part of our demand. Imports depress prices and effectively prevent them from advancing to parity. They will also cause more grain to go under price support and more to be taken into the Government's possession at a greater cost to the American taxpayer.

I expect to be discussing this amendment in further detail at the time we are considering S. 2594, at which time I will go into further detailed reasons to indicate that it is essential.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE APPENDIX

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the Appendix, as follows:

By Mr. CARLSON:

Address delivered by him at the annual conference of the International Council for Christian Leadership, The Hague, The Netherlands, on May 24, 1952.

By Mr. O'MAHONEY:

Editorial entitled "These Honored Dead" published in the May 31, 1952, issue of the Saturday Evening Post.

By Mr. MUNDT:

Article entitled "The America We Lost," written by Mario A. Pei, and published in Saturday Evening Post.

By Mr. BYRD:

Address entitled "Giant Government: Can We Make It Efficient?" delivered by Dr. Robert L. Johnson, president of Temple University, and National Chairman, Citizens Committee for the Hoover Report, before the thirty-sixth annual meeting of the National Industrial Conference Board at the Waldorf-Astoria Hotel in New York, on May 15.

JUVENILE COURT FOR THE DISTRICT OF COLUMBIA

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 1822) to amend the act creating a juvenile court for the District of Columbia, approved March 19, 1906, as amended, which were, on page 3, line 10, strike out "governmental," and insert "governmental and", and on page 4,

line 10, after "both." insert "Prosecutions for violations of subsection (c) of this section shall be brought in the name of the District of Columbia in the Municipal Court for the District of Columbia by the Corporation Counsel or any of his assistants."

Mr. JOHNSTON of South Carolina. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

MUTUAL SECURITY ACT OF 1952

The PRESIDENT pro tempore laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H. R. 7005) to amend the Mutual Security Act of 1951, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CONNALLY. Mr. President, on May 23, 1952, the House of Representatives passed the bill (H. R. 7005) to amend the Mutual Security Act of 1951, and for other purposes. On last Wednesday, May 28, 1952, the Senate passed the bill with an amendment in the nature of a substitute. On Thursday, May 29, the House requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and appointed their conferees. I move that the Senate accept the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. CONNALLY, Mr. GEORGE, Mr. GREEN, Mr. WILEY, and Mr. SMITH of New Jersey conferees on the part of the Senate.

ACTUARIAL STUDY OF GOVERNMENT PENSION SYSTEMS

Mr. ROBERTSON. Mr. President, I ask unanimous consent to proceed for 1 minute.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the Senator from Virginia may proceed.

Mr. ROBERTSON. Mr. President, last week I unsuccessfully urged the Appropriations Committee to approve an item for the Civil Service Commission to make a study of the actuarial soundness of all the Government pension systems. I felt the facts developed by such a study will be needed to enable us to act intelligently on recurring proposals to increase pension benefits.

I still believe that this study should be made but meanwhile, before we pass on the pending proposals for an increase in the pensions of retired civil-service employees, I believe every Member of the Senate should consider the facts contained in the statement made to the House Post Office and Civil Service Committee last Thursday by its chairman, the Honorable TOM MURRAY.

I ask, therefore, Mr. President, that Mr. MURRAY's statement be printed in the RECORD as a part of my remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY HON. TOM MURRAY, CHAIRMAN, POST OFFICE AND CIVIL SERVICE COMMITTEE, HOUSE OF REPRESENTATIVES, AT OPENING OF HEARINGS ON RETIREMENT LEGISLATION, THURSDAY, MAY 29, 1952

We are beginning the hearings on various bills which by their terms, will provide general increases in the retirement of Federal employees. Some of these bills provide percentage increases combined with flat dollar increases. Others substitute new formulas for computing annuities while still a third group would completely rewrite the Retirement Act.

At the outset of the hearings, I wish to state my position frankly and plainly on all of the pending bills. I am strongly opposed to the enactment at this time of any legislation which would increase the retirement benefits or annuities in any manner, shape or form since the retirement fund is not now actuarially sound. It is in the "red" nearly $5,000,000,000 insofar as having sufficient funds to meet its obligations and liabilities is concerned. Even if we were just to consider amounts to those already retired which, based on their life expectancy, total $2,016,051,658, and add to that the amount due present Federal employees, if they desired to withdraw their money in their individual retirement accounts, we would find that the funds credited to our Federal civil-service retirement system could not meet these obligations. In fact, it would fail to do so by nearly $150,000,000.

Any increase in the annuities of those already retired must be taken from the taxpayers or from the equities in the fund of those who will retire in the future. Those who are now retired have, in the great majority of cases, received in annuities already many times the amount of their contributions. To this particular group our Government has been most generous. In the first place they have received full credit for their years of service prior to August 1, 1920, without having to make any contributions whatsoever to the retirement fund. Secondly, during the years in which they made contributions to the retirement fund, they paid 2½ percent to the fund for 6 years, they paid 3½ percent into the fund for 16 years, and 5 percent for 6 years. Only those retiring since 1948 have made any payments of 6 percent.

Meanwhile, these retired employees seek increases in retirement and survivors' annuities which are largely comparable to those which will be received by employees who will be contributing 6 percent of their annual salaries the entire length of their service with the Federal Government.

As an indication of what has been received by those already retired compared to their contributions to the fund, I have had developed the following statistics. According to a statement furnished me by the Civil Service Commission, the 166,000 annuitants on the rolls as of June 30, 1951, made total contributions of approximately $240,000,000. The annuities paid these individuals already constitute approximately $947,000,000. Based upon the estimated life expectancy of those presently on the rolls, there will be payments made to them of over $2,186,000,000. In other words, these employees who have already retired will receive more than $3,000,000,000, and their contributions amount to only $240,000,000, a better than 12-to-1 return.

Every one who is retired with a fixed income is faced with the same problem as the retired Federal employee. It would be unfair to take from taxpayers additional money to provide what amounts to a cost-of-living increase for a select group of people who are receiving annuities from the Federal Government and who had the privilege of Federal jobs throughout their working career.

I have been concerned for several years over the attitude of many people that the Federal Government owes them "security or financial protection" from the cradle to the grave. It is unfortunate that many present and retired Federal employees have the idea that our Government "owes them a living" after their retirement, and that it is up to the Government to take care of them for the remainder of their lives from the date of their retirement.

Too many employees look upon the retirement fund as a welfare fund and do not concern themselves with the actuarial soundness of the fund. Federal employees should take pride in the soundness of the retirement fund and should be interested in the present obligations and liabilities so that the fund may meet its contracts for future retirements.

The balance in cash and investments and obligations of the United States as of last June 30 was $4,419,927,112.89. Taken by itself this appears to be a substantial sum and because of this creates a false impression or sense of security when examined alone. To be properly appraised, however, it is important also to take a look at liabilities to present and former employees. Again as of last June 30, these liabilities total $9,294,927,112.89. Deducting the balance available from the total liabilities it becomes clear that there exists an actual deficit in the fund. The excess of liabilities over assets is $4,875,000,000.

The Federal civil-service retirement system today is the best and most liberal of any retirement system in the world. As the Commission has pointed out in reports on retirement legislation to this committee—"The retirement system is an instrument of personnel policy similar to provisions concerning pay, leave, and working conditions. Taken together these constitute the Government's competitive offer in the labor market. They may be revised from time to time as conditions change but the primary reason for such revision is the need for the Government to maintain a competitive position as an employer."

There are some who may point to isolated instances of other systems where benefits are granted but these examples invariably relate to short-term employees. The retirement system is intended to encourage a career of Government service and is weighted in favor of the career Government employee of many years service. For the temporary employee, we have provided an opportunity for old-age and survivors insurance under social security.

With more than 160,000 former Federal employees on the retirement rolls, it is understandable that if one looks hard enough he can find many pitiful hardship cases. On the other hand, we must consider that, under the present circumstances, many retired Federal employees have taken jobs in private industry and are receiving or will be eligible for social security benefits in addition to their retirement. There is no limitation upon the amount that a retired employee may receive in private employment in order to continue to receive his annuity.

The President, following his approval of an increase in the annuities for veterans, has requested Congress to make a special study of the duplication of payments. Even if we were to agree to the principle that the Federal retirement fund is a welfare fund, and I am unalterably opposed to thie viewpoint, such a change in policy should be prefaced by an investigation of duplication of payments from tax funds.

I have the deepest sympathy for any annuitants who are in financial distress. I appreciate the plight of those in need. I

am not hard-hearted, callous, or hardened toward annuitants as some individuals are charging. We all regret the decline in the value of the dollar and the inflationary trends today.

Not only have annuitants suffered but, also, those who have private resources as annuity incomes from private insurance policies, interest on bonds and notes, and income from dividends on stocks. All of these have felt the effect of the decline of the purchasing value of the dollar.

Our Government has never guaranteed that annuities would be increased proportionately to an increase in the cost of living or because of an increased cost of living. Every member of the committee, I am sure, is intensely interested in the financial soundness and integrity of the retirement fund so that it may meet all future liabilities and obligations. It is unwise and unfair to leave the responsibility of payment for the annuities as a tax obligation or as a loadstone on the next generation of Federal employees or the taxpayers generally.

In the Retirement Act revisions of 1948, we did make a gift to all of those who were already retired of a 25 percent or $300 increase, whichever was the lesser, in their annuities or the option of providing an annuity of $600 for their surviving spouse. Later, in the Eighty-first Congress, this was amended to provide both the increase in the annuities of retired employees and the annuities for the surviving spouse. The fact that we made this gift to those already retired did not in any way commit our Government to the policy of future revisions in the annuities of those already retired.

I trust that no one makes such a contention for, if it is made, it creates an untenable situation whereby what we do today is making a commitment not only now but in the future for a policy of meeting increased costs of living by increased Federal annuities.

The increases given to Federal employees by the 1948 act, and amended in the Eighty-first Congress, to which I have just referred, amounted to about 50 percent in the annuities of those who received the benefits of both increases in their annuities and annuities for their surviving spouses. This is more than increases given to other annuitants under any other system since the increase in the cost of living.

I want to again emphasize that I am not unaware of the grave problems faced by retired people in all categories who have small annuities and are faced with the reduction of the purchasing power of the dollar. I, for one, insist that we must treat all citizens alike and we cannot give special benefits to a select group. These benefits must either be paid for from taxes or from funds contributed by others.

Those now in the Federal service should be intensely interested in the future actuarial soundness and the present obligations and liabilities of the retirement fund in order that the fund can take care of its contracts for future retirements. The fund today is not in a sound condition and Chairman Robert Ramspeck, of the Civil Service Commission, is requesting Congress to undertake a program of amortizing the deficiency of the fund within the next 30 years. This produces an appropriation request for the fiscal year 1953 of nearly $458,000,000, which is approximately $150,000,000 above recent appropriations to the fund. I think it is important to note that the House Committee on Appropriations this year declined to report the additional $150,000,000 requested by the Civil Service Commission. As a matter of fact, the House in voting on the independent offices appropriation bill actually voted an amount which will not quite meet the anticipated disbursements from the retirement fund this year. Loose and unfounded statements that annuities of those already retired can be increased without either increasing the Federal contributions or the contributions of employees have made it increasingly difficult to obtain the necessary appropriations to guarantee the integrity of the fund. The consideration of this committee with respect to increasing annuities must of necessity be conditioned by this recent House action.

If the financial integrity of the fund is further materially weakened or impaired by liberalizing or increasing the annuities, the day is then fast approaching when the civil-service retirement system will be merged or consolidated with social security to which I am strongly opposed. I have yet to hear a single Federal employee say that he would prefer to be placed under social security rather than continue under the civil-service retirement system.

These bills before our committee today vary in their cost but the minimum cost of the least expensive one runs into many millions of dollars a year. The retirement fund is certainly in no position or condition to stand these additional costs and, if favorable consideration is given to any of these measures, then Congress should appropriate the necessary funds to cover the costs. However, I am opposed to such action as I feel that I have an obligation to our taxpayers to help balance the Federal budget, reduce appropriations wherever possible, and consistent with the actual needs of our Government, to stop deficit spending and increasing our national indebtedness, and to give some relief, as soon as possible, to our people from the present burdensome taxes imposed upon them.

DEDICATION OF GREATER PITTSBURGH AIRPORT

Mr. MARTIN. Mr. President, I ask unanimous consent to proceed for a minute and a half.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the Senator from Pennsylvania may proceed.

Mr. MARTIN. Mr. President, last Saturday there was dedicated at Pittsburgh, Pa., one of the finest airports in the world.

Allegheny County, in which the airport is located, was joined in the dedicatory ceremonies by its neighbors of southwestern Pennsylvania, northern West Virginia, and eastern Ohio.

Approximately 50,000 citizens of those areas, including civic and industrial leaders and members of the clergy assembled to witness the ceremonies.

The airport, with its terminal building and other facilities, was constructed at a cost of about $33,000,000. It will serve the greatest center of industrial production in the world and will advance the economic welfare of all the people of the United States.

I am certain that information concerning this airport will be of general interest and I therefore ask unanimous consent to insert in the RECORD, at this point in my remarks, a compilation of interesting facts describing this great masterpiece of progress in aviation.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Greater Pittsburgh Airport, a modern masterpiece of airport design and construction, will place the Pittsburgh district in the front ranks of the world's air centers. The economic and civic consequences of this magnificent installation are immeasurable.

Eleven years of planning and building have developed, on this 1,600-acre site about 14 miles west of Pittsburgh's Golden Triangle, a skyport which is larger than New York's LaGuardia Field and Washington's National Airport combined with the largest terminal building in the world.

An outstanding feature of this spacious airport, whose mile-long runways are cut into the bedrock of Pennsylvania hills, is the main seven-story terminal building which houses a hotel, a theater, restaurants, observation decks, a bank, and many other facilities. Architectural innovations in the design of the terminal building—which is built of granite, marble, brick, and stone—will serve as a model for other airports for years to come.

FACTS ABOUT GREATER PITTSBURGH AIRPORT

Location: About 14 miles west of the Golden Triangle, in Moon and Findlay townships, Allegheny County.

Accessibility: Connected with downtown Pittsburgh by means of a high-speed, limited-access parkway which will cut auto traveling time to about 20 minutes. Served by bus lines and limousine service.

Parking: Facilities for 5,000 cars. Driveways under the main building and at each dock, at the elevation of the loading apron, will permit public conveyances to load and unload passengers at each gate, reducing the average walking distance for passengers to 225 feet. There is also an indoor garage.

Cost: About $33,000,000. The airport will run on a self-sustaining basis. It represents investments by Allegheny County, the Civil Aeronautics Authority, the Pennsylvania State Aeronautics Commission, and Federal and State funds for United States Air Force and National Guard.

Size: 1,600 acres.

Runways: East-west runway is 5,500 feet long with a 2,500-foot extension.

Northwest-southeast runway is 5,900 feet, with a 300-foot extension.

Northeast-southwest runway is 5,770 feet long.

All runways are 150 feet wide. They are built to take a 75,000-pound wheel load, but engineers believe they can withstand much more because of their rock substructure.

Terminal building: Cost about $9,500,000. Semicircular, 460 feet in diameter; over-all width is 575 feet; over-all length, including south dock, is 1,060 feet. The ultimate development of this 7-story (including control tower) building calls for 3 docks, 600 feet long, radiating east, south, and west from the main building. Only the south dock is to be constructed in the first stage. These will provide waiting lounges for passengers, observation decks with ultimate capacity of 10,000 people, and such standard facilities as radio, dispatchers, maintenance, and storage rooms.

Terminal facilities: Two passenger observation lounges. Two public observation lounges. Airline ticket and information space. Coffee shop, 450 capacity. Motion picture theater, 330 capacity. Drug store. Haberdashery. Post office. Barber and beauty shops. Branch bank. Operating personnel offices. Sky-view dining room, 550 capacity. Sky-view dining terrace, 250 capacity. Cafeteria to accommodate 3,000 employees. Weather bureau airways communication. Civil air control and tower. Florist and other commercial shops. Public garage. Sixty-two room hotel. Recreation center.

Exhibits: There are 138 display windows and 2 large exhibit rooms which will make up a new world exposition.

Employees: About 2,500 will be permanently employed by the airlines and other businesses and agencies offering services at or near the airport.

ANNOUNCEMENT OF SUPREME COURT DECISION IN STEEL MILL SEIZURE

Mr. HICKENLOOPER. Mr. President, I ask unanimous consent to proceed for 20 seconds.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the Senator may proceed.

Mr. HICKENLOOPER. There has just come over the press ticker, timed at 12:05 p. m. today, the statement which I shall read. I know no more than what is carried on the ticker. The statement is as follows:

The Supreme Court ruled today that President Truman's seizure of the steel mills on April 8 was unconstitutional.

I pray that the report is accurate.

Mr. TOBEY. Hurrah. Thank God for the Supreme Court.

ADDRESS BY FORMER SENATOR ASHURST BEFORE ARIZONA STATE BAR ASSOCIATION

Mr. HAYDEN. Mr. President, there are now 18 Members of this body who served with my former colleague, Henry Ashurst. None of them has forgotten the eloquence which he so frequently displayed at the desk at which I now stand. A newspaper account of an address which he delivered in Prescott, Ariz., on May 24, 1952, reads as follows:

Henry Fountain Ashurst came home to Arizona Saturday and demonstrated that the years have not dimmed his gift of oratory.

Members of the State bar of Arizona overflowed the Elks Lodge—their nineteenth annual convention momentarily forgotten—to hear the 78-year-old former Senator deliver a stirring address that won him a standing ovation.

Ashurst held his audience spellbound with a 30-minute oration in which he voiced a firm confidence in the future of America.

Erect and vigorous despite his years, Ashurst was mobbed by well-wishers when he concluded his talk.

I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks the text of the address delivered by former Senator Ashurst.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

During the course of a long lifetime, many honors have come to me but none that I shall store away in the treasure house of my heart more tenderly than this invitation of the State bar of Arizona to address its annual convention.

When such an honor comes, and it comes so seldom and to so few, one finds difficulty in adequately expressing one's gratitude and thankfulness.

Such an invitation is an especially gracious act when extended to one who, like myself, is destitute for what the world calls "influence" and who is existing in an obscurity so deep that one is not of much interest, even to a zoologist.

Many things have vanished into history and many changes have come since that faraway day, 55 years ago when I was admitted to the Arizona bar. All the lawyers who were members of the Arizona bar when I was admitted, except perhaps a scant half-dozen, have departed this life and have gone beyond the sunset's purple hills, but it is gratifying to know that the Arizona bar which, of course, includes the bench, has enriched the annals of American jurisprudence and that the Arizona bar of this day is concurrently holding high the standards of our profression and is vindicating justice and civil liberty, as is its duty and its great privilege.

About 1 year before the close of the nineteenth century, I went to Washington not as an official, but as a small-town lawyer from the Territory of Arizona to attend to a matter of a legal nature before one of the departments of Government. I did not know and could not know that in entering Washington I was entering a city which would become the locus standi, locality or nerve-center whence would be radiated energies, ideologies, and financial-credits which, during the first half of the twentieth century, would influence and alter events throughout all Christendom.

I did not know and could not know that the United States was upon the threshhold of almost incredible achievement in art, science, transportation, growth, wealth, chemical discoveries, mechanical inventions, and national power—an achievement of which history furnishes no parallel. Governments which then seemed invincible have since been supplanted by governments bearing strange symbols. Now it is a bisected world—occidental and oriental.

At the close of the nineteenth century, our covered-wagon period had ended. The pioneers had conquered our continental area. America was glowing with high emprise. We were happy in our then present and eager to enter into the further opulence then seemingly assured, but neither a wild flight of fancy nor a remote excursion of the imagination could have predicted the world-wide changes that would come within the next 50 years.

During the first half of the twentieth century three distinct nations, that had been subverted for centuries: Egypt, Israel, and Ireland were restored to national identity and independence and resumed their respective seats in the family of nations from which they had so long been excluded.

Cambyses, the Persian, overwhelmed Egypt 2,500 years ago; Vespasian and Titus, Romans, overwhelmed Israel 1,882 years ago, and Richard de Clare, the Englishman, nicknamed "Strongbow," overwhelmed Ireland 780 years ago. Each of the three subverted nations possesses an immortal vigor and a culture and a history extending back into prehistoric times, and in depicting the restoration of these governments of antiquity, one needs must resort to the lines of the prologue in Shakespeare's play, King Henry the Fift: "O for a muse of fire that would ascend the brightest heaven of invention! a kingdom for a stage, princes to act, and monarchs to behold the swelling scene!"

When the nineteenth century closed the Orient was a sleeping giant; the Manchu Dynasty of China, established in 1644, had not then collapsed; Mr. Mohandas Ghandi was an obscure barrister who had not yet emerged to change the map of India and become the voice of India's hopes; Czar Alexander II, of Russia, had some years before, by his emancipation edict, freed the Russian serfs but unhappily not a spark of that Virgilian light, taken to England by Julius Caesar (which furnished a system of ordered rule based upon natural justice for all sorts and conditions of men, for example: Respect for the dignity of life; fair and public trials of accused persons; acquisition of property, large or small; and that diamond pivot upon which civil liberty depends and revolves, namely: the concept of the government as the servant—not the master of the citizen) not a spark ever touched Russia and Russia stumbled along never illumed by that Virgilian light.

England, through the centuries, had evolved and passed along to us the wisest and most nearly perfect system of judicature yet devised; she had woven from the Anglo-Saxon and the Latin and Greek tongues a language of wondrous beauty, amplitude, and grandeur; and when the nineteenth century ended, Great Britain was at the crest of her empire—at the apex of her power and glory; her drum beats ruled 450,000,000 persons (now 120,000,000); she was the world's workshop, her Navy was stronger than the combined fleets of her two most powerful rivals; if a British diplomat of first rank and high grade took a pinch of snuff there was a titillation of olfactory nerves and not a little sneezing in every chancellery on earth; she was master of the world's purse, mistress of the tranquil ocean, and of the wrathful ocean. Queen Victoria reigned, but the pound sterling ruled; London, the capital of her island kingdom and world encircling empire, was a city of fashion, elegance, and metropolitan life; English ladies were wasp-waisted and English statesmen were wasp-witted, but the two all-destroying world wars decimated the peoples and scattered the treasures of England and continental Europe.

Now, this generation, not only in England and continental Europe but in vast stretches of our Western Hemisphere, has been taken by a stupendous tragedy into the iron clutch of fear of Karl Marx communism * * * a fanatical delusion, embraced by those who demand that the problems of this life shall be solved for them by the labor and ability of those who are capable and are willing to toil; embraced by those whose ambition or enthusiasm far exceeds their talents, intellectual and spiritual resources. Communists forget—if they ever knew—that indolence, ignorance, and incompetency can never have the same reward as wisdom and skill and that communism would deprive labor of its wages, industry of its stimulus, and character of its respect. Livable conditions of life do not come by waving a magician's wand but, like our daily bread, must be earned.

In my opinion, this delusion will evaporate and there is no reason for this generation or any succeeding generation to sink into fear or to despair. History is but a record of mankind in conflict with circumstances. If all the refreshments of adventure, risk, and hazard were eliminated, human life would be flat and insipid—a life almost intolerable.

In the realm of human behavior and in the domain of human emotions we do not hate and fear those who have injured us—it is the other way around—we hate and fear those whom we have injured; therefore any fear that may settle upon our country is unreasoning—America has injured no nation—therefore, hates no nation—fears no nation.

One shuns a person upon whom one has inflicted an irreparable wrong; one avoids a creditor to whom one owes a debt that one can never pay. America has inflicted no wrong upon any nation; has never contracted a debt that she cannot pay, therefore America walks in the clean, fresh air, shunning no nation, avoiding no nation.

Doubt as to his survival, has come to mankind at regular intervals, not only in modern times but in medieval and antique times. Everything that man has invented is susceptible of two uses—good and evil—but happily mankind possesses the discretion—the judgment enabling him to decide to what use—good or evil—an invention shall be put.

The midwives of nuclear science and nuclear physics have recently delivered some lusty infants; the atom bomb and its synthetic half brother, the hydrogen bomb and

become troublesome creatures since, by them, man presumes to take into his own hand the fire and force of Old Sol himself. The birth of these infants reminds one of the speech addressed by the Duchess of York to her unscrupulous son King Richard III, "A grievous burden was thy birth to me—tetchy, and wayward was thy infancy."

I take no stock in the gloomy jeremiads constantly chanted that the human race will destroy itself; I do not subscribe to the defeatist attitude that human beings are but the helpless zanies of witless fate and thoughtless chance which will overthrow the wisdom of the wise, the valor of the brave, and the trophies of truth. I reject such philosophy and assert that mankind is endued with reason, conscience, and ample power of self-direction and has his fate in his own hands. Those explosive forces which have brought such specters of dreadful terror to so many persons, will be the self-same forces that soon shall heat and illuminate man's habitation, transport him and his commerce, and heal and cure many of his physical ills and agonies.

Of this, at least, we may be certain: Arrogance and injustice always lead to a national downfall, and we find comfort in the assurance that our own opulent and powerful America, while she has never chosen the violet emblem of modesty and self-effacement as her national flower, she has not stood in stiff Lucifer pride and haughtiness; she has walked becomingly before the world, has given bounteously to the world, and in troublous times she has been the world's constant and competent nurse. Efficient in war, she has always been generous and clement in victory, and, paraphrasing the lines of a famous character, allow me to exclaim, "All things for America; she is the vital axle of the restless wheels that bear me on; beyond the map of America my heart can travel not, but fills that limit to its farthest verge."

There is in this world a law known as the law of compensation, called by some persons the law of natural justice, which soon or late does its perfect work. This law may not be repealed, not even amended. Under the sure workings of this law, the thief robs himself, the tyrant oppressor inflicts upon himself a deeper wound than the one that kills his victim, and with every tyrant oppressor there walks a spirit with uplifted blade—the unerring sword of retributive justice.

The world at times seems to be a runaway orb, and many thoughtful persons wonder just what sort of civilization is being gestated, but are much encouraged to know that America possesses many durable values—the kindness of Providence; the justness of nature; a vast, bountiful, and beautiful land with its rich soils and mines; the amplitude of our harbors; American enterprise; American love of fair play; American respect for the individual without regard to his station in life; the heritage of the inventions and skills of the past; the corpus that is the body of the combined wisdom and experience of preceding generations of Americans. These may not be taken away; we need no more; it would be ungracious to ask for more.

In the fullness of time the nations will, after patient negotiations, reach a legal basis for the solution of national problems, meanwhile let us remember that disarmament is not a one-way street and it is impermissible for one first-rate world power to disarm unless disarmament is general and reciprocal.

A river of wisdom is ever slowly but surely carrying mankind toward the great ocean of beneficent achievement; aiding mankind ultimately to conquer all the arts and sciences and subject them to the good—not the destruction—of his species.

The human race will be victorious in its dramatic and arduous struggle upward and onward if it but realize that Lucifer-pride, wars and injustice will bring to any nation, people, or dynasty a decline and fall in power and opulence.

When we go out into a cloudless night and glance skyward, we observe the stars; we call some of them by their names—Venus, Mars, Jupiter, Saturn, Arcturus, the Pleiades, and the galaxy of the Milky Way. They shed light upon our pathway but astronomers tell us that more than one-half of all the blended radiance of the stars that falls upon our pathway comes from stars we never see. They are invisible; they have no name on earth and seem to have no place in the heavens, yet they light us on our way.

Thus it is with human life and destiny; a few persons may become bright particular stars in the political, financial, social, or economic sky, but we all may be, if we will, a part of that invisible host of stars that serenely shed their kindly lights upon the path of all mankind.

THE TAX BURDEN

Mr. McCLELLAN. Mr. President, I ask unanimous consent to have printed in the body of the RECORD as part of my remarks an article entitled "Let's Quit Kidding About Taxes," published in the June 4 issue of the Pathfinder magazine.

I regret that the illustrations which accompany the article cannot be published in the CONGRESSIONAL RECORD. It is a very interesting and stimulating article on an issue which is very vital to the people of this Nation; namely, the impact which taxes are having on the income of the American people and on our standard of living.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LET'S QUIT KIDDING ABOUT TAXES—BABY IS "IN HOCK" BUT GOOD—AND IS GOING TO HAVE TO PAY THE BILL

These babies are the real victims of spending and waste by the mushrooming Federal Government. They will keenly realize that when they reach taxpaying age.

From the day of their birth the tax burden piled on their parents has been growing. It is a burden which, in large part, these babies must take upon their own shoulders in the years of reckoning to come.

Taxes are depriving them of many things. Taxes menace their living standards, their education and welfare. Taxes are reducing their inheritance. Inflation is thinning it.

On these pages Thomas G. Sabin, veteran TV producer-director, presents a distinguished young cast in a novel presentation of the facts of life—and taxes. The photos are by Constance Bannister, famous baby photographer.

"BUT I'M DOWN TO MY DIAPERS ALREADY"

1. In 157 years (1789–1945) the Federal Government took $254,000,000,000 in taxes. In the last 7 years (1946–52) the Government took $307,000,000,000 in taxes, or $53,000,000,000 more, in 7 years, than in all of the preceding 157 years.

And the trend is steadily upward. Federal money is not free money. The money the Government takes—and spends—is the money you earn.

"LEAVE MY PIGGY BANK ALONE"

2. Too late, Sonny; the Government taxes even savings banks now. Taxes add $2,000 to the cost of a new $8,000 home. Taxes add $664 to the price of that new car the family needs. Taxes every day put the bite on the average pack of cigarettes, 12 cents; the average gallon of gasoline, 6¾ cents; TV sets, radios, refrigerators, 10 percent; the family local phone bill, 15 percent; cosmetics, 20 percent; travel by rail, bus, ship, plane, 15 percent; tickets to movies, theaters, etc., 20 percent; tires (per pound), 5 cents; luggage, jewelry, 20 percent.

A family in the $3,000–$4,000 income-tax bracket pays more than $1,000 in Federal, State, and local taxes, or almost a third of its total income.

"SUMPIN'S GOTTA BE DONE, AND QUICK"

3. If the Government grabbed all personal earnings of more than $25,000 a year, it would get enough money to keep it running for about 10 days at its present rate of expenditures.

For every man, woman and child in this country, it costs $455 to run the Government this year.

And every man, woman and child in this country now owes $1,650. Their debt rises with every breath they take.

More than half of every dollar in profits earned by the corporations of this country is taken away in taxes.

"The power to tax is the power to destroy."

"MY FUTURE IS IN YOUR HANDS"

4. The only way to get more money is (1) from the lower incomes or (2) printing more "worthless" money or (3) more borrowing. So, for your babies' sakes, let's plug up the leaks and stop unnecessary spending, mismanagement and extravagance. Those who occupy public office should be even more careful of public money than they are of their own money. They are the trustees of the future.

"YOU'RE WORRIED; LOOK WHAT I'M FACING"

5. The Federal Government spent in 157 years (1789–1945), $489,000,000,000; in the past 7 years (1946–52, $330,000,000,000; total spending, $819,000,000,000; total taxes, $561,000,000,000; total national debt, $258,000,000,000; or a debt of $6,600 for every family of four in the United States.

"WISE GUYS ECONOMIZE"

6. We can't afford to keep adding three new civilian employees to the Government payroll every working minute of the year. To run the State Department now cost 14 times as much and to run the Commerce Department 28 times as much as it did just 12 years ago.

Here is how big Government spending feeds the flames of inflation:

	1939	1951
Average 5-room house	$4,500.00	$10,000.00
All-wool man's suit	35.00	57.50
Average small car (at factory)	774.00	1,735.00
Milk (quart)	.11	.23
Round steak (pound)	.36	1.09

Brother, that's inflation.

"WHAT ABOUT USING MOM'S HOUSEKEEPING METHODS?"

7. In 1939, Washington took 39 cents of each dollar paid in taxes; your State and local governments 61 cents. By 1950 Washington took 69 cents of every tax dollar; your State and local governments only 31 cents. Let's eliminate waste, duplication, corruption and extravagance in the Federal Government. Then your States, counties and towns can have more money for better paid teachers, policemen, firemen, etc.—without increasing taxes!

"HOW YOU CAN CORRECT CONDITIONS"

8. You can take an active and intelligent interest in Government affairs. • • • You can vote for candidates for public office who are pledged to enforce economy. • • • You can insist that the Government stop spending your tax money to go into business in competition with private citizens. • • • You can insist that your Senators and your Representative in Congress work for economy.

CALL OF THE CALENDAR

The PRESIDENT pro tempore. If there be no further routine business, under the unanimous-consent agreement, the call of the calendar is next in order.

Mr. SALTONSTALL. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. SALTONSTALL. Mr. President, I ask unanimous consent that the order for the quorum call be vacated, and that further proceedings under the call be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KILGORE. Mr. President, on a previous call of the calendar two bills, H. R. 643 and H. R. 646, were passed over at the request of the Senator from Kansas [Mr. SCHOEPPEL]. He desired to propose amendments to them. On the following call of the calendar the bills were again passed over because the Senator from West Virginia was not present. The Senator from Kansas has informed me that he wishes to withdraw his objection to consideration of the bills, because he has obtained additional information which has led him to that decision.

I now ask unanimous consent that the two bills be included in today's call of the calendar.

The PRESIDENT pro tempore. The Chair will state that under the unanimous-consent agreement there are five bills which are to be considered first. Then the Senator from West Virginia will be recognized to make his request.

Mr. KILGORE. Very well.

TRANSFER OF CERTAIN LANDS TO FLORIDA FOR EDUCATIONAL PURPOSES—BILL PLACED AT THE FOOT OF THE CALENDAR

The PRESIDENT pro tempore. Under the unanimous-consent agreement the first of the five bills ordered to be considered prior to the regular call of the calendar will be stated.

The LEGISLATIVE CLERK. A bill (S. 556) authorizing the transfer of certain lands in Putnam County, Fla., to the State Board of Education of Florida for the use of the University of Florida for educational purposes.

The PRESIDENT pro tempore. The Chair is advised that heretofore this bill was considered, the amendments agreed to, and the bill passed. Subsequently, a motion was made and agreed to to reconsider the votes whereby the bill was ordered to be engrossed for a third reading, read the third time, and passed. Is there objection to the present consideration of the bill?

Mr. SCHOEPPEL. Mr. President, reserving my right to object, I wish to say frankly that the Senator from Oregon [Mr. MORSE] registered an objection to the consideration of this bill. I understand that the Senator from Florida [Mr. HOLLAND] has an explanation to offer with reference to the bill, and I shall withhold my objection on behalf of the Senator from Oregon until I have heard what the situation is. I am hopeful that the explanation will meet the objection of the Senator from Oregon and that the bill may be disposed of at this call of the calendar.

Mr. HOLLAND. Mr. President, I appreciate the courtesy of the Senator from Kansas. I am sorry that the junior Senator from Oregon is not present. He had left word with the calendar committee that he objected to the bill, and the calendar committee accordingly objected to its consideration on the last call of the calendar and requested that the bill go over to the next call of the calendar so that it could be considered at this time.

Mr. CORDON. Mr. President, will the Senator from Florida yield?

Mr. HOLLAND. I yield.

Mr. CORDON. If it is of any consequence I should like to say that I expect to object to the bill at this time with or without amendments. I shall ask that it go over to the next call of the calendar.

Mr. HOLLAND. I thank the Senator from Oregon. I prefer to make my explanation, and then the Senator may act as he thinks he should. I hope that the members of the calendar committee on the other side of the aisle will be able to follow what I am about to say.

Mr. SCHOEPPEL. Mr. President, I was engaged in conversation with the senior Senator from Oregon and I did not hear the remark which the Senator from Florida was addressing to the Senator from Kansas.

Mr. HOLLAND. I was requesting the distinguished Senator from Kansas to give attention to what I am about to say, because I hope it will enable him to work out a satisfactory solution of the situation.

Mr. CORDON. Mr. President, will the Senator from Florida yield again?

Mr. HOLLAND. I yield.

Mr. CORDON. The Senator from Oregon was under the impression that the first bill being called on the calendar was Calendar No. 1440, Senate bill 2959. I am advised that the bill under consideration now is not Calendar No. 1440, but No. 1419, Senate bill 556.

Mr. HOLLAND. The Senator from Oregon is correct. The bill now under consideration is Calendar No. 1419, Senate bill 556. It relates to a tract of 55 acres of land in the State of Florida.

Mr. CORDON. The Senator from Oregon has no objection to that bill.

Mr. HOLLAND. I appreciate the attitude of the distinguished senior Senator from Oregon. I wish it were shared by the distinguished junior Senator from Oregon. The bill relates to 55 acres of land now belonging to the fish hatchery project in Putnam County, Fla. The 55 acres, although in the same area and although contiguous to the fish hatchery tract, are not actually used in the operation of the fish hatchery. Both the Department of the Interior and the Department of Justice have stated that the continued ownership of that tract by the Federal Government is unnecessary. Furthermore, both of them approve the proposed transfer of this small tract of land to the University of Florida, for the purpose for which the university needs the tract.

That purpose is for the location on the tract of buildings to be constructed by the University of Florida in connection with its field and forestry project which is a part of the land utilization and forestry activities of the University of Florida. The university is located at Gainesville, Fla., whereas this field and forestry project is located at Welaka, Fla., in a remote area a considerable distance from Gainesville. Buildings are needed at Welaka for the operation of the field forestry project.

It happens that these 55 acres are immediately contiguous to, and would be a part of, the field and forestry operation of the University of Florida. The field and forestry operation is conducted on land on which there is a 95-year lease. That land formerly was held by the Department of Agriculture, and formerly was a part of a resettlement program there.

Under existing law, the land upon which the field forestry program is being conducted cannot be procured by the University of Florida; but the 55 acres which adjoin that tract are available, provided that title to the land can be obtained, so that the university will be justified in proceeding to construct the buildings which are needed there.

This bill, if enacted, would provide all the customary safeguards. In the first place, provision would be made that the land would be used for educational purposes only. In the second place, the act would contain a reversionary feature to the effect that the land could not be transferred to another or applied to any other use, and that if the land ceased to be used for educational purposes, as designed under this measure, it would immediately revert to the Federal Government. Furthermore, the mineral and oil rights are reserved to the Federal Government.

Mr. President, if ever there was a justifiable transfer of a small acreage of almost valueless land—and the very able report of the Committee on Interstate and Foreign Commerce shows that the land cost only $309 when bought in 1935, as a part of a resettlement project—this is such an instance.

I am perfectly willing to have this matter handled in any other way that may appear to be reasonable. One would be to provide that the cost price, namely, $309, be paid by the University of Florida to the Federal Government. In the event that were done, we would not expect the act to contain any reservation of mineral rights or any reversionary clause, because then the Federal Government would have been paid for the land.

Mr. SCHOEPPEL. Mr. President, will the Senator from Florida yield for a question?

Mr. HOLLAND. I yield.

Mr. SCHOEPPEL. I note that the Senator from Florida has indicated that the oil, gas, and mineral rights would be reserved to the Federal Government.

Mr. HOLLAND. That is correct.

Mr. SCHOEPPEL. Let me ask this question: Is $309 the appraised value of

the property? I understand that the Senator from Oregon [Mr. MORSE] has consistently made objection to bills of the type of this one, on the ground that those who would receive the property should pay one-half of the actual or the determinable appraised value of the land.

Can the Senator from Florida give us any indication as to a comparison between the $309 and the actual value of the property?

Mr. HOLLAND. Having in mind the fact that realty values in general in Florida have increased, I would think that the actual, present value of this land is more than $309; but I do not know how much it is actually worth. This land is in an undeveloped section of our State. I do not suppose there has been any appraisal of the value of the land. As a result, I could do no more than guess wildly as to what the value may be.

However, the point is that the Senator from Oregon has not insisted in all cases upon including in such a measure a provision in regard to payment of one-half of the value. I am advised that there is on the calendar today a measure which would convey to his State of Oregon a more valuable tract without following the rule to which the Senator from Kansas has referred. I had not thought to object to that measure, because it seemed to me the reasons behind it were completely justifiable, just as they are in the case of the bill we are discussing at this time.

If the Senator from Kansas wishes to submit an amendment providing for the payment of one-half of the appraised value, that would be satisfactory to me, but not if there is to be coupled to such a provision a reversionary clause or a provision that the oil and mineral rights shall be reserved to the Federal Government, because if the State of Florida pays the value of the land, I think it should obtain the full title to it.

The PRESIDENT pro tempore. The Senate is operating under the 5-minute rule, and the time available in connection with this measure has expired.

Mr. SCHOEPPEL. Mr. President, I ask unanimous consent that the Senator from Florida be allowed an additional 5 minutes, because I should like to ask some questions of him.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HOLLAND. I shall be very glad to yield for the purpose of answering questions, Mr. President.

Mr. SCHOEPPEL. Mr. President, a moment ago there were some interruptions on this side of the aisle, and I could not hear all of the latter part of the remarks of the Senator from Florida.

Do I correctly understand him to say that he has information regarding what might be the estimated actual value of the property involved in this instance?

Mr. HOLLAND. No; I stated that I would be unable to give anything except a wild estimate as to the value of the land, because I have not visited this location and actually seen the land, for it is in a wild and undeveloped part of the State. I do not think the value can be large, but I would not care to express any fixed opinion as to its value. Nevertheless, I feel that if the State of Florida is required to pay either half the value of the land or is required to pay the full price which was paid at the time when the land was acquired in the past, in either case the inclusion in the bill of a reservation of the oil and mineral rights or the inclusion of a reversionary clause to the effect that in certain situations the title would revert to the Federal Government, would not be fair.

In other words, I feel that the Senator from Oregon [Mr. MORSE] is no more entitled to take the position he is presumed to take in this case than he would be to take a similar position in the case of the lands which, under a measure now on the calendar, are proposed to go to his own State. The latter bill will come up a little later, of course.

Mr. SCHOEPPEL. Mr. President, if the Senator from Florida will yield further, I wish to make a request. In view of the statements which have been made by the Senator from Florida, I now ask unanimous consent that this bill go to the foot of the calendar, with a view that we may be able to clear up some of these matters. I make that request if that course is agreeable to the Senator from Florida.

Mr. HOLLAND. Mr. President, let me inquire what the Senator's request is; there was some confusion in the Chamber at the moment when he was making the request.

Mr. SCHOEPPEL. I ask unanimous consent that this bill go to the foot of the calendar, in view of the explanation made by the Senator from Florida. I make the request in order that probably before the bill is reached again, we shall be able, as a result of further discussion with the Senator from Florida, to reach some determination in regard to the value of this land.

Mr. HOLLAND. Mr. President, I gladly accede to that request.

The PRESIDENT pro tempore. Without objection, the bill will be placed at the foot of the calendar.

TRANSFER OF CERTAIN LANDS TO THE STATE OF TENNESSEE—BILL PLACED AT FOOT OF CALENDAR

The bill (S. 2959) authorizing the transfer to the State of Tennessee of certain lands in the Veterans' Administration Center, Mountain Home, Tenn., was announced as next in order.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHOEPPEL. Mr. President, reserving the right to object—and, by request, I must object, in behalf of the Senator from Oregon [Mr. MORSE]—let me say that I shall be glad to withhold the objection, in order that an explanation of the bill may be made.

Mr. GEORGE. Mr. President, I shall be glad to have objection withheld in order that an explanation may be made. Following the explanation, I shall ask that this bill take the course which has been taken by the bill preceding it on the calendar, namely, that the bill be placed at the foot of the calendar and be taken up again when the foot of the calendar is reached.

I make this request because, although I appreciate anyone's interest in conserving the property of the United States Government, nevertheless it sometimes becomes a very minor undertaking on the part of the Senate, as I see it, to object to a bill of the character of this one.

Mr. President, this bill proposes the transfer from the Veterans' Administration to the State of Tennessee of 30 acres of land of a tract of approximately 485 acres. The purpose of the transfer is to afford facilities to enable the State of Tennessee to train its National Guard. The land is to be used strictly for military purposes. All mineral rights in the property are reserved to the Federal Government. The value of the property is said to be about $15,000.

In this bill there is also a provision that, in case of war or of national emergency, the entire property, together with all improvements which the State of Tennessee may make upon it, will revert to the United States.

Mr. President, it seems to me that objection to the bill is captious, and I therefore ask that it follow the other bill, at the conclusion of the calendar, for further consideration, if the distinguished President pro tempore, the author of the bill, wishes to follow it up today.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered. The Chair would like to state, also, that there is a provision in the bill under which, if the property were not maintained by the State of Tennessee, it would revert immediately to the United States Government.

Mr. GEORGE. It would revert immediately in that case, or in case of war. The property is to be used only by the State of Tennessee, and only for military purposes. There are two minor amendments. One relates to the description of the property, the other requires the State of Tennessee to maintain a small cemetery on the land at its own expense.

ADJUSTMENT OF CONFLICTS IN DIVORCE DECREES IN VARIOUS STATES—BILL PLACED AT FOOT OF CALENDAR

The bill (S. 1131) to further implement the full-faith-and-credit clause of the Constitution was announced as next in order.

The PRESIDENT pro tempore. Is there objection?

Mr. SCHOEPPEL. Mr. President, this is a measure which was to be taken up and considered on the present call of the calendar. Since the able Senator from Nevada [Mr. MCCARRAN] is not present, I ask unanimous consent that the bill be placed at the foot of the calendar, to be considered at that point, or at some other time when the Senator from Nevada is present.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

CONSTRUCTION OF AERONAUTICAL RESEARCH FACILITIES

The Senate proceeded to consider the bill (H. R. 6336) to promote the national defense by authorizing the construction of aeronautical research facilities by the National Advisory Committee for Aeronautics necessary to the effective prosecution of aeronautical research, which had been reported from the Committee on Armed Services with an amendment on page 2, line 13, after the word "appropriated", to strike out "such sums of money as may be necessary," and insert "not to exceed $19,700,000."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILL PASSED OVER

The bill (H. R. 5048) relating to the statute of limitations in the case of criminal prosecutions of offenses arising under the internal revenue laws was announced as next in order.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHOEPPEL. Over, by request.

The PRESIDENT pro tempore. Objection is heard, and the bill goes over.

MRS. INEZ B. COPP AND GEORGE T. COPP

Mr. KILGORE. Mr. President, if we have finished with the five bills which had been set down for special consideration, I desire now to renew my unanimous-consent request, that the Senate proceed to the consideration of Calendar Nos. 1183 and 1184, in order.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from West Virginia? The Chair hears none. The clerk will state the first bill.

The LEGISLATIVE CLERK. A bill (H. R. 646) for the relief of Mrs. Inez B. Copp and George T. Copp.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHOEPPEL. Mr. President, I should like to have a brief explanation of these two measures in the RECORD on the part of the Senator from West Virginia.

Mr. KILGORE. Mr. President, I can explain both measures in one statement, because but one incident is involved. Two men, with their wives, were driving past a military reservation in California, when a Marine Corps jeep, operated by a member of the Marine Corps, an enlisted man, came out of the gate, proceeded to the wrong side of the road, and crashed into the car which was being driven by Mr. Copp, resulting in injury to all the occupants of the car. All of them were more or less permanently injured.

One of the bills, House bill 646, involves $11,000; the other, $2,800, as I recall.

An action was brought under the Federal Tort Claims Act, in the Federal court. At that time, the attorney for the parties endeavored to obtain a record as to whether the car in question was at the time being used upon authorized business of the Government. Despite the fact that a trial had been had in a court-martial proceeding, in which the driver had been acquitted, it was stated in the findings of the court that he was on an authorized trip, on official business. Those records were subpenaed, but there was a refusal to turn them over to the Federal court. The case had to be dismissed without prejudice. That was more than a year ago. Upon ascertainment of that fact this bill was introduced. I succeeded in getting before the Judiciary Committee of the Senate a transcript of the court record, which showed that the driver of the truck was on authorized business for the Marine Corps, and that the claim, therefore, came under the Federal Tort Claims Act.

The purpose of these two bills is to save money for the Government and to remove an injustice which the parties have suffered by reason of the fact that the Marine Corps, through the Acting Commander, simply refused to furnish the records, and it was necessary that the case be dismissed, by reason of the fact that the contents of those records could not be proved. We have now had access to the records, as I stated to the Senator from Kansas. The jeep was plainly shown to have been used at the time in question upon authorized business. There is no question as to the negligence, there is no question that the sole cause of the collision was the negligence of the driver, and there is no question as to the extent of the damages. All that was amply proved. In a court action, a verdict might have been obtained in a larger amount.

Mr. SCHOEPPEL. Mr. President, if the Senator will yield, I should like to say that at the time the two bills were previously called, Calendar 1183, which is House bill 646, and Calendar 1184, which is House bill 643, the Senator from Kansas and the Senator from New Jersey [Mr. HENDRICKSON] had some question about the very phase of these cases which has been cleared up by the statement of the able Senator from West Virginia. I felt that these two bills should be called up today, and I was happy to see them called up, because we had previously stated to the Senator from West Virginia that we wanted them to go over for further study, suggesting they be postponed until the next calendar call. The able Senator from West Virginia was not able to be here at that time, so I feel that in all fairness, not only to his interest in the bill, but to the parties involved in these two measures, they should be acted upon today.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate proceeded to consider the bill (H. R. 646) for the relief of Mrs. Inez B. Copp and George T. Copp, which had been reported from the Committee on the Judiciary with an amendment on page 2, line 7, after the word "California", to strike out the period and the words "The operator of such vehicle was not operating within the scope of his employment."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

MRS. VIVIAN M. GRAHAM AND HERBERT H. GRAHAM

There being no objection, the Senate proceeded to consider the bill (H. R. 643) for the relief of Mrs. Vivian M. Graham and Herbert H. Graham which has been reported from the Committee on the Judiciary with an amendment, on page 2, line 8, after the word "California", to strike out the period and the words "The operator of such Marine Corps truck was not operating within the scope of his employment."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

RESEARCH AND EXPERIMENTATION IN WEATHER MODIFICATION

The bill (S. 2225) to create a committee to study and evaluate public and private experiments in weather modifications was announced as next in order.

Mr. CORDON. Mr. President, I ask that that bill go over.

Mr. ANDERSON. Mr. President, will the Senator from Oregon withhold his objection for a moment?

Mr. CORDON. I shall be glad to do so.

Mr. ANDERSON. Mr. President, this bill was originally introduced by several Senators. The Senator from South Dakota [Mr. CASE] and his staff did a tremendous amount of work to draft a bill which seemed to meet all objections. The Senator from Washington [Mr. MAGNUSON] also joined in that effort. While I recognize the reason for the objection today and for the desire to have the bill go over, I should appreciate inserting in the RECORD at this point a statement which the junior Senator from South Dakota [Mr. CASE] and his staff prepared, which deals with the liability features of this bill about which there has been some question.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

PROVISIONS OF S. 2225 (WEATHER CONTROL) AUTHORIZING EXPERIMENTATION

The liability feature of S. 2225 (sec. 10 (b)) has been objected to under the mistaken apprehension that it makes the Government potentially liable for large damage suits.

Actually, liability would be limited just to experimentation undertaken by the Federal Government.

If the agencies of the Government undertook weather experiments (and the Departments of Interior, Commerce, and Defense have already done so under different authorization), the Government would be liable for damages that might be caused by this experimentation. The liability provisions of S. 2225 simply provide that the Government can, if it wishes, assume liability for experiments that contractors carry out on behalf

of the Government—by indemnifying these contractors on the Government's terms.

Few, if any, of these reasearch projects would be large-scale outdoor experiments of the type that private concerns and organizations have been carrying on freely. Most, if not all, of the research and experiments, undertaken by contractors for the Government, would involve no risk whatsoever. Typical of these experiments might be:

1. Work leading to development of a mechanical nuclei counter.
2. Work leading to development of statistical methods for evaluation.
3. Study of electrical charges in the atmosphere.
4. Various controlled laboratory experiments.
5. Fog-cutting experiments.
6. Outdoor experiments over the sea or in remote land areas.

However, section 10 (b) was put into the bill for a good reason. There might be some experiments involving some degree or risk which should be carried out in the national interest.

For example, there have been suggestions that seeding methods might be used to break up hurricanes. A large company considered such experimentation off the coast of Florida only a few years ago but decided against it because of the risk. Conceivably weather treatment might divert a hurricane so that instead of doing $1,000,000 damage in one area it did $100,000 damage in a smaller or less developed area. In such a case the inhabitants of the latter area might be able to establish that the damage to their property resulted from the experimentation. A private company would shy away from such an experiment because of this risk. However, the knowledge that hurricanes could be treated and modified would be of the highest significance and would ultimately prove of tremendous public benefit.

To the small extent that the Government does assume liability for its own experiments carried out by contractors, according to the terms of S. 2225, it should assume this liability. If weather-control methods can produce large-scale results, it is in the public's interest to develop this information at the earliest possible moment.

Why should the Government sponsor weather research and experimentation?

Private concerns and institutions are now carrying out this research and experimentation. However, these concerns and institutions are not likely to perform some types of research that is immediately needed and should be done.

1. Some types of research must be done so that the Advisory Committee on Weather Control, created by S. 2225, can properly evaluate private experiments. Certain instruments must be developed and statistical methods devised.

2. Much basic research must be done before judgments on weather control measures can be made. Private concerns are particularly interested in practical application but not so much in basic or theoretical research.

Weather control is a matter of the broadest public concern. The small cost of weather experiments compared to the potentially tremendous benefits to the public justify efforts to accelerate research and experimentation.

Mr. ANDERSON. Mr. President, it is quite clear that there must be a limitation on Government experimentation and that there must be the right on the part of the Government to contract with a private contractor to perform weather experimentation, and with provision for suits to be filed against the Government and not against the contractor.

An example used was the case of a hurricane which had started out to sea from the Florida coast. For some reason the hurricane turned back against the coast. Its force was dissipated very quickly, but it could have caused millions, perhaps hundreds of millions, of dollars damage, and the private contractor, a large corporation, would have found itself in a bad situation.

Mr. CORDON. Mr. President, the Senator from New Mexico knows I am very much interested in this proposed legislation. I asked that the bill go over predicated on the fact that I had not had an opportunity to study the committee amendment. I am hopeful that when I look into it further I can either offer an amendment or withdraw the objection and ask that the bill may come up on another call of the calendar.

Mr. ANDERSON. The question of liability was not raised by the Senator from Oregon. Other Senators had raised it, and I was much interested in the telegram which the Senator from South Dakota helped to prepare.

I should like to say that the Senator from Oregon was most helpful to the group who were trying to find some method of determining whether practical use could be derived from weather modification. Temperatures are rising, particularly in the intermountain States, and there is a shortage of water in every stream fed from those areas. We think that weather modification offers some possibility of help. We all appreciate the fine attitude which the Senator from Oregon has shown; and I want to express my personal gratification for the work which the Senator from South Dakota has done.

Mr. SCHOEPPEL. Mr. President, I should like to say to the distinguished Senator from New Mexico that I have had certain misgivings about the open-end phase of this matter. I was exceptionally glad to hear what the Senator from New Mexico said with reference to working out that phase of it.

I should like to say on behalf of the junior Senator from South Dakota that he has left a suggestion with the senior Senator from Kansas that if there was objection to the bill the Senator from Kansas would ask unanimous consent that it be included in the next calendar call if that would permit sufficient time to enable the distinguished Senator who has just spoken on the measure to work out some of the other questions.

Mr. ANDERSON. Mr. President, I think that is a fine suggestion, and I hope it will be adopted.

Mr. CORDON. Mr. President, I should like to see the bill included in the next call of the calendar.

The PRESIDENT pro tempore. Without objection, it is so ordered.

BILLS TEMPORARILY PASSED OVER

Mr. McFARLAND. Mr. President, following Senate bill 2225, all the bills down to Calendar 1502 have been reported by the Senator from Nevada [Mr. McCARRAN]. I ask unanimous consent that the Senate now start with Calendar 1502, House bill 5693, and that the bills which I have requested be passed over temporarily may be called at the conclusion of the call of the calendar when the Senator from Nevada will be present.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered. The clerk will call the next bill on the calendar in accordance with the request of the Senator from Arizona.

TARIFF ON TUNA FISH

The bill (H. R. 5693) to amend the Tariff Act of 1930, so as to impose certain duties upon the importation of tuna fish, and for other purposes, was announced as next in order.

Mr. GEORGE. Mr. President, I think this is a bill which should be discussed at greater length than it can be discussed under the present 5-minute rule. It is a bill, however, which should be given preferential treatment, and I sincerely hope that the majority leader and the policy committee will assign it for hearing. It would probably take not more than 2 or 3 hours, at the most. It is an important bill to the tuna fishing fleet on the west coast and to the tuna fishing industry. I do not think it can be disposed of under the 5-minute rule. I hope the Senator from Arizona will assign a hearing to this bill at any convenient time, for an hour or so, and I think the bill can then be disposed of.

Mr. McFARLAND. Mr. President, we shall be glad to consider the suggestion of the Senator from Georgia.

The PRESIDENT pro tempore. Without objection, the bill will be passed over.

EXEMPTION OF COCONUT OIL FROM ADDITIONAL TAX

The bill (H. R. 7188) to provide that the additional tax imposed by section 2470 (a) (2) of the Internal Revenue Code shall not apply in respect of coconut oil produced in, or produced from, materials grown in the territory of the Pacific islands was announced as next in order.

Mr. SCHOEPPEL. Mr. President, may we have an explanation of this measure?

Mr. GEORGE. Mr. President, this bill comes from the House of Representatives, and was recommended by the Senate Finance Committee without any dissent. The bill would simply extend to coconut oil derived from copra, originating in the trust territory of the Pacific Islands, the same exemption from the additional processing tax of 2 cents a pound imposed by section 2470 (a) (2) of the Internal Revenue Code now provided with respect to coconut oil derived from copra originating in the Philippine Islands or in any possession of the United States. The basic processing tax of 3 cents a pound imposed under section 2470 (a) (2) of the Internal Revenue Code would still apply.

The exemption applies only to the additional 2 percent processing tax in which the growers of soybeans and cottonseed, in my section, as well as in other sections of the country, are very much interested. On inquiry, we find that the total amount involved would not be in excess of $200,000 a year. So that the

tax is negligible. The bill would simply put the trust islands in the Pacific on the same basis as the Philippine Islands, so far as the additional tax is concerned, leaving the regular processing tax of 3 percent to apply.

The PRESIDENT pro tempore. Is there objection to the consideration of the bill?

There being no objection, the bill (H. R. 7188) was considered, ordered to a third reading, read the third time, and passed.

REPEAL OF ALASKA RAILROADS TAX

The bill (H. R. 156) to repeal the Alaska railroads tax was announced as next in order.

Mr. SCHOEPPEL. Mr. President, may we have an explanation of the bill?

Mr. GEORGE. Mr. President, this bill provides for the repeal of a tax in the nature of an excise tax on Alaska railroads of 1 percent upon gross income. Inadvertently, it is believed, that the tax was not repealed in the act of September 7, 1949, which repealed all similar taxes in Alaska. It will not cost the Federal Treasury anything, because, under the law as it exists, the tax, if collected, goes back to the Territory of Alaska. The Treasury Department and the Interior Department have asked that the tax be removed.

The act of September 7, 1949, passed by the Eighty-first Congress, entitled "An act to repeal section 460 of the act of March 3, 1899, as amended," providing for certain license taxes in the Territory of Alaska, repealed all other similar taxes, but inadvertently, this particular tax on the Alaska railroads was not repealed.

The PRESIDENT pro tempore. Is there objection to the consideration of the bill?

There being no objection, the bill (H. R. 156) was considered, ordered to a third reading, read the third time, and passed.

PRESENTATION OF DISTINGUISHED FLYING CROSS TO COL. ROSCOE TURNER

The bill (H. R. 696) to authorize the President of the United States to present the Distinguished Flying Cross to Col. Roscoe Turner was announced as next in order.

Mr. CAIN. Mr. President, this bill seeks to recognize the outstanding national contribution of a great American patriot by way of sincere compliment to Col. Roscoe Turner. I wish to offer for the RECORD several paragraphs submitted to the House Committee on Armed Services by Eugene M. Zuckert, Assistant Secretary of the Air Force, when he wrote, under date of February 5, 1951, in support of this bill the following:

The purpose of the bill is to authorize the presentation of the Distinguished Flying Cross to Col. Roscoe Turner in recognition of his meritorious achievements in and his contributions to the advancement of the science of aerial flight.

Under the existing law, such award cannot be made administratively, inasmuch as Colonel Turner has never held a federally recognized commission, his military status having arisen out of appointment to the staffs of the governors of various States.

Colonel Turner has spent the greater part of his life in the development and improvement of aerial science in America. His name has become intimately identified with the progress of aviation, both here and abroad, and his exploits and accomplishments have been many and varied. He has won the Thompson Trophy Race three times; on three occasions he placed third in the Thompson Trophy Race; he won second place in the speed division of the MacRobertson International Air Race; he has placed first, second, and third in various runnings of the Bendix Transcontinental Air Race, and is the only person who has placed in all three positions in that race; and he has broken the transcontinental air-speed record on seven separate occasions.

Colonel Turner has merited fully the award of the Distinguished Flying Cross by the very substantial contributions which he has made to the progress and development of the science of aviation.

The Department of the Air Force, on behalf of the Secretary of Defense, recommends the enactment of this bill.

Mr. President, the senior Senator from California [Mr. KNOWLAND] has an intimate knowledge of, and a personal high regard for, Colonel Turner. I know the Senator from California is distressed by his inability to be present today. I am grateful to be able to speak in his name these few words of compliment about one of the finest Americans of our time.

Mr. SCHOEPPEL. Mr. President, I certainly shall not object to this bill, but I wish to add my word to that of the distinguished Senator from Washington in the interest of the enactment of the bill. It falls to the lot of the senior Senator from Kansas to know Colonel Roscoe Turner personally, and something about the fine service he has rendered. I am happy to see this recognition come to this distinguished gentleman.

The PRESIDENT pro tempore. Is there objection to consideration of the bill?

There being no objection, the bill (H. R. 696) was considered, ordered to a third reading, read the third time, and passed.

SHOSHONE INDIAN MISSION SCHOOL LANDS—CANCELLATION OF IRRIGATION MAINTENANCE AND OPERATION CHARGES

The Senate proceeded to consider the bill (S. 2646) to cancel irrigation maintenance and operation charges on the Shoshone Indian Mission School lands on the Wind River Indian Reservation, which had been reported from the Committee on Interior and Insular Affairs with an amendment on page 2, line 3, after the word "owners", to insert "but in no event to exceed a period of 5 years", so as to make the bill read:

Be it enacted, etc., That all unpaid irrigation maintenance and operation charges against the lands on the Wind River Indian Reservation, owned by the Domestic and Foreign Missionary Society of the Protestant Episcopal Church in the United States of America and described as the north half of the southwest quarter, the southwest quarter of the southwest quarter, and northwest quarter of the southeast quarter, section 8, township 1 south, range 1 west, Wind River meridian, Wyoming, are hereby canceled and no such charges shall hereafter accrue against said lands so long as they continue to be held by the present owners, but in no event to exceed a period of 5 years.

The amendment was agreed to.

Mr. HUNT. Mr. President, I have an amendment to offer to this bill.

The PRESIDENT pro tempore. The clerk will state the amendment offered by the junior Senator from Wyoming.

The LEGISLATIVE CLERK. It is proposed to strike out all after the enacting clause and insert in lieu thereof the following:

That all unpaid irrigation maintenance and operation charges against the lands on the Wind River Indian Reservation, owned by the trustees of church property of the Protestant Episcopal Church in Wyoming, a Wyoming corporation, and described as the north half of the southwest quarter, the southwest quarter of the southwest quarter, the northwest quarter of the southeast quarter, section 8, township 1 south, range 1 west, Wind River meridian, Wyoming, are hereby canceled and the accrual of such charges shall be suspended for such period, not to exceed 5 years, as said lands continue to be held by the present owners.

Mr. O'MAHONEY. May I ask the junior Senator from Wyoming if the amendment undertakes merely to correct a mistake in the name of the church organization?

Mr. HUNT. That is all the amendment accomplishes. It is simply to correct the name of the church organization.

The PRESIDENT pro tempore. The question is on agreeing to the amendment in the nature of a substitute.

Mr. ELLENDER. Mr. President, will the Senator from Wyoming tell us how much this will cost the Federal Government?

Mr. HUNT. I shall be glad to. I think perhaps a brief history would be helpful to the Senator from Louisiana.

This bill has to do with approximately 160 acres of land belonging to an Episcopal Church mission known as the Shoshone Indian Church Mission, which was established by Dr. Roberts, an Episcopalian minister, in the late 1880's.

Dr. Roberts constructed a ditch to these Indian mission lands, and also built a mission. Years later the Government decided to enlarge the irrigation facilities in this area, and made arrangements with Dr. Roberts whereby the Government would utilize his ditch. In return for utilizing his ditch, the Government agreed to deliver to Dr. Roberts water for his mission. That arrangement continued for a great many years—I think for about 30 years, possibly more.

At a later date the Bureau of Indian Affairs suggested to Dr. Roberts that perhaps he had received sufficient benefit for giving this ditch to the Government, and that payments would start, and payments did start, and the doctor continued to make them. There are no payments in arrears.

Year before last this wonderful, fine gentleman passed on, at the age of 93, leaving a maiden daughter still living in the mission and teaching a small class of Indian girls.

The income from the land is simply not sufficient to pay the current water costs. Understand, there are no back charges; they have been paid in full. In view of the fact that her father turned over the ditch to the Government, the daughter has requested that the charges be canceled for a period of 5 years. I think the maiden lady, now quite mature herself, having no income at all except the small amount she derives from teaching a few Indian children, should be entitled to receive water free for a period of 5 years. The cost will be $251 a year.

Mr. ELLENDER. That is to last for only 5 years?

Mr. HUNT. It is to last for 5 years.

Mr. ELLENDER. Thereafter, the land will be subject to the same charges that are now sought to be imposed?

Mr. HUNT. That is correct.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Wyoming [Mr. HUNT].

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PER CAPITA PAYMENT TO RED LAKE BAND OF CHIPPEWA INDIANS

The bill (H. R. 6133) to authorize a $100 per capita payment to members of the Red Lake Band of Chippewa Indians from the proceeds of the sale of timber and lumber on the Red Lake Reservation was announced as next in order.

Mr. SCHOEPPEL. Mr. President, may we have an explanation of the bill?

Mr. THYE. Mr. President, the proposed per capita payment to the Red Lake Indian Band is from their own funds. There is more than $1,000,000 in the fund, and the per capita payment of $100 would draw out $290,000 from the $1,000,000 fund. It is their own money, accumulated from earnings from the saw mill, the sale of timber, and other income from the reservation.

I personally visited the Indian Reservation last fall, and I definitely feel that the Indians are entitled to draw from this fund. The per capita payment will aid them in the preparation of their gardens and in the preparation of their fishing equipment, which will permit them to earn their living expenses during the coming winter. I certainly hope that this bill will be passed.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs with an amendment on page 2, line 3, after the word "prescribe", to insert a colon and the following: "*Provided*, That such payment shall be made first from any funds on deposit in the Treasury of the United States to the credit of the Red Lake Band of the Chippewa Indians, of Minnesota, drawing interest at the rate of 5 per centum and thereafter from funds drawing 4 percent."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

MRS. ANN MORRISON

The bill (H. R. 1842) for the relief of Mrs. Ann Morrison was announced as next in order.

Mr. SCHOEPPEL. Mr. President, reserving the right to object, I should like to request an explanation of this measure. The Senator from Kansas is somewhat in doubt as to the precedent which might be established by the bill. I am not questioning the merits of the bill. I am wondering if it would go so far as to indicate that if one allowed his policy to lapse and later sent in his payment, the bill would establish a precedent for reinstatement of policies in other cases.

Mr. GEORGE. Mr. President, this bill came to the Senate Finance Committee after the House had passed it. It was not considered by the Veterans Committee in the House, although it deals with veterans' insurance. It was considered by the Judiciary Committee.

The Committee on Finance looked into the bill with some care. We thought, contrary to the recommendation of the Veterans' Administrator, that there was a basis on which this insurance policy could be paid.

It seems that the insured did not intend to permit his policy to lapse, but that he had a limited time, a fixed time under the policy, within which he might renew his policy. On the very day that he received notice that he could renew his policy, he had sent a check to pay the premium which was due, which indicated that he was doing something to keep his insurance alive. However, he died on the day the notice was received. Evidently the House felt that under the circumstances in the case the insurance policy could be paid.

Of course, the bill does run counter to the policies of the Veterans' Administration. It does establish a precedent. There is no doubt about it. The policy had actually lapsed, but within the period within which the veteran could renew his policy as a matter of right, he had forwarded a check, but did not ask for reinstatement of his policy, presumably because, as I have already stated, he died on that date, before he had received the notice from the Veterans' Administration.

The committee felt that, in the circumstances, it would be just to pay this insurance.

The committee reported an amendment to the bill which undertakes to preserve the order of payments under the policy as it was originally taken out, that is, to preserve the priority of the beneficiaries. Under the bill as it passed the House, the entire amount of the insurance would have been payable to the claimant in this case. The committee was of the opinion that that should not be done, but that if the bill were to be enacted it should preserve the priority of the beneficiaries named in the original policy.

I am very frank to say, on behalf of the committee, that while the committee decided to report the bill favorably, it did so with some misgivings, because it does constitute a precedent.

Mr. SCHOEPPEL. Mr. President, I appreciate the explanation by the distinguished Senator from Georgia.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Finance with an amendment. to strike out all after the enacting clause and insert:

That the national service life insurance in the amount of $10,000 (N-3187200) granted to the late Leonard Morrison, who died on June 25, 1948, shall be held and considered to have been in effect at the time of his death. The Administrator of Veterans' Affairs shall pay such insurance in accordance with the National Service Life Insurance Act of 1940, as amended, except that any payments made as a result of enactment of this act shall be made directly from the national service life insurance appropriation.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

DEATH OF ALBERT DAVIS LASKER

Mr. KILGORE. Mr. President, on Friday last, while the Senator from Montana [Mr. MURRAY] was en route to Geneva as our official delegate to the ILO, death called a man for whom the Senator from Montana felt deep affection and respect. I refer to Albert D. Lasker, a very great American known, I am sure, to many of our colleagues. He was Chairman of the Maritime Commission during World War I.

Burdened with grief, yet acutely conscious of the fact that Albert Lasker's passing should not go unmentioned here, the Senator from Montana wrote down some of his thoughts on the great contributions which Mr. Lasker has made to our way of life and on how much he has meant to our country.

I ask unanimous consent, Mr. President, that these words, which the Senator from Montana would have spoken to us today if he were here, be set forth in the body of the RECORD as a tribute to a fine and worthy man whose loss we mourn.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

ALBERT DAVIS LASKER, AMERICAN

(By Hon. JAMES E. MURRAY, of Montana)

On the morning of Memorial Day—a day set aside for paying homage to our heroic dead—a truly great American passed on to his reward. As his friend, I feel a deep sense of personal loss. But as a citizen I feel even more deeply that in his passing our entire Nation has lost something fine and of great value. I refer, Mr. President, to Albert Davis Lasker, an American of whom all Americans can be proud. If, as has been well suggested, this country were to give awards of merit to outstanding citizens for distinguished service to their country, then Albert Lasker would

be one of the first to be so honored; for, truly his services have been selfless and unending. His contributions to the development of our modern American economy, to the building of better understanding of one another amongst our people, and to the creation of a fuller, healthier, happier life for our people have been innumerable and of incalculable value.

Mr. President, I am known here in the Senate as a fighter for the rights of labor, for the rights of the working man and woman, for the farmer, and for the small-business man. Whatever legislative talents I may have, I have devoted to advancing the interests of those many millions of Americans who, doing our country's work, producing its food, and operating its small plants and business establishments, make up the backbone of this country. Yet today, Mr. President, I speak with grief and a sense of terrible loss not of a worker in industry, nor a farmer, nor a small-business man, but of a great American capitalist—of a man whose wealth reached such proportions as might seem truly awesome to most of our people. But, Mr. President, in so doing, I shall be speaking of a man who, in the acquisition and utilization of that wealth, proved himself in all respects one of history's finest figures.

Albert Lasker was, as he was fond of saying about the many progressive measures he supported, as American as corn or apple pie. He was born into a Texas family and came of age just at the time when our great theoretical pundits were insisting that America's frontiers were gone. Albert Lasker, with all those dynamic qualities so apparent among our friends from Texas, knew the claim to be nonsense. Geographic frontiers might well have seemed to be closing down, but with a vision which few men of business or industry had in those days at the turn of the century, Albert Lasker knew that so long as we held true to the traditions of our Nation, men would forever be able to find new frontiers for exploration and development. He, himself, proved it to be true both as regards our business world and our methods of doing business. As regards the first, he knew in his heart, and all his life proved in his actions, that our economy—our ability to produce, distribute, and to consume goods could be expanded almost without limit. This, of course, was an idea sensed by many who because of their strict adherence to outworn methods of doing business were unable to bring the idea to fruition. But Albert Lasker knew that to achieve new frontiers in business and in industry it would be essential to develop new techniques, new methods of doing business, new relationships between the various groups that participate in a well-rounded economy. Growing up at a time when history seemed to indicate that power and wealth and business success came most certainly to those who were ruthless in their exploitation of others, Albert Lasker was one of the first great American men of business to prove that wealth could be acquired, not through the exploitation of the men who did the actual work of production in the shops or in the office, but by working with them: by raising wages, by shortening hours of labor, by building respect for the individual dignity, the integrity, and the right to happiness and a decent life for every man participating in an industrial enterprise. He was, in short, one of the first of our modern and enlightened men of business. It was through his sort of attitude and his type of operation that our new, prosperous, and always-expanding American economy came into being.

When Albert Lasker entered the world of business, American technological genius had already developed to an amazingly high point our ability to produce; but earning power was low, our means of distribution were relatively primitive, and the average producer's horizons were limited to his immediate community. Albert Lasker clearly saw that the next frontier to be crashed was that of making the results of our technological genius available to the tens of millions of Americans throughout the length and breadth of our country, rather than leaving them available only to the few. Knowing this, he translated his interest in a wider distribution of the good things of life to the field of advertising. He was one of the small handful of men who created those concepts of modern advertising which lie at the heart of our present system of mass production and the mass distribution of goods.

Starting his advertising career with the firm of Lord & Thomas in 1898 at $10 a week, Albert Lasker rose in 12 years to sole ownership of a firm which under his control placed more than $750,000,000 in advertising. During his management of Lord & Tnomas, modern advertising as we know it today was born. Advertising as nothing but a way of keeping a name before the public was transformed into an instrumentality for intelligent mass education on values and productiveness. A business medium once scorned by many large firms became an agency now used by every concern as the method for making the products of American inventiveness available to everyone everywhere. Advertising, which did a total business of about twelve millions a year when Albert Lasker first joined Lord & Thomas, was talking in terms of billions when he retired from the field. Modern advertising which has meant so much to our Nation's prosperity owes a great debt to Albert Lasker, the man who taught it to think of itself as salesmanship in print. Through his work American business and industry learned the absurdity of producing on the assumption that only the well-born, prominent, or well-to-do of our citizens would ever be able to afford more than the bare necessities of life. Albert Lasker helped prove what we in America now take for granted and which the rest of the world is slowly learning. He was one of the first to insist that when the working men and women of a country are paid what they are worth, when they are able to buy what they produce, when decent houses and cars and refrigerators and radios, and all the things we now take for granted are made available to the many, then everyone—worker and businessman, consumers, industrialists, managers, stockholders—everyone concerned profits.

I repeat, Mr. President, I am speaking today with deep affection of an American capitalist, of one who acquired wealth by not thinking of how to acquire wealth; of a man to whom wealth came because he thought instead of how better to produce, to package, to distribute, to promote for the benefit of all his fellow citizens those things which might make life better, easier, and richer. Because of his new approach, Mr. President, Albert Lasker was a tremendously successful man of business, a man of many and varied interests, a man of power and influence in almost every phase of our Nation's economic life throughout those all-important decades of this century when our new economy was developing. But, Mr. President, throughout this period and throughout his life Albert Lasker was anything but the popular concept of the dynamic, aggressive, successful man of business. He was a driving force. He was most certainly aggressive. He was without doubt successful. But he was most certainly not the single-minded character thinking of nothing but profit and loss which we so commonly associate in our minds with the concept of the great businessman. Albert Lasker never let himself become absorbed in the immediate job to the exclusion of all else. Never did he sacrifice his heart, his soul, or his family to the objective of achieving business or financial success. Albert Lasker was at all times a whole man. He was interested and well versed in the arts, a lover of fine books and paintings. He was one of the greatest patrons of the American theater and Mr. President, let me stress this—because strangely enough so many superficially sophisticated people seem to think that these things somehow do not go together—let me stress the fact that in addition to his devotion to the arts and to the legitimate stage, he was also, as I know to my pleasure, a lover of western movies and devoted to America's national sport, baseball. It was Albert Lasker who, when baseball was threatened with complete collapse as a result of the White Sox scandals in 1919, devised the Lasker plan under which our national pastime was completely reorganized and Commissioner Landis placed in charge of maintaining the integrity of the baseball world. Never since have those young Americans, whose first stirrings of loyalty and heroism were aroused by the Babe Ruths and the Lou Gehrigs of their day, been let down.

Yes, Mr. President, Albert Lasker was truly a well-rounded man. If his appetite for achievement was as unquenchable as his appetite for knowledge and for serving others, so, too, was his appetite for enlightened enjoyment. He loved every aspect of life that brought use or beauty. He loved people. He loved parties, theater, fine china, movies—even bad movies—and good food. He loved horseback riding, poker, swimming, and dancing. He loved to talk and he was one of the most explosively stimulating and eloquent talkers I have ever met. In short, Albert Lasker was a man who loved life, who seized it eagerly and adventuresomely, who laughed as he gave it value and meaning, and who saw to it that as he lived his life, life became a finer thing for others, too.

I have spoken, Mr. President, of those attitudes of mind and those qualities which went into the making of this great American citizen and which characterized his attainment of success. I should like to point out as another reason why this country shall miss him so, that Albert Lasker was also a man who was at all times conscious of the responsibilities which should attend success. Nowadays many of our people are making more and more money as a result partly of their own efforts but in large measure because of the great productivity and the genius for work which characterizes all of our people. All too often these same individuals are taking full-page ads in newspapers and periodicals to whine and protest about the great taxes they are paying and are plaguing their legislators on Capitol Hill in an unending drive to reduce taxes at no matter what cost to our economy or to our national defense. Albert Lasker was an American who not only paid taxes in amounts which very few others in this country have ever been called upon to pay, but a man who gloried in the opportunity. I find it hard to tell you what a thrill it was for me when I heard this man, whom at that time I did not know well, tell our Committee on Labor and Public Welfare how happy he was to be able, through paying taxes, to discharge in part his obligations to the Nation which had enabled him to succeed and to live well. He, not I, Mr. President, spoke of "the opportunity to pay taxes." He was an example of that type of businessman citizen to whom the Nation in its turn owes much; for so long as Albert Lasker's ideas as to the proper relationship between the man of business, his government, and his fellow citizen obtains, then we in this country need never fear the upsurge of those feelings which in other lands threaten the complete extinction of our capitalistic society. Albert Lasker was a businessman, Mr. President, a tough and aggressive man in business, but he was an intelligent businessman, too, and as such he was a citizen of these United States first and a

businessman secondly. America could well use millions of citizen-businessmen like him.

In paying my profound respects to Albert Lasker, Mr. President, I must make mention also of the way of life he chose for himself in his later years. Albert Lasker was one of those few men, successful in the world of business, who knew how to apply the rule of the golden mean to his own life as well as advocating it for others. Having reached the pinnacle of success in the business world, Albert Lasker decided that life held other things of equal importance. At a time when similarly situated men all too often can think of nothing else to do with themselves other than to increase their power and their influence, Albert Lasker decided that the time had come to turn his talents from servicing a few score advertising clients to servicing 150,000,000 clients—the people of America. Having built the firm of Lord & Thomas to a place of preeminence in the advertising world to a point where it alone was placing between $30,000,000 and $50,000,000 worth of advertising a year, Albert Lasker, to the stunned surprise of the advertising world, casually scrapped it in 1942. He had simply decided to devote the balance of his life to doing as much for the people of this Nation and the world as he felt they had done for him. Seeking a cause worthy of his skill and energy, Albert Lasker remembered the one thing that had caused the most intense heartbreak in his own personal life and which time and time again had brought suffering and anguish into the lives of his friends.

He thought of the ravages caused by disease and illness. Of disease which could have been prevented but wasn't. Of disease for which treatments were known but which were not available to those in need. And of diseases of which we know little or nothing and on which we had spent millions for palliatives but only pennies on the research which might teach us their causes and their cures. He thought of these things and of the ravages they had wrought in the lives of his friends. Parenthetically, Mr. President, may I say that when I speak of his friends I speak of people in all walks of life. To Albert Lasker the copy boy in his office, clerks, cab drivers, his barber, cooks, gardeners, and maids were as much his friends as were the artists, the magnates, and the statesmen who were privileged to share his table. Thinking of these people and of the one recurring, devastating, and unpredictable threat which hung over their lives, Albert Lasker, aided, encouraged, and joined in his objective by his wife, Mary Lasker, a wonderful woman of exceptional charm, intelligence, drive, and purposefulness, decided to devote himself to work in the field of health. Setting up the foundation which bears their names, Albert and Mary Lasker plunged into the task of attacking disease and the problems it leaves in its wake. It is to them more than to anyone else that we owe the great popular awakening of interest in this country to the possibilities of sooner or later finding the cause and the cure for such terrible scourges of mankind as cancer and heart disease, arthritis and rheumatism, multiple sclerosis, cerebral palsy, epilepsy, and blindness. It was they who, being shocked to learn that while we were spending untold millions on the care of victims of these dread diseases we were spending but pennies trying to find out how to prevent them, transmitted that sense of shock to all our people and to their Government. Their work in the field of health was as effective as was his earlier work: To it he contributed the same spate of new ideas and fresh points of view that had made his advertising career so spectacularly successful.

The Lasker Foundation gives grants for medical research and in other fields and makes awards for outstanding contributions to health through medical research and administration. Several health agencies, including the American Public Health Association and the National Committee for Mental Hygiene designate the recipients through awards committees.

The Lasker award quickly came to be regarded as America's top medical honor—the accepted Oscar of the medical profession. Among the winners have been Dr. Thomas Parran, former Surgeon General of the United States Public Health Service; Dr. William Menninger, of the Menninger Foundation and former chief of psychiatry for the United States Army; Dr. G. Brock Chisholm, of Canada, now the Director of the World Health Organization; Dr. John Rawlings Rees, of England; Dr. Abraham Stone; Dr. Thomas Francis; Dr. Fred Soper; Dr. Carl Cori, later a Nobel prize winner; Dr. Philip Hench; and Dr. E. C. Kendall, who won the Nobel prize for use of cortisone.

Among recipients of special grants from the Lasker Foundation to aid them in their researches have been Sir Howard Florey, the codiscoverer of penicillin; Dr. Selman A. Waksman, discoverer of streptomycin; and Dr. Charles Huggins, first to discover that the use of the female sex hormones would produce a palliative effect on cancer of the prostate, and, in some cases, cures after 5 years of treatment.

Mr. and Mrs. Lasker in 1944 proposed to the American Cancer Society, which had never conducted a major national campaign or raised any funds for research, that they would supply funds for such a campaign in 1945, provided 25 percent of the amount collected was devoted to cancer research. Until that time, the entire amount spent nationally for cancer research was less than $1,100,000 from Federal and private sources.

It was as a result of that offer and the implementation of that plan, in which they were most active, that national interest in cancer research was awakened.

In 1944 the American Cancer Society raised $850,000 nationally and none of the money was used for research. In 1945, over $4,000,000 was raised and 25 percent or $1,000,000 spent on research. Since then the American Cancer Society alone has raised $20,000,000 for cancer research through 1951.

As a result of the public education resulting from the campaigns of the American Cancer Society, the United States Public Health Service National Cancer Institute has had an annual increase of funds for both research, education and control from $550,000 in 1945 to $17,000,000 in 1952.

Albert Lasker, in 1946, devised and submitted to Michael Reese Hospital in Chicago a proposal for the establishment of a teaching and research institute for psychosomatic and psychiatric training and research, the first of its kind to be established in the center of the United States, and in itself an important experiment in the development of psychosomatic medicine. With his two daughters, he contributed a substantial amount toward the research and building fund.

Supporting their belief in the great need for health insurance, the Laskers had earlier helped to organize and had contributed to the Health Insurance Plan of Greater New York and the Group Health Insurance, Inc., two of the country's most important voluntary health insurance groups.

They, with friends, established and were active in the National Heart Committee, which organization was successful in inducing Congress to pass the National Heart Act in June of 1948. This legislation established a National Heart Institute in the United States Public Health Service, and through research, education and control, provides for the first broad Federal attack on the No. 1 killer of the citizens of the United States.

Such, Mr. President, were the fine and worthy objectives to which Albert Lasker devoted his remarkable abilities during these later and anything but declining years. Vigorous, intellectual, alert, and agggressively purposeful up until the moment of his final illness, Albert Lasker spent the decade since 1942 discharging what he and only he would have regarded as a debt of obligation; attempting with all his great heart to repay humanity for having, consciously or unconsciously, provided him the millieu and the opportunities through which to bring his talents and his greatness to full fruition. Only a man truly humble in heart despite the outshowing trappings of affluence could have regarded it as a debt. Only a man of great character and conscience and understanding could have called on himself to discharge such a self-imposed obligation. And only Albert Lasker, with the constant aid and guidance and encouragement of Mary Lasker, could have discharged it so well. Now, having so well paid what he called his debt to society, Albert Lasker has left us—a Nation and a world forever in his debt.

Mr. President, I have tried to tell the Congress and, through the Congress, the people of the United States what manner of man my good friend Albert Lasker was. I have but sketched the methods and the attitudes through which he achieved success for himself and for the business world in which he moved. I have given but the barest glimpse into the ways through which he reacted to that success. I could go on for hours recounting detailed instances of his magnanimity, of his understanding, and of his character. I could speak at length of that one trait of character which above all else we need in our men of prominence and power; a trait which is so often lacking in many such people but which Albert Lasker displayed consistently—a willingness to change one's mind when confronted with new facts; a refusal to be hidebound by a professed opinion or a political dogma; an insistence on living the truth despite past truths. For this insistence on being intellectually honest with oneself at no matter what the cost in changed opinion and so-called loss of face also marked the Albert Lasker whom we knew. In his early days a leader in the fight against our food and drug law because, in the economic atmosphere of the early 1900's, he believed it could lead to socialism, Albert Lasker later insisted on voluntarily testifying to the Senate that the law had proved a boon to the food and drug industry. Once an active isolationist along with Harold Ickes—another great American with whom he had much in common—later as he saw the developments in our changing world interrelationships, he became an ardent advocate of the idea that we live in one world and that, if that world is to endure, each nation must consciously play its part as one of many; of the idea that the motto "E pluribus unum," which is inscribed above the Senate Chamber, just as it applies now to 48 States rather than to Thirteen Colonies, must in the future apply to all the nations of the world rather than to these United States alone. And, with that same high regard for fact and total disregard for innate prejudices, this man, who had once been assistant to the chairman of the Republican National Committee, supported Franklin Delano Roosevelt and voted for Harry Truman once he was convinced that the party of his youth was more devoted to its myths than its mind, more concerned with profits than with people.

Such was the intellectual honesty that characterized Albert Lasker, Mr. President. And that is but one of the many admirable facets of his character which meant so much to his friends and on which those friends could discourse for hours. But rather than so discourse, permit me to conclude this tribute to a great American by speaking very briefly about how his life, now that it is over,

can still have meaning to the causes he believed important.

We have been speaking of a most brilliant, most fascinating, and most fabulous man. A man of great soul, a man of great decency, a man of great integrity. And we have been speaking too of a great capitalist; of a man who through his own efforts and ability became possessed of great wealth and yet a man who, if he had not had a penny, would nevertheless have left his mark on the world. And this man was an American capitalist. One of our greatest, one of our finest. One whose life story should be told by every means and through every agency to all those peoples who in this time of fear and uncertainty and warping of values have been led to doubt the validity and promise of freedom as we in America know it. For his life story would be a revelation to those now swayed by Stalinism. Here, in Albert Lasker, peoples of the world from Indonesia through Israel, in Italy and France and Britain have had an opportunity to see modern capitalism and the truly great American capitalist at their very best. In his life story others not fortunate enough to know him in his lifetime could and would learn how inventiveness, brilliance, industry, courage, and integrity put to work in a free society to make life easier, better, and richer for millions of people paid off in millions of dollars, in social and political prestige, and in power. This would be half of the picture of modern, enlightened capitalism—the making of a modern capitalist. And the other half of the picture—that which also makes a mockery of the mouthings of Marxism—lies in the use which Albert Lasker made of the wealth, the position, and the power thus honestly acquired. For how did Albert Lasker use these things? Not for personal gain, not in a blind search for more and more power, not to exploit his fellows, but rather to make life longer, more abundant, and infinitely richer for 150,000,000 of his fellow Americans.

It is on this note, Mr. President, that I would close. Not with a recitation of the soft-rounded, fulsome adjectives which occur as one thinks of a departed friend. They would most certainly apply and might well be uttered in all sincerity as regards Albert Lasker. But the friend I knew would not like that. I think the Albert Lasker I so well remember would rather that we who are still living turn our attention to furthering the causes to which he had been devoted. And so, now that his innate modesty no longer stands in the way, I would close with a suggestion that we take his name and his life story and make use of it to advance that one cause which meant most to him—the cause of freedom. Specifically, Mr. President, I would make a suggestion to his many friends in the advertising world. I would suggest that, insofar as they may influence the writers of those full-page advertisements which, as "institutional advertising" so unnecessarily attempt to sell the American people on the American way of life, they use their influence to have those pages recount the story of Albert Lasker, leader in business, leader in citizenship.

I make this suggestion—and I make it too to those who write our Voice of America and other freedom programs—in all sincerity. I make it not because I think the average man or woman in America need be told this story of this one man's rise to fortune and of his devotion to his country and its institutions. They will like it, of course. They will find it heartening and heart-warming reading. But they are, by and large, people who know and are thoroughly sold on the abundance of opportunity which America and its free institutions hold out to all. The American people will glory in the story of Albert Lasker's life. They will see in it the embodiment of the finest things to which they aspire. But it is not for them that I make the suggestion that his story be thus set forth.

It is rather with two very specific groups in mind that I take up advocacy of this cause. The first consists of our own American men of business and of industry. For many such, life could be far more rewarding if they knew of and patterned their own lives on those principles to which Albert Lasker clung so steadfastly. In his life they can see a man who most certainly shared to the full their own terrific drive for achievement, for power, for success. But in the life of Albert Lasker they will also find that not only can these things be had as concomitants of decency and integrity but also how they can be used so as to give one's own life a new and precious depth of meaning and satisfaction while at the same time giving life new savor to millions of their fellow men. The men who wield power and influence in the financial and business life of our country cannot learn too quickly that only insofar as they use these things they have won here in America for America and its people as did Albert Lasker—only insofar as they pattern their conduct on his—will the institutions to which they owe so much be able to withstand the attacks to which they are now subjected. It is for this reason that I hope the Albert Lasker story will be so publicized as to reach every man of business in this country and more especially every young man setting out in the business world. If from Albert Lasker's life they learn but one idea—his insistence that "a man can pay too much for money"—our efforts will have been well rewarded.

The second group to whom I would have Albert Lasker's story told includes the peoples of Europe on both sides of the iron curtain. Those who, plagued by war and its evil aftermath, have begun to doubt the validity of democratic processes and the decencies which can characterize enlightened capitalism. Those who have begun to doubt and those who, having succumbed to doubt, have freedom to regain. To these people the plain and straight-told story of Albert Lasker, American, the story of what he made of his life under our institutions, could well mean the difference between despair and total capitulation on the one hand and, on the other, a stirring reaffirmation of faith in the individual and in a society run by and for the individual. For that is what Albert Lasker has meant to me and to those scores of others who have known him. That is what he would mean to the millions I hope will learn about him.

Mr. President, I will close now. I have not spoken of the warmth and graciousness and generosity of the man whose loss I grieve. I have talked of the man in relation to his times. Of the extent to which he and the century we live in have interacted on each other. I have talked of the meaning which such a man and his ways of living and thinking have had on our past and will have for our future. I have done so without apology. I have done so because it was inescapable. Because Albert Lasker played a major role in the history of our times; because he helped make that history. To have talked of him in other terms would have been to talk of the shadow and not of the great, vibrant reality he was. Should our society and our way of living, our institutions and the beliefs we glory in, triumph over the evil forces now loose in the world, it will be because such men as Albert Lasker lived to make that society and those institutions strong. If we are to have a history it will be because men like Albert Lasker with true enlightenment shaped that history. And so it was in these terms that I have chosen to pay tribute to a truly great businessman, to one of the finest of Americans, to a whole man, a warm friend, and a thoroughly fine person—to Albert D. Lasker.

As a final word, I should like to extend to his friend and counselor and partner in all good causes, his fine and brilliant wife, Mary Woodard Lasker, my deepest sympathy in this hour of her pain and loss. And I would have her know with what a sense of certainty, I and all her many friends know that she will bear this burden with that same warm, outgoing courage which marked her every action during those last trying days of Albert's mercifully ended illness.

EXCLUSION FROM GROSS INCOME OF PROCEEDS OF SPORTS PROGRAMS FOR BENEFIT OF AMERICAN RED CROSS

The bill (H. R. 7345) to exclude from gross income the proceeds of certain sports programs conducted for the benefit of the American National Red Cross was announced as next in order.

DECISION OF SUPREME COURT IN STEEL SEIZURE CASE

The PRESIDENT pro tempore. Is there objection to the present consideration of House bill 7345?

Mr. CAIN. Mr. President, reserving the right to object—and I shall not object—I wish to proceed under the 5-minute rule.

Earlier in the day the distinguished Senator from Iowa [Mr. HICKENLOOPER] read an item from the news ticker located in the Senate lobby. The item stated merely that the Supreme Court had held today that the President of the United States had exceeded his constitutional authority as Chief Executive and as Commander in Chief when he seized the steel mills of the Nation on April 8, 1952.

I have been able to obtain copies of the majority opinion and the concurring or dissenting views of various members of the Supreme Court. The opinion of the Court was delivered by Mr. Justice Black. Mr. Justice Jackson concurred in the judgment and opinion of the Court, as did Mr. Justice Burton, Mr. Justice Clark, Mr. Justice Douglas, and Mr. Justice Frankfurter.

The three members of the Court who dissented from the majority judgment and opinion were Mr. Chief Justice Vinson, Mr. Justice Reed, and Mr. Justice Minton.

Mr. President, it is obvious to me that every word in both the majority opinion and the dissenting views will be read by literally millions of Americans, and carefully studied by every Member of the Congress of the United States. I think it would serve a constructive public service if such opinions, in their entirety, were printed in the body of the CONGRESSIONAL RECORD, where they would be that much more easily available to Americans everywhere. I shall ask that such authority be granted.

Mr. President, in reply to a question submitted to me this morning by members of the press, I said this: "A strike at any time is a sad and unfortunate thing. A strike in time of a national

emergency is always a tragedy. But worse things than strikes can happen to our Nation. The Supreme Court has declared that our Constitution is not to be employed to serve the purposes and whims of individual men. The Constitution is to remain inviolate. The executive and legislative branches of our Government must now consider more effective and reasonable legislation to minimize or eliminate strikes in periods of national emergency. The Supreme Court has provided another opportunity for our Nation to remain a government of law rather than of men."

I now ask unanimous consent that the opinion of the Supreme Court, and the several concurring and dissenting views in the steel seizure case be printed in the RECORD.

There being no objection, the opinion and the several concurring or dissenting views were ordered to be printed in the RECORD, as follows:

SUPREME COURT OF THE UNITED STATES

(Nos. 744 and 745, October term, 1951)

744—THE YOUNGSTOWN SHEET AND TUBE CO. ET AL., PETITIONERS, V. CHARLES SAWYER

745—CHARLES SAWYER, PETITIONER, V. THE YOUNGSTOWN SHEET AND TUBE CO. ET AL.

(On writs of certiorari to the United States Court of Appeals for the District of Columbia Circuit.)

(June 2, 1952)

Mr. Justice Black delivered the opinion of the Court:

We are asked to decide whether the President was acting within his constitutional power when he issued an order directing the Secretary of Commerce to take possession of and operate most of the Nation's steel mills. The mill owners argue that the President's order amounts to lawmaking, a legislative function which the Constitution has expressly confided to the Congress and not to the President. The Government's position is that the order was made on findings of the President that his action was necessary to avert a national catastrophe which would inevitably result from a stoppage of steel production, and that in meeting this grave emergency the President was acting within the aggregate of his constitutional powers as the Nation's Chief Executive and the Commander in Chief of the Armed Forces of the United States. The issue emerges here from the following series of events:

In the latter part of 1951, a dispute arose between the steel companies and their employees over terms and conditions that should be included in new collective bargaining agreements. Long-continued conferences failed to resolve the dispute. On December 18, 1951, the employees' representatives, United Steelworkers of America, CIO, gave notice of an intention to strike when the existing bargaining agreements expired on December 31. Thereupon the Federal Mediation and Conciliation Service intervened in an effort to get labor and management to agree. This failing, the President on December 22, 1951, referred the dispute to the Federal Wage Stabilization Board [1] to investigate and make recommendations for fair and equitable terms of settlement. This Board's report resulted in no settlement. On April 4, 1952, the union gave notice of a Nation-wide strike called to begin at 12:01 a. m. April 9. The indispensability of steel as a component of substantially all weapons and other war materials let the President to believe that the proposed work stoppage would immediately jeopardize our national defense and that governmental seizure of the steel mills was necessary in order to assure the continued availability of steel. Reciting these considerations for his action, the President, a few hours before the strike was to begin, issued Executive Order 10340, a copy of which is attached at the end of this opinion as an appendix. The order directed the Secretary of Commerce to take possession of and operate most of the steel mills throughout the country. The Secretary immediately issued his own possessory orders, calling upon the presidents of the various seized companies to serve as operating managers for the United States. They were directed to carry on their activities in accordance with regulations and directions of the Secretary. The next morning the President sent a message to Congress reporting his action. (CONGRESSIONAL RECORD, April 9, 1952, p. 3912) Twelve days later he sent a second message. (CONGRESSIONAL RECORD, April 21, 1952, p. 4131.) Congress has taken no action.

Obeying the Secretary's orders under protest, the companies brought proceedings against him in the district court. Their complaints charged that the seizure was not authorized by an act of Congress or by any constitutional provisions. The district court was asked to declare the orders of the President and the Secretary invalid and to issue preliminary and permanent injunctions restraining their enforcement. Opposing the motion for preliminary injunction, the United States asserted that a strike disrupting steel production for even a brief period would so endanger the well-being and safety of the Nation that the President had inherent power to do what he had done—power "supported by the Constitution, by historical precedent, and by court decisions." The Government also contended that in any event no preliminary injunction should be issued because the companies had made no showing that their available legal remedies were inadequate or that their injuries from seizure would be irreparable. Holding against the Government on all points, the district court on April 30 issued a preliminary injunction restraining the Secretary from "continuing the seizure and possession of the plant * * * and from acting under the purported authority of Executive Order No. 10340" (103 F. Supp. 569). On the same day the court of appeals stayed the district court's injunction (— F. (2d) —). Deeming it best that the issues raised be promptly decided by this Court, we granted certiorari on May 3 and set the cause for argument on May 12.

Two crucial issues have developed: First. Should final determination of the constitutional validity of the President's order be made in this case which has proceeded no further than the preliminary injunction stage? Second. If so, is the seizure order within the constitutional power of the President?

I

It is urged that there were nonconstitutional grounds upon which the district court could have denied the preliminary injunction and thus have followed the customary judicial practice of declining to reach and decide constitutional questions until compelled to do so. On this basis it is argued that equity's extraordinary injunctive relief should have been denied because (a) seizure of the companies' properties did not inflict irreparable damages, and (b) there were available legal remedies adequate to afford compensation for any possible damages which they might suffer. While separately argued by the Government, these two contentions are here closely related, if not identical. Arguments as to both rest in large part on the Government's claim that should the seizure ultimately be held unlawful, the companies could recover full compensation in the Court of Claims for the unlawful taking. Prior cases in this Court have cast doubt on the right to recover in the Court of Claims on account of properties unlawfully taken by Government officials for public use as these properties were alleged to have been. (See, e. g., *Hooe* v. *United States* (218 U. S. 322, 335–336); *United States* v. *North American Co.* (253 U. S. 330, 333). But see *Larson* v. *Domestic & Foreign Corp.* (337 U. S. 682, 701–702).) Moreover, seizure and governmental operation of these going businesses were bound to result in many present and future damages of such nature as to be difficult, if not incapable, of measurement. Viewing the case this way, and in the light of the facts presented, the district court saw no reason for delaying decision of the constitutional validity of the orders. We agree with the district court and can see no reason why that question was not ripe for determination on the record presented. We shall therefore consider and determine that question now.

II

The President's power to issue the order must stem either from an act of Congress or from the Constitution itself. There is no statute that expressly authorizes the President to take possession of property as he did here. Nor is there any act of Congress to which our attention has been directed from which such a power can fairly be implied. Indeed, we do not understand the Government to rely on statutory authorization for this seizure. There are two statutes which do authorize the President to take both personal and real property under certain conditions.[2] However, the Government admits that these conditions were not met and that the President's order was not rooted in either of them. The Government refers to the seizure provisions of one of these statutes (§ 201 (b) of the Defense Production Act) as "much too cumbersome, involved, and time-consuming for the crisis which was at hand."

Moreover, the use of the seizure technique to solve labor disputes in order to prevent work stoppages was not only unauthorized by any congressional enactment; prior to this controversy, Congress had refused to adopt that method of settling labor disputes. When the Taft-Hartley Act was under consideration in 1947, Congress rejected an amendment which would have authorized such governmental seizures in cases of emergency.[3] Apparently it was thought that the technique of seizure, like that of compulsory arbitration, would interfere with the process of collective bargaining.[4] Consequently, the plan Congress adopted in that act did not provide for seizure under any circumstances. Instead, the plan sought to bring about settlements by use of the customary devices of mediation, conciliation, investigation by boards of inquiry, and public reports. In some instances temporary injunctions were authorized to provide cooling-off periods. All this failing, the unions were left free to strike if the majority of the employees, by secret ballot, expressed a desire to do so.[5]

It is clear that if the President had authority to issue the order he did, it must

[1] This Board was established under Executive Order 10233, 16 Fed. Reg. 3503.

[2] The Selective Service Act of 1948, 62 Stat. 604, 625–627, 50 U. S. C. App. (Supp. IV) sec. 468; the Defense Production Act of 1950, title II, 64 Stat. 798, as amended, 65 Stat. 138.

[3] CONGRESSIONAL RECORD, vol. 93, pt. 3, pp. 3637–3645.

[4] CONGRESSIONAL RECORD, vol. 93, pt. 3, pp. 3835–3836.

[5] Labor Management Relations Act, 1947, 61 Stat. 136, 152–156, 29 U. S. C. (Supp. IV) secs. 141, 171–180.

be found in some provisions of the Constitution. And it is not claimed that express constitutional language grants this power to the President. The contention is that presidential power should be implied from the aggregate of his powers under article II of the Constitution. Particular reliance is placed on the provisions which say that "the executive power shall be vested in a President * * *"; that "he shall take care that the laws be faithfully executed"; and that he "shall be Commander in Chief of the Army and Navy of the United States."

The order cannot properly be sustained as an exercise of the President's military power as Commander in Chief of the Armed Forces. The Government attempts to do so by citing a number of cases upholding broad powers in military commanders engaged in day-to-day fighting in a theater of war. Such cases need not concern us here. Even though "theater of war" be an expanding concept, we cannot with faithfulness to our constitutional system hold that the Commander in Chief of the Armed Forces has the ultimate power as such to take possession of private property in order to keep labor disputes from stopping production. This is a job for the Nation's lawmakers, not for its military authorities.

Nor can the seizure order be sustained because of the several constitutional provisions that grant executive power to the President. In the framework of our Constitution, the President's power to see that the laws are faithfully executed refutes the idea that he is to be a lawmaker. The Constitution limits his functions in the lawmaking process to the recommending of laws he thinks wise and the vetoing of laws he thinks bad. And the Constitution is neither silent nor equivocal about who shall make laws which the President is to execute. The first section of the first article says that "All legislative powers herein granted shall be vested in a Congress of the United States * * *." After granting many powers to the Congress, article I goes on to provide that Congress may "make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof."

The President's order does not direct that a congressional policy be executed in a manner prescribed by Congress—it directs that a Presidential policy be executed in a manner prescribed by the President. The preamble of the order itself, like that of many statutes, sets out reasons why the President believes certain policies should be adopted, proclaims these policies as rules of conduct to be followed, and, again, like a statute, authorizes a Government official to promulgate additional rules and regulations consistent with the policy proclaimed and needed to carry that policy into execution. The power of Congress to adopt such public policies as those proclaimed by the order is beyond question. It can authorize the taking of private property for public use. It can make laws regulating the relationships between employers and employees, prescribing rules designed to settle labor disputes, and fixing wages and working conditions in certain fields of our economy. The Constitution did not subject this lawmaking power of Congress to Presidential or military supervision or control.

It is said that other Presidents without congressional authority have taken possession of private business enterprises in order to settle labor disputes. But even if this be true, Congress has not thereby lost its exclusive constitutional authority to make laws necessary and proper to carry out the powers vested by the Constitution "in the Government of the United States, or any department or officer thereof."

The founders of this Nation entrusted the lawmaking power to the Congress alone in both good and bad times. It would do no good to recall the historical events, the fears of power, and the hopes for freedom that lay behind their choice. Such a review would but confirm our holding that this seizure order cannot stand.

The judgment of the district court is affirmed.

Mr. Justice Frankfurter:

Although the considerations relevant to the legal enforcement of the principle of separation of powers seem to me more complicated and flexible than may appear from what Mr. Justice Black has written, I join his opinion because I thoroughly agree with the application of the principle to the circumstances of this case. Even though such differences in attitude toward this principle may be merely differences in emphasis and nuance, they can hardly be reflected by a single opinion for the Court. Individual expression of views in reaching a common result is, therefore, important.

APPENDIX

APRIL 8, 1952.

EXECUTIVE ORDER DIRECTING THE SECRETARY OF COMMERCE TO TAKE POSSESSION OF AND OPERATE THE PLANTS AND FACILITIES OF CERTAIN STEEL COMPANIES

Whereas on December 16, 1950, I proclaimed the existence of a national emergency which requires that the military, naval, air, and civilian defenses of this country be strengthened as speedily as possible to the end that we may be able to repel any and all threats against our national security and to fulfill our responsibilities in the efforts being made throughout the United Nations and otherwise to bring about a lasting peace; and

Whereas American fighting men and fighting men of other nations of the United Nations are now engaged in deadly combat with the forces of aggression in Korea, and forces of the United States are stationed elsewhere overseas for the purpose of participating in the defense of the Atlantic Community against aggression; and

Whereas the weapons and other materials needed by our Armed Forces and by those joined with us in the defense of the free world are produced to a great extent in this country, and steel is an indispensable component of substantially all of such weapons and materials; and

Whereas steel is likewise indispensable to the carrying out of programs of the Atomic Energy Commission of vital importance to our defense efforts; and

Whereas a continuing and uninterrupted supply of steel is also indispensable to the maintenance of the economy of the United States, upon which our military strength depends; and

Whereas a controversy has arisen between certain companies in the United States producing and fabricating steel and the elements thereof and certain of their workers represented by the United Steelworkers of America, CIO, regarding terms and conditions of employment; and

Whereas the controversy has not been settled through the processes of collective bargaining or through the efforts of the Government, including those of the Wage Stabilization Board, to which the controversy was referred on December 22, 1951, pursuant to Executive Order No. 10233, and a strike has been called for 12.01 a. m., April 9, 1952; and

Whereas a work stoppage would immediately jeopardize and imperil our national defense and the defense of those joined with us in resisting aggression, and would add to the continuing danger of our soldiers, sailors, and airmen engaged in combat in the field; and

Whereas in order to assure the continued availability of steel and steel products during the existing emergency, it is necessary that the United States take possession of and operate the plants, facilities, and other property of the said companies as hereinafter provided:

Now, therefore, by virtue of the authority vested in me by the Constitution and laws of the United States, and as President of the United States and Commander in Chief of the Armed Forces of the United States, it is hereby ordered as follows:

1. The Secretary of Commerce is hereby authorized and directed to take possession of all or such of the plants, facilities, and other property of the companies named in the list attached hereto, or any part thereof, as he may deem necessary in the interests of national defense; and to operate or to arrange for the operation thereof and to do all things necessary for, or incidental to, such operation.

2. In carrying out this order the Secretary of Commerce may act through or with the aid of such public or private instrumentalities or persons as he may designate; and all Federal agencies shall cooperate with the Secretary of Commerce to the fullest extent possible in carrying out the purposes of this order.

3. The Secretary of Commerce shall determine and prescribe terms and conditions of employment under which the plants, facilities, and other properties possession of which is taken pursuant to this order shall be operated. The Secretary of Commerce shall recognize the rights of workers to bargain collectively through representatives of their own choosing and to engage in concerted activities for the purpose of collective bargaining, adjustment of grievances, or other mutual aid or protection, provided that such activities do not interfere with the operation of such plants, facilities, and other properties.

4. Except so far as the Secretary of Commerce shall otherwise provide from time to time, the managements of the plants, facilities, and other properties possession of which is taken pursuant to this order shall continue their functions, including the collection and disbursement of funds in the usual and ordinary course of business in the names of their respective companies and by means of any instrumentalities used by such companies.

5. Except so far as the Secretary of Commerce may otherwise direct, existing rights and obligations of such companies shall remain in full force and effect, and there may be made, in due course, payments of dividends on stock and of principal, interest, sinking funds, and all other distributions upon bonds, debentures, and other obligations, and expenditures may be made for other ordinary corporate or business purposes.

6. Whenever in the judgment of the Secretary of Commerce further possession and operation by him of any plant, facility, or other property is no longer necessary or expedient in the interest of national defense, and the Secretary has reason to believe that effective future operation is assured, he shall return the possession and control thereof at the time possession was taken under this order.

7. The Secretary of Commerce is authorized to prescribe and issue such regulations and orders not inconsistent herewith as he may deem necessary or desirable for carrying out the purposes of this order; and he may delegate and authorize subdelegation of such of his functions under this order as he may deem desirable.

HARRY S. TRUMAN.

THE WHITE HOUSE, *April 8, 1952.*

Mr. Justice Frankfurter, concurring:

Before the cares of the White House were his own, President Harding is reported to have said that government after all is a very simple thing. He must have said that,

if he said it, as a fleeting inhabitant of fairyland. The opposite is the truth. A constitutional democracy like ours is perhaps the most difficult of man's social arrangements to manage successfully. Our scheme of society is more dependent than any other form of government on knowledge and wisdom and self-discipline for the achievement of its aims. For our democracy implies the reign of reason on the most extensive scale. The founders of this Nation were not imbued with the modern cynicism that the only thing that history teaches is that it teaches nothing. They acted on the conviction that the experience of man sheds a good deal of light on his nature. It sheds a good deal of light not merely on the need for effective power, if a society is to be at once cohesive and civilized, but also on the need for limitations on the power of governors over the governed.

To that end they restructure of our central government on the system of checks and balances. For them the doctrine of separation of powers was not mere theory; it was a felt necessity. Not so long ago it was fashionable to find our system of checks and balances obstructive to effective government. It was easy to ridicule that system as outmoded—too easy. The experience through which the world has passed in our own day has made vivid the realization that the framers of our Constitution were not inexperienced doctrinaires. These long-headed statesmen had no illusion that our people enjoyed biological or psychological or sociological immunities from the hazards of concentrated power. It is absurd to see a dictator in a representative product of the sturdy democratic traditions of the Mississippi Valley. The accretion of dangerous power does not come in a day. It does come, however slowly, from the generative force of unchecked disregard of the restrictions that fence in even the most disinterested assertion of authority.

The framers, however, did not make the judiciary the overseer of our Government. They were familiar with the revisory functions entrusted to judges in a few of the States and refused to lodge such powers in this Court. Judicial power can be exercised only as to matters that were the traditional concern of the courts at Westminster, and only if they arise in ways that to the expert feel of lawyers constitute "cases" or "controversies." Even as to questions that were the staple of judicial business, it is not for the courts to pass upon them unless they are indispensably involved in a conventional litigation. And then, only to the extent that they are so involved. Rigorous adherence to the narrow scope of the judicial function is especially demanded in controversies that arouse appeals to the Constitution. The attitude with which this Court must approach its duty when confronted with such issues is precisely the opposite of that normally manifested by the general public. So-called constitutional questions seem to exercise a mesmeric influence over the popular mind. This eagerness to settle—preferably forever—a specific problem on the basis of the broadest possible constitutional pronouncements may not unfairly be called one of our minor national traits. An English observer of our scene has acutely described it: "At the first sound of a new argument over the United States Constitution and its interpretation the hearts of Americans leap with a fearful joy. The blood stirs powerfully in their veins and a new luster brightens their eyes. Like King Harry's men before Harfleur, they stand like greyhounds in the slips, straining upon the start." (The Economist, May 10, 1952, p. 370.)

The path of duty for this Court, it bears repetition, lies in the opposite direction. Due regard for the implications of the distribution of powers in our Constitution and for the nature of the judicial process as the ultimate authority in interpreting the Constitution, has not only confined the Court within the narrow domain of appropriate adjudication. It has also led to "a series of rules under which it has avoided passing upon a large part of all the constitutional questions pressed upon it for decision." (Brandeis, J., in *Ashwander* v. *Tennessee Valley Authority* (297 U. S. 288, 341, 346).) A basic rule is the duty of the Court not to pass on a constitutional issue at all, however narrowly it may be confined, if the case may, as a matter of intellectual honesty, be decided without even considering delicate problems of power under the Constitution. It ought to be, but apparently is not a matter of common understanding that clashes between different branches of the Government should be avoided if a legal ground of less explosive potentialities is properly available. Constitutional adjudications are apt by exposing differences to exacerbate them.

So here our first inquiry must be not into the powers of the President, but into the powers of a district judge to issue a temporary injunction in the circumstances of this case. Familiar as that remedy is, it remains an extraordinary remedy. To start with a consideration of the relation between the President's powers and those of Congress—a most delicate matter that has occupied the thoughts of statesmen and judges since the Nation was founded and will continue to occupy their thoughts as long as our democracy lasts—is to start at the wrong end. A plaintiff is not entitled to an injunction if money damages would fairly compensate him for any wrong he may have suffered. The same consideration by which the steelworkers, in their brief amicus, demonstrate, from the seizure here in controversy, consequences that cannot be translated into dollars and cents, preclude a holding that only compensable damage for the plaintiffs is involved. Again, a court of equity ought not to issue an injunction, even though a plaintiff otherwise makes out a case for it, if the plaintiff's right to an injunction is overborne by a commanding public interest against it. One need not resort to a large epigrammatic generalization that the evils of industrial dislocation are to be preferred to allowing illegality to go unchecked. To deny inquiry into the President's power in a case like this, because of the damage to the public interest to be feared from upsetting its exercise by him, would in effect always preclude inquiry into challenged power, which presumably only avowed great public interest brings into action. And so, with the utmost unwillingness, with every desire to avoid judicial inquiry into the powers and duties of the other two branches of the Government, I cannot escape consideration of the legality of Executive Order No. 10340.

The pole star for constitutional adjudications is John Marshall's greatest judicial utterance that "it is a constitution we are expounding" (*McCulloch v. Maryland* (4 Wheat. 316, 407)). That requires both a spacious view in applying an instrument of government made for an undefined and expanding future *Hurtado* v. *California* (110 U. S. 516, 530), and as narrow a delimitation of the constitutional issues as the circumstances permit. Not the least characteristic of great statesmanship which the framers manifested was the extent to which they did not attempt to bind the future. It is no less incumbent upon this Court to avoid putting fetters upon the future by needless pronouncements today.

Marshall's admonition that "it is a constitution we are expounding" is especially relevant when the Court is required to give legal sanctions to an underlying principle of the Constitution—that of separation of powers. "The great ordinances of the Constitution do not establish and divide fields of black and white" (Holmes, J., dissenting in *Springer* v. *Philippine Islands* (277 U. S. 209)).

The issue before us can be met, and therefore should be, without attempting to define the President's powers comprehensively. I shall not attempt to delineate what belongs to him by virtue of his office beyond the power even of Congress to contract; what authority belongs to him until Congress acts; what kind of problems may be dealt with either by the Congress or by the President or by both, cf. *La Abra Silver Mine Co.* v. *United States* (175 U. S. 423); what power must be exercised by the Congress and cannot be delegated to the President. It is as unprofitable to lump together in an undiscriminating hotch-potch past presidential actions claimed to be derived from occupancy of the office, as it is to conjure up hypothetical future cases. The judiciary may, as this case proves, have to intervene in determining where authority lies as between the democratic forces in our scheme of government. But in doing so we should be wary and humble. Such is the teaching of this Court's role in the history of the country.

It is in this mood and with this perspective that the issue before the Court must be approached. We must therefore put to one side consideration of what powers the President would have had if there had been no legislation whatever bearing on the authority asserted by the seizure, or if the seizure had been only for a short, explicitly temporary period, to be determined automatically unless congressional approval were given. These and other questions, like or unlike, are not now here. I would exceed my authority were I to say anything about them.

The question before the Court comes in this setting. Congress has frequently—at least 16 times since 1916—specifically provided for Executive seizure of production, transportation, communications, or storage facilities. In every case it has qualified this grant of power with limitations and safeguards. This body of enactments—summarized in tabular form in appendix I—demonstrates that Congress deemed seizure so drastic a power as to require that it be carefully circumscribed whenever the President was vested with this extraordinary authority. The power to seize has uniformly been given only for a limited period or for a defined emergency, or has been repealed after a short period. Its exercise has been restricted to particular circumstances such as "time of war or when war is imminent," the needs of "public safety" or of "national security or defense," or "urgent and impending need." The period of governmental operation has been limited, as, for instance, to "60 days after the restoration of productive efficiency." Seizure statutes usually make Executive action dependent on detailed conditions: for example, (a) failure or refusal of the owner of a plant to meet governmental supply needs or (b) failure of voluntary negotiations with the owner for the use of a plant necessary for great public ends. Congress often has specified the particular executive agency which should seize or operate the plants or whose judgment would appropriately test the need for seizure. Congress also has not left to implication that just compensation be paid; it has usually legislated in detail regarding enforcement of this litigation-breeding general requirement.

Congress in 1947 was again called upon to consider whether governmental seizure should be used to avoid serious industrial shut-downs. Congress decided against conferring such power generally without special congressional enactment to meet each particular need. Under the urgency of telephone and coal strikes in the winter of 1946, Congress addressed itself to the problems

raised by national emergency strikes and lock-outs.[6] The termination of wartime seizure powers on December 31, 1946, brought these matters to the attention of Congress with vivid impact. A proposal that the President be given powers to seize plants to avert a shut-down where the health or safety of the Nation was endangered was thoroughly canvassed by Congress and rejected. No room for doubt remains that the proponents as well as the opponents of the bill which became the Labor-Management Relations Act of 1947 clearly understood that as a result of that legislation the only recourse for preventing a shut-down in any basic industry, after failure of mediation, was Congress.[7] Authorization for seizure as an available remedy for potential dangers was unequivocally put aside. The Senate Labor Committee, through its chairman, explicitly reported to the Senate that a general grant of seizure powers had been considered and rejected in favor of reliance on ad hoc legislation, as a particular emergency might call for it.[8] An amendment presented in the House providing that where necessary to preserve and protect the public health and security the President might seize any industry in which there is an impending curtailment of production was voted down, after debate, by a vote of more than 3 to 1.[9]

In adopting the provisions which it did, by the Labor Management Relations Act of 1947, for dealing with a national emergency arising out of a breakdown in peaceful industrial relations, Congress was very familiar with Government seizure as a protective measure. On a balance of considerations Congress chose not to lodge this power in the President. It chose not to make available in advance a remedy to which both industry and labor were fiercely hostile.[10] In deciding that authority to seize should be given to the President only after full consideration of the particular situation should show such legislation to be necessary, Congress presumably acted on experience with similar industrial conflicts in the past. It evidently assumed that industrial shutdowns in basic industries are not instances of spontaneous generation, and that danger warnings are sufficiently plain before the event to give ample opportunity to start the legislative process into action.

In any event, nothing can be plainer than that Congress made a conscious choice of policy in a field full of perplexity and peculiarly within legislative responsibility for choice. In formulating legislation for dealing with industrial conflicts, Congress could not more clearly and emphatically have withheld authority than it did in 1947. Perhaps as much so as is true of any piece of modern legislation, Congress acted with full consciousness of what it was doing and in the light of much recent history. Previous seizure legislation had subjected the powers granted to the President to restrictions of varying degrees of stringency. Instead of giving him even limited powers, Congress in 1947 deemed it wise to require the President, upon failure of attempts to reach a voluntary settlement, to report to Congress if he deemed the power of seizure a needed shot for his locker. The President could not ignore the specific limitations of prior seizure statutes. No more could he act in disregard of the limitation put upon seizure by the 1947 act.

It cannot be contended that the President would have had power to issue this order had Congress explicitly negated such authority in formal legislation. Congress has express its will to withhould this power from the President as though it had said so in so many words. The authoritatively expressed purpose of Congress to disallow such power to the President and to require him, when in his mind the occasion arose for such a seizure, to put the matter to Congress and ask for specific authority from it, could not be more decisive if it had been written into sections 206–210 of the Labor-Management Relations Act of 1947. Only the other day we treated the congressional gloss upon those section as part of the act (*Bus Employees* v. *Wisconsin Board* (340 U. S. 383, 395–396)). Grafting upon the words a purpose of Congress thus unequivocally expressed is the regular legislative mode for defining the scope of an act of Congress. It would be not merely infelicitous draftsmanship but almost offensive gaucherie to write such a restriction upon the President's power in terms into a statute rather than to have it authoritatively expounded, as it was, by controlling legislative history.

By the Labor Management Relations Act of 1947, Congress said to the President, "You may not seize. Please report to us and ask for seizure power if you think it is needed in a specific situation." This of course calls for a report on the unsuccessful efforts to reach a voluntary settlement, as a basis for discharge by Congress of its responsibility—which it has unequivocably reserved—to fashion further remedies than it provided.[11] But it is now claimed that the President has seizure power by virtue of the Defense Production Act of 1950 and its amendments.[12] And the claim is based on the occurrence of new events—Korea and the need for stabilization, etc.—although it was well known that seizure power was withheld by the act of 1947 and although the President, whose specific requests for other authority were in the main granted by Congress, never suggested that in view of the new events he needed the power to seizure which Congress in its judgment had decided to withhold from him. The utmost that the Korean conflict may imply is that it may have been desirable to have given the President further authority, a freer hand in these matters. Absence of authority in the President to deal with a crisis does not imply want of power in the Government. Conversely the fact that power exists in the Government does not vest it in the President. The need for new legislation does not enact it. Nor does it repeal or amend existing law.

No authority that has since been given to the President can by any fair process of statutory construction be deemed to withdraw the restriction or change the will of Congress as expressed by a body of enact-

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[6] The power to seize plants under the War Labor Disputes Act ended with the termination of hostilities, proclaimed on December 31, 1946, prior to the incoming of the Eightieth Congress, and the power to operate previously seized plants ended on June 30, 1947, only a week after the enactment of the Labor-Management Relations Act over the President's veto (57 Stat. 163, 165, 50 U. S. C. App. (1946 ed.), sec. 1503). See Legislative History of the Labor-Management Relations Act, 1947 (published by National Labor Relations Board, 1948), 1145, 1519, 1626.

[7] Some of the more directly relevant statements are the following: "In most instances the force of public opinion should make itself sufficiently felt in this 80-day period to bring about a peaceful termination of the controversy. Should this expectation fail, the bill provides for the President laying the matter before Congress for whatever legislation seems necessary to preserve the health and safety of the Nation in the crisis." (S. Rept. No. 105, 80th Cong., 1st sess., 15.)

"We believe it would be most unwise for the Congress to attempt to adopt laws relating to any single dispute between private parties." (Senate minority report, id., pt. 2, at 17.)

In the debates Senator H. ALEXANDER SMITH, a member of the Senate Committee on Labor and Public Welfare, said, "In the event of a deadlock and a strike is not ended, the matter is referred to the President, who can use his discretion as to whether he will present the matter to the Congress; whether or not the situation is such that emergency legislation is required.

"Nothing has been done with respect to the Smith-Connally Act. There is no provision for taking over property or running plants by the Government. We simply provide a procedure which we hope will be effective in 99 out of 100 cases where the health or safety of the people may be affected, and still leave a loophole for congressional action" (CONGRESSIONAL RECORD, vol. 93, pt. 4, p. 4281).

The President in his veto message said, "It would be mandatory for the President to transfer the whole problem to the Congress, even if it were not in session. Thus, major economic disputes between employers and their workers over contract terms might ultimately be thrown into the political arena for disposition. One could scarcely devise a less effective method for discouraging critical strikes" (CONGRESSIONAL RECORD, vol. 93, pt. 6, p. 7487).

[8] Senator TAFT said:

"If there finally develops a complete national emergency threatening the safety and health of the people of the United States, Congress can pass an emergency law to cover the particular emergency.

"We have felt that perhaps in the case of a general strike, or in the case of other serious strikes after the termination of every possible effort to resolve the dispute, the remedy might be an emergency act by Congress for that particular purpose.

"But while such a bill [for seizure of plants and union funds] might be prepared, I should be unwilling to place such a law on the books until we actually face such an emergency, and Congress applies the remedy for the particular emergency only. Eighty days will provide plenty of time within which to consider the possibility of what should be done, and we believe very strongly that there should not be anything in this law which prohibits finally the right to strike" (CONGRESSIONAL RECORD, vol. 93, pt. 3, pp. 3835–3836).

[9] CONGRESSIONAL RECORD, vol. 93, pt. 3, pp. 3637–3645.

[10] See, for instance, the statements of James B. Carey, secretary of the CIO, in opposition to S. 2054, 77th Cong., 1st sess., which eventually became the War Labor Disputes Act. Central to that act, of course, was the temporary grant of the seizure power to the President. Mr. Carey then said:

"Senator BURTON. If this would continue forever it might mean the nationalization of industry?

"Mr. CAREY. Let us consider it on a temporary basis. How is the law borne by labor? Here is the Government-sponsored strike breaking agency, and nothing more.

* * * * *

"Our suggestion is a voluntary agreement of the representatives of industry and labor and Government, participating in calling a conference in a democratic way. The other one is the imposition of force, the other is the imposition of seizure of certain things for a temporary period; the destruction of collective bargaining, and it would break down labor relations that may have been built up over a long period." (Hearing before a subcommittee of the Senate Committee on the Judiciary on S. 2054, 77th Cong., 1st sess., 132.)

[11] Clearly the President's message of April 9 and his further letter to the President of the Senate on April 21 do not satisfy this requirement. CONGRESSIONAL RECORD, April 9, 1952, p. 3912; id., April 21, 1952, p. 4131.

[12] 64 Stat. 698 et seq., 65 Stat. 131 et seq., 50 U. S. C. App. sec. 2061, et seq.

ments, culminating in the Labor Management Relations Act of 1947. Title V of the Defense Production Act, entitled "Settlement of Labor Disputes," pronounced the will of Congress "that there be effective procedures for the settlement of labor disputes affecting national defense," and that "primary reliance" be placed "upon the parties to any labor dispute to make every effort through negotiations and collective bargaining and the full use of mediation and conciliation facilities to effect a settlement in the national interest." [13] Section 502 authorized the President to hold voluntary conferences of labor, industry, and public and Government representatives and to "take such action as may be agreed upon in any such conference and appropriate to carry out the provisions of this title," provided that no action was taken inconsistent with the Labor Management Relations Act of 1947.[14] This provision [15] was said by the Senate Committee on Banking and Currency to contemplate a board similar to the War Labor Board of World War II and "a national labor-management conference such as was held during World War II, when a no-strike, no-lock-out pledge was obtained." [16] Section 502 was believed necessary in addition to existing means for settling disputes voluntarily because the Federal Mediation and Conciliation Service could not enter a labor dispute unless requested by one party.[17] Similar explanations of title V were given in the conference report and by Senator IVES, a member of the Senate committee to whom Senator MAYBANK during the debates on the Senate floor referred questions relating to title V.[18] Senator IVES said:

"It should be remembered in this connection that during the period of the present emergency it is expected that the Congress will not adjourn, but at most, will recess only for very limited periods of time. If, therefore, any serious work stoppage should arise or even be threatened, in spite of the terms of the Labor-Management Relations Act of 1947, the Congress would be readily available to pass such legislation as might be needed to meet the difficulty." [19]

The Defense Production Act affords no ground for the suggestion that the 1947 denial to the President of seizure powers has been impliedly repealed, and its legislative history contradicts such a suggestion. Although the proponents of that act recognized that the President would have a choice of alternative methods of seeking a mediated settlement, they also recognized that Congress alone retained the ultimate coercive power to meet the threat of "any serious work stoppage."

That conclusion is not changed by what occurred after the passage of the 1950 act. Title V remained unimplemented for 7½ months. On April 21, 1951, the President by Executive Order 10233 gave the reconstituted Wage Stabilization Board authority to investigate labor disputes either (1) submitted voluntarily by the parties, or (2) referred to it by the President.[20] The Board can make only "recommendations to the parties as to fair and equitable terms of settlement" unless the parties agree to be bound by the Board's recommendation. About a month thereafter subcommittees of both the House and Senate Labor Committees began hearings on the newly assigned disputes functions of the Board.[21] Amendments to deny the Board these functions were voted down in the House,[22] and Congress extended the Defense Production Act without changing title V in relevant part.[23] The legislative history of the Defense Production Act and its amendments in 1951 cannot possibly be vouched for more than congressional awareness and tacit approval that the President had charged the Wage Stabilization Board with authority to seek voluntary settlement of labor disputes. The most favorable interpretation of the statements in the committee reports can make them mean no more than "We are glad to have all the machinery possible for the voluntary settlement of labor disputes." In considering the Defense Production Act amendments, Congress was never asked to approve—and there is not the slightest indication that the responsible committees ever had in mind—seizure of plants to coerce settlement of disputes. We are not even confronted by an inconsistency between the authority conferred on the Wage Board, as formulated by the Executive order, and the denial of presidential seizure powers under the 1947 legislation. The Board has been given merely mediatory powers similar to those of agencies created by the Taft-Hartley Act and elsewhere, with no other sanctions for acceptance of its recommendations than are offered by its own moral authority and the pressure of public opinion. The Defense Production Act and the disputes-mediating agencies created subsequent to it still leave for solution elsewhere the question what action can be taken when attempts at voluntary settlement fail. To draw implied approval of seizure power from this history is to make something out of nothing.

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[13] Secs. 501, 502, 64 Stat. 798, 812, 50 U. S. C. App., secs. 2121, 2122.

[14] Secs. 502, 503, 64 Stat. 798, 812, 50 U. S. C. App. secs. 2122, 2133.

[15] The provision of sec. 502 in S. 3936, as reported by the Senate Committee on Banking and Currency, read as follows: "The President is authorized, after consultation with labor and management, to establish such principles and procedures and to take such action as he deems appropriate for the settlement of labor disputes affecting national defense, including the designation of such persons, boards or commissions as he may deem appropriate to carry out the provisions of this title." That language was superseded in the conference report by the language that was finally enacted. (H. Rept. No. 3042, 81st Con., 2d sess., 16, 35.) The change made by the conference committee was for the purpose of emphasizing the voluntary nature of the cooperation sought from the public, labor, and management; as Senator IVES explained under repeated questioning, "If any group were to hold out, there would be no agreement [on action to carry out the provisions of this title]" (CONGRESSIONAL RECORD, vol. 96, pt. 10, pp. 14071–14072). Chairman MAYBANK of the Senate Committee on Banking and Currency said, "The labor disputes title of the Senate was accepted by the House with amendment which merely indicates more specific avenues through which the President may bring labor and management together." (*Id.*, at 14073.)

[16] S. Rept. No. 2250, 81st Cong., 2d sess., 41; H. Rept. No. 3042, 81st Cong., 2d sess., 35. It is hardly necessary to note that congressional authorization of an agency similar to the War Labor Board does not imply a congressional grant of seizure power similar to that given the President specifically by sec. 3 of the War Labor Disputes Act of 1943. The War Labor Board, created by sec. 7 of the 1943 act, had only administrative sanctions. (See 57 Stat. 163, 166–167; see Report of Senate Committee on Labor and Public Welfare, The Disputes Functions of the Wage Stabilization Board, 1951, S. Rept. No. 1037, 82d Cong., 1st sess., 6.) The seizure power given by Congress in section 3 of the 1943 act was given to the President, not to the War Labor Board, and was needed only when the War Labor Board reported it had failed; the seizure power was separate and apart from the War Labor Board machinery for settling disputes. At most the Defense Production Act does what section 7 of the War Labor Disputes Act did; the omission of any grant of seizure power similar to sec. 3 is too obvious not to have been conscious. At any rate, the Wage Stabilization Board differs substantially from the earlier War Labor Board. In 1951 the Senate committee studying the disputes functions of the Wage Stabilization Board pointed out the substantial differences between that Board and its predecessor and concluded that "The New Wage Stabilization Board * * * does not rely on title V of the Defense Production Act for its authority." Senate Committee on Labor and Public Welfare, The Disputes Functions of the Wage Stabilization Board, 1951, 82d Cong., 1st sess., 4–6.

[17] S. Rept. No. 2250, 81st Cong., 2d sess., 14.

[18] See CONGRESSIONAL RECORD, vol. 96, pt. 10, p. 14071.

[19] Id., at 12275. Just before the paragraph quoted in the text, Senator IVES had said: "In fact, the courts have upheld the constitutionality of the national emergency provisions of the Labor-Management Relations Act of 1947, which can require that workers stay on the job for at least 80 days when a strike would seriously threaten the national health and safety in peacetime. By the terms of the pending bill, the Labor-Management Relations Act of 1947 would be controlling in matters affecting the relationship between labor and management, including collective bargaining. It seems to me, however, that this is as far as we should go in legislation of this type."

[20] 16 Fed. Reg. 3503.

[21] See hearings before a subcommittee of the House Committee on Education and Labor, Disputes Functions of Wage Stabilization, 82d Cong., 1st sess. (May 28–June 15, 1951); hearings before the Subcommittee on Labor and Labor-Management Relations of Senate Committee on Labor and Public Welfare, Wage Stabilization, and Disputes Program, 82d Cong., 1st sess. (May 17–June 7, 1951). The resulting report of the Senate committee, S. Rept. No. 1037, 82d Cong., 1st sess. 9, recommended that "Title V of the Defense Production Act be retained" and that "No statutory limitations be imposed on the President's authority to deal with disputes through voluntary machinery; such limitations, we believe, would infringe on the President's constitutional power." The committee found, id., at 10, that the "Wage Stabilization Board relies completely on voluntary means for settling disputes and is, therefore, an extension of free collective bargaining. The Board has no powers of legal compulsion." "Executive Order No. 10233," the committee found further, "does not in any way run counter to the * * * Taft-Hartley Act. It is simply an additional tool, not a substitute for these laws." Of particular relevance to the present case, the committee declared: "The recommendations of the Wage Stabilization Board in disputes certified by the President have no compulsive force. The parties are free to disregard recommendations of the Wage Stabilization Board. * * * There is, of course, the President's authority to seize plants under the Selective Service Act [a power not here used], but this is an authority which exists independently of the Wage Stabilization Board and its disputes-handling functions. In any case, seizure is an extraordinary remedy, and the authority to seize, operates whether or not there is a disputes-handling machinery." (Id., at 5).

[22] CONGRESSIONAL RECORD, vol. 97, pt. 6, pp. 8390–8415.

[23] 65 Stat. 131.

It is one thing to draw an intention of Congress from general language and to say that Congress would have explicitly written what is inferred, where Congress has not addressed itself to a specific situation. It is quite impossible, however, when Congress did specifically address itself to a problem, as Congress did to that of seizure, to find secreted in the interstices of legislation the very grant of power which Congress consciously withheld. To find authority so explicitly withheld is not merely to disregard in a particular instance the clear will of Congress. It is to disrespect the whole legislative process and the constitutional division of authority between President and Congress.

The legislative history here canvassed is relevant to yet another of the issues before us, namely, the Government's argument that overriding public interest prevents the issuance of the injunction despite the illegality of the seizure. I cannot accept that contention. "Balancing the equities" when considering whether an injunction should issue, is lawyers' jargon for choosing between conflicting public interests. When Congress itself has struck the balance, has defined the weight to be given the competing interests, a court of equity is not justified in ignoring that pronouncement under the guise of exercising equitable discretion.

Apart from his vast share of responsibility for the conduct of our foreign relations, the embracing function of the President is that "he shall take care that the laws be faithfully executed" (Art. II, sec. 3). The nature of that authority has for me been comprehensively indicated by Mr. Justice Holmes. "The duty of the President to see that the laws be executed is a duty that does not go beyond the laws or require him to achieve more than Congress sees fit to leave within his power" (*Myers* v. *United States* (272 U. S. 52, 177)). The powers of the President are not as particularized as are those of Congress. But unenumerated powers do not mean undefined powers. The separation of powers built into our Constitution gives essential content to undefined provisions in the frame of our Government.

To be sure, the content of the three authorities of Government is not to be derived from an abstract analysis. The areas are partly interacting, not wholly disjointed. The Constitution is a framework for Government. Therefore the way the framework has consistently operated fairly establishes that it has operated according to its true nature. Deeply embedded traditional ways of conducting Government cannot supplant the Constitution or legislation, but they give meaning to the words of a text or supply them. It is an inadmissibly narrow conception of American constitutional law to confine it to the words of the Constitution and to disregard the gloss which life has written upon them. In short, a systematic, unbroken, executive practice, long pursued to the knowledge of the Congress and never before questioned, engaged in by Presidents who have also sworn to uphold the Constitution, making as it were such exercise of power part of the structure of our Government, may be treated as a gloss on "executive power" vested in the President by section 1 of article II.

Such was the cause of *United States* v. *Midwest Oil Co.* (236 U. S. 459). The contrast between the circumstances of that case and this one helps to draw a clear line between authority not explicitly conferred yet authorized to be exercised by the President and the denial of such authority. In both instances it was the concern of Congress under express constitutional grant to make rules and regulations for the problems with which the President dealt. In the one case he was dealing with the protection of property belonging to the United States; in the other with the enforcement of the Commerce clause or with raising and supporting armies and maintaining the Navy. In the Midwest Oil case lands which Congress had opened for entry were, over a period of 80 years and in 252 instances, and by Presidents learned and unlearned in the law, temporarily withdrawn from entry so as to enable Congress to deal with such withdrawals. No remotely comparable practice can be vouched for Executive seizure of property at a time when this country was not at war, in the only constitutional way in which this country can be at war. It would pursue the irrelevant to reopen the controversy over the constitutionality of some acts of Lincoln during the Civil War. See J. G. Randall, Constitutional Problems under Lincoln (revised ed. 1951). Suffice it to say that he seized railroads in territory where armed hostilities had already interrupted the movement of troops to the beleaguered Capital, and his order was ratified by the Congress.

The only other instances of seizures are those during the periods of the first and second World Wars.[24] In his 10 seizures of industrial facilities, President Wilson acted, or at least purported to act,[25] under authority granted by Congress. Thus his seizures cannot be adduced as interpretations by a President of his own powers in the absence of statute.

Down to the World War II period, then, the record is barren of instances comparable to the one before us. Of 12 seizures by President Roosevelt prior to the enactment of the War Labor Disputes Act in June, 1943, three were sanctioned by existing law, and six others were effected after Congress, on December 8, 1941, had declared the existence of a state of war. In this case, reliance on the powers that flow from declared war has been commendably disclaimed by the Solicitor General. Thus the list of executive assertions of the power of seizure in circumstances comparable to the present reduces to three in the 6-month period from June to December of 1941. We need not split hairs in comparing those actions to the one before us, though much might be said by way of differentiation. Without passing on their validity, as we are not called upon to do, it suffices to say that these three isolated instances do not add up, either in number, scope, duration or contemporaneous legal justification, to the kind of executive construction of the Constitution revealed in the Midwest Oil case. Nor do they come to us sanctioned by long-continued acquiescence of Congress giving decisive weight to a construction by the executive of its powers.

A scheme of Government like ours no doubt at time feels the lack of power to act with complete, all-embracing, swiftly moving authority. No doubt a government with distributed authority, subject to be challenged in the courts of law, at least long enough to consider and adjudicate the challenge, labors under restrictions from which other governments are free. It has not been our tradition to envy such governments. In any event our Government was designed to have such restrictions. The price was deemed not too high in view of the safeguards which these restrictions afford. I know no more impressive words on this subject than those of Mr. Justice Brandeis:

"The doctrine of the separation of powers was adopted by the Convention of 1787, not to promote efficiency but to preclude the exercise of arbitrary power. The purpose was, not to avoid friction, but, by means of the inevitable friction incident to the distribution of the governmental powers among three departments, to save the people from autocracy" (*Myers* v. *United States* (272 U. S. 52, 293)).

It is not a pleasant judicial duty to find that the President has exceeded his powers and still less so when his purposes were dictated by concern for the Nation's well-being, in the assured conviction that he acted to avert danger. But it would stultify one's faith in our people to entertain even a momentary fear that the patriotism and the wisdom of the President and the Congress, as well as the long view of the immediate parties in interest, will not find ready accommodation for differences on matters which, however close to their concern and however intrinsically important, are overshadowed by the awesome issues which confront the world. When at a moment of utmost anxiety President Washington turned to this Court for advice, and he had to be denied it as beyond the Court's competence to give, Chief Justice Jay, on behalf of the Court, wrote thus to the Father of his Country:

"We exceedingly regret every event that may cause embarrassment to your administration, but we derive consolation from the reflection that your judgment will discern what is right, and that your usual prudence, decision, and firmness will surmount every obstacle to the preservation of the rights, peace, and dignity of the United States" (letter of August 8, 1793, 3 Johnston, Correspondence and Public Papers of John Jay (1891), 489).

In reaching the conclusion that conscience compels, I too derive consolation from the reflection that the President and the Congress between them will continue to safeguard the heritage which comes to them straight from George Washington.

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[24] Instances of seizure by the President are summarized in appendix II, infra.

[25] One of President Wilson's seizures has given rise to controversy. In his testimony in justification of the Montgomery Ward seizure during World War II, Attorney General Biddle argued that the World War I seizure of Smith & Wesson could not be supported under any of the World War I statutes authorizing seizure. He thus adduced it in support of the claim of so-called inherent Presidential power of seizure. (See Hearings before House Select Committee to Investigate the Seizure of Montgomery Ward, 78th Cong., 2d sess., 167–168.) In so doing, he followed the ardor of advocates in claiming everything. In his own opinion to the President, he rested the power to seize Montgomery Ward on the statutory authority of the War Labor Disputes Act, see 40 Ops. Att'y Gen. 312 (1944), and the Court of Appeals decision upholding the Montgomery Ward seizure confined itself to that ground. *United States* v. *Montgomery Ward & Co.* (150 F. 2d 369). What Attorney General Biddle said about Smith & Wesson was, of course, post litem motam. Whether or not the World War I statutes were broad enough to justify that seizure, it is clear that the taking officers conceived themselves as moving within the scope of statute law. (See n. 3, Appendix II, infra.) Thus, whether or not that seizure was within the statute, it cannot properly be cited as a precedent for the one before us. On this general subject, compare Attorney General Knox's opinion advising President Theodore Roosevelt against the so-called stewardship theory of the Presidency. (National Archives, Opinions of the Attorney General, Book 31, October 10, 1902 (R. G. 60); Theodore Roosevelt, Autobiography, 388–389; 3 Morison, The Letters of Theodore Roosevelt, 323–366.)

APPENDIX I—*Synoptic analysis of legislation authorizing seizure of industrial property*

Statute	Duration		Scope of authority	Limitations on its exercise	Terms and conditions of employment during seizure	Compensation
	As enacted	As extended or repealed				
1. Railroad and Telegraph Act of 1862, 12 Stat. 334. Enacted 1/31/62; amended, 12 Stat. 625, 7/14/62.	Not "in force any longer than is necessary for the suppression of this rebellion."		President may "take possession of" telegraph lines and railroads; prescribe rules for their operation; and place all officers and employees under military control.	*a.* "When in his [the President's] judgment the public safety may require it." *b.* President may not "engage in any work of railroad construction."	None.	President shall appoint three commissioners to assess compensation to which the company is entitled and to report to Congress for its action.
2. § 120 of National Defense Act of 1916, 39 Stat. 166, 213, 50 U. S. C. § 80, as amended. Enacted 6/3/16.	No time limit.		President, through the head of any department, may seize any plant and may operate plants through the Army Ordnance Department.	*a.* Exercisable "in time of war or when war is imminent." *b.* Plant is equipped for making "necessary supplies or equipment for the Army" or "in the opinion of the Secretary of War" can be transformed readily to such use. *c.* Owner refuses to give government order precedence or to perform.	None.	Compensation "shall be fair and just."
3. Army Appropriations Act of 1916, 39 Stat. 619, 645, 10 U. S. C. ? 1361. Enacted 8/29/16.	No time limit.		President, through Secretary of War, may take possession of and utilize any system or part of any system of transportation.	Exercisable "in time of war."*	None.	Compensation "shall be fair and just."
4. Naval Emergency Fund Act of 1917, 39 Stat. 1168, 1192–1195, 50 U. S. C. § 82. Enacted 3/4/17. (*Cf.* Emergency Shipping Fund Act of 1917, *infra.*)	No time limit.		President may 1. "take over for use or operation" any factory "whether [or not] the United States has . . . agreement with the owner or occupier." 2. "take immediate possession of any factory" producing ships or war material for the Navy.	Exercisable "in time of war" (or of national emergency determined by the President before 3/1/18). *a.* Owner fails or refuses to give precedence to an order for "ships or war material as the necessities of the Government"; refuses to deliver or to comply with a contract as modified by President. *b.* Exercisable within "the limits of the amounts appropriated therefor."	None. None.	President shall determine "just compensation"; if the claimant is dissatisfied, he shall be paid 50 percent of the amount determined by the President and may sue, subject to existing law, in the district courts and the Court of Claims for the rest of "just compensation."
5. Emergency Shipping Fund Act of 1917, 40 Stat. 182. Enacted 6/15/17.	To 6 months after peace with the German Empire, 40 Stat. 182, 183.	Repealed after 3 years, § 2 (a) (1), 41 Stat. 988, 6/5/20.	President may 1. "take over for use or operation" any plant, "whether [or not] United States has . . . agreement with the owner or occupier." 2. "take immediate possession of any . . . plant" "equipped for the building or production of ships or material."	Exercisable "within the limits of the amounts herein authorized." Failure or refusal of owner of ship-building plant to give Government orders precedence or to comply with order.	None. None.	Same as next above, except that the prepaid percentage when the owner is dissatisfied is 75 percent.
6. 1918 Amendments to Emergency Shipping Fund Act of 1917. A. 40 Stat. 535. Enacted 4/22/18.	To 6 months after peace with the German Empire.	Repealed after 2 years, 41 Stat. 988, 6/5/20.	President may 1. "take possession of any street railroad."	*a.* The street railroad is necessary for transporting employees of plants which are or may be hereafter engaged in "construction of ships or equipment therefor for the United States." *b.* Exercisable "within the limits of the amounts herein authorized."	None.	Same as next above.
B. 40 Stat. 1020, 1022. Enacted 11/4/18.	To 6 months after peace with the German Empire.	Repealed after 1½ years, 41 Stat. 988, 6/5/20.	2. extend seized plants constructing ships or materials therefor and requisition land for use in extensions.	Exercisable "within the limits of the amounts herein authorized."	None.	
7. Food and Fuel Act of 1917, 40 Stat. 276. Enacted 8/10/17. § 10, 40 Stat. 276, 279.	To end of World War I with Germany.		President may— 1. requisition foods, fuels, feeds, etc., and storage facilities for them.	The requisitioning is "necessary to the support of the Army or the . . . Navy, or any other public use connected with the common defense."	None.	President "shall ascertain and pay a just compensation"; if the owner is dissatisfied, he shall be paid 75 percent of the amount determined by the President and may sue in the district courts, which are hereby given jurisdiction, for the rest of "just compensation."

*Governmental possession of the Nation's railroads taken on December 28, 1917, was specifically terminated by statute on March 1, 1920, prior to the end of the "war." See § 200 of the Transportation Act of 1920, 41 Stat. 456, 457.

APPENDIX I—*Synoptic analysis of legislation authorizing seizure of industrial property*—Continued

Statute	Duration		Scope of authority	Limitations on its exercise	Terms and conditions of employment during seizure	Compensation
	As enacted	As extended or repealed				
7. Food and Fuel Act of 1917—Continued. § 12, 40 Stat. 276, 279.			President may— 2. take over any factory, packing house, oil pipeline, mine, or other plant where any necessaries are or may be "produced, prepared, or mined, and to operate the same."	*a.* President finds "it necessary to secure an adequate supply of necessaries for . . . the Army or . . . the Navy, or for any other public use connected with the common defense." *b.* President must turn facility back as soon as further Government operation "is not essential for the national security or defense."	President may make regulations for "the employment, control, and compensation of employees."	Same as in the Emergency Shipping Fund Act of 1917, *supra*.
§ 25, 40 Stat. 276, 284.	To end of World War I with Germany.		3. "requisition and take over the plant, business, and all appurtenances thereof belonging to such producer or dealer" of coal and coke, and may operate it through an agency of his choice.	Producer or dealer *a.* Fails to conform to prices or regulations set by the Federal Trade Commission under the direction of the President, who deems it "necessary for the efficient prosecution of the war," or *b.* Fails to operate efficiently, or conducts business in a way "prejudicial to the public interest."	President may "prescribe . . . regulations . . . for the employment, control, and compensation of the employees."	Same as next above.
8. Joint Resolution of July 16, 1918, 40 Stat. 904.	"during the continuance of the present war."	Terminated on 7/31/19 by repeal, 7/11/19, 41 Stat. 157.	President may "take possession . . . of [and operate] any telegraph, telephone, marine cable or radio system.	President deems "it necessary for the national security or defense."	None.	Same as next above.
9. § 16 of Federal Water Power Act of 1920, 41 Stat. 1063, 1072, 16 U. S. C. § 809. Enacted 6/10/20.	No time limit.		President may take possession of any project, dams, power houses, transmission lines, etc., constructed or operated under a license from the Federal Power Commission and may operate them.	*a.* President believes, as "evidenced by a written order addressed to the holder of any license hereunder [that] the safety of the United States demands it." *b.* Seizure is "for the purpose of manufacturing nitrates, explosives, or munitions of war, or for any other purpose involving the safety of the United States." *c.* Control is limited to the "length of time as may appear to the President to be necessary to accomplish said purposes."	None.	Owner shall be paid "just and fair compensation for the use of said property as may be fixed by the [Federal Power] commission upon the basis of a reasonable profit in time of peace, and the cost of restoring said property to as good condition as existed at the time of the taking over thereof, less the reasonable value of any improvements . . . made thereto by the United States and which are valuable and serviceable to the [owner]."
10. § 606 of Communications Act of 1934, 48 Stat. 1064, 1104, 47 U. S. C. § 606 (c). Enacted 6/19/34.	No time limit.		President may "use or control . . . any such station and/or its apparatus and equipment by any department of the Government under such regulations as he may prescribe."	*a.* President proclaims that there exists (1) war or threat of war or (2) a state of public peril or disaster or other national emergency, or *b.* It is necessary to preserve the neutrality of the United States.	None.	President shall ascertain just compensation and certify it to Congress for appropriation; if the owner is dissatisfied, he shall be paid 75 percent of the amount determined by the President and may sue, subject to existing law, in the district courts and the Court of Claims for the rest of "just compensation."
11. Amendments to Communications Act, 56 Stat. 18, 47 U. S. C. § 606 (d). Enacted 1/26/42.	No time limit.		Same power as in § 606 (c), Communications Act of 1934, next above.	*a.* President proclaims a state of threat of war. *b.* President "deems it necessary in the interest of national security and defense." *c.* Power to seize and use property continues to "not later than six months after the termination of such state or threat of war" or than a date set by concurrent resolution of Congress.	None.	Same as next above.
12. § 8 (b) of National Defense Act of 1940, 54 Stat. 676, 680. Enacted 6/28/40.	No time limit.	Repealed in less than 3 months, 9/16/40, 54 Stat. 865, 893.	Secretary of Navy, under President's direction, may "take over and operate such plant or facility."	*a.* Secretary of Navy deems any existing plant necessary for the national defense. *b.* He is unable to reach agreement with its owner for its use or operation.	Secretary of Navy may operate the plant "either by Government personnel or by contract with private firms."	Secretary of Navy may "fix the compensation."

APPENDIX I—*Synoptic analysis of legislation authorizing seizure of industrial property*—Continued

Statute	Duration		Scope of authority	Limitations on its exercise	Terms and conditions of employment during seizure	Compensation
	As enacted	As extended or repealed				
13. § 9 of Selective Training and Service Act of 1940, 54 Stat. 865, 892, 50 U. S. C. App. (1946 ed.) § 309. Enacted 9/16/40; amended by War Labor Disputes Act, 57 Stat. 163, 164, *q. v., infra.*	To 5/15/45, 54 Stat. 865, 897.	Extended to 3/31/47, 60 Stat. 341, 342.	President may "take immediate possession of any such plant." (Extended by amendment to "any plant, mine, or facility" capable of producing "any articles or materials which may be required . . . or may be useful" for the war effort. 57 Stat. 163, 164).	*a.* Plant is equipped for or capable of being readily transformed for the manufacture of necessary supplies. *b.* Owner refuses to give Government order precedence or to fill it.	None.	"The compensation . . . shall be fair and just."
14. § 3 of War Labor Disputes Act of 1943, 57 Stat. 163, 164, 50 U. S. C. App. (1946 ed.) § 1503. Enacted 6/25/43.	To termination of this Act by concurrent resolution by Congress or of hostilities. Plants seized previously may be operated until 6 months after termination of hostilities.		President may "take immediate possession" of "any plant, mine, or facility equipped for the manufacture, production, or mining of any articles or materials which may be required . . . or which may be useful" for the war effort.	*a.* Finding and proclamation by the President that (1) there is an interruption on account of a labor disturbance, (2) the war effort will be unduly impeded, (3) seizure is necessary to insure operation. *b.* Plant must be returned to owner within 60 days "after the restoration of the productive efficiency."	Same "terms and conditions of employment which were in effect at the time [of taking] possession," except that terms and conditions might be changed by order of the War Labor Board, on application. §§ 4, 5, 57 Stat. 163, 165.	Same as next above.
15. Title VIII, "Repricing of War Contracts," of Revenue Act of 1943, 58 Stat. 21, 92, 50 U. S. C. App. (1946 ed.) 1192. Enacted 2/25/44.	To termination o hostilities.		President may "take immediate possession of the plant or plants . . . and . . . operate them in accordance with section 9 of the Selective Training and Service Act of 1940, as amended."	*a.* The Secretary of a Department deems the price of an article or service required directly or indirectly by the Department is unreasonable. *b.* The Secretary, after the refusal of the person furnishing the article or service to agree to a price, sets a price. *c.* The person "wilfully refuses, or wilfully fails" to furnish the articles or services at the price fixed by the Secretary.	None.	Same as next above.
16. Selective Service Act of 1948, 62 Stat. 604, 625, 50 U. S. C. App. § 468. Enacted 6/24/48.	No time limit.		President may "take immediate possession of any plant, mine, or other facility . . . and to operate it . . . for the production of such articles or materials."	*a.* President with advice of the National Security Resources Board determines prompt delivery of articles or materials is "in the interest of the national security." *b.* Procurement "has been authorized by Congress exclusively for the use of the armed forces" or the A. E. C. *c.* Owner refuses or fails to give precedence to Government order placed with notice that it is made pursuant to this section, or to fill the order properly.	None.	"Fair and just compensation shall be paid."
17. § 201 (a) of Defense Production Act, 64 Stat. 798, 799, 50 U. S. C. App. § 2081 (a). Enacted 9/8/50; amended, 65 Stat. 131, 132, *q. v., infra.*	To 6/30/51. But see § 716 (a), 64 Stat. 798, 822.	Extended to 7/31/51, 65 Stat. 110. Extended to 6/30/52, § 111, 65 Stat. 131, 144.	President may "requisition" "equipment, supplies or component parts thereof, or materials or facilities necessary for the manufacture, servicing, or operation of such equipment, supplies, or component parts." 64 Stat. 798, 799. Restricted in the main to personal property by § 102 (b), 65 Stat. 132.	President determines that *a.* its use is "needed for national defense," *b.* the need is "immediate and impending," "will not admit of delay or resort to any other source of supply." *c.* other reasonable means of obtaining use of the property erty have been exhausted.	None.	President shall determine just compensation as of the time the property is taken; if owner is dissatisfied, he shall be promptly paid 75 percent of the amount determined by the President and may sue within three years in the district courts or the Court of Claims, regardless of the amount involved, for the rest of "just compensation."
18. § 102 (b) (2) of Defense Production Act Amendments of 1951, 65 Stat. 131, 132, 50 U. S. C. App. § 2081 (b). Enacted 7/31/51.	To 6/30/52, 65 Stat. 131, 144.		Court condemnation of real property in accordance with existing statutes.	President deems the real property "necessary in the interest of national defense."	None.	Under existing statutes for condemnation. Immediate possession given only upon deposit of amount "estimated to be just compensation," 75 percent of which is immediately paid without prejudice to the owner.

APPENDIX II.—*Summary of seizures of industrial plants and facilities by the President*

CIVIL WAR PERIOD

Plant or facility seized	Duration of seizure		Order effecting seizure	Authority cited	Reason for seizure	Operations during seizure
	From	To				
Railroads and telegraph lines between Washington and Annapolis, Md.[1]	4/27/61	(?)	Order of Secretary of War dated 4/27/61 appointing Thomas A. Scott officer in charge. War of the Rebellion, Official Records of the Union and Confederate Armies, Ser. I, Vol. II, 603.	None	Communications between Washington and the North were interrupted by bands of southern sympathizers who destroyed railway and telegraph facilities.	Northern troops guarded railway and telegraph facilities; they were repaired and restored to operation under orders of the Secretary of War.
Telegraph lines.	2/26/62	(?)	Order of Secretary of War dated 2/25/62 appointing Anson Stager officer in charge. Richardson, Messages and Papers of the Presidents, Lincoln, Order of Feb. 25, 1862.	"by virtue of the act of Congress" (presumably Railroad and Telegraph Act of 1862, 12 Stat. 334).	To insure effective transmission and security of military communications.	Lines operated under military supervision; censorship of messages; lines extended and completed subject to limitations of Joint Resolution of July 14, 1862, 12 Stat. 625.
Railroads.	5/25/62	8/8/65	Order of Secretary of War dated 5/25/62. Richardson, Messages and Papers of the Presidents, Lincoln, Order of May 25, 1862.	"by virtue of the authority vested by act of Congress" (presumably Railroad and Telegraph Act of 1862, 12 Stat. 334).	To insure effective priority to movement of troops and supplies.	Railways operated under military supervision; lines extended and completed subject to limitations of Joint Resolution of July 14, 1862, 12 Stat. 625; interruption of regular passenger and freight traffic.
WORLD WAR I PERIOD[2]						
Bigelow-Hartford Carpet Co., Lowell, Mass.	12/27/17	12/31/19	Order of Secretary of War, Req. 20 A/C, Ord. No. 62, dated 12/27/17.	Constitution and laws.[3]	Requisitioned for use of United States Cartridge Co. for cartridge manufacture.	
Railroads.	12/28/17	3/1/20	Presidential proclamation, 40 Stat. 1733.	Joint resolution of April 6, 1917. Joint Resolution of Dec 7, 1917. Act of Aug. 29, 1916. "all other powers thereto me enabling."	Labor difficulties; congestion; ineffective operation in terms of war effort.	Wage increase; changes in operating practices and procedures.
Liberty Ordnance Co., Bridgeport, Conn.	1/7/18	5/20/19	Order of Secretary of War, Req. 26 A/C, Ord. No. 27, dated 1/5/18.	Constitution and laws.[3]	Inadequate financing and other difficulties leading to failure to perform contract for manufacture of 75 mm. guns.	Turned over to American Can Co. for operation.
Hoboken Land & Improvement Co., Hoboken N. J.	2/28/18	4/1/19	Order of Secretary of War, Req. 37 A/C, Ord. No. 516, dated 2/28/18.	Constitution and laws.[3]	Requisitioned for use of Remington Arms-U. M. C. Co. for cartridge manufacture.	
Bijur Motor Appliance Co., Hoboken, N. J.	4/1/18 8/15/19	5/1/19	Order of Secretary of War, Req. 37 A/C, Ord. No. 516, dated 2/28/18.	Constitution and laws.[3]	Requisitioned for use of Remington Arms-U. M. C. Co. for cartridge manufacture.	
Jewel Tea Co., Hoboken, N. J.	4/1/18	9/2/19	Order of Secretary of War, Req. 37 A/C, Ord. No. 516, dated 2/28/18.	Constitution and laws.[3]	Requisitioned for use of Remington Arms-U. M. C. Co. for cartridge manufacture.	
Telegraph lines.	7/25/18	7/31/19	Presidential proclamation, 40 Stat. 1807.	Joint Resolution of July 16, 1918. "all other powers thereto me enabling."	Labor difficulties.	Antiunion discrimination terminated.
Smith & Wesson, Springfield, Mass.	9/3/18	1/31/19	Order of Secretary of War, Req. 709 B/C, Ord. No. 604, dated 8/31/18.	Constitution and laws.[3]	Labor difficulties.	Antiunion discrimination terminated; operation by the National Operating Co., a Government corporation.
Federal Enameling & Stamping Co., McKees Rocks, Pa.	9/11/18	12/13/18	Order of Secretary of War, Req. 738 B/C, Ord. No. 609, dated 9/11/18.	Constitution and laws.[3]	Failure to fill compulsory order.	
Mosler Safe Co., Hamilton, Ohio.	9/23/18	2/25/19	Order of Secretary of War, Req. 781 B/C, Ord. No. 612, dated 9/23/18.	Constitution and laws.[3]	Failure to fill compulsory order.	
Bush Terminal Co., Brooklyn, N. Y.	(?)	(?)	(?)	Act of Aug. 29, 1916. Food and Fuel Act of 1917.	(?)	(?)

See footnotes at end of table.

APPENDIX II.—*Summary of seizures of industrial plants and facilities by the President*—Continued

WORLD WAR II PERIOD [4]—SEIZURES CONNECTED WITH LABOR DISPUTES

1. Before Pearl Harbor

Plant or facility seized	Duration of seizure		Executive order	Statutory authority cited [5]	Duration of stoppage		Changes in conditions of employment during seizure [7]	Basis for changes	Reported legal action [8]
	From—	To—			From—	To—[6]			
North American Aviation, Inc., Inglewood, Calif.	6/9/41	7/2/41	8773. 6 Fed. Reg. 2777.	None. (Order cites contracts of company with Government and ownership by Government of machinery, materials and work in progress in plant.)	6/5/41	6/10/41	Property returned on agreement of parties to wage increase and maintenance of membership.	Agreement of parties on National Defense Mediation Board recommendation.	
Federal Shipbuilding & Drydock Co., Kearny, N. J.	8/23/41	1/6/42	8868. 6 Fed. Reg. 4349.	None. (Order cites contracts of company with Government and ownership by Government of vessels under construction, materials and equipment in yard.)	8/6/41	8/23/41	Maintenance of membership during period of seizure.	National Defense Mediation Board recommendation.	
Air Associates, Inc., Bendix, N. J.	10/30/41	12/29/41	8928. 6 Fed. Reg. 5559.	None. (Order cites contracts of company with Government and ownership by Government of facilities in plant.)	7/11/41 9/30/41	7/27/41 10/24/41	Strikers reinstated over replacements hired by company prior to seizure.	Agreement of parties on National Defense Mediation Board recommendation.	
2. Between Pearl Harbor and the Passage of the War Labor Disputes Act, June 25, 1943									
Toledo, P. & W. R. Co.	3/21/42	10/1/45	9108. 7 Fed. Reg. 2201.	None.	12/28/41	3/21/42	Wage increase during period of seizure.	War Labor Board recommendation.	*Toledo P. & W. R. Co.* v. *Stover*, 60 F. Supp. 587 (S. D. Ill. 1945).
General Cable Co., Bayonne, N. J., plant.	8/13/42	8/20/42	9220. 7 Fed. Reg. 6413.	None.	8/10/42	8/13/42	None.	War Labor Board recommendation.	
S. A. Woods Machine Co., South Boston, Mass.	8/19/42	8/25/45	9225. 7 Fed. Reg. 6627.	None.	None.	None.	Maintenance of membership.	War Labor Board recommendation.	
Coal Mines.	5/2/43	10/12/43	9340. 8 Fed. Reg. 5695.	None.	4/22/43 6/1/43 6/20/43	5/2/43 6/7/43* (?)*	Six-day week; eight-hour day. (To increase take-home.)	Order of the Secretary of Interior.	*United States* v. *Pewee Coal Co.*, 341 U. S. 114; *NLRB* v. *West Ky. Coal Co.*, 152 F. 2d 198 (6th Cir. 1945); *Glen Alden Coal Co.* v. *NLRB*, 141 F. 2d 47 (3d Cir. 1944).
American R. Co. of Porto Rico.	5/13/43	7/1/44	9341. 8 Fed. Reg. 6323.	None.	5/12/43	5/13/43	Wage increase.	War Labor Board recommendation.	
3. Between June 25, 1943, and VJ Day									
Atlantic Basin Iron Works, Brooklyn, N. Y.	9/3/43	9/22/43	9375. 8 Fed. Reg. 12253.	War Labor Disputes Act.	None.	None.	Maintenance of membership.	War Labor Board recommendation.	
Coal Mines.	11/1/43	6/21/44	9393. 8 Fed. Reg. 14877.	War Labor Disputes Act.	10/12/43 11/1/43	11/4/43*	Changes in wages and hours.	Agreement with Secretary of Interior.	
Leather Manufacturers in Salem, Peabody, and Danvers, Mass.	11/20/43	12/13/43	9395B. 8 Fed. Reg. 16957.	None.	9/25/43 (sporadic)	11/24/43* (sporadic)	None. (Jurisdictional strike.)	None.	
Western Electric Co., Point Breeze plant, Baltimore, Md.	12/19/43	3/23/44	9408. 8 Fed. Reg. 16958.	War Labor Disputes Act.	12/14/43	12/19/43	None. (Strike in protest of War Labor Board nonsegregation ruling.)	None.	
Railroads.	12/30/43	1/18/44	9412. 8 Fed. Reg. 17395.	Act of Aug. 29, 1916.	None.	None.	Control relinquished when parties accepted Presidential compromise of wage demands.	Presidential arbitration based on Railway Labor Act Emergency Board recommendations.	*Thorne* v. *Washington Terminal Co.*, 55 F. Supp. 139 (D. D. C. 194).
Fall River, Mass., Textile Plants.	2/7/44	2/28/44	9420. 9 Fed. Reg. 1563.	War Labor Disputes Act.	12/13/43	2/14/44*	Property returned upon agreement by parties on seniority provisions.	War Labor Board recommendation.	
Department of Water and Power, Los Angeles, Calif.	2/23/44	2/29/44	9426. 9 Fed. Reg. 2113.	War Labor Disputes Act.	2/14/44	2/24/44	None.	None.	
Jenkins Bros., Inc., Bridgeport, Conn.	4/13/44	6/15/44	9435. 9 Fed. Reg. 4063.	§ 9, Selective Service Act of 1940 as amended.	None.	None.	Wage increase.	War Labor Board recommendation.	*In re Jenkins Bros., Inc.*, 15 W. L. R. 719 (D. D. C. 1944).†

See footnotes at end of table.

APPENDIX II.—*Summary of seizures of industrial plants and facilities by the President*—Continued

WORLD WAR II PERIOD [4]—SEIZURES CONNECTED WITH LABOR DISPUTES—continued

3. Between June 25, 1943, and VJ Day—Continued

Plant or facility seized	Duration of seizure		Executive order	Statutory authority cited [5]	Duration of stoppage		Changes in conditions of employment during seizure [7]	Basis for changes	Reported legal action [8]
	From—	To—			From—	To—[6]			
Ken-Rad Tube & Lamp Co., Owensboro, Ky.	4/13/44	6/15/44	9436. 9 Fed. Reg. 4063.	§ 9, Selective Service Act of 1940 as amended.	None.	None.	Changes in wage scales; maintenance of membership.	War Labor Board recommendation.	*Ken-Rad Tube & Lamp Corp.* v. *Badeau*, 55 F. Supp. 193 (W. D. Ky. 1944).†
Montgomery Ward & Co., Chicago, Ill., facilities.	4/25/44	5/9/44	9438. 9 Fed. Reg. 4459.	None.	None.	None.	None. (Government extended expired contract pending NLRB election to determine bargaining representative.)	War Labor Board recommendation.	*United States* v. *Montgomery Ward & Co.*, 150 F. 2d 369 (7th Cir. 1945).†
Montgomery Ward & Co., Hummer Mfg. division, Springfield, Ill.	5/21/44	7/2/45	9443. 9 Fed. Reg. 5395.	§ 9, Selective Service Act of 1940 as amended.	5/5/44	5/21/44	Maintenance of membership; voluntary check-off.	War Labor Board recommendation.	
Philadelphia Transportation Co., Philadelphia, Pa.	8/3/44	8/17/44	9459. 9 Fed. Reg. 9878.	Act of Aug. 29, 1916. First War Powers Act of 1941. § 9 of Selective Service Act of 1940, as amended.	8/1/44	8/7/44*	None. (Strike in protest of WLB nonsegregation ruling.)	None.	*United States* v. *McMenamin*, 58 F. Supp. 478 (E. D. Pa. 1944).†
Midwest Trucking Operators.	8/11/44	1/1/45 11/1/45	9462. 9 Fed. Reg. 10071.	Act of Aug. 29, 1916. First War Powers Act of 1941. § 9, Selective Service Act of 1940, as amended by the War Labor Disputes Act.	8/4/44	8/11/44	Wage increase.	War Labor Board recommendation.	
San Francisco, Calif., Machine Shops.	8/14/44 8/19/44	9/14/45	9463. 9 Fed. Reg. 9879. 9466. 9 Fed. Reg. 10139.	§ 9, Selective Service Act of 1940, as amended.	Sporadic.	Sporadic.	Union agreed not to discipline employees who worked overtime. Cancellation of employee draft deferments, gas rations, and job referral rights.	War Labor Board recommendation.	*San Francisco Lodge No. 68 IAM* v. *Forrestal*, 58 F. Supp. 466 (N. D. Calif. 1944).
Anthracite Coal Mines.	8/23/44 9/19/44	2/24/45	9469.[9] 9 Fed. Reg. 10343.	§ 9, Selective Service Act of 1940 as amended by the War Labor Disputes Act.	6/29/44 8/?/44	8/23/44 9/?/44[10]	None.	None.	
International Nickel Co., Huntington, W. Va., plant.	8/29/44	10/14/44	9473. 9 Fed. Reg. 10613.	§ 9, Selective Service Act of 1940 as amended.	8/18/44	8/29/44	None.	None.	
Hughes Tool Co., Houston Tex., facilities.	9/2/44	8/29/45	9475A. 9 Fed. Reg. 10943.	§ 9, Selective Service Act of 1940 as amended.	None.	None.	Maintenance of membership during period of seizure.	War Labor Board recommendation.	
Cleveland Graphite Bronze Co., Cleveland, Ohio.	9/5/44	11/8/44	9477. 9 Fed. Reg. 10941.	§ 9, Selective Service Act of 1940 as amended by the War Labor Disputes Act.	8/31/44	9/5/44	Union agreed to arbitrate grievance which had precipitated the strike.	War Labor Board recommendation.	
Twentieth Century Brass Works, Inc., Minneapolis, Minn.	9/9/44	2/17/45	9480. 9 Fed. Reg. 11143.	§ 9, Selective Service Act of 1940 as amended.	8/21/44	9/9/44	Wage increase.	War Labor Board recommendation.	
Farrell Cheek Steel Co., Sandusky, Ohio.	9/23/44	8/28/45	9484. 9 Fed. Reg. 11731.	§ 9, Selective Service Act of 1940 as amended by the War Labor Disputes Act.	9/11/44	9/23/44	Wage increase; maintenance of membership during period of seizure.	War Labor Board recommendation.	
Toledo, Ohio, Machine Shops.	11/4/44	11/6/44	9496. 9 Fed. Reg. 13187.	§ 9, Selective Service Act of 1940 as amended by the War Labor Disputes Act.	10/27/44	11/5/44	None. (Jurisdictional strike.)	None.	
Cudahy Bros. Co., Cudahy, Wis.	12/6/44	8/31/45	9505. 9 Fed. Reg14473.	§ 9, Selective Service Act of 1940 as amended by the War Labor Disputes Act.	None.	None.	Maintenance of membership; voluntary check-off.	War Labor Board recommendation.	
Montgomery Ward & Co., Detroit, Mich., and other facilities.	12/27/44	10/18/45	9508. 9 Fed. Reg. 15079.	War Labor Disputes Act. § 9, Selective Service Act of 1940 as amended.	12/9/44	12/27/44	Maintenance of membership and voluntary check-off during period of seizure.	War Labor Board recommendation.	*National War Labor Board* v. *Montgomery Ward & Co.*, 144 F. 2d 528 (D. C. Cir. 1944).
Cleveland Electric Illuminating Co., Cleveland, Ohio.	1/13/45	1/15/45	9511. 10 Fed. Reg. 549.	§ 9, Selective Service Act of 1940 as amended.	1/12/45	1/13/45	None.	None.	
Bingham & Garfield R. R., Utah.	1/24/45	8/29/45	9516. 10 Fed. Reg. 1313.	Act of Aug. 29, 1916. First War Powers Act of 1941. War Labor Disputes Act.	1/23/45	1/24/45	Property returned upon agreement by parties on wage scale for certain positions.	Railway Labor Act Emergency Board recommendation.	

See footnotes at end of table.

APPENDIX II.—*Summary of seizures of industrial plants and facilities by the President*—Continued

WORLD WAR II PERIOD [1]—SEIZURES CONNECTED WITH LABOR DISPUTES—continued

3. Between June 25, 1943, and VJ Day—Continued

Plant or facility seized	Duration of seizure		Executive order	Statutory authority cited [3]	Duration of stoppage		Changes in conditions of employment during seizure [7]	Basis for changes	Reported legal action [8]
	From—	To—			From—	To—[6]			
American Enka Corp., Enka, N. C.	2/18/45	6/6/45	9523. 10 Fed. Reg. 2133.	War Labor Disputes Act. Selective Service Act as amended.	2/7/45	2/18/45	None. (Strike over question of contract interpretation submitted to arbitration.)	War Labor Board recommendation.	
Coal mines: Bituminous.	4/10/45	5/12/45 10/25/45	9536. 10 Fed. Reg. 3939.	§ 9, Selective Service Act as amended by the War Labor Disputes Act.	4/1/45	4/11/45	Wage increase.	Agreement of parties.	
Anthracite.	5/3/45	6/23/45	9584. 10 Fed. Reg. 5025.		5/1/45	5/24/45*	Wage increase.	Agreement of parties.	
Cities Service Refining Corp., Lake Charles, La., plant.	4/17/45	12/23/45	9540. 10 Fed. Reg. 4193.	§ 9, Selective Service Act of 1940 as amended by the War Labor Disputes Act.	(?)	4/17/45	None. (Strike over housing conditions.)	None.	
United Engineering Co., Ltd., San Francisco, Calif.	4/25/45	8/31/45	9542. 10 Fed. Reg. 4591.	§ 9, Selective Service Act of 1940 as amended by the War Labor Disputes Act.	4/12/45	(?)*	Union's privileges under contract revoked.	War Labor Board recommendation.	
Cocker Machine & Foundry Co., Gastonia, N. C.	5/20/45	8/31/45	9552. 10 Fed. Reg. 5757.	§ 9, Selective Service Act of 1940 as amended by the War Labor Disputes Act.	(?)	5/20/45	Wage increase; maintenance of membership during period of seizure.	War Labor Board recommendation.	
Chicago, Ill., Motor Carriers.	5/23/45	8/16/45	9554. 10 Fed. Reg. 5981.	§ 9, Selective Service Act of 1940 as amended by the War Labor Disputes Act. Act of Aug. 29, 1916. First War Powers Act of 1941.	5/19/45 6/16/45	5/24/45 6/27/45*	Wage increase.	War Labor Board recommendation	
Gaffney Mfg. Co., Gaffney, S. C.	5/28/45	9/9/45	9559. 10 Fed. Reg. 6287.	§ 9, Selective Service Act of 1940 as amended by the War Labor Disputes Act.	(?)	5/28/45	Wage increase and maintenance of membership during period of seizure.	War Labor Board recommendation.	
Mary-Leila Cotton Mills, Greensboro, Ga.	6/1/45	8/31/45	9560. 10 Fed. Reg. 6547.	§ 9, Selective Service Act of 1940 as amended by the War Labor Disputes Act.	4/1/45	6/1/45	Contract extension; maintenance of membership and voluntary check-off during period of seizure.	War Labor Board recommendation.	
Humble Oil & Refining Co., Ingleside, Tex., plant.	6/5/45	9/10/45	9564. 10 Fed. Reg. 6791.	§ 9, Selective Service Act of 1940 as amended by the War Labor Disputes Act.	None.	None.	Maintenance of membership during period of seizure.	War Labor Board recommendation.	*Eighth Regional War Labor Bd.* v. *Humble Oil & Refining Co.*, 145 F. 2d 462 (5th Cir. 1945).†
Pure Oil Co., Cabin Creek oil field, Dawes, W. Va., facilities.	6/6/45	9/10/45	9565. 10 Fed. Reg. 6792.	§ 9, Selective Service Act of 1940 as amended by the War Labor Disputes Act.	5/14/45	6/6/45	Maintenance of membership during period of seizure.	War Labor Board recommendation.	
Scranton Transit Co., Scranton, Pa.	6/14/45	7/8/45	9570. 10 Fed. Reg. 7235.	§ 9, Selective Service Act of 1940 as amended by § 3 of the War Labor Disputes Act. Act of Aug. 20, 1916. First War Powers Act of 1941.	5/20/45	6/14/45	None.	None.	
Diamond Alkali Co., Painesville, Ohio.	6/19/45	7/19/45	9574. 10 Fed. Reg. 7435.	§ 9, Selective Service Act of 1940 as amended by the War Labor Disputes Act.	6/15/45	6/19/45	Property returned upon agreement by parties to wage increase.	None.	
Texas Co., Port Arthur, Tex., plant.	7/1/45	9/10/45	9577A. 10 Fed. Reg. 8090.	§ 9, Selective Service Act of 1940 as amended by the War Labor Disputes Act.	6/29/45	7/1/45	None. (Strike over racial discrimination.)	None.	
Goodyear Tire & Rubber Co., Akron, Ohio.	7/4/45	8/30/45	9585. 10 Fed. Reg. 8335.	§ 9, Selective Service Act of 1940 as amended by the War Labor Disputes Act.	6/20/45	7/4/45	Agreement by union to submit future disputes to federal agency.	(?).	
Sinclair Rubber Co., Houston, Tex., butadiene plant.	7/19/45	11/19/45	9589A. 10 Fed. Reg. 8949.	§ 9, Selective Service Act of 1940 as amended by the War Labor Disputes Act.	None.	None.	Change in union security arrangements.	War Labor Board recommendation.	
Springfield Plywood Co., Springfield, Oreg.	7/25/45	8/30/45	9593. 10 Fed. Reg. 9379.	§ 9, Selective Service Act of 1940 as amended by the War Labor Disputes Act.	(?)	7/25/45	None.	None.	
U. S. Rubber Co., Detroit, Mich., facilities.	7/31/45	10/10/45	9595. 10 Fed. Reg. 9571.	§ 9, Selective Service Act of 1940 as amended by the War Labor Disputes Act.	7/14/45	7/31/45	None.	None.	

See footnotes at end of table.

APPENDIX II.—*Summary of seizures of industrial plants and facilities by the President*—Continued

WORLD WAR II PERIOD [4]—SEIZURES CONNECTED WITH LABOR DISPUTES—continued

4. Between VJ-day and the expiration of the Wage Labor Disputes Act Seizure Powers, Dec. 31, 1946

Plant or facility seized	Duration of seizure		Executive order	Statutory authority cited [5]	Duration of stoppage		Changes in conditions of employment during seizure [7]	Basis for changes	Reported legal action [8]
	From—	To—			From—	To—[6]			
Illinois Central R. Co.	8/23/45	5/27/46	9602. 10 Fed Reg. 10957.	§ 9, Selective Service Act of 1940 as amended by § 3 of the War Labor Disputes Act. Act of Aug. 29, 1916. First War Powers Act of 1941.	None.	None.	None. (Jurisdictional strike.)	Railway Labor Act Emergency Board recommended against change.	
Petroleum Refineries and Pipelines. (One-half national refining capacity.)	10/4/45	12/12/45 2/7/46	9639. 10 Fed. Reg. 12592.	§ 9, Selective Service Act of 1940 as amended by the War Labor Disputes Act.	9/16/45	10/5/45	Plants returned on agreement of owners to 18 percent wage increase.	*Ad hoc* fact-finding board recommendation.	
Capital Transit Co., Washington, D. C.	11/21/45	1/7/46	9658. 10 Fed. Reg. 14351.	§ 9, Selective Service Act of 1940 as amended by § 3 of the War Labor Disputes Act. Act of Aug. 29, 1916. First War Powers Act of 1941.	11/6/45 11/20/45	11/7/45 11/21/45	Facilities returned when parties agreed to arbitration award on wages.	*Ad hoc* arbitration board award.	
Great Lakes Towing Co., Cleveland, Ohio.	11/29/45	12/18/46	9661. 10 Fed. Reg. 14591.	§ 9, Selective Service Act of 1940 as amended by § 3 of the War Labor Disputes Act. Act of Aug. 29, 1916. First War Powers Act of 1941.	9/4/45 11/1/45	11/29/45	Wage increase.	National Wage Stabilization Board recommendation.	
Meatpacking Industry.	1/24/46	3/12/46 5/22/46	9685. 11 Fed. Reg. 989. 9690. 11 Fed. Reg. 1337.	§ 9, Selective Service Act of 1940 as amended by the War Labor Disputes Act.	1/16/46	1/28/46*	Plants returned as companies agreed to wage increase recommended by fact-finding board.	*Ad hoc* fact-finding board recommendation approved by National Wage Stabilization Board.	
New York Harbor Tugboat Companies.	2/5/46	3/3/46	9693. 11 Fed. Reg. 1421.	§ 9, Selective Service Act of 1940 as amended by § 3 of the War Labor Disputes Act. Act of Aug. 29, 1916. First War Powers Act of 1941.	2/4/46	2/13/46*	Properties returned after agreement of parties to arbitrate dispute.	None.	
Railroads.	5/17/46	5/26/46	9727. 11 Fed. Reg. 5461.	§ 9, Selective Service Act of 1940 as amended by § 3 of the War Labor Disputes Act. Act of Aug. 29, 1916. First War Powers Act of 1941.	5/23/46	5/25/46*	Properties returned after unions agreed to Presidential compromise of wage demands.	Railway Labor Act Emergency Board recommendation as modified by President.	
Bituminous Coal Mines.	5/21/46	6/30/47	9728. 11 Fed. Reg. 5593.	§ 9, Selective Service Act of 1940 as amended by the War Labor Disputes Act.	4/1/46 5/25/46	5/11/46 5/30/46*	Wage increase, welfare and retirement fund, mine safety provisions, and recognition of UMW as representative of supervisory employees during period of seizure.	Contract between union and Secretary of Interior.	*United States* v. *United Mine Workers*, 330 U. S. 258; *Jones & Laughlin Steel Co.* v. *UMW*, 159 F. 2d 18 (D. C. Cir. 1946); *Krug* v. *Fox*, 161 F. 2d 1013 (4th Cir. 1947).†
Monongahela Connecting R. Co., Pittsburgh, Pa.	6/14/46	8/12/46	9736. 11 Fed. Reg. 6661.	§ 9, Selective Service Act of 1940 as amended by § 3 of the War Labor Disputes Act. Act of Aug. 29, 1916. First War Powers Act of 1941.	6/10/46	6/14/46	None. (Property returned on recession of union from wage demands.)	None.	

5. Since the expiration of the War Labor Disputes Act Seizures Powers, Dec. 31, 1946

Railroads.	5/10/48	7/9/48	9957. 13 Fed. Reg. 2503.	Act of Aug. 29, 1916.	None.	None.	Property returned on agreement of parties to wage increase.	Railway Labor Act Emergency Board recommendation as modified.	*United States* v. *Brotherhood of Locomotive Engineers*, 79 F. Supp. 485 (D. D. C. 1948).
Chicago, Rock Island & Pacific R. Co.	7/8/50	5/23/52	10141. 15 Fed. Reg. 4363.	Act of Aug. 29, 1916.	6/25/50	7/8/50	Property returned on agreement of parties to wage increase.	Railway Labor Act Emergency Board recommendation as modified.	
Railroads	8/27/50	5/23/52	10155. 15 Fed. Reg. 5785.	Act of Aug. 29, 1916.	12/10/50 1/29/51 3/9/52	12/15/50 2/19/51 3/12/52	Agreement reached by carriers and some of the Brotherhoods put into effect. Property returned on agreement of parties to wage increase.	Railway Labor Act Emergency Board recommendation as modified.	

See footnotes at end of table.

APPENDIX II.—*Summary of seizures of industrial plants and facilities by the President*—Continued

WORLD WAR II PERIOD [1]—SEIZURES CONNECTED WITH LABOR DISPUTES—continued

Plant or facility seized	Duration of seizure		Executive order	Statutory authority cited [3]	Reasons for seizure	Changes instituted during seizure
	From—	To—				
Grand River Dam Authority, Oklahoma.	11/19/41	7/31/46	8944. 6 Fed. Reg. 5947.	§ 16, Federal Power Act.	This was a State power project, financed by federal loan and grant. Seizure was based on (1) State default on loan interest; (2) refusal of State legislature to issue bonds to complete financing; (3) failure to meet scheduled completion date in power-short defense area.	Federal Works Administrator replaced management and completed the project. Transferred to Department of Interior, Executive Order No. 9373, 8 Fed. Reg. 12001, 8/30/43. Returned pursuant to Act of July 31, 1946, 60 Stat. 743.
Brewster Aeronautical Corp., Long Island City, N. Y., Newark, N. J., Johnsville, Pa.	4/18/42	5/20/42	9141. 7 Fed. Reg. 2961.	None.	(1) Inefficient management; (2) failure to operate at full capacity; (3) failure to maintain delivery schedules on Army and Navy aircraft. (Congressional investigation suggested labor difficulties as well, due to employment of enemy aliens.)	New board of directors and officers installed; majority shareholders established 2½ year voting trust in favor of new president.
Triumph Explosives, Inc., Maryland and Delaware plants.	10/12/42	2/28/43 6/5/43	9254. 7 Fed. Reg. 8333.	None.	Overpayments (presumably bribes) of $1,400,000 to procurement officers.	New board of directors and officers; indictments against former officials.
Howarth Pivoted Bearings Co., Philadelphia, Pa.	6/14/43	8/25/45	9351. 8 Fed. Reg. 8097.	None.	Inefficient management.	Designees of Secretary of Navy operated plant for duration of war.
Remington Rand, Inc., Southport, N. Y., plant.	11/23/43	9/30/44	9399. 8 Fed. Reg. 16269.	§ 9, Selective Service Act of 1940 as amended.	(1) Norden bombsight parts production of unacceptable quality; (2) deliveries behind schedule.	Designees of Secretary of Navy supervised operations for duration of seizure.
Los Angeles Shipbuilding & Drydock Corp., Los Angeles, Calif.	12/8/43	8/25/45	9400. 8 Fed. Reg. 16641.	§ 9, Selective Service Act of 1940 as amended.	(1) Excessive costs; (2) production behind schedule.	Operated by contractor (Todd Shipyard Co.) for duration of war.
York Safe & Lock Co., York, Pa.	1/23/44	3/15/45	9416. 9 Fed. Reg. 936.	§ 9, Selective Service Act of 1940 as amended.	(1) Inefficient management; (2) deliveries behind schedule.	Designees of Secretary of Navy operated company for duration of war, except for a portion which was condemned and transferred to Blaw-Knox Co.
Lord Mfg. Co., Erie, Pa.[11]	10/24/44	8/25/45	9493. 9 Fed. Reg. 12860.	Tit. VIII, Revenue Act of 1943. § 9, Selective Service Act of 1940 as amended.	Refusal to deliver items at "fair and reasonable prices" fixed by the Secretary of the Navy in contract renegotiation.	Designees of Secretary of Navy operated company for duration of war.

[1] Clyde B. Aitchison states that on March 31, 1861, the Federal authorities took "under military control the Philadelphia, Wilmington & Baltimore Railway to insure uninterrupted communication between the North Atlantic States and Washington." Aitchison, War Time Control of American Railways, 26 Va. L. Rev. 847, 856 (1940). He adds that the return of the road to its private owners followed "shortly thereafter." *Ibid.* Original documents on this seizure are unavailable and it has, therefore, not been included in the table.

[2] The material in this table is taken from original documents in the National Archives and Hearings before the Senate Special Committee Investigating the Munitions Industry, 73d Cong., Part 17, 4270–4271 (1934).

[3] Although no specific statutory authority was cited in the seizing order, it is clear from correspondence and reports in connection with the administration of the program that the seizure was effected under wartime legislation. See, *e. g.*, Davisson, History of the Advisory Section, Administrative Division, Ordnance Office in connection with the Commandeering of Private Property, National Archives, Records of the War Department, Office of the Chief of Ordnance, O. O. 023/1362, Nov. 1920; Letter from Ordnance Office, Administrative Division to The Adjutant General, National Archives, Records of the War Department, Office of The Adjutant General, AG 386.2, Jan. 7, 1919.

[4] The material in this table is summarized from a number of sources, chief of which are the War Labor Reports, contemporary accounts in the New York Times, United States National Wage Stabilization Board, Research and statistics report No. 2 (1946), and Johnson, Government Seizures and Labor Disputes (Philadelphia, Pa., 1948) (unpublished doctoral dissertation at the University of Pennsylvania.) Question marks appear in the tables in instances where no satisfactory information on the particular point was available.

[5] Each of the Executive Orders uses the stock phrase "the Constitution and laws" as authority for the President's action as well as his position as Commander in Chief. Only specific statutory authority relief upon is given in this table. The form of reference of the particular Executive Order is used. Statutes referred to in the table are analyzed in Appendix I, *supra*. For convenience, their citations are repeated here:

(1) Army Appropriations Act of Aug. 29, 1916, 39 Stat. 619, 645, 10 U. S. C. § 1361.
(2) Federal Water Power Act of 1920, § 16, 41 Stat. 1063, 1072, 16 U. S. C. § 809.
(3) Selective Training and Service Act of 1940, § 9, 54 Stat. 865, 892.
(4) War Labor Disputes Act, § 3, 57 Stat. 163, 164.
(5) Revenue Act of 1943, Tit. VIII, "Repricing Contracts," 58 Stat. 21, 92.

When seizures of transportation facilities were effected through agencies other than the War Department, the First War Powers Act of 1941, 55 Stat. 838, was cited. Title I of that Act permitted the President to shift certain functions among executive agencies in aid of the war effort. The Act of Aug. 29, 1916, authorizing seizure of transportation facilities, specified that it should be accomplished through the Secretary of War.

[6] Stoppages continuing during seizure are indicated by an asterisk (*).

[7] Unless otherwise indicated, changes in conditions of employment instituted during seizure were continued by management upon the return of the facilities to its control.

[8] Validity of seizure was challenged in comparatively few cases. Most litigation concerned the consequences of seizure. Cases in which the validity of the seizure was attacked are indicated by a dagger (†).

[9] This order was followed by a series drawn in the same terms extending the seizure to additional mines. The Executive Orders were: No. 9474, 9 Fed. Reg. 10815; No. 9476, 9 Fed. Reg. 10817; No. 9478, 9 Fed. Reg. 11045; No. 9481, 9 Fed. Reg. 11387; No. 9482, 9 Fed. Reg. 11459; No. 9483, 9 Fed. Reg. 11601.

[10] A series of strikes for recognition by supervisory employees at the various mines were usually, though not always, terminated on seizure of the affected property.

[11] See *Lord Mfg. Co.* v. *Collison*, 62 F. Supp. 79 (W. D. Pa. 1945).

Mr. Justice Douglas, concurring:

There can be no doubt that the emergency which caused the President to seize these steel plants was one that bore heavily on the country. But the emergency did not create power; it merely marked an occasion when power should be exercised. And the fact that it was necessary that measures be taken to keep steel in production does not mean that the President, rather than the Congress, had the constitutional authority to act. The Congress, as well as the President, is trustee of the national welfare. The President can act more quickly than the Congress. The President with the armed services at his disposal can move with force as well as with speed. All executive power—from the reign of ancient kings to the rule of modern dictators—has the outward appearance of efficiency.

Legislative power, by contrast, is slower to exercise. There must be delay while the ponderous machinery of committees, hearings, and debates is put into motion. That takes time; and while the Congress slowly moves into action, the emergency may take its toll in wages, consumer goods, war production, the standard of living of the people, and perhaps even lives. Legislative action may indeed often be cumbersome, time-consuming, and apparently inefficient. But as Mr. Justice Brandeis stated in his dissent in *Myers* v. *United States* (272 U. S. 52, 293):

"The doctrine of the separation of powers was adopted by the Convention of 1787, not to promote efficiency but to preclude the exercise of arbitrary power. The purpose was, not to avoid friction, but by means of the inevitable friction incident to the distribution of the governmental powers among three departments, to save the people from autocracy."

We therefore cannot decide this case by determining which branch of government can deal most expeditiously with the present crisis. The answer must depend on the allocation of powers under the Constitution. That in turn requires an analysis of the conditions giving rise to the seizure and of the seizure itself.

The relations between labor and industry are one of the crucial problems of the era. Their solution will doubtless entail many methods—education of labor leaders and business executives; the encouragement of mediation and conciliation by the President and the use of his great office in the cause of industrial peace; and the passage of laws. Laws entail sanctions—penalties for their violation. One type of sanction is fine and

imprisonment. Another is seizure of property. An industry may become so lawless, so irresponsible as to endanger the whole economy. Seizure of the industry may be the only wise and practical solution.

The method by which industrial peace is achieved is of vital importance not only to the parties but to society as well. A determination that sanctions should be applied, that the hand of the law should be placed upon the parties, and that the force of the courts should be directed against them, is an exercise of legislative power. In some nations that power is entrusted to the executive branch as a matter of course or in case of emergencies. We chose another course. We chose to place the legislative power of the Federal Government in the Congress. The language of the Constitution is not ambiguous or qualified. It places not some legislative power in the Congress; article I, section 1, says, "All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives."

The legislative nature of the action taken by the President seems to me to be clear. When the United States takes over an industrial plant to settle a labor controversy, it is condemning property. The seizure of the plant is a taking in the constitutional sense (*United States* v. *Pewee Coal Co.* (341 U. S. 114)). A permanent taking would amount to the nationalization of the industry. A temporary taking falls short of that goal. But though the seizure is only for a week or a month, the condemnation is complete and the United States must pay compensation for the temporary possession (*United States* v. *General Motors Corp.* (323 U. S. 373); *United States* v. *Pewee Coal Co.*, supra)).

The power of the Federal Government to condemn property is well established (*Kohl* v. *United States* (91 U. S. 367)). It can condemn for any public purpose; and I have no doubt but that condemnation of a plant, factory, or industry in order to promote industrial peace would be constitutional. But there is a duty to pay for all property taken by the Government. The command of the fifth amendment is that no "private property be taken for public use, without just compensation." That constitutional requirement has an important bearing on the present case.

The President has no power to raise revenues. That power is in the Congress by article I, section 8 of the Constitution. The President might seize and the Congress by subsequent action might ratify the seizure.[26] But until and unless Congress acted, no condemnation would be lawful. The branch of Government that has the power to pay compensation for a seizure is the only one able to authorize a seizure or make lawful one that the President had effected.[27] That seems to me to be the necessary result of the condemnation provision in the fifth amendment. It squares with the theory of checks and balances expounded by Mr. Justice Black in the opinion of the Court in which I join.

If we sanctioned the present exercise of power by the President, we would be expanding article II of the Constitution and rewriting it to suit the political conveniences of the present emergency. Article II which vests the "executive power" in the President defines that power with particularity. Article II, section 2 makes the Chief Executive the Commander in Chief of the Army and Navy. But our history and tradition rebel at the thought that the grant of military power carries with it authority over civilian affairs. Article II, section 3 provides that the President shall "from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient." The power to recommend legislation, granted to the President, serves only to emphasize that it is his function to recommend and that it is the function of the Congress to legislate. Article II, section 3 also provides that the President "shall take care that the laws be faithfully executed." But as Mr. Justice Black and Mr. Justice Frankfurter point out, the power to execute the laws starts and ends with the laws Congress has enacted.

The great office of President is not a weak and powerless one. The President represents the people and is their spokesman in domestic and foreign affairs. The office is respected more than any other in the land. It gives a position of leadership that is unique. The power to formulate policies and mold opinion inheres in the Presidency and conditions our national life. The impact of the man and the philosophy he represents may at times be thwarted by the Congress. Stalemates may occur when emergencies mount and the Nation suffers for lack of harmonious, reciprocal action between the White House and Capitol Hill. That is a risk inherent in our system of separation of powers. The tragedy of such stalemates might be avoided by allowing the President the use of some legislative authority. The framers, with memories of the tyrannies produced by a blending of executive and legislative power, rejected that political arrangement. Some future generation may, however, deem it so urgent that the President have legislative authority that the Constitution will be amended. We could not sanction the seizures and condemnations of the steel plants in this case without reading article II as giving the President not only the power to execute the laws, but to make some. Such a step would most assuredly alter the pattern of the Constitution.

We pay a price for our system of checks and balances, for the distribution of power among the three branches of Government. It is a price that today may seem exorbitant to many. Today a kindly President uses the seizure power to effect a wage increase and to keep the steel furnaces in production. Yet tomorrow another President might use the same power to prevent a wage increase, to curb trade unionists, to regiment labor as oppressively as industry thinks it has been regimented by this seizure.

Mr. Justice Jackson, concurring in the judgment and opinion of the court:

That comprehensive and undefined Presidential powers hold both practical advantages and grave dangers for the country will impress anyone who has served as legal adviser to a President in time of transition and public anxiety. While an interval of detached reflection may temper teachings of that experience, they probably are a more realistic influence on my views than the conventional materials of judicial decision which seem unduly to accentuate doctrine and legal fiction. But as we approach the question of Presidential power, we half overcome mental hazards by recognizing them. The opinions of judges, no less than executives and publicists, often suffer the infirmity of confusing the issue of a power's validity with the cause it is invoked to promote, of confounding the permanent executive office with its temporary occupant. The tendency is strong to emphasize transient results upon policies—such as wages or stabilization—and lose sight of enduring consequences upon the balanced power structure of our Republic.

A judge, like an executive adviser, may be surprised at the poverty of really useful and unambiguous authority applicable to concrete problems of executive power as they actually present themselves. Just what our forefathers did envision, or would have envisioned had they foreseen modern conditions, must be divined from materials almost as enigmatic as the dreams Joseph was called upon to interpret for Pharaoh. A century and a half of partisan debate and scholarly speculation yields no net result but only supplies more or less apt quotations from respected sources on each side of any question. They largely cancel each other.[28] And court decisions are indecisive because of the judicial practice of dealing with the largest questions in the most narrow way.

The actual art of governing under our Constitution does not and cannot conform to judicial definitions of the power of any of its branches based on isolated clauses or even single articles torn from context. While the Constitution diffuses power the better to secure liberty, it also contemplates that practice will integrate the dispersed powers into a workable Government. It enjoins upon its branches separateness but interdependance, autonomy but reciprocity. Presidential powers are not fixed but fluctuate, depending upon their disjunction or conjunction with those of Congress. We may well begin by a somewhat oversimplified grouping of practical situations in which a President may doubt, or others may challenge, his powers, and by distinguishing roughly the legal consequences of this factor of relativity.

1. When the President acts pursuant to an express or implied authorization of Congress, his authority is at its maximum, for it includes all that he possesses in his own right plus all that Congress can delegate.[29] In

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[26] What a President may do as a matter of expediency or extremity may never reach a definitive constitutional decision. For example, President Lincoln suspended the writ of habeas corpus, claiming the constitutional right to do so. See *Ex parte Merryman*, 17 Fed. Cas. No. 9, 487. Congress ratified his action by the act of March 3, 1863. 12 Stat. 755.

[27] Mr. Justice Brandeis, speaking for the Court in *United States* v. *North American Co.*, 253 U. S. 330, 333, stated that the basis of the Government's liability for a taking of property was legislative authority, "In order that the Government shall be liable it must appear that the officer who has physically taken possession of the property was duly authorized so to do, either directly by Congress or by the official upon whom Congress conferred the power." That theory explains cases like *United States* v. *Causby*, 328 U. S. 256, where the acts of the officials resulting in a taking were acts authorized by the Congress, though the Congress had not treated the acts as one of appropriation of private property. Wartime seizures by the military in connection with military operations (cf. *United States* v. *Russell*, 13 Wall. 623) are also in a different category.

[28] A Hamilton may be matched against a Madison. 7 The Works of Alexander Hamilton, 76–117; 1 Madison, Letters and Other Writings, 611–654. Professor Taft is counterbalanced by Theodore Roosevelt. Taft, Our Chief Magistrate and His Powers, 139–140; Theodore Roosevelt, Autobiography, 388–389. It even seems that President Taft cancels out Professor Taft. Compare his "Temporary Petroleum Withdrawal No. 5" of September 27, 1909, *United States* v. *Midwest Oil Co.* (236 U. S. 459, 467, 468) with his appraisal of Executive power in "Our Chief Magistrate and His Powers," 139–140.

[29] It is in this class of cases that we find the broadest recent statements of Presidential power, including those relied on here. *United States* v. *Curtiss-Wright Corp.* (299 U. S. 304) involved, not the question of his President's power to act without congressional authority, but the question of his right to act under and in accord with an act of Congress. The constitutionality of the act under which the President had proceeded was assailed on the ground that it

these circumstances, and in these only, may he be said (for what it may be worth), to personify the Federal sovereignty. If his act is held unconstitutional under these circumstances, it usually means that the Federal Government as an undivided whole lacks power. A seizure executed by the President pursuant to an act of Congress would be supported by the strongest of presumptions and the widest latitude of judicial interpretation, and the burden of persuasion would rest heavily upon any who might attack it.

2. When the President acts in absence of either a congressional grant or denial of authority, he can only rely upon his own independent powers, but there is a zone of twilight in which he and Congress may have concurrent authority, or in which its distribution is uncertain. Therefore, congressional inertia, indifference or quiescence may sometimes, at least as a practical matter, enable, if not invite, measures on independent Presidential responsibility. In this area, any actual test of power is likely to depend on the imperatives of events and contemporary imponderables rather than on abstract theories of law.[30]

3. When the President takes measures incompatible with the expressed or implied will of Congress, his power is at its lowest ebb, for then he can rely only upon his own constitutional powers minus any constitutional powers of Congress over the matter. Courts can sustain exclusive Presidential control in such a case only by disabling the Congress from acting upon the subject.[31] Presidential claim to a power at once so conclusive and preclusive must be scurtinized with caution, for what is at stake is the equilibrium established by our constitutional system.

Into which of these classifications does this Executive seizure of the steel industry fit? It is eliminated from the first by admission, for it is conceded that no congressional authorization exists for this seizure. That takes away also the support of the many precedents and declarations which were made in relation, and must be confined, to this category.[32]

Can it then be defended under flexible tests available to the second category? It seems clearly eliminated from that class because Congress has not left seizure of private property an open field but has covered it by three statutory policies inconsistent with this seizure. In cases where the purpose is to supply needs of the Government itself, two courses are provided: One, seizure of a plant which fails to comply with obligatory orders placed by the Government,[33] another, condemnation of facilities, including temporary use under the power of eminent domain.[34] The third is applicable where it is the general economy of the country that is to be protected rather than exclusive governmental interests.[35] None of these were invoked. In choosing a different and inconsistent way of his own, the President cannot claim that it is necessitated or invited by failure of Congress to legislate upon the occasions, grounds, and methods for seizure of industrial properties.

This leaves the current seizure to be justified only by the severe tests under the third grouping, where it can be supported only by any remainder of executive power after subtraction of such powers as Congress may have over the subject. In short, we can sustain the President only by holding that seizure of such strike-bound industries is within his domain and beyond control by Congress. Thus, this court's first review of such seizures occurs under circumstances which leave Presidential power most vulnerable to attack and in the least favorable of possible constitutional postures.

I did not suppose, and I am not persuaded, that history leaves it open to question, at least in the courts, that the executive branch, like the Federal Government as a whole, possesses only delegated powers. The purpose of the Constitution was not only to grant power, but to keep it from getting out of hand. However, because the President does not enjoy unmentioned powers does not mean that the mentioned ones should be narrowed by a niggardly construction. Some clauses could be made almost unworkable, as well as immutable, by refusal to indulge some latitude of interpretation for changing times. I have heretofore, and do now, give to the enumerated powers the scope and elasticity afforded by what seem to be reasonable practical implications instead of the rigidity dictated by a doctrinaire textualism.

The Solicitor General seeks the power of seizure in three clauses of the Executive Article, the first reading, "The Executive power shall be vested in a President of the United States of America." Lest I be thought to exaggerate, I quote the interpretation which his brief puts upon it: "In our view, this clause constitutes a grant of all the Executive powers of which the Government is capable." If that be true, it is difficult to see why the forefathers bothered to add several specific items, including some trifling ones.[36]

The example of such unlimited Executive power that must have most impressed the forefathers was the prerogative exercised by

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delegated legislative powers to the President. Much of the court's opinion is dicta, but the ratio decidendi is contained in the following language: "When the President is to be authorized by legislation to act in respect of a matter intended to affect a situation in foreign territory, the legislator properly bears in mind the important consideration that the form of the President's action—or, indeed, whether he shall act at all—may well depend, among other things, upon the nature of the confidential information which he has or may thereafter receive or upon the effect which his action may have upon our foreign relations. This consideration, in connection with what we have already said on the subject, discloses the unwisdom of requiring Congress in this field of governmental power to lay down narrowly definite standards by which the President is to be governed. As this Court said in *Mackenzie* v. *Hare* (239 U. S. 299, 311) 'As a Government, the United States is invested with all the attributes of sovereignty. As it has the character of nationality it has the powers of nationality, especially those which concern its relations and intercourse with other countries. We should hesitate long before limiting or embarrassing such powers.'" That case does not solve the present controversy. It recognized internal and external affairs as being in separate categories, and held that the strict limitation upon congressional delegations of power to the President over internal affairs does not apply with respect to delegations of power in external affairs. It was intimated that the President might act in external affairs without congressional authority, but not that he might act contrary to an act of Congress. Other examples of wide definition of Presidential powers under statutory authorization are *Chicago & Southern Air Lines* v. *Waterman Steamship Corp.* (333 U. S. 103) and *Hirabayashi* v. *United States* (320 U. S. 81). But see, *Jecker* v. *Montgomery* (13 How. 498, 515); *Western Union Telegraph Co.* v. *United States* (272 F. 311; aff'd, 272 F. 893; rev'd on consent of the parties, 260 U. S. 754); *United States Harness Co.* v. *Graham* (288 F. 929).

[30] Since the Constitution implies that the writ of habeas corpus may be suspended in certain circumstances but does not say by whom, President Lincoln asserted and maintained it as an executive function in the face of judicial challenge and doubt. *Ex parte Merryman* (17 Fed. Cas. 144); *Ex parte Milligan* (4 Wall. 2, 125); see *Ex parte Bollman* (4 Cr. 75, 101). Congress eventually ratified his action. Habeas Corpus Act of March 3, 1863 (12 Stat. 755). See Hall, Free Speech in War Time (21 Col. L. Rev. 526). Compare *Myers* v. *United States* (272 U. S. 52), with *Humphrey's Executor* v. *United States* (295 U. S. 602), and *Hirabayashi* v. *United States* (320 U. S. 81), with the case at bar. Also compare *Ex parte Vallandingham* (1 Wall. 243), with *Ex parte Milligan*, supra.

[31] President Roosevelt's effort to remove a Federal Trade Commissioner was found to be contrary to the policy of Congress and impinging upon an area of congressional control, and so his removal power was cut down accordingly. *Humphrey's Executor* v. *United States* (295 U. S. 602). However, his exclusive power of removal in executive agencies, affirmed in *Myers* v. *United States* (272 U. S. 52) continued to be asserted and maintained. *Morgan* v. *Tennessee Valley Authority* (115 F. 2d 990, cert. denied, 312 U. S. 701); *In re Power to Remove Members of the Tennessee Valley Authority* (39 Op. Atty. Gen. 145); President Roosevelt's Message to Congress of March 23, 1938, the Public Papers and Addresses of Franklin D. Roosevelt, 1938 (Rosenman), 151.

[32] The oft-cited Louisiana Purchase had nothing to do with the separation of powers as between the President and Congress, but only with State and Federal power. The Louisiana Purchase was subject to rather academic criticism, not upon the ground that Mr. Jefferson acted without authority from Congress, but that neither had express authority to expand the boundaries of the United States by purchase or annexation. Mr. Jefferson himself had strongly opposed the doctrine that the State's delegation of powers to the Federal Government could be enlarged by resort to implied powers. Afterwards in a letter to John Breckenridge, dated August 12, 1803, he declared: "The Constitution has made no provision for our holding foreign territory, still less for incorporating foreign nations into our Union. The Executive in seizing the fugitive occurrence which so much advances the good of their country, have done an act beyond the Constitution. The Legislature in casting behind them metaphysical subtleties, and risking themselves like faithful servants, must ratify and pay for it, and throw themselves on their country for doing for them unauthorized, what we know they would have done for themselves had they been in a situation to do it." 10 The Writings of Thomas Jefferson, 407.

[33] Selective Service Act of 1948, sec. 18, 62 Stat. 625, 50 U. S. C. App. (Supp. IV) sec. 468 (c).

[34] Defense Production Act of 1950, sec. 201, 64 Stat. 799, amended, 65 Stat. 132, 50 U. S. C. App. (Supp. IV) sec. 2081. For the latitude of the condemnation power which underlies this act, see *United States* v. *Westinghouse Co.* (339 U. S. 261), and cases therein cited.

[35] Labor Management Relations Act, 1947, secs. 206–210, 61 Stat. 136, 155, 156, 29 U. S. C. (Supp. IV) secs. 141, 176–180. The analysis, history, and application of this act are fully covered by the opinion of the court, supplemented by that of Mr. Justice Frankfurter and of Mr. Justice Burton, in which I concur.

[36] "He may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices" (United States Constitution, art. II, sec. 2). He "shall commission all the officers of the United States" (United States Constitution, art. II, sec. 3). Matters such as those would seem to be inherent in the Executive if anything is.

George III, and the description of its evils in the Declaration of Independence leads me to doubt that they were creating their new Executive in his image. Continental European examples were not more appealing. And if we seek instruction from our own times, we can match it only from the executive powers in those governments we disparagingly describe as totalitarian. I cannot accept the view that this clause is a grant in bulk of all conceivable executive power but regard it as an allocation to the Presidential Office of the generic powers thereafter stated.

The clause on which the Government next relies is that "the President shall be Commander in Chief of the Army and Navy of the United States." These cryptic words have given rise to some of the most persistent controversies in our constitutional history. Of course, they imply something more than an empty title. But just what authority goes with the name has plagued Presidential advisers who would not waive or narrow it by nonassertion yet cannot say where it begins or ends. It undoubtedly puts the Nation's Armed Forces under Presidential command. Hence, this loose appellation is sometimes advanced as support for any Presidential action, internal or external, involving use of force, the idea being that it vests power to do anything, anywhere, that can be done with an army or navy.

That seems to be the logic of an argument tendered at our bar—that the President, having, on his own responsibility, sent American troops abroad derives from that act affirmative power to seize the means of producing a supply of steel for them. To quote, "Perhaps the most forceful illustrations of the scope of Presidential power in this connection is the fact that American troops in Korea, whose safety and effectiveness are so directly involved here, were sent to the field by an exercise of the President's constitutional powers." Thus, it is said he has invested himself with war powers.

I cannot foresee all that it might entail if the Court should indorse this argument. Nothing in our Constitution is plainer than that declaration of a war is entrusted only to Congress. Of course, a state of war may in fact exist without a formal declaration. But no doctrine that the Court could promulgate would seem to me more sinister and alarming than that a President whose conduct of foreign affairs is so largely untrolled, and often even is unknown, can vastly enlarge his mastery over the internal affairs of the country by his own commitment of the Nation's Armed Forces to some foreign venture.[37] I do not, however, find it necessary or appropriate to consider the legal status of the Korean enterprise to discountenance argument based on it.

Assuming that we are in a war de facto, whether it is or is not a war de jure, does that empower the Commander in Chief to seize industries he thinks necessary to supply our Army? The Constitution expressly places in Congress power "to raise and support armies" and "to provide and maintain a navy." This certainly lays upon Congress primary responsibility for supplying the Armed Forces. Congress alone controls the raising of revenues and their appropriation and may determine in what manner and by what means they shall be spent for military and naval procurement. I suppose no one would doubt that Congress can take over war supply as a Government enterprise. On the other hand, if Congress sees fit to rely on free private enterprise collectively bargaining with free labor for support and maintenance of our Armed Forces can the Executive because of lawful disagreements incidental to that process, seize the facility for operation upon Government-imposed terms?

There are indications that the Constitution did not contemplate that the title Commander in Chief of the Army and Navy will constitute him also Commander in Chief of the country, its industries and its inhabitants. He has no monopoly of war powers, whatever they are. While Congress cannot deprive the President of the command of the Army and Navy, only Congress can provide him an army or navy to command. It is also empowered to make rules for the "Government and regulation of land and naval forces," by which it may to some unknown extent impinge upon even command functions.

That military powers of the Commander in Chief were not to supersede representative government of internal affairs seems obvious from the Constitution and from elementary American history. Time out of mind, and even now in many parts of the world, a military commander can seize private housing to shelter his troops. Not so, however, in the United States, for the third amendment says, "No soldier shall, in time of peace be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law." Thus, even in war time, his seizure of needed military housing must be authorized by Congress. It also was expressly left to Congress to "provide for calling forth the Militia to execute the laws of the Union, suppress insurrections and repel invasions."[38] Such a limitation on the command power, written at a time when the militia rather than a standing army was contemplated as the military weapon of the Republic, underscores the Constitution's policy that Congress, not the Executive, should control utilization of the war power as an instrument of domestic policy. Congress, fulfilling that function, has authorized the President to use the Army to enforce certain civil rights.[39] On the other hand, Congress has forbidden him to use the Army for the purpose of executing general laws except when expressly authorized by the Constitution or by act of Congress.[40]

While broad claims under this rubric often have been made, advice to the President in specific matters usually has carried overtones that powers, even under this head, are measured by the command functions usual to the topmost officer of the Army and Navy. Even then, heed has been taken of any efforts of Congress to negative his authority.[41]

We should not use this occasion to circumscribe, much less to contract, the lawful role of the President as Commander in Chief. I should indulge the widest latitude of interpretation to sustain his exclusive function to command the instruments of national force, at least when turned against the outside world for the security of our society. But, when it is turned inward, not because of rebellion but because of a lawful economic struggle between industry and labor, it should have no such indulgence. His command power is not such an absolute as might be implied from that office in a militaristic system but is subject to limitations consistent with a constitutional republic whose law and policy-making branch is a representative Congress. The purpose of lodging dual titles in one man was to insure that the civilian would control the military, not to enable the military to subordinate the presidential office. No penance would ever expiate the sin against free government of holding that a president can escape control of executive powers by law through assuming his military role. What the power of command may include, I do not try to envision, but I think it is not a military prerogative, without support of law, to seize persons or property because they are important or even essential for the Military and Naval Establishments.

The third clause in which the Solicitor General finds seizure powers is that "he shall take care that the laws be faithfully executed."[42] That authority must be matched against words of the fifth amendment that "No person shall be * * * deprived of life, liberty, or property, without due process of law." One gives a governmental authority that reaches so far as there is law; the other gives a private right that authority shall go no further. These signify about all there is of the principle that ours is a government of laws, not of men, and that we submit ourselves to rulers only if under rules.

The Solicitor General lastly grounds support of the seizure upon nebulous, inherent powers never expressly granted but said to have accrued to the office from the customs and claims of preceding administrations. The plea is for a resulting power to deal with a crisis or emergency according to the necessities of the case, the unarticulated assumption being that necessity knows no law.

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[37] How widely this doctrine espoused by the President's counsel departs from the early view of Presidential power is shown by a comparison. President Jefferson, without authority from Congress, sent the American fleet into the Mediterranean, where it engaged in a naval battle with the Tripolitan fleet. He sent a message to Congress on December 8, 1801, in which he said: "Tripoli, the least considerable of the Barbary States, had come forward with demands unfounded either in right or in compact, and had permitted itself to denounce war on our failure to comply before a given day. The style of the demand admitted but one answer. I sent a small squadron of frigates into the Mediterranean * * * with orders to protect our commerce against the threatened attack * * *. Our commerce in the Mediterranean was blockaded, and that of the Atlantic in peril * * *. One of the Tripolitan cruisers having fallen in with, and engaged the small schooner *Enterprise*, * * * was captured, after a heavy slaughter of her men * * *. Unauthorized by the Constitution, without the sanction of Congress, to go beyond the line of defense, the vessel being disabled from committing further hostilities, was liberated with its crew. The legislature will doubtless consider whether, by authorizing measures of offense, also, they will place our force on an equal footing with that of its adversaries. I communicate all material information on this subject, that in the exercise of the important function confided by the Constitution to the legislature exclusively, their judgment may form itself on a knowledge and consideration of every circumstance of weight." (I Richardson, Messages and Papers of the Presidents, 314.)

[38] United States Constitution, art. I, sec. 8, cl. 14.

[39] 14 Stat. 29, 16 Stat. 143, 8 U. S. C., sec. 55.

[40] 20 Stat. 152, 10 U. S. C., sec. 15.

[41] In 1940, President Roosevelt proposed to transfer to Great Britain certain overage destroyers and small patrol boats then under construction. He did not presume to rely upon any claim of constitutional power as Commander in Chief. On the contrary, he was advised that such destroyers—if certified not to be essential to the defense of the United States—could be "transferred, exchanged, sold, or otherwise disposed of," because Congress had so authorized him. Accordingly, the destroyers were exchanged for air bases. In the same opinion, he was advised that Congress had prohibited the release or transfer of the so-called "mosquito boats" then under construction, so those boats were not transferred. In the Matter of Acquisition of Naval and Air Bases in Exchange for Overage Destroyers (39 Op. Atty. Gen. 484). See also Matter of Training British Flying Students in the United States (40 Op. Atty. Gen. 58).

[42] United States Constitution, art. II, sec. 3.

Loose and irresponsible use of adjectives colors all nonlegal and much legal discussion of presidential powers. "Inherent" powers, "implied" powers, "incidental" powers, "plenary" powers, "war" powers, and "emergency" powers are used, often interchangeably and without fixed or ascertainable meanings.

The vagueness and generality of the clauses that set forth Presidential power afford a plausible basis for pressures within and without an administration for Presidential action beyond that supported by those whose responsibility it is to defend his actions in court. The claim of inherent and unrestricted Presidential powers has long been a persuasive dialectical weapon in political controversy. While it is not surprising that counsel should grasp support from such unadjudicated claims of power, a judge cannot accept self-serving press statements of the attorney for one of the interested parties as authority in answering a constitutional question, even if the advocate was himself. But prudence has counseled that actual reliance on such nebulous claims stop short of provoking a judicial test.[43]

The Solicitor General, acknowledging that Congress has never authorized the seizure here, says practice of prior Presidents has authorized it. He seeks color of legality from claimed executive precedents, chief of which is President Roosevelt's seizure on June 9, 1941, of the California plant of the North American Aviation Co. Its superficial similarities with the present case, upon analysis, yield to distinctions so decisive that it cannot be regarded as even a precedent, much less an authority for the present seizure.[44]

The appeal, however, that we declare the existence of inherent powers ex necessitate to meet an emergency asks us to do what many think would be wise, although it is something the forefathers omitted. They knew what emergencies were, knew the pressures they engender for authoritative action, knew, too, how they afford a ready pretext for usurpation. We may also suspect that they suspected that emergency powers would tend to kindle emergencies. Aside from suspension of the privilege of the writ of habeas corpus in time of rebellion or invasion, when the public safety may require it,[45] they made no express provision for exercise of extraordinary authority because of a crisis.[46] I do not think we rightfully may so amend their work, and, if we could, I am not convinced it would be wise to do so, although many modern nations have forthrightly recognized that war and economic crises may upset the normal balance between liberty and authority. Their experience with emergency powers may not be irrelevant to the argument here that we should say that the Executive, of his own volition, can invest himself with undefined emergency powers.

Germany, after the First World War, framed the Weimar Constitution, designed to secure her liberties in the western tradition. However, the President of the Republic, without concurrence of the Reichstag, was empowered temporarily to suspend any or all individual rights if public safety and order were seriously disturbed or endangered. This proved a temptation to every government, whatever its shade of opinion, and in 13 years suspension of rights was invoked on more than 250 occasions. Finally, Hitler persuaded President Von Hindenberg to suspend all such rights, and they were never restored.[47]

The French Republic provided for a very different kind of emergency government, known as the "state of siege." It differed from the German emergency dictatorship particularly in that emergency powers could not be assumed at will by the executive, but could only be granted as a parliamentary measure. And it did not, as in Germany, result in a suspension or abrogation of law, but was a legal institution governed by special legal rules and terminable by parliamentary authority.[48]

Great Britain also has fought both world wars under a sort of temporary dictatorship created by legislation.[49] As Parliament is not bound by written constitutional limitations, it established a crisis government simply by delegation to its Ministers of a larger measure than usual of its own unlimited power, which is exercised under its

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[43] President Wilson, just before our entrance into World War I, went before the Congress and asked its approval of his decision to authorize merchant ships to carry defensive weapons. He said: "No doubt I already possess that authority without special warrant of law, by the plain implication of my constitutional duties and powers; but I prefer in the present circumstances not to act upon general implication. I wish to feel that the authority and the power of the Congress are behind me in whatever it may become necessary for me to do. We are jointly the servants of the people and must act together and in their spirit, so far as we can divine and interpret it." XVII Richardson, op. cit., 8211. When our Government was itself in need of shipping whilst ships flying the flags of nations overrun by Hitler, as well as belligerent merchantmen, were immobilized in American harbors where they had taken refuge, President Roosevelt did not assume that it was in his power to seize such foreign vessels to make up our own deficit. He informed Congress: "I am satisfied, after consultation with the heads of the interested departments and agencies, that we should have statutory authority to take over such vessels as our needs require" (CONGRESSIONAL RECORD, vol. 87, pt. 3, p. 3072); The Public Papers and Addresses of Franklin D. Roosevelt, 1941 (Rosenman), 94. The necessary statutory authority was shortly forthcoming (55 Stat. 242).) In his first inaugural address President Roosevelt pointed out two courses to obtain legislative remedies, one being to enact measures he was prepared to recommend, the other to enact measures "the Congress may build out of its experience and wisdom." He continued, "But in the event that the Congress shall fail to take one of these two courses, and in the event that the national emergency is still critical, I shall not evade the clear course of duty that will then confront me. I shall ask the Congress for the one remaining instrument to meet the crisis—broad Executive power to wage a war against the emergency, as great as the power that would be given to me if we were in fact invaded by a foreign foe." The Public Papers and Addresses of Franklin D. Roosevelt, 1933 (Rosenman), 15. On March 6, 1933, President Roosevelt proclaimed the Bank Holiday. The proclamation did not invoke constitutional powers of the Executive but expressly and solely relied upon the act of Congress of October 6, 1917 (40 Stat. 411, sec. 5 (b)), as amended. He relied steadily on legislation to empower him to deal with economic emergency. The Public Papers and Addresses of Franklin D. Roosevelt 1933 (Rosenman), 24. It is interesting to note Holdsworth's comment on the powers of legislation by proclamation when in the hands of the Tudors. "The extent to which they could be legally used was never finally settled in this century, because the Tudors made to tactful a use of their powers that no demand for the settlement of this question was raised" (4 Holdsworth, History of English Law, 104).

[44] The North American Aviation Co. was under direct and binding contracts to supply defense items to the Government. No such contracts are claimed to exist here. Seizure of plants which refused to comply with Government orders had been expressly authorized by Congress in section 9 of the Selective Service Act of 1940, 54 Stat. 885, 892, so that the seizure of the North American plant was entirely consistent with congressional policy. The company might have objected on technical grounds to the seizure, but it was taken over with acquiescence, amounting to all but consent, of the owners who had admitted that the situation was beyond their control. The strike involved in the North American case was in violation of the union's collective agreement and the national labor leaders approved the seizure to end the strike. It was described as in the nature of an insurrection, a Communist-led political strike against the Government's lend-lease policy. Here we have only a loyal, lawful, but regrettable economic disagreement between management and labor. The North American plant contained Government-owned machinery, material and goods in the process of production to which workmen were forcibly denied access by picketing strikers. Here no Government property is protected by the seizure. See New York Times of June 10, 1941, pp. 1, 14, and 16, for substantially accurate account of the proceedings and the conditions of violence at the North American plant. The North American seizure was regarded as an execution of congressional policy. I do not regard it as a precedent for this, but, even if I did, I should not bind present judicial judgment by earlier partisan advocacy. Statements from a letter by the Attorney General to the chairman of the Senate Committee on Labor and Public Welfare, dated February 2, 1949, with reference to pending labor legislation, while not cited by any of the parties here are sometimes quoted as being in support of the inherent powers of the President. The proposed bill contained a mandatory provision that during certain investigations the disputants in a labor dispute should continue operations under the terms and conditions of employment existing prior to the beginning of the dispute. It made no provision as to how continuance should be enforced and specified no penalty for disobedience. The Attorney General advised that in appropriate circumstances the United States would have access to the courts to protect the national health, safety, and welfare. This was the rule laid down by this Court in *Texas & N. O. R. Co.* v. *Brotherhood of Steamship Clerks*, 281 U. S. 548. The Attorney General observed: "However, with regard to the question of the power of the Government under title III, I might point out that the inherent power of the President to deal with emergencies that affect the health, safety, and welfare of the entire Nation is exceedingly great. See opinion of Attorney General Murphy of October 4, 1939 (39 Op. A. G. 344, 347); *United States* v. *United Mine Workers of America*, 330 U. S. 258 (1947)." Regardless of the general reference to inherent powers, the citations were instances of congressional authorization. I do not suppose it is open to doubt that power to see that the laws are faithfully executed was ample basis for the specific advice given by the Attorney General in this letter.

[45] United States Constitution, art. I, sec. 9, clause 2.

[46] I exclude, as in a very limited category by itself, the establishment of martial law. Cf. Ex parte Milligan (4 Wall, 2); *Duncan* v. *Kahanamoku* (327 U. S. 304).

[47] 1 Nazi Conspiracy and Aggression, 126–127; Rossiter, Constitutional Dictatorship, 33–61; Brecht, Prelude to Silence, 138.

[48] Rossiter, Constitutional Dictatorship, 117–129.

[49] Defense of the Realm Act, 1914, 4 and 5, Geo. V, ch. 29, as amended, ch. 63; Emergency Powers (Defence) Act, 1939, 2 and 3, Geo. VI, ch. 62; Rossiter, Constitutional Dictatorship, 135–184.

supervision by Ministers whom it may dismiss. This has been called the "high-water mark in the voluntary surrender of liberty," but, as Churchill put it, "Parliament stands custodian of these surrendered liberties, and its most sacred duty will be to restore them in their fullness when victory has crowned our exertions and our perseverance." [50] Thus, parliamentary control made emergency powers compatible with freedom.

This contemporary foreign experience may be inconclusive as to the wisdom of lodging emergency powers somewhere in a modern government. But it suggests that emergency powers are consistent with free government only when their control is lodged elsewhere than in the Executive who exercises them. That is the safeguard that would be nullified by our adoption of the "inherent powers" formula. Nothing in my experience convinces me that such risks are warranted by any real necessity, although such powers would, of course, be an Executive convenience.

In the practical working of our Government we already have evolved a technique within the framework of the Constitution by which normal executive powers may be considerably expanded to meet an emergency. Congress may and has granted extraordinary authorities which lie dormant in normal times but may be called into play by the Executive in war or upon proclamation of a national emergency. In 1939, upon congressional request, the Attorney General listed 99 such separate statutory grants by Congress of emergency or wartime Executive powers.[51] They were invoked from time to time as need appeared. Under this procedure we retain Government by law—special, temporary law, perhaps, but law nonetheless. The public may know the extent and limitations of the powers that can be asserted, and persons affected may be informed from the statute of their rights and duties.

In view of the ease, expedition and safety with which Congress can grant and has granted large emergency powers, certainly ample to embrace this crisis, I am quite unimpressed with the argument that we should affirm possession of them without statute. Such power either has no beginning or it has no end. If it exists, it need submit to no legal restraint. I am not alarmed that it would plunge us straightway into dictatorship, but it is at least a step in that wrong direction.

As to whether there is imperative necessity for such powers, it is relevant to note the gap that exists between the President's paper powers and his real powers. The Constitution does not disclose the measure of the actual controls wielded by the modern presidential office. That instrument must be understood as an eighteenth century sketch of a government hoped for, not as a blueprint of the Government that is. Vast accretions of Federal power, eroded from that reserved by the States, have magnified the scope of presidential activity. Subtle shifts take place in the centers of real power that do not show on the face of the Constitution.

Executive power has the advantage of concentration in a single head in whose choice the whole Nation has a part, making him the focus of public hopes and expectations. In drama, magnitude and finality his decisions so far overshadow any others that almost alone he fills the public eye and ear. No other personality in public life can begin to compete with him in access to the public mind through modern methods of communications. By his prestige as head of state and his influence upon public opinion he exerts a leverage upon those who are supposed to check and balance his power which often cancels their effectiveness.

[50] Churchill, The Unrelenting Struggle, 13. See also id., at 279–281.

[51] 39 Op. Atty. Gen. 348.

Moreover, rise of the party system has made a significant extraconstitutional supplement to real executive power. No appraisal of his necessities is realistic which overlooks that he heads a political system as well as a legal system. Party loyalties and interests, sometimes more binding than law, extend his effective control into branches of government other than his own, and he often may win, as a political leader, what he cannot command under the Constitution. Indeed, Woodrow Wilson, commenting on the President as leader both of his party and of the Nation, observed, "If he rightly interprets the national thought and boldly insists upon it, he is irresistible. * * * His office is anything he has the sagacity and force to make it." [52] I cannot be brought to believe that this country will suffer if the Court refuses further to aggrandize the Presidential office, already so potent and so relatively immune from judicial review,[53] at the expense of Congress.

But I have no illusion that any decision by this Court can keep power in the hands of Congress if it is not wise and timely in meeting its problems. A crisis that challenges the President equally, or perhaps primarily, challenges Congress. If not good law, there was worldly wisdom in the maxim attributed to Napoleon that "the tools belong to the man who can use them." We may say that power to legislate for emergencies belongs in the hands of Congress, but only Congress itself can prevent power from slipping through its fingers.

The essence of our free Government is "leave to live by no man's leave, underneath the law"—to be governed by those impersonal forces which we call law. Our Government is fashioned to fulfill this concept so far as humanly possible. The Executive, except for recommendation and veto, has no legislative power. The executive action we have here originates in the individual will of the President and represents an exercise of authority without law. No one, perhaps not even the President, knows the limits of the power he may seek to exert in this instance, and the parties affected cannot learn the limit of their rights. We do not know today what powers over labor or property would be claimed to flow from Government possession if we should legalize it, what rights to compensation would be claimed or recognized, or on what contingency it would end. With all its defects, delays, and inconveniences, men have discovered no technique for long preserving free government except that the Executive be under the law, and that the law be made by parliamentary deliberations.

Such institutions may be destined to pass away. But it is the duty of the Court to be last, not first, to give them up.[54]

Mr. Justice Burton, concurring in both the opinion and judgment of the Court:

My position may be summarized as follows:

The validity of the President's order of seizure is at issue and ripe for decision. Its validity turns upon its relation to the constitutional division of governmental power between Congress and the President.

[52] Wilson, Constitutional Government in the United States, 68–69.

[53] Rossiter, the Supreme Court and the Commander in Chief, 126–132.

[54] We follow the judicial tradition instituted on a memorable Sunday in 1612, when King James took offense at the independence of his judges and in rage declared: "Then I am to be under the law—which it is treason to affirm." Chief Justice Coke replied to his King: "Thus wrote Bracton, "the King ought not to be under any man, but he is under God and the law'." 12 Coke 63 (as to its verity, 18 Eng. Hist. Rev. 664–675). 1 Campbell, Lives of the Chief Justices, 272.)

The Constitution has delegated to Congress power to authorize action to meet a national emergency of the kind we face.[55] Aware of this responsibility, Congress has responded to it. It has provided at least two procedures for the use of the President.

It has outlined one in the Labor-Management Relations Act, 1947, better known as the Taft-Hartley Act. The accuracy with which Congress there describes the present emergency demonstrates its applicability. It says:

"Whenever in the opinion of the President of the United States, a threatened or actual strike or lockout affecting an entire industry or a substantial part thereof engaged in trade, commerce, transportation, transmission, or communication among the several States or with foreign nations, or engaged in the production of goods for commerce, will, if permitted to occur or to continue, imperil the national health or safety, he may appoint a board of inquiry to inquire into the issues involved in the dispute and to make a written report to him within such time as he shall prescribe." [56]

In that situation Congress has authorized not only negotiation, conciliation and impartial inquiry but also a 60-day cooling-off period under injunction, followed by 20 days for a secret ballot upon the final offer of settlement and then by recommendations from the President to Congress.[57]

For the purpose of this case the most significant feature of that act is its omission of authority to seize an affected industry. The debate preceding its passage demonstrated the significance of that omission. Collective bargaining, rather than governmental seizure, was to be relied upon. Seizure was not to be resorted to without specific congressional authority. Congress reserved to itself the opportunity to authorize seizure to meet particular emergencies.[58]

[55] "ARTICLE I

"SECTION 1. All legislative Powers herein granted shall be vested in a Congress of the United States. * * *

* * * * *

"SEC. 8. The Congress shall have Power * * *;

* * * * *

"To regulate Commerce with foreign Nations, and among the several States * * *;

* * * * *

"To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."

[56] 61 Stat. 155, 29 U. S. C. (Supp. IV), sec. 176.

[57] 61 Stat. 155–156, 29 U. S. C. (Supp. IV), secs. 176–180.

[58] The chairman of the Senate committee sponsoring the bill said in the Senate: "We did not feel that we should put into the law, as a part of the collective-bargaining machinery, an ultimate resort to compulsory arbitration, or to seizure, or to any other action. We feel that it would interfere with the whole process of collective bargaining. If such a remedy is available as a routine remedy, there will always be pressure to resort to it by whichever party thinks it will receive better treatment through such a process than it would receive in collective bargaining, and it will back out of collective bargaining. It will not make a bona-fide attempt to settle if it thinks it will receive a better deal under the final arbitration which may be provided. We have felt that perhaps in the case of a general strike, or in the case of other serious strikes, after the termination of every possible effort to resolve the dispute, the remedy might be an emergency act by Congress for that particular

The President, however, chose not to use the Taft-Hartley procedure. He chose another course, also authorized by Congress. He referred the controversy to the Wage Stabilization Board.[59] If that course had led to a settlement of the labor dispute, it would have avoided the need for other action. It, however, did not do so.

Now it is contended that although the President did not follow the procedure authorized by the Taft-Hartley Act, his substituted procedure served the same purpose and must be accepted as its equivalent. Without appraising that equivalence, it is enough to point out that neither procedure carried statutory authority for the seizure of private industries in the manner now at issue.[60] The exhaustion of both procedures fails to cloud the clarity of the congressional reservation of seizure for its own consideration.

The foregoing circumstances distinguish this emergency from one in which Congress takes no action and outlines no governmental policy. In the case before us, Congress authorized a procedure which the President declined to follow. Instead, he followed another procedure which he hoped might eliminate the need for the first. Upon its failure, he issued an Executive order to seize the steel properties in the face of the reserved right of Congress to adopt or reject that course as a matter of legislative policy.

This brings us to a further crucial question. Does the President, in such a situation, have inherent constitutional power to seize private property which makes congressional action in relation thereto unnecessary? We find no such power available to him under the present circumstances. The present situation is not comparable to that of an imminent invasion or threatened attack. We do not face the issue of what might be the President's constitutional power to meet such catastrophic situations. Nor is it claimed that the current seizure is in the nature of a military command addressed by the President, as Commander in Chief, to a mobilized nation waging, or imminently threatened with, total war.[61]

The controlling fact here is that Congress, within its constitutionally delegated power, has prescribed for the President specific procedures, exclusive of seizure, for his use in meeting the present type of emergency. Congress has reserved to itself the right to determine where and when to authorize the seizure of property in meeting such an emergency. Under these circumstances, the President's order of April 8 invaded the jurisdiction of Congress. It violated the essence of the principle of the separation of governmental powers. Accordingly, the injunction against its effectiveness should be sustained.

Mr. Justice Clark, concurring in the judgment of the Court.

One of this Court's first pronouncements upon the powers of the President under the Constitution was made by Chief Justice John Marshall some 150 years ago. In *Little* v. *Barreme*,[62] he used this characteristically clear language in discussing the power of the President to instruct the seizure of the "*Flying Fish*," a vessel bound from a French port: "It is by no means clear that the President of the United States whose high duty it is to 'take care that the laws be faithfully executed, and who is Commander in Chief of the Armies and Navies of the United States, might not, without any special authority for that purpose, in the then existing state of things, have empowered the officers commanding the armed vessels of the United States, to seize and send into port for adjudication, American vessels which were forfeited by being engaged in this illicit commerce. But when it is observed that [an act of Congress] gives a special authority to seize on the high seas, and limits that authority to the seizure of vessels bound or sailing to a French port, the legislature seem to have prescribed that the manner in which this law shall be carried into execution, was to exclude a seizure of any vessel not bound to a French port."[63] Accordingly, a unanimous Court held that the President's instructions had been issued without authority and that they could not "legalize an act which without those instructions would have been a plain trespass." I know of no subsequent holding of this Court to the contrary.[64]

The limits of Presidential power are obscure. However, article II, no less than article I, is part of "a constitution intended to endure for ages to come, and, consequently, to be adapted to the various crises of human affairs."[65] Some of our Presidents, such as Lincoln, "felt that measures otherwise unconstitutional might become lawful by becoming indispensable to the preservation of the Constitution through the preservation of the Nation."[66] Others, such as Theodore Roosevelt, thought the President to be capable, as a steward of the people, of exerting all power save that which is specifically prohibited by the Constitution or the Congress.[67] In my view—taught me not only by the decision of Chief Justice Marshall in *Little* v. *Barreme*, but also by a score of other pronouncements of distinguished members of this bench—the Constitution does grant to the President extensive authority in times of grave and imperative national emergency. In fact, to my thinking, such a grant may well be necessary to the very existence of the Constitution itself. As Lincoln aptly said, "[is] it possible to lose the Nation and yet preserve the Constitution?"[68] In describing this authority I care not whether one calls it residual, inherent, moral, implied, aggregate, emergency, or otherwise. I am of the conviction that those who have had the gratifying experience of being the President's lawyer have used one or more of these adjectives only with the utmost of sincerity and the highest of purpose.

I conclude that where Congress has laid down specific procedures to deal with the type of crisis confronting the President, he must follow those procedures in meeting the crisis; but that in the absence of such action by Congress, the President's independent power to act depends upon the gravity of the situation confronting the Nation. I cannot sustain the seizure in question because here, as in *Little* v. *Barreme*, Congress had prescribed methods to be followed by the President in meeting the emergency at hand.

Three statutory procedures were available: those provided in the Defense Production Act of 1950, the Labor Management Relations Act, and the Selective Service Act of 1948. In this case the President invoked the first of these procedures; he did not invoke the other two.

The Defense Production Act of 1950 provides for mediation of labor disputes affecting national defense. Under this statutory authorization, the President has established the Wage Stabilization Board. The Defense Production Act, however, grants the President no power to seize real property except through ordinary condemnation proceedings, which were not used here, and creates no sanctions for the settlement of labor disputes.

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purpose. I have had in mind drafting such a bill, giving power to seize the plants, and other necessary facilities, to seize the unions, their money, and their treasury, and requisition trucks and other equipment; in fact, to do everything that the British did in their general strike of 1926. But while such a bill might be prepared, I should be unwilling to place such a law on the books until we actually face such an emergency, and Congress applies the remedy for the particular emergency only. Eighty days will provide plenty of time within which to consider the possibility of what should be done; and we believe very strongly that there should not be anything in this law which prohibits finally the right to strike." CONGRESSIONAL RECORD, vol. 93, pt. 3, pp. 3835–3836. Part of this quotation was relied upon by this Court in *Bus Employees* v. *Wisconsin Board* (340 U. S. 383, 396, note 21).

[59] Under titles IV and V of the Defense Production Act of 1950 (64 Stat. 803–812, 50 U. S. C. App. (Supp. IV), secs. 2101–2123; and see Executive Order No. 10233 (16 Fed. Reg. 3503)).

[60] Congress has authorized other types of seizure under conditions not present here. Section 201 of the Defense Production Act authorizes the President to acquire specific "real property, including facilities, temporary use thereof, or other interest therein" by condemnation (64 Stat. 799, as amended, 65 Stat. 132, see 50 U. S. C. App. (Supp. IV) sec. 2081). There have been no declarations of taking or condemnation proceedings in relation to any of the properties involved here. Section 18 of the Selective Service Act of 1948 authorizes the President to take possession of a plant or other facility failing to fill certain defense orders placed with it in the manner there prescribed (62 Stat. 625, 50 U. S. C. App. (Supp. IV), sec. 468). No orders have been so placed with the steel plants seized.

[61] The President and Congress have recognized the termination of the major hostilities in the total wars in which the Nation has been engaged. Many wartime procedures have expired or been terminated. The War Labor Disputes Act (57 Stat. 163 et seq., 50 U. S. C. App., secs. 1501–1511) expired June 30, 1947, 6 months after the President's declaration of the end of hostilities (3 CFR, 1946 Supp., p. 77). The Japanese Peace Treaty was approved by the Senate March 20, 1952 (CONGRESSIONAL RECORD, p. 2594), and proclaimed by the President April 28, 1952 (17 Fed. Reg. 3813).

[62] 2 Cranch 170 (1804).

[63] Id., at 177–178.

[64] Decisions of this Court which have upheld the exercise of presidential power include the following: *Prize Cases* (2 Black 635 (1863)) (subsequent ratification of President's acts by Congress); *In re Neagle* (135 U. S. 1 (1890)) (protection of Federal officials from personal violence while performing official duties); *In re Debs* (158 U. S. 564 (1895)) (injunction to prevent forcible obstruction of interstate commerce and the mails); *United States* v. *Midwest Oil Co.* (236 U. S. 459 (1915)) (acquiescence by Congress in more than 250 instances of exercises of same power by various Presidents over period of 80 years); *Myers* v. *United States* (272 U. S. 52 (1926)) (control over subordinate officials in executive department) [but see *Humphrey's Executor* v. *United States* (295 U. S. 602, 626–628 (1935))]; *Hirabayashi* v. *United States* (320 U. S. 81 (1943)), and *Korematsu* v. *United States* (323 U. S. 214 (1944)) (express congressional authorization); cf. *United States* v. *Russell* (13 Wall. 623 (1871)) (imperative military necessity in area of combat during war); *United States* v. *Curtiss-Wright Export Corp.* (299 U. S. 304 (1936)) (power to negotiate with foreign governments); *United States* v. *United Mine Workers* (330 U. S. 258 (1947)) (seizure under specific statutory authorization).

[65] Chief Justice Marshall, in *McCulloch* v. *Maryland* (4 Wheat. 316, 415 (1819)).

[66] Letter of April 4, 1864, to A. G. Hodges, in 10 Complete Works of Abraham Lincoln (Nicolay and Hay ed. 1894), 66.

[67] Roosevelt, Autobiography (1914 ed.), 371–372.

[68] Letter of April 4, 1864, to A. G. Hodges, in 10 Complete Works of Abraham Lincoln (Nicolay and Hay ed. 1894), 66.

The Labor Management Relations Act, commonly known as the Taft-Hartley Act, includes provisions adopted for the purpose of dealing with Nation-wide strikes. They establish a procedure whereby the President may appoint a board of inquiry and thereafter, in proper cases, seek injunctive relief for an 80-day period against a threatened work stoppage. The President can invoke that procedure whenever, in his opinion, "a threatened or actual strike * * * affecting an entire industry * * * will, if permitted to occur or to continue, imperil the national health or safety." [69] At the time that act was passed, Congress specifically rejected a proposal to empower the President to seize any "plant, mine, or facility" in which a threatened work stoppage would, in his judgment, "imperil the public health or security." [70] Instead the Taft-Hartley Act directed the President, in the event a strike had not been settled during the 80-day injunction period, to submit to Congress "a full and comprehensive report * * * together with such recommendations as he may see fit to make for consideration and appropriate action." [71] The legislative history of the act demonstrates Congress' belief that the 80-day period would afford it adequate opportunity to determine whether special legislation should be enacted to meet the emergency at hand.[72]

The Selective Service Act of 1948 gives the President specific authority to seize plants which fail to produce goods required by the Armed Forces or the Atomic Energy Commission for national defense purposes. The act provides that when a producer from whom the President has ordered such goods "refuses or fails" to fill the order within a period of time prescribed by the President, the President may take immediate possession of the producer's plant.[73] This language is significantly broader than that used in the National Defense Act of 1916 and the Selective Training and Service Act of 1940, which provided for seizure when a producer "refused" to supply essential defense materials, but not when he "failed" to do so.[74]

These three statutes furnish the guideposts for decision in this case. Prior to seizing the steel mills on April 8 the President had exhausted the mediation procedures of the Defense Production Act through the Wage Stabilization Board. Use of those procedures had failed to avert the impending crisis; however, it had resulted in a 99-day postponement of the strike. The Government argues that this accomplished more than the maximum 80-day waiting period possible under the sanctions of the Taft-Hartley Act, and therefore amounted to compliance with the substance of that act. Even if one were to accept this somewhat hyperbolic conclusion, the hard fact remains that neither the Defense Production Act nor Taft-Hartley authorized the seizure challenged here, and the Government made no effort to comply with the procedures established by the Selective Service Act of 1948, a statute which expressly authorizes seizures when producers fail to supply necessary defense matériel.[75]

For these I reasons I concur in the judgment of the Court. As Justice Story once said: "For the executive department of the Government, this Court entertain the most entire respect; and amidst the multiplicity of cares in that department, it may, without any violation of decorum, be presumed, that sometimes there may be an inaccurate construction of a law. It is our duty to expound the laws as we find them in the records of state; and we cannot, when called upon by the citizens of the country, refuse our opinion, however it may differ from that of very great authorities." [76]

DISSENTING OPINIONS

Mr. Chief Justice Vinson, with whom Mr. Justice Reed and Mr. Justice Minton join, dissenting:

The President of the United States directed the Secretary of Commerce to take temporary possession of the Nation's steel mills during the existing emergency because "a work stoppage would immediately jeopardize and imperil our national defense and the defense of those joined with us in resisting aggression, and would add to the continuing danger of our soldiers, sailors, and airmen engaged in combat in the field." The district court ordered the mills returned to their private owners on the ground that the President's action was beyond his powers under the Constitution.

This Court affirms. Some members of the Court are of the view that the President is without power to act in time of crisis in the absence of express statutory authorization. Other members of the Court affirm on the basis of their reading of certain statutes. Because we cannot agree that affirmance is proper on any ground, and because of the transcending importance of the questions presented not only in this critical litigation but also to the powers of the President and of future Presidents to act in time of crisis, we are compelled to register this dissent.

I

In passing upon the question of Presidential powers in this case, we must first consider the context in which those powers were exercised.

Those who suggest that this is a case involving extraordinary powers should be mindful that these are extraordinary times. A world not yet recovered from the devastation of World War II has been forced to face the threat of another and more terrifying global conflict.

Accepting in full measure its responsibility in the world community, the United States was instrumental in securing adoption of the United Nations Charter, approved by the Senate by a vote of 89 to 2. The first purpose of the United Nations is to "maintain international peace and security, and to that end to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace. * * * "[1] In 1950, when the United Nations called upon member nations "to render every assistance" to repel aggression in Korea, the United States furnished its vigorous support.[2] For almost two full years our Armed Forces have been fighting in Korea, suffering casualties of over 108,000 men. Hostilities have not abated. The "determination of the United Nations to continue its action in Korea to meet the

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[69] 61 Stat. 155, 29 U. S. C. (Supp. IV), sec. 176.

[70] CONGRESSIONAL RECORD, vol. 93, pt. 3, pp. 3637–3645; cf. id., at pp. 3835–3836.

[71] Stat. 156, 29 U. S. C. (Supp. IV), sec. 180.

[72] E. g., S. Rept. No. 105, 80th Cong., 1st sess. 15; CONGRESSIONAL RECORD, vol. 93, pt. 3, pp. 3835–3836; id., at vol. 93, pt. 4, p. 4281.

[73] The producer must have been notified that the order was placed pursuant to the act. The act provides in pertinent part as follows:

"(a) Whenever the President after consultation with and receiving advice from the National Security Resources Board determines that it is in the interest of the national security for the Government to obtain prompt delivery of any articles or materials the procurement of which has been authorized by the Congress exclusively for the use of the Armed Forces of the United States, or for the use of the Atomic Energy Commission, he is authorized, through the head of any Government agency, to place with any person operating a plant, mine, or other facility capable of producing such articles or materials an order for such quantity of such articles or materials as the President deems appropriate. Any person with whom an order is placed pursuant to the provisions of this section shall be advised that such order is placed pursuant to the provisions of this section.

* * * * *

"(c) In case any person with whom an order is placed pursuant to the provisions of subsection (a) refuses or fails—

* * * * *

"(2) to fill such order within the period of time prescribed by the President or as soon thereafter as possible as determined by the President;

"(3) to produce the kind or quality of articles or materials ordered; or

"(4) to furnish the quantity, kind, and quality of articles or materials ordered at such price as shall be negotiated between such person and the Government agency concerned; or in the event of failure to negotiate a price, to furnish the quantity, kind, and quality of articles or materials ordered at such price as he may subsequently be determined to be entitled to receive under subsection (d);

"the President is authorized to take immediate possession of any plant, mine, or other facility of such person and to operate it, through any Government agency, for the production of such articles or materials as may be required by the Government" (62 Stat. 625, 50 U. S. C. App. (Supp. IV), sec. 468). The act was amended in 1951 and redesignated the Universal Military Training and Service Act, but no change was made in this section (65 Stat. 75).

[74] 39 Stat. 213; 54 Stat. 892.

[75] The Government has offered no explanation, in the record, the briefs, or the oral argument, as to why it could not have made both a literal and timely compliance with the provisions of that act. Apparently the Government could have placed orders with the steel companies for the various types of steel needed for defense purposes, and instructed the steel companies to ship the matériel directly to producers of planes, tanks, and munitions. The act does not require that Government orders cover the entire capacity of a producer's plant before the President has power to seize. Our experience during World War I demonstrates the speed with which the Government can invoke the remedy of seizing plants which fail to fill compulsory orders. The Federal Enameling & Stamping Co., of McKees Rocks, Pa., was served with a compulsory order on September 13, 1918, and seized on the same day. The Smith & Wesson plant at Springfield, Mass., was seized on September 13, 1918, after the company had failed to make deliveries under a compulsory order issued the preceding week. Communication from Ordnance Office to War Department Board of Appraisers, entitled "Report on Plants Commandeered by the Ordnance Office," December 19, 1918, pp. 3, 4, in National Archives, records of the War Department, Office of the Chief of Ordnance, O. O. 004.002/260. Apparently the Mosler Safe Co., of Hamilton, Ohio, was seized on the same day on which a compulsory order was issued. Id., at 2; letter from counsel for Mosler Safe Co. to Maj. Gen. George W. Goethals, Director of Purchase, Storage, and Traffic, War Department, December 9, 1918, p. 1, in National Archives, records of the War Department, Office of the General Staff, PST Division 400.1202.

[76] *The Orono* (18 Fed. Cas. No. 10,585 (Cir. Ct. D. Mass. 1812)).

[1] 59 Stat. 1021, 1027 (1945); CONGRESSIONAL RECORD, vol. 91, pt. 6, p. 8190 (1945).

[2] U. N. Security Council, U. N. Doc. S/1501 (1950); statement by the President, June 25, 1950, United States Policy in the Korean Crisis, Department of State publication (1950), 16.

aggression" has been reaffirmed.[3] Congressional support of the action in Korea has been manifested by provisions for increased military manpower and equipment and for economic stabilization, as hereinafter described.

Further efforts to protect the free world from aggression are found in the congressional enactments of the Truman plan for assistance to Greece and Turkey[4] and the Marshall plan for economic aid needed to build up the strength of our friends in Western Europe.[5] In 1949, the Senate approved the North Atlantic Treaty under which each member nation agrees that an armed attack against one is an armed attack against all.[6] Congress immediately implemented the North Atlantic Treaty by authorizing military assistance to nations dedicated to the principles of mutual security under the United Nations Charter.[7] The concept of mutual security recently has been extended by treaty to friends in the Pacific.[8]

Our treaties represent not merely legal obligations but show congressional recognition that mutual security for the free world is the best security against the threat of aggression on a global scale. The need for mutual security is shown by the very size of the armed forces outside the free world. Defendant's brief informs us that the Soviet Union maintains the largest air force in the world and maintains ground forces much larger than those presently available to the United States and the countries joined with us in mutual-security arrangements. Constant international tensions are cited to demonstrate how precarious is the peace.

Even this brief review of our responsibilities in the world community discloses the enormity of our undertaking. Success of these measures may, as has often been observed, dramatically influence the lives of many generations of the world's peoples yet unborn. Alert to our responsibilities, which coincide with our own self-preservation through mutual security, Congress has enacted a large body of implementing legislation. As an illustration of the magnitude of the over-all program, Congress has appropriated $130,000,000,000 for our own defense and for military assistance to our allies since the June 1950 attack in Korea.

In the Mutual Security Act of 1951, Congress authorized "military, economic, and technical assistance to friendly countries to strengthen the mutual security and individual and collective defenses of the free world, * * *."[9] Over $5,500,000,000 were appropriated for military assistance for fiscal year 1952, the bulk of that amount to be devoted to purchase of military equipment.[10] A request for over $7,000,000,000 for the same purpose for fiscal year 1953 is currently pending in Congress.[11] In addition to direct shipment of military equipment to nations of the free world, defense production in those countries relies upon shipment of machine tools and allocation of steel tonnage from the United States.[12]

Congress also directed the President to build up our own defenses. Congress, recognizing the "grim fact * * * that the United States is now engaged in a struggle for survival" and that "it is imperative that we now take those necessary steps to make our strength equal to the peril of the hour," granted authority to draft men into the Armed Forces.[13] As a result, we now have over 3,500,000 men in our Armed Forces.[14]

Appropriations for the Department of Defense, which had averaged less than $13,000,000,000 per year for the 3 years before attack in Korea, were increased by Congress to $48,000,000,000 for fiscal year 1951 and to $60,000,000,000 for fiscal year 1952.[15] A request for $51,000,000,000 for the Department of Defense for fiscal year 1953 is currently pending in Congress.[16] The bulk of the increase is for military equipment and supplies—guns, tanks, ships, planes, and ammunition—all of which require steel. Other defense programs requiring great quantities of steel include the large scale expansion of facilities for the Atomic Energy Commission[17] and the expansion of the Nation's productive capacity affirmatively encouraged by Congress.[18]

Congress recognized the impact of these defense programs upon the economy. Following the attack in Korea, the President asked for authority to requisition property and to allocate and fix priorities for scarce goods. In the Defense Production Act of 1950, Congress granted the powers requested and, in addition, granted power to stabilize prices and wages and to provide for settlement of labor disputes arising in the defense program.[19] The Defense Production Act was extended in 1951, a Senate committee noting that in the dislocation caused by the programs for purchase of military equipment "lies the seed of an economic disaster that might well destroy the military might we are straining to build."[20] Significantly, the committee examined the problem "in terms of just one commodity, steel," and found "a graphic picture of the over-all inflationary danger growing out of reduced civilian supplies and rising incomes." Even before Korea, steel production at levels above theoretical 100 percent capacity was not capable of supplying civilian needs alone. Since Korea, the tremendous military demand for steel has far exceeded the increases in productive capacity. This Committee emphasized that the shortage of steel, even with the mills operating at full capacity, coupled with increased civilian purchasing power, presented grave danger of disastrous inflation.[21]

The President has the duty to execute the foregoing legislative programs. Their successful execution depends upon continued production of steel and stabilized prices for steel. Accordingly, when the collective bargaining agreements between the Nation's steel producers and their employees, represented by the United Steelworkers, were due to expire on December 31, 1951, and a strike shutting down the entire basic steel industry was threatened, the President acted to avert the complete shutdown of steel production. On December 22, 1951, he certified the dispute to the Wage Stabilization Board, requesting that the Board investigate the dispute and promptly report its recommendation as to fair and equitable terms of settlement. The Union complied with the President's request and delayed its threatened strike while the dispute was before the Board. After a special Board panel had conducted hearings and submitted a report, the full Wage Stabilization Board submitted its report and recommendations to the President on March 20, 1952.

The Board's report was acceptable to the union but was rejected by plaintiffs. The union gave notice of its intention to strike as of 12:01 a. m., April 9, 1952, but bargaining between the parties continued with hope of settlement until the evening of April 8, 1952. After bargaining had failed to avert the threatened shutdown of steel production, the President issued the following Executive order:

"Whereas on December 16, 1950, I proclaimed the existence of a national emergency which requires that the military, naval, air, and civilian defenses of this country be strengthened as speedily as possible to the end that we may be able to repel any and all threats against our national security and to fulfill our responsibilities in the efforts being made throughout the United Nations and otherwise to bring about a lasting peace; and

"Whereas American fighting men and fighting men of other nations of the United Nations are now engaged in deadly combat with the forces of aggression in Korea, and forces of the United States are stationed elsewhere overseas for the purpose of participating in the defense of the Atlantic Community against aggression; and

"Whereas the weapons and other materials needed by our Armed Forces and by those joined with us in the defense of the free world are produced to a great extent in this country, and steel is an indispensable component of substantially all of such weapons and materials; and

"Whereas steel is likewise indispensable to the carrying out of programs of the Atomic Energy Commission of vital importance to our defense efforts; and

"Whereas a continuing and uninterrupted supply of steel is also indispensable to the maintenance of the economy of the United States, upon which our military strength depends; and

"Whereas a controversy has arisen between certain companies in the United States producing and fabricating steel and the elements thereof and certain of their workers represented by the United Steelworkers of America, CIO, regarding terms and conditions of employment; and

"Whereas the controversy has not been settled through the processes of collective bargaining or through the efforts of the Government, including those of the Wage Stabilization Board, to which the controversy was referred on December 22, 1951, pursuant to Executive Order No. 10233, and a strike has been called for 12:01 a. m., April 9, 1952; and

"Whereas a work stoppage would immediately jeopardize and imperil our national defense and the defense of those joined with us in resisting aggression, and would add to the continuing danger of our soldiers,

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[3] U. N. General Assembly, U. N. Doc. A/1771 (1951).

[4] 61 Stat. 103 (1947).

[5] 62 Stat. 137 (1948), as amended, 63 Stat. 50 (1949), 64 Stat. 198 (1950).

[6] 63 Stat. 2241 (1949), extended to Greece and Turkey, S. Exec. E, 82d Cong., 2d sess. (1952), advice and consent of the Senate granted. CONGRESSIONAL RECORD, February 7, 1952, p. 930.

[7] 63 Stat. 714 (1949).

[8] S. Execs. A, B, C, and D, 82d Cong., 2d sess. (1952), advice and consent of the Senate granted. CONGRESSIONAL RECORD, March 20, 1952, pp. 2594–2596, 2606.

[9] 65 Stat. 373 (1951).

[10] 65 Stat. 730 (1951); see H. Doc. No. 147, 82d Cong., 1st sess. 3 (1951).

[11] See H. Doc. 382, 82d Cong., 2d sess. (1952).

[12] Hearings before Senate Committee on Foreign Relations on the Mutual Security Act of 1952, 82d Cong., 2d sess. 565–566 (1952); Hearings before House Committee on Foreign Affairs on the Mutual Security Act of 1952, 82d Cong., 2d sess. 370 (1952).

[13] 65 Stat. 75 (1951); S. Rept. No. 117, 82d Cong., 1st sess. 3 (1951).

[14] Address by Secretary of Defense Lovett before the American Society of Newspaper Editors, Washington, April 18, 1952.

[15] Fiscal year 1952, 65 Stat. 423, 760 (1951); fiscal year 1951, 64 Stat. 595, 1044, 1223, 65 Stat. 48 (1950–1951); fiscal year 1950, 63 Stat. 869, 973, 987 (1949); fiscal year, 1949, 62 Stat. 647 (1948); fiscal year, 1948, 61 Stat. 551 (1947).

[16] See H. Rept. No. 1685, 82d Cong., 2d sess. 2 (1952), on H. R. 7391.

[17] See H. Rept. No. 384, 82d Cong., 1st sess. 5 (1951); CONGRESSIONAL RECORD, vol. 97, pt. 10, pp. 13647–13649.

[18] Defense Production Act, title III (64 Stat. 798 (1950), 65 Stat. 138 (1951).

[19] Note 18, supra, titles IV and V.

[20] S. Rep. No. 470, 82d Cong., 1st sess. 8 (1951).

[21] Id., at 8–9.

sailors, and airmen engaged in combat in the field; and

"Whereas in order to assure the continued availability of steel and steel products during the existing emergency, it is necessary that the United States take possession of and operate the plants, facilities, and other property of the said companies as hereinafter provided:

"Now, therefore, by virtue of the authority vested in me by the Constitution and laws of the United States, and as President of the United States and Commander in Chief of the Armed Forces of the United States, it is hereby ordered as follows:

"1. The Secretary of Commerce is hereby authorized and directed to take possession of all or such of the plants, facilities, and other property of the companies named in the list attached hereto, or any part thereof, as he may deem necessary in the interests of national defense; and to operate or to arrange for the operation thereof and to do all things necessary for, or incidental to, such operation. * * *" [22]

The next morning, April 9, 1952, the President addressed the following message to Congress:

"To the Congress of the United States:

"The Congress is undoubtedly aware of the recent events which have taken place in connection with the management-labor dispute in the steel industry. These events culminated in the action which was taken last night to provide for temporary operation of the steel mills by the Government.

"I took this action with the utmost reluctance. The idea of Government operation of the steel mills is thoroughly distasteful to me and I want to see it ended as soon as possible. However, in the situation which confronted me yesterday, I felt that I could make no other choice. The other alternatives appeared to be even worse—so much worse that I could not accept them.

"One alternative would have been to permit a shut-down in the steel industry. The effects of such a shut-down would have been so immediate and damaging with respect to our efforts to support our Armed Forces and to protect our national security that it made this alternative unthinkable.

"The only way that I know of, other than Government operation, by which a steel shut-down could have been avoided was to grant the demands of the steel industry for a large price increase. I believed and the officials in charge of our stabilization agencies believed that this would have wrecked our stabilization program. I was unwilling to accept the incalculable damage which might be done to our country by following such a course.

"Accordingly, it was my judgment that Government operation of the steel mills for a temporary period was the least undesirable of the courses of action which lay open. In the circumstances, I believed it to be, and now believe it to be, my duty and within my powers as President to follow that course of action.

"It may be that the Congress will deem some other course to be wiser. It may be that the Congress will feel we should give in to the demands of the steel industry for an exorbitant price increase and take the consequences so far as resulting inflation is concerned.

"It may be that the Congress will feel the Government should try to force the steelworkers to continue to work for the steel companies for another long period, without a contract, even though the steelworkers have already voluntarily remained at work without a contract for 100 days in an effort to reach an orderly settlement of their differences with management.

"It may even be that the Congress will feel that we should permit a shut-down of the steel industry, although that would immediately endanger the safety of our fighting forces abroad and weaken the whole structure of our national security.

"I do not believe the Congress will favor any of these courses of action, but that is a matter for the Congress to determine.

"It may be, on the other hand, that the Congress will wish to pass legislation establishing specific terms and conditions with reference to the operation of the steel mills by the Government. Sound legislation of this character might be very desirable.

"On the basis of the facts that are known to me at this time, I do not believe that immediate congressional action is essential; but I would, of course, be glad to cooperate in developing any legislative proposals which the Congress may wish to consider.

"If the Congress does not deem it necessary to act at this time, I shall continue to do all that is within my power to keep the steel industry operating and at the same time make every effort to bring about a settlement of the dispute so the mills can be returned to their private owners as soon as possible." [23]

Twelve days passed without action by Congress. On April 21, 1952, the President sent a letter to the President of the Senate in which he again described the purpose and need for his action and again stated his position that "The Congress can, if it wishes, reject the course of action I have followed in this matter." [24] Congress has not so acted to this date.

Meanwhile, plaintiffs instituted this action in the district court to compel defendant to return possession of the steel mills seized under Executive Order 10340. In this litigation for return of plaintiffs' properties, we assume that defendant Charles Sawyer is not immune from judicial restraint and that plaintiffs are entitled to equitable relief if we find that the Executive order under which defendant acts is unconstitutional. We also assume without deciding that the courts may go behind a President's finding of fact that an emergency exists. But there is not the slightest b..sis for suggesting that the President's finding in this case can be undermined. Plaintiffs moved for a preliminary injunction before answer or hearing. Defendant opposed the motion, filing uncontroverted affidavits of Government officials describing the facts underlying the President's order.

Secretary of Defense Lovett swore that "a work stoppage in the steel industry will result immediately in serious curtailment of production of essential weapons and munitions of all kinds." He illustrated by showing that 84 percent of the national production of certain alloy steel is currently used for production of military-end items and that 35 percent of total production of another form of steel goes into ammunition, 80 percent of such ammunition now going to Korea. The Secretary of Defense stated that: "We are holding the line [in Korea] with ammunition and not with the lives of our troops."

Affidavits of the Chairman of the Atomic Energy Commission, the Secretary of the Interior, defendant as Secretary of Commerce, and the Administrators of the Defense Production Administration, the National Production Authority, the General Services Administration, and the Defense Transport Administration were also filed in the district court. These affidavits disclose an enormous demand for steel in such vital defense programs as the expansion of facilities in atomic energy, petroleum, power, transportation, and industrial production, including steel production. Those charged with administering allocations and priorities swore to the vital part steel production plays in our economy. The affidavits emphasize the critical need for steel in our defense program, the absence of appreciable inventories of steel, and the drastic results of any interruption in steel production.

One is not here called upon even to consider the possibility of Executive seizure of a farm, a corner grocery store or even a single industrial plant. Such considerations arise only when one ignores the central fact of this case—that the Nation's entire basic steel production would have shut down completely if there had been no Government seizure. Even ignoring for the moment whatever confidential information the President may possess as "the Nation's organ for foreign affairs," [25] the uncontroverted affidavits in this record amply support the finding that a work stoppage would immediately jeopardize and imperil our national defense.

Plaintiffs do not remotely suggest any basis for rejecting the President's finding that any stoppage of steel production would immediately place the Nation in peril. Moreover, even self-generated doubts that any stoppage of steel production constitutes an emergency are of little comfort here. The union and the plaintiffs bargained for 6 months with over 100 issues in dispute—issues not limited to wage demands but including the union shop and other matters of principle between the parties. At the time of seizure there was not, and there is not now, the slightest evidence to justify the belief that any strike will be of short duration. The union and the steel companies may well engage in a lengthy struggle. Plaintiff's counsel tells us that sooner or later the mills will operate again. That may satisfy the steel companies and, perhaps, the union. But our soldiers and our allies will hardly be cheered with the assurance that the ammunition upon which their lives depend will be forthcoming sooner or later, or, in other words, too little and too late.

Accordingly, if the President has any power under the Constitution to meet a critical situation in the absence of express statutory authorization, there is no basis whatever for criticizing the exercise of such power in this case.

II

The steel mills were seized for a public use. The power of eminent domain, invoked in this case, is an essential attribute of sovereignty and has long been recognized as a power of the Federal Government. (*Kohl* v. *United States* (91 U. S. 367 (1876)).) Plaintiffs cannot complain that any provision in the Constitution prohibits the exercise of the power of eminent domain in this case. The fifth amendment provides: "nor shall private property be taken for public use, without just compensation." It is no bar to this seizure for, if the taking is not otherwise unlawful, plaintiffs are assured of receiving the required just compensation. (*United States* v. *Pewee Coal Co.* (341 U. S. 114 (1951)).)

Admitting that the Government could seize the mills, plaintiffs claim that the implied power of eminent domain can be exercised only under an act of Congress; under no circumstances, they say, can that power be exercised by the President unless he can point to an express provision in enabling legislation. This was the view adopted by the district judge when he granted the preliminary injunction. Without an answer, without hearing evidence, he determined the issue on the basis of his "fixed conclusion * * * that defendant's acts are il-

[22] Executive Order 10340, 17 Fed. Reg. 3139 (1952).

[23] CONGRESSIONAL RECORD, April 9, 1952, p. 3912.

[24] CONGRESSIONAL RECORD, April 21, 1952, p. 4131.

[25] *Chicago & Southern Air Lines* v. *Waterman S. S. Corp.* (333 U. S. 103, 111 (1948), and cases cited.

legal" because the President's only course in the face of an emergency is to present the matter to Congress and await the final passage of legislation which will enable the Government to cope with threatened disaster.

Under this view, the President is left powerless at the very moment when the need for action may be most pressing and when no one, other than he, is immediately capable of action. Under this view, he is left powerless because a power not expressly given to Congress is nevertheless found to rest exclusively with Congress.

Consideration of this view of executive impotence calls for further examination of the nature of the separation of powers under our tripartite system of government.

The Constitution provides:

Article I, section 1: "All legislative powers herein granted shall be vested in a Congress of the United States * * *."

Article II, section 1: "The executive power shall be vested in a President of the United States of America * * *."

Section 2: "The President shall be Commander in Chief of the Army and Navy of the United States * * *."

"He shall have the power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur * * *."

Section 3: "He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; * * * he shall take care that the laws be faithfully executed * * *."

Article III, section 1: "The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish."

The whole of the "executive power" is vested in the President. Before entering office, the President swears that he "will faithfully execute the Office of President of the United States, and will to the best of [his] ability, preserve, protect and defend the Constitution of the United States" (art. II, section 1).

This comprehensive grant of the executive power to a single person was bestowed soon after the country had thrown the yoke of monarchy. Only by instilling initiative and vigor in all of the three departments of Government, declared Madison, could tyranny in any form be avoided.[26] Hamilton added: "Energy in the Executive is a leading character in the definition of good government. It is essential to the protection of the community against foreign attack; it is not less essential to the steady administration of the laws; to the protection of property against those irregular and high-handed combinations which sometimes interrupt the ordinary course of justice; to the security of liberty against the enterprises and assaults of ambition, of faction, and of anarchy."[27] It is thus apparent that the Presidency was deliberately fashioned as an office of power and independence. Of course, the framers created no autocrat capable of arrogating any power unto himself at any time. But neither did they create an automaton impotent to exercise the powers of Government at a time when the survival of the Republic itself may be at stake.

In passing upon the grave constitutional question presented in this case, we must never forget, as Chief Justice Marshall admonished, that the Constitution is "intended to endure for ages to come, and, consequently, to be adapted to the various crises of human affairs," and that "[i]ts means are adequate to its ends."[28] Cases do arise presenting questions which could not have been foreseen by the framers. In such cases, the Constitution has been treated as a living document adaptable to new situations.[29] But we are not called upon today to expand the Constitution to meet a new situation. For, in this case, we need only look to history and time-honored principles of constitutional law—principles that have been applied consistently by all branches of the Government throughout our history. It is those who assert the invalidity of the executive order who seek to amend the Constitution in this case.

III

A review of executive action demonstrates that our Presidents have on many occasions exhibited the leadership contemplated by the framers when they made the President Commander in Chief, and imposed upon him the trust to "take care that the laws be faithfully executed." With or without explicit statutory authorization, Presidents have at such times dealt with national emergencies by acting promptly and resolutely to enforce legislative programs, at least to save those programs until Congress could act. Congress and the courts have responded to such executive initiative with consistent approval.

Our first President displayed at once the leadership contemplated by the Framers. When the national revenue laws were openly flouted in some sections of Pennsylvania, President Washington, without waiting for a call from the State government, summoned the militia and took decisive steps to secure the faithful execution of the laws.[30] When international disputes engendered by the French revolution threatened to involve this country in war, and while congressional policy remained uncertain, Washington issued his Proclamation of Neutrality. Hamilton, whose defense of the Proclamation has endured the test of time, invoked the argument that the Executive has the duty to do that which will preserve peace until Congress acts and, in addition, pointed to the need for keeping the Nation informed of the requirements of existing laws and treaties as part of the faithful execution of the laws.[31]

President John Adams issued a warrant for the arrest of Jonathan Robbins in order to execute the extradition provisions of a treaty. This action was challenged in Congress on the ground that no specific statute prescribed the method to be used in executing the treaty. John Marshall, then a member of the House of Representatives, made the following argument in support of the President's action:

"The treaty, which is a law, enjoins the performance of a particular object. The person who is to perform this object is marked out by the Constitution, since the person is named who conducts the foreign intercourse, and is to take care that the laws be faithfully executed. The means by which it is to be performed, the force of the Nation, are in the hands of this person. Ought not this person to perform the object, although the particular mode of using the means has not been prescribed? Congress, unquestionably may prescribe the mode, and Congress may devolve on others the whole execution of the contract; but, till this be done, it seems the duty of the Executive department to execute the contract by any means it possesses."[32]

Efforts in Congress to discredit the President for his action failed.[33] Almost a century later, this Court had occasion to give its express approval to "the masterly and conclusive argument of John Marshall."[34]

Jefferson's initiative in the Louisiana Purchase, the Monroe Doctrine, and Jackson's removal of Government deposits from the Bank of the United States further served to demonstrate by deed what the framers described by word when they vested the whole of the executive power in the President.

Without declaration of war, President Lincoln took energetic action with the outbreak of the Civil War. He summoned troops and paid them out of the Treasury without appropriation therefor. He proclaimed a naval blockade of the Confederacy and seized ships violating that blockade. Congress, far from denying the validity of these acts, gave them express approval. The most striking action of President Lincoln was the Emancipation Proclamation, issued in aid of the successful prosecution of the Civil War, but wholly without statutory authority.[35]

In an action which furnished a most apt precedent for this case, President Lincoln directed the seizure of rail and telegraph lines leading to Washington without statutory authority.[36] Many months later, Congress recognized and confirmed the power of the President to seize railroads and telegraph lines and provided criminal penalties for interference with Government operation.[37] This act did not confer on the President any additional powers of seizure. Congress plainly rejected the view that the President's acts had been without legal sanction until ratified by the legislature. Sponsors of the bill declared that its purpose was only to confirm the power which the President already possessed.[38] Opponents insisted a statute authorizing seizure was unnecessary and might even be construed a limiting existing Presidential powers.[39]

Other seizures of private property occurred during the Civil War, just as they had occurred during previous wars.[40] In *United States* v. *Russell* (13 Wall. 623 (1872)), three river steamers were seized by Army quartermasters on the ground of "imperative military necessity." This Court affirmed an award of compensation, stating:

"Extraordinary and unforeseen occasions arise, however, beyond all doubt, in cases of extreme necessity in time of war or of immediate and impending public danger, in which private property may be impressed into the public service, or may be seized and

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[26] The Federalist, No. XLVIII.

[27] The Federalist, No. LXX.

[28] *McCulloch* v. *Maryland* (4 Wheat. 316, 415, 424 (1819)).

[29] *United States* v. *Classic* (313 U. S. 299, 315–316 (1941)); *Home Building & Loan Association* v. *Blaisdell* (290 U. S. 398, 442–443 (1934)).

[30] 4 Annals of Congress 1411, 1413 (1794).

[31] IV Works of Hamilton (Lodge ed. 1904) 432–444.

[32] 10 Annals of Congress 596, 613–614 (1800); also printed in 5 Wheat. App. pp. 3, 27 (1820).

[33] 10 Annals of Congress 619 (1800).

[34] *Fong Yue Ting* v. *United States* (149 U. S. 698, 714 (1893)).

[35] See The Prize Cases (2 Black 635 (1863)); Randall, Constitutional Problems Under Lincoln (1926); Corwin, The President: Office and Powers (1948 ed.), 277–281.

[36] War of the Rebellion, Official Records of the Union and Confederate Armies, series I, vol. II, pp. 603–604 (1880).

[37] 12 Stat. 334 (1862).

[38] Senator Wade, Congressional Globe, 37th Cong., 2d sess. 509 (1862); Representative Blair, id., at 548.

[39] Senators Browning, Fessenden, Cowan, Grimes, id., at 510, 512, 516, 520.

[40] In 1818, the House Committee on Military Affairs recommended payment of compensation for vessels seized by the Army during the War of 1812 (American State Papers, Claims (1834), 649). *Mitchel* v. *Harmony* (13 How. 115, 134 (1852)), involving seizure of a wagon train by an Army officer during the Mexican War, noted that such Executive seizure was proper in case of emergency, but affirmed a personal judgment against the officer on the ground that no emergency had been found to exist. The judgment was paid by the United States pursuant to act of Congress (10 Stat. 727 (1852)).

appropriated to the public use, or may even be destroyed without the consent of the owner."

* * * * *

"Exigencies of the kind do arise in time of war or impending public danger, but it is the emergency, as was said by a great magistrate, that gives the right, and it is clear that the emergency must be shown to exist before the taking can be justified. Such a justification may be shown, and when shown the rule is well settled that the officer taking private property for such a purpose, if the emergency is fully proved, is not a trespasser, and that the Government is bound to make full compensation to the owner." [41]

In *In re Neagle* (135 U. S. 1 (1890)), this Court held that a Federal officer had acted in line of duty when he was guarding a Justice of this Court riding circuit. It was conceded that there was no specific statute authorizing the President to assign such a guard. In holding that such a statute was not necessary, the Court broadly stated the question as follows:

"[The President] is enabled to fulfill the duty of his great department, expressed in the phrase that 'he shall take care that the laws be faithfully executed.'

"Is this duty limited to the enforcement of acts of Congress or of treaties of the United States according to their express terms, or does it include the rights, duties, and obligations growing out of the Constitution itself, our international relations, and all the protection implied by the nature of the Government under the Constitution?" [42]

The latter approach was emphatically adopted by the Court.

President Hayes authorized the widespread use of Federal troops during the railroad strike of 1877.[43] President Cleveland also used the troops in the pullman strike of 1895 and his action is of special significance. No statute authorized this action. No call for help had issued from the Governor of Illinios; indeed Governor Altgeld disclaimed the need for supplemental forces. But the President's concern was that Federal laws relating to the free flow of interstate commerce and the mails be continuously and faithfully executed without interruption.[44] To further this aim his agents sought and obtained the injunction upheld by this Court in *In re Debs* (158 U. S. 564 (1895)). The Court scrutinized each of the steps taken by the President to insure execution of the "mass of legislation" dealing with commerce and the mails and gave his conduct full approval. Congress likewise took note of this use of Presidential power to forestall apparent obstacles to the faithful execution of the laws. By separate resolutions, both the Senate and the House commended the Executive's action.[45]

President Theodore Roosevelt seriously contemplated seizure of Pennsylvania coal mines if a coal shortage necessitated such action.[46] In his autobiography, President Roosevelt expounded the "stewardwship theory" of Presidential power, stating that "the Executive is subject only to the people, and, under the Constitution, bound to serve the people affirmatively in cases where the Constitution does not explicitly forbid him to render the service." [47] Because the contemplated seizure of the coal mines was based on this theory, then ex-President Taft criticized President Roosevelt in a passage in his book relied upon by the District Court in this case. Taft, Our Chief Magistrate and His Powers (1915), 139–147. In the same book, however, President Taft agreed that such powers of the President as the duty "to take care that the laws be faithfully executed" could not be confined to "express congressional statutes." *In re Neagle*, supra, and *In re Debs, supra*, were cited as conforming with Taft's concept of the office, id., at pages 88–94, as they were later to be cited with approval in his opinion as Chief Justice in *Myers* v. *United States* (272 U. S. 52, 133 (1926)).[48]

In 1909, President Taft was informed that Government-owned oil lands were being patented by private parties at such a rate that public oil lands would be depleted in a matter of months. Although Congress had explicitly provided that these lands were open to purchase by United States citizens (29 Stat. 526 (1897)), the President, nevertheless, ordered the lands withdrawn from sale "in aid of proposed legislation." In *United States* v. *Midwest Oil Co.* (236 U. S. 459 (1915)), the President's action was sustained as consistent with executive practice throughout our history. An excellent brief was filed in the case by the Solicitor General, Mr. John W. Davis, together with Assistant Attorney General Knaebel, later Reporter for this Court. In this brief, the situation confronting President Taft was described as "an emergency; there was no time to wait for the action of Congress." The brief then discusses the powers of the President under the Constitution in such a case:

"Ours is a self-sufficient Government within its sphere. (*Ex parte Siebold* (100 U. S. 371, 395); *In re Debs* (158 U. S. 564, 578)). 'Its means are adequate to its ends' (*McCulloch* v. *Maryland* (4 Wheat. 316, 424)), and it is rational to assume that its active forces will be found equal in most things to the emergencies that confront it. While perfect flexibility is not to be expected in a government of divided powers, and while division of power is one of the principal features of the Constitution, it is the plain duty of those who are called upon to draw the dividing lines to ascertain the essential, recognize the practical, and avoid a slavish formalism which can only serve to ossify the Government and reduce its efficiency without any compensating good. The function of making laws is peculiar to Congress, and the Executive cannot exercise that function to any degree. But this is not to say that all of the subjects concerning which laws might be made are perforce removed from the possibility of Executive influence. The Executive may act upon things and upon men in many relations which have not, though they might have, been actually regulated by Congress. In other words, just as there are fields which are peculiar to Congress and fields which are peculiar to the Executive, so there are fields which are common to both, in the sense that the Executive may move within them until they shall have been occupied by legislative action. These are not the fields of legislative prerogative, but fields within which the lawmaking power may enter and dominate whenever it chooses. This situation results from the fact that the President is the active agent, not of Congress, but of the Nation. As such he performs the duties which the Constitution lays upon him immediately, and as such, also, he executes the laws and regulations adopted by Congress. He is the agent of the people of the United States, deriving all his powers from them and responsible directly to them. In no sense is he the agent of Congress. He obeys and executes the laws of Congress, not because Congress is enthroned in authority over him, but because the Constitution directs him to do so.

"Therefore it follows that in ways short of making laws or disobeying them, the Executive may be under a grave constitutional duty to act for the national protection in situations not covered by the acts of Congress, and in which, even, it may not be said that his action is the direct expression of any particular one of the independent powers which are granted to him specifically by the Constitution. Instances wherein the President has felt and fulfilled such a duty have not been rare in our history, though, being for the public benefit and approved by all, his acts have seldom been challenged in the courts. We are able, however, to present a number of apposite cases which were subjected to judicial inquiry."

The brief then quotes from such cases as In re Debs, supra, and In re Neagle, supra, and continues:

"As we understand the doctrine of the Neagle case, and the cases therein cited, it is clearly this: The Executive is authorized to exert the power of the United States when he finds this necessary for the protection of the agencies, the instrumentalities, or the property of the Government. This does not mean an authority to disregard the wishes of Congress on the subject, when that subject lies within its control and when those wishes have been expressed, and it certainly does not involve the slightest semblance of a power to legislate, much less to 'suspend' legislation already passed by Congress. It involves the performance of specific acts, not of a legislative but purely of an executive character—acts which are not in themselves laws, but which presuppose a 'law' authorizing him to perform them. This law is not expressed, either in the Constitution or in the enactments of Congress, but reason and necessity compel that it be implied from the exigencies of the situation.

"In none of the cases which we have mentioned, nor in the cases cited in the extracts taken from the Neagle case, was it possible to say that the action of the President was directed, expressly or implicdly, by Congress. The situations dealt with had never been covered by any act of Congress, and there was no ground whatever for a contention that the possibility of their occurrence had ever been specifically considered by the legislative mind. In none of those cases did the action of the President amount merely to the execution of some specific law.

"Neither does any of them stand apart in principle from the case at bar, as involving the exercise of specific constitutional powers of the President in a degree in which this case does not involve them. Taken collectively, the provisions of the Constitution which designate the President as the official who must represent us in foreign relations, in commanding the Army and Navy, in keeping Congress informed of the state of the Union, in insuring the faithful execution of the laws and in recommending new ones, considered in connection with the sweeping declaration that the executive power shall be vested in him, completely demonstrate that his is the watchful eye, the active hand, the overseeing dynamic force of the United States." [49]

This brief is valuable not alone because of the caliber of its authors but because it

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[41] 13 Wall. at 627–628. Such a compensable taking was soon distinguished from the noncompensable taking and destruction of property during the extreme exigencies of a military campaign. *United States* v. *Pacific R. Co.* (120 U. S. 227 (1887)).

[42] 135 U. S. at 64.

[43] Rich, The President and Civil Disorders (1941), 72–86.

[44] Cleveland, The Government in the Chicago Strike of 1894 (1913).

[45] 26 CONGRESSIONAL RECORD 7231–7284, 7544–7546 (1894).

[46] Theodore Roosevelt, Autobiography (1916 ed.), 479–491.

[47] Id., at 378.

[48] *Humphrey's Executor* v. *United States* (295 U. S. 602, 626 (1935)), disapproved expressions in the Myers opinion only to the extent that they related to the President's power to remove members of quasi-legislative and judicial commissions as contrasted with executive employees.

[49] Brief for the United States, No. 278, October term, 1914, pp. 11, 75–77, 88–90.

lays bare in succinct reasoning the basis of the executive practice of which this Court approved in the Midwest Oil case.

During World War I, President Wilson established a War Labor Board without awaiting specific direction by Congress.[50] With William Howard Taft and Frank P. Walsh as cochairmen, the Board had as its purpose the prevention of strikes and lockouts interfering with the production of goods needed to meet the emergency. Effectiveness of War Labor Board decision was accomplished by Presidential action, including seizure of industrial plants.[51] Seizure of the Nation's railroads was also ordered by President Wilson.[52]

Beginning with the bank holiday proclamation [53] and continuing through World War II, executive leadership and initiative were characteristic of President Franklin D. Roosevelt's administration. In 1939, upon the outbreak of war in Europe, the President proclaimed a limited national emergency for the purpose of strengthening our national defense.[54] By May of 1941, the danger from the Axis belligerents having become clear, the President proclaimed "an unlimited national emergency" calling for mobilization of the Nation's defenses to repel aggression.[55] The President took the initiative in strengthening our defenses by acquiring rights from the British Government to establish air bases in exchange for over-age destroyers.[56]

In 1941, President Roosevelt acted to protect Iceland from attack by Axis powers when British forces were withdrawn by sending our forces to occupy Iceland. Congress was informed of this action on the same day that our forces reached Iceland.[57] The occupation of Iceland was but one of at least 125 incidents in our history in which Presidents, "without congressional authorization, and in the absence of a declaration of war, [have] ordered the Armed Forces to take action or maintain positions abroad." [58]

Some 6 months before Pearl Harbor a dispute at a single aviation plant at Inglewood, Calif, interrupted a segment of the production of military aircraft. In spite of the comparative insignificance of this work stoppage to total defense production as contrasted with the complete paralysis now threatened by a shut-down of the entire basic steel industry, and even though our Armed Forces were not then engaged in combat, President Roosevelt ordered the seizure of the plant "pursuant to the powers vested in [him] by the Constitution and laws of the United States, as President of the United States of America and Commander in Chief of the Army and Navy of the United States." [59] The Attorney General (Jackson) vigorously proclaimed that the President had the moral duty to keep this Nation's defense effort a going concern. His ringing moral justification was coupled with a legal justification equally well stated:

"The Presidential proclamation rests upon the aggregate of the Presidential powers derived from the Constitution itself and from statutes enacted by the Congress.

"The Constitution lays upon the President the duty 'to take care that the laws be faithfully executed.' Among the laws which he is required to find means to execute are those which direct him to equip an enlarged army, to provide for a strengthened navy, to protect Government property, to protect those who are engaged in carrying out the business of the Government, and to carry out the provisions of the Lend-Lease Act. For the faithful execution of such laws the President has back of him not only each general law-enforcement power conferred by the various acts of Congress but the aggregate of all such laws plus that wide discretion as to method vested in him by the Constitution for the purpose of executing the laws.

"The Constitution also places on the President the responsibility and vests in him the powers of Commander in Chief of the Army and of the Navy. These weapons for the protection of the continued existence of the Nation are placed in his sole command and the implication is clear that he should not allow them to become paralyzed by failure to obtain supplies for which Congress has appropriated the money and which it has directed the President to obtain." [60]

At this time, Senator CONNALLY proposed amending the Selective Service and Training Act to authorize the President to seize any plant where an interruption of production would unduly impede the defense effort.[61] Proponents of the measure in no way implied that the legislation would add to the powers already possessed by the President [62] and the amendment was opposed as unnecessary since the President already had the power.[63] The amendment relating to plant seizures was not approved at that session of Congress.[64]

Meanwhile, and also prior to Pearl Harbor, the President ordered the seizure of a shipbuilding company and an aircraft parts plant.[65] Following the declaration of war, but prior to the Smith-Connally Act of 1943, five additional industrial concerns were seized to avert interruption of needed production.[66] During the same period, the President directed seizure of the Nation's coal mines to remove an obstruction to the effective prosecution of the war.[67]

The procedures adopted by President Roosevelt closely resembled the methods employed by President Wilson. A National War Labor Board, like its predecessor of World War I, was created by Executive Order to deal effectively and fairly with disputes affecting defense production.[68] Seizures were considered necessary, upon disobedience of War Labor Board orders to assure that the mobilization effort remained a "going concern," and to enforce the economic stabilization program.

At the time of the seizure of the coal mines, Senator CONNALLY's bill to provide a statutory basis for seizures and for the War Labor Board was again before Congress. As stated by its sponsor, the purpose of the bill was not to augment Presidential power, but to "let the country know that the Congress is squarely behind the President." [69] As in the case of the legislative recognition of President Lincoln's power to seize, Congress again recognized that the President already had the necessary power, for there was no intention to "ratify" past actions of doubtful validity. Indeed, when Senator Tydings offered an amendment to the Connally bill expressly to confirm and validate the seizure of the coal mines, sponsors of the bill opposed the amendment as casting doubt on the legality of the seizure and the amendment was defeated.[70] When the Connally bill, S. 796, came before the House, all parts after the enacting clause were stricken and a bill introduced by Representative SMITH of Virginia was substituted and passed. This action in the House is significant because the Smith bill did not contain the provisions authorizing seizure by the President but did contain provisions controlling and regulating activities in respect to properties seized by the Government under statute "or otherwise." [71] After a conference, the seizure provisions of the Connally bill, enacted as the Smith-Connally or War Labor Disputes Act of 1943, 57 Statutes 163, were agreed to by the House.

Following passage of the Smith-Connally Act, seizures to assure continued production on the basis of terms recommended by the War Labor Board were based upon that act as well as upon the President's power under

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[50] National War Labor Board. Bureau of Labor Statistics, Bull. 287 (1921).

[51] *Id.*, at 24–25, 32–34. See also, 2 Official U. S. Bull. (1918) No. 412; 8 Baker, Woodrow Wilson Life & Letters (1939), 400–402; Berman, Labor Disputes and the President (1924), 125–153; Pringle, The Life and Times of William Howard Taft (1939), 915–925.

[52] 39 Stat. 619, 645 (1916), provides that the President may take possession of any system of transportation in time of war. Following seizure of the railroads by President Wilson, Congress enacted detailed legislation regulating the mode of Federal control. 40 Stat. 451 (1918).

When Congress was considering the statute authorizing the President to seize communications systems whenever he deemed such action necessary during the war, 40 Stat. 904 (1918), Senator (later President) Harding opposed on the ground that there was no need for such stand-by powers because, in event of a present necessity, the Chief Executive "ought to" seize communications lines, "else he would be unfaithful to his duties as such Chief Executive." CONGRESSIONAL RECORD, vol. 56, pt. 9, p. 9064 (1918).

[53] 48 Stat. 1689 (1933).

[54] 54 Stat. 2643 (1939).

[55] 55 Stat. 1647 (1941).

[56] CONGRESSIONAL RECORD, vol. 86, pt. 10, p. 11354 (1940) (Message of the President). See 39 Ops. Atty. Gen. 484 (1940). Attorney General Jackson's opinion did not extend to the transfer of Mosquito boats solely because an express statutory prohibition on transfer was applicable.

[57] CONGRESSIONAL RECORD, vol. 87, pt. 6, p. 5868 (1941) (Message of the President).

[58] Powers of the President To Send the Armed Forces Outside the United States, report prepared by executive department for use of Joint Committee of Senate Committees on Foreign Relations and Armed Services, 82d Cong., 1st sess., committee print 2 (1951).

[59] Executive Order 8773, 6 Fed. Reg. 2777 (1941).

[60] See CONGRESSIONAL RECORD, vol. 89, pt. 3, p. 3992 (1943). The Attorney General also noted that the dispute at North American Aviation was Communist-inspired and more nearly resembled an insurrection than a labor strike. The relative size of North American Aviation and the impact of an interruption in production upon our defense effort were not described.

[61] CONGRESSIONAL RECORD, vol. 87, pt. 5, p. 4932 (1941). See also S. 1600 and S. 2054, 77th Cong., 1st sess. (1941).

[62] Representatives May, Whittington; CONGRESSIONAL RECORD, vol. 87, pt. 6, p. 5895, 5972 (1941).

[63] Representatives Dworshak, Feddis, Harter, Dirksen, Hook; CONGRESSIONAL RECORD, vol. 87, pt. 6, p. 5901, 5910, 5974, 5975 (1941).

[64] The plant-seizure amendment passed the Senate, but was rejected in the House after a conference committee adopted the amendment. CONGRESSIONAL RECORD, vol. 87, pt. 6, p. 6424 (1941).

[65] Exec. Order 8868, 6 Fed. Reg. 4349 (1941); Exec. Order 8928, 6 Fed. Reg. 5559 (1941).

[66] Exec. Order 9141, 7 Fed. Reg. 2961 (1942); Exec. Order 9220, 7 Fed. Reg. 6413 (1942); Exec. Order 9225, 7 Fed. Reg. 6627 (1952); Exec. Order 9254, 7 Fed. Reg. 8333 (1952); Exec. Order 9351, 8 Fed. Reg. 8097 (1943).

[67] Exec. Order 9340, 8 Fed. Reg. 5695 (1943).

[68] Exec. Order 9017, 7 Fed. Reg. 237 (1942); 1 Termination Report of the National War Labor Board 5–11.

[69] CONGRESSIONAL RECORD, vol. 89, pt. 3, p. 3807 (1943). Similar views of the President's existing power were expressed by Senators Lucas, Wheeler, Austin, and Barkley. Id., at 3885–3887, 3896, 3992.

[70] CONGRESSIONAL RECORD, vol. 89, pt. 3, p. 3989–3992 (1943).

[71] S. 796, 78th Cong., 1st sess., secs. 12, 13 (1943), as passed by the House.

the Constitution and the laws generally. A question did arise as to whether the statutory language relating to "any plant, mine, or facility equipped for the manufacture, production, or mining of any articles or materials" [72] authorized the seizure of properties of Montgomery Ward & Co., a retail department store and mail order concern. The Attorney General (Biddle) issued an opinion that the President posssessed the power to seize Montgomery Ward properties to prevent a work stoppage whether or not the terms of the Smtih-Connally Act authorized such a seizure.[73] This opinion was in line with the views on Presidential powers maintained by the Attorney General's predecessors (Murphy [74] and Jackson [75]) and his successor (Clark [76]). Accordingly, the President ordered seizure of the Chicago properties of Montgomery Ward in April 1944, when that company refused to obey a War Labor Board order concerning the bargaining representative of its employees in Chicago.[77] In Congress, a Select Committee To Investigate Seizure of the Property of Montgomery Ward & Co., assuming that the terms of the Smith-Connally Act did not cover this seizure, concluded that the seizure "was not only within the constitutional power but was the plain duty of the President." [78] Thereafter, an election determined the bargaining representative for the Chicago employees and the properties were returned to Montgomery Ward & Co. In December 1944, after continued defiance of a series of War Labor Board orders, President Roosevelt ordered the seizure of Montgomery Ward properties throughout the country.[79] The Court of Appeals for the Seventh Circuit upheld this seizure on statutory grounds and also indicated its disapproval of a lower court's denial of seizure power apart from express statute.[80]

More recently, President Truman acted to repel aggression by employing our Armed Forces in Korea.[81] Upon the intervention of the Chinese Communists, the President proclaimed the existence of an unlimited national emergency requiring the speedy build-up of our Defense Establishment.[82] Congress responded by providing for increased manpower and weapons for our own Armed Forces, by increasing military aid under the Mutual Security Program and by enacting economic stabilization measures, as previously described.

This is but a cursory summary of executive leadership. But it amply demonstrates that Presidents have taken prompt action to enforce the laws and protect the country whether or not Congress happened to provide in advance for the particular method of execution. At the minimum, the executive actions reviewed herein sustain the action of the President in this case. And many of the cited examples of presidential practice go far beyond the extent of power necessary to sustain the President's order to seize the steel mills. The fact that temporary Executive seizures of industrial plants to meet an emergency have not been directly tested in this Court furnishes not the slightest suggestion that such actions have been illegal. Rather, the fact that Congress and the courts have consistently recognized and given their support to such Executive action indicates that such a power of seizure has been accepted throughout our history.

History bears out the genius of the Founding Fathers, who created a Government subject to law but not left subject to inertia when vigor and initiative are required.

IV

Focusing now on the situation confronting the President on the night of April 8, 1952, we cannot but conclude that the President was performing his duty under the Constitution "to take care that the laws be faithfully executed"—a duty described by President Benjamin Harrison as "the central idea of the office." [83]

The President reported to Congress the morning after the seizure that he acted because a work stoppage in steel production would immediately imperil the safety of the Nation by preventing execution of the legislative programs for procurement of military equipment. And, while a shut-down could be averted by granting the price concessions requested by plaintiffs, granting such concessions would disrupt the price stabilization program also enacted by Congress. Rather than fail to execute either legislative program, the President acted to execute both.

Much of the argument in this case has been directed at straw men. We do not now have before us the case of a President acting solely on the basis of his own notions of the public welfare. Nor is there any question of unlimited executive power in this case. The President himself closed the door to any such claim when he sent his message to Congress stating his purpose to abide by any action of Congress, whether approving or disapproving his seizure action. Here, the President immediately made sure that Congress was fully informed of the temporary action he had taken only to preserve the legislative programs from destruction until Congress could act.

The absence of a specific statute authorizing seizure of the steel mills as a mode of executing the laws—both the military procurement program and the anti-inflation program—has not until today been thought to prevent the President from executing the laws. Unlike an administrative commission confined to the enforcement of the statute under which it was created, or the head of a department when administering a particular statute, the President is a constitutional officer charged with taking care that a "mass of legislation" be executed. Flexibility as to mode of execution to meet critical situations is a matter of practical necessity. This practical construction of the "take care" clause, advocated by John Marshall, was adopted by this Court in In re Neagle, In re Debs, and other cases cited supra. See also *Ex parte Quirin* (317 U. S. 1, 26 (1942)). Although more restrictive views of executive power, advocated in dissenting opinions of Justices Holmes, McReynolds, and Brandeis, were emphatically rejected by this Court in *Myers* v. *United States*, supra, members of today's majority treat these dissenting views as authoritative.

There is no statute prohibiting seizure as a method of enforcing legislative programs. Congress has in no wise indicated that its legislation is not to be executed by the taking of private property (subject of course to the payment of just compensation) if its legislation cannot otherwise be executed. Indeed, the Universal Military Training and Service Act authorizes the seizure of any plant that fails to fill a Government contract [84] or the properties of any steel producer that fails to allocate steel as directed for defense production.[85] And the Defense Production Act authorizes the President to requisition equipment and condemn real property needed without delay in the defense effort.[86] Where Congress authorizes seizure in instances not necessarily crucial to the defense program, it can hardly be said to have disclosed an intention to prohibit seizures where essential to the execution of that legislative program.

Whatever the extent of Presidential power on more tranquil occasions, and whatever the right of the President to execute legislative programs as he sees fit without reporting the mode of execution to Congress, the single Presidential purpose disclosed on this record is to faithfully execute the laws by acting in an emergency to maintain the status quo, thereby preventing collapse of the legislative programs until Congress could act.

The President's action served the same purposes as a judicial stay entered to maintain the status quo in order to preserve the jurisdiction of a court. In his message to Congress immediately following the seizure, the President explained the necessity of his action in executing the military procurement and anti-inflation legislative programs and expressed his desire to cooperate with any legislative proposals approving, regulating or rejecting the seizure of the steel mills. Consequently, there is no evidence whatever of any Presidential purpose to defy Congress or act in any way inconsistent with the legislative will.

In *United States* v. *Midwest Oil Co.*, supra, this Court approved executive action where, as here, the President acted to preserve an important matter until Congress could act—even though his action in that case was contrary to an express statute. In this case, there is no statute prohibiting the action taken by the President in a matter not merely important but threatening the very safety of the Nation. Executive inaction in such a situation, courting national disaster, is foreign to the concept of energy and initiative in the Executive as created by the founding fathers. The Constitution was itself "adopted in a period of grave emergency * * *. While emergency does not create power, emergency may furnish the occasion for the exercise of power." [87] The framers knew, as we should know in these times of peril, that there is real danger in Executive weakness. There is no cause to fear Executive tyranny so long as the laws of Congress are being faithfully executed. Certainly there is no basis for fear of dictatorship when the Executive acts, as he did in this case, only to save the situation until Congress could act.

V

Plaintiffs place their primary emphasis on the Labor-Management Relations Act of 1947, hereinafter referred to as the Taft-Hartley Act, but do not contend that that act contains any provision prohibiting seizure.

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[72] 57 Stat. 163, 164 (1943).

[73] 40 Ops. Atty. Gen. 312 (1944). See also hearings before House Select Committee To Investigate Seizure of Montgomery Ward & Co., 78th Cong., 2d sess., 117–132 (1944).

[74] 39 Ops. Atty. Gen. 343, 347 (1939).

[75] Note 60, supra.

[76] Letter introduced in hearings before Senate Committee on Labor and Public Welfare on S. 249, 81st Cong., 1st sess., 232 (1949) pointing to the "exceedingly great" powers of the President to deal with emergencies even before the Korea crisis.

[77] Executive Order 9438, 9 Fed. Reg. 4459 (1944).

[78] H. Rept. No. 1904, 78th Cong., 2d sess., 25 (1944) (the committee divided along party lines).

[79] Executive Order 9508, 9 Fed. Reg. 15079 (1944).

[80] *United States* v. *Montgomery Ward & Co.* (150 F. 2d 369 (C. A. 7th Cir. 1945)), reversing 58 F. Supp. 408 (N. D. Ill. 1945). See also *Ken-Rad Tube & Lamp Corp.* v. *Badeau* (55 F. Supp. 193, 197–199 (W. D. Ky. 1944)), where the Court held that a seizure was proper with or without express statutory authorization.

[81] United States Policy in the Korean Crisis (1950), Dept. of State Pub. 3922.

[82] 15 Fed. Reg. 9029 (1950).

[83] Harrison, This Country of Ours (1897), 98.

[84] 62 Stat. 604, 626 (1948), 50 U. S. C. App. (Supp. IV), sec. 468 (c).

[85] 62 Stat. 604, 627 (1948), 50 U. S. C. App. (Supp. IV), sec. 468 (h) (1).

[86] Title II, 64 Stat. 798 (1950), as amended 65 Stat. 138 (1951).

[87] *Home Building & Loan Assn.* v. *Blaisdell*, 290 U. S. 398, 425–426 (1934).

Under the Taft-Hartley Act, as under the Wagner Act, collective bargaining and the right to strike are at the heart of our national labor policy. Taft-Hartley preserves the right to strike in any emergency, however serious, subject only to an 80-day delay in cases of strikes imperiling the national health and safety.[88] In such a case, the President may appoint a board of inquiry to report the facts of the labor dispute. Upon receiving that report, the President may direct the Attorney General to petition a district court to enjoin the strike. If the injunction is granted, it may continue in effect for no more than 80 days, during which time the board of inquiry makes further report and efforts are made to settle the dispute. When the injunction is dissolved, the President is directed to submit a report to Congress together with his recommendations.[89]

Enacted after World War II, Taft-Hartley restricts the right to strike against private employers only to a limited extent and for the sole purpose of affording an additional period of time within which to settle the dispute. Taft-Hartley in no way curbs strikes before an injunction can be obtained and after an 80-day injunction is dissolved.

Plaintiffs admit that the emergency procedures of Taft-Hartley are not mandatory. Nevertheless, plaintiffs apparently argue that, since Congress did provide the 80-day injunction method for dealing with emergency strikes, the President cannot claim that an emergency exists until the procedures of Taft-Hartley have been exhausted. This argument was not the basis of the district court's opinion and, whatever merit the argument might have had following the enactment of Taft-Hartley, it loses all force when viewed in light of the statutory pattern confronting the President in this case.

In title V of the Defense Production Act of 1950,[90] Congress stated:

"It is the intent of Congress, in order to provide for effective price and wage stabilization pursuant to title IV of this act and to maintain uninterrupted production, that there be effective procedures for the settlement of labor disputes affecting national defense" (sec. 501).

Title V authorized the President to initiate labor-management conferences and to take action appropriate to carrying out the recommendations of such conferences and the provisions of title V (sec. 502). Due regard is to be given to collective bargaining practice and stabilization policies and no action taken is to be inconsistent with Taft-Hartley and other laws (sec. 503). The purpose of these provisions was to authorize the President "to establish a board, commission or other agency, similar to the War Labor Board of World War II, to carry out the title." [91]

The President authorized the Wage Stabilization Board (WSB), which administers the wage stabilization functions of title IV of the Defense Production Act, also to deal with labor disputes affecting the defense program.[92] When extension of the Defense Production Act was before Congress in 1951, the Chairman of the Wage Stabilization Board described in detail the relationship between the Taft-Hartley procedures applicable to labor disputes imperiling the national health and safety and the new WSB dispute procedures especially devised for settlement of labor disputes growing out of the needs of the defense program.[93] Aware that a technique separate from Taft-Hartley had been devised, Members of Congress attempted to divest the WSB of its disputes powers. These attempts were defeated in the House, were not brought to a vote in the Senate and the Defense Production Act was extended through June 30, 1952, without change in the disputes powers of the WSB.[94] Certainly this legislative creation of a new procedure for dealing with defense disputes negatives any notion that Congress intended the earlier and discretionary Taft-Hartley procedure to be an exclusive procedure.

Accordingly, as of December 22, 1951, the President had a choice between alternate procedures for settling the threatened strike in the steel mills: One route created to deal with peacetime disputes; the other route specially created to deal with disputes growing out of the defense and stabilization program. There is no question of bypassing a statutory procedure because both of the routes available to the President in December were based upon statutory authorization. Both routes were available in the steel dispute. The union, by refusing to abide by the defense and stabilization program, could have forced the President to invoke Taft-Hartley at that time to delay the strike a maximum of 80 days. Instead, the union agreed to cooperate with the defense program and submit the dispute to the Wage Stabilization Board.

Plaintiffs had no objection whatever at that time to the President's choice of the WSB route. As a result, the strike was postponed, a WSB panel held hearings and reported the position of the parties, and the WSB recommended the terms of a settlement which it found were fair and equitable. Moreover, the WSB performed a function which the board of inquiry contemplated by Taft-Hartley could not have accomplished when it checked the recommended wage settlement against its own wage-stabilization regulations issued pursuant to its stabilization functions under title IV of the Defense Production Act. Thereafter, the parties bargained on the basis of the WSB recommendation.

When the President acted on April 8, he had exhausted the procedures for settlement available to him. Taft-Hartley was a route parellel to, not connected with, the WSB procedure. The strike had been delayed 99 days as contrasted with the maximum delay of 80 days under Taft-Hartley. There had been a hearing on the issues in dispute and bargaining which promised settlement up to the very hour before seizure had broken down. Faced with immediate national peril through stoppage in steel production on the one hand and faced with destruction of the wage and price legislative programs on the other, the President took temporary possession of the steel mills as the only course open to him consistent with his duty to take care that the laws be faithfully executed.

Plaintiffs' property was taken and placed in the possession of the Secretary of Commerce to prevent any interruption in steel production. It made no difference whether the stoppage was caused by a union-management dispute over terms and conditions of employment, a union-Government dispute over wage stabilization or a management-Government dispute over price stabilization. The President's action has thus far been effective, not in settling the dispute, but in saving the various legislative programs at stake from destruction until Congress could act in the matter.

VI

The diversity of views expressed in the six opinions of the majority, the lack of reference to authoritative precedent, the repeated reliance upon prior dissenting opinions, the complete disregard of the uncontroverted facts showing the gravity of the emergency and the temporary nature of the taking all serve to demonstrate how far afield one must go to affirm the order of the district court.

The broad executive power granted by article II to an officer on duty 365 days a year cannot, it is said, be invoked to avert disaster. Instead, the President must confine himself to sending a message to Congress recommending action. Under this messenger-boy concept of the Office, the President cannot even act to preserve legislative programs from destruction so that Congress will have something left to act upon. There is no judicial finding that the executive action was unwarranted because there was in fact no basis for the President's finding of the existence of an emergency[95] for under this view, the gravity of the emergency and the immediacy of the threatened disaster are considered irrelevant as a matter of law.

Seizure of plaintiffs' property is not a pleasant undertaking. Similarly unpleasant to a free country are the draft which disrupts the home and military procurement which causes economic dislocation and compels adoption of price controls, wage stabilization, and allocation of materials. The President informed Congress that even a temporary Government operation of plaintiffs' properties was thoroughly distasteful to him, but was necessary to prevent immediate paralysis of the mobilization program. Presidents have been in the past, and any man worthy of the office should be in the future, free to take at least interim action necessary to execute legislative programs essential to survival of the Nation. A sturdy judiciary should not be swayed by the unpleasantness or unpopularity of necessary executive action, but must independently determine for itself whether the President was acting, as required by the Constitution, "to take care that the laws be faithfully executed."

As the district judge stated, this is no time for timorous judicial action. But neither is this a time for timorous executive action. Faced with the duty of executing the defense programs which Congress had enacted and the disastrous effects that any stoppage in steel production would have on those programs, the President acted to preserve those programs by seizing the steel mills. There is no question that the possession was other than temporary in character and subject to congressional direction—either approving, disapproving, or regulating the manner in which the mills were to be administered and returned to the owners. The President immediately informed Congress of his action and clearly stated his intention to abide by the legislative will. No

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[88] See *Bus Employees* v. *Wisconsin Board* (340 U. S. 383 (1951)).

[89] Secs. 206–210, Labor-Management Relations Act of 1947 (29 U. S. C. (Supp. IV) secs. 176–180).

[90] 64 Stat. 132 (1950).

[91] H. Rept. No. 3042, 81st Cong., 2d sess., 35 (1950) (conference report). See also S. Rept. No. 2250, 81st Cong., 2d sess., 41 (1950).

[92] Executive Order 10161, 15 Federal Register 6105 (1950), as amended, Executive Order 10233, 16 Federal Register 3503 (1951).

[93] Hearings before the House Committee on Banking and Currency on Defense Production Act Amendments of 1951, 82d Congress, 1st sess., 305–306, 312–313 (1951).

[94] The Lucas amendment to abolish the disputes function of the WSB was debated at length in the House, the sponsor of the amendment pointing out the similarity of the WSB functions to those of the War Labor Board and noting the seizures that occurred when War Labor Board orders were not obeyed (CONGRESSIONAL RECORD, vol. 97, pt. 6, pp. 8390–8415). The amendment was rejected by a vote of 217 to 113. Id., at 8415. A similar amendment introduced in the Senate was withdrawn (CONGRESSIONAL RECORD, vol. 97, pt. 6, pp. 7373–7374). The Defense Production Act was extended without amending title V or otherwise affecting the disputes functions of the WSB (65 Stat. 132 (1951)).

[95] Compare *Sterling* v. *Constantin* (287 U. S. 378, 399–401 (1932)).

basis for claims of arbitrary action, unlimited powers, or dictatorial usurpation of congressional power appears from the facts of this case. On the contrary, judicial, legislative, and executive precedents throughout our history demonstrate that in this case the President acted in full conformity with his duties under the Constitution. Accordingly, we would reverse the order of the district court.

Mr. FERGUSON. Mr. President, I am glad the distinguished Senator from Washington has placed in the RECORD the opinion of the Supreme Court. The Senator from Michigan has read the majority opinion, written by Mr. Justice Black. It is clear that Mr. Justice Black, in writing the opinion, came to the conclusion which we so devoutly wished the Supreme Court would reach, namely, that we have a government of laws, not of men; that it is a government in which sovereignty rests in the people; and that Congress has the responsibility of declaring legislative policy in this great Republic.

In a few words, I should like to refer to the majority opinion, because I believe it to be extremely vital to the people of the country, particularly because it comes at a time when there was a feeling that the executive and the military, in the opinion of some people, possessed greater power under the Constitution than the Constitution gave to them. The people's representatives in Congress are entrusted with determining the policy of the Government. They are closest to the people back home.

The Supreme Court in its decision discusses first the President's exercise of military power as Commander in Chief of the Armed Forces. The Government cited a number of cases involving a military commander who is engaged in day-to-day fighting in a theater of war. Cases exist which allow a commander engaged in fighting in the field to do certain things with relation to property which he could not ordinarily do. Of course, he was not taking such property for the Government for the purpose of operating it but to preserve his army in the field. The Court says in this connection:

Such cases need not concern us here. Even though "theater of war" be an expanding concept, we cannot with faithfulness to our constitutional system hold that the Commander in Chief of the Armed Forces has the ultimate power as such to take possession of private property in order to keep labor disputes from stopping production.

In other words, Mr. President, that is an entirely different situation than is involved in the case at bar. In the first instance an Army commander was acting in a theater of war. The steel seizure case did not involve the taking of property for the purpose of sustaining an army in the field of battle. I quote further from the opinion:

This is a job for the Nation's lawmakers, not for the military authorities.

Mr. President, it is very vital that we understand the full meaning of that statement. Our school children must be brought up on the idea that it is the job of the law makers, not a job for the Commander in Chief or the generals or the admirals.

I continue to read from the majority opinion:

Nor can the seizure order be sustained because of several constitutional provisions that grant executive power to the President.

That is the power which the Government was relying on if the Commander in Chief theory was not sustained by the Court. I am glad that the Supreme Court did not accept that theory.

The PRESIDING OFFICER (Mr. MONRONEY in the chair). The time of the Senator from Michigan has expired.

Mr. FERGUSON. I ask unanimous consent that I may proceed for an additional 5 minutes.

Mr. McFARLAND. Mr. President, many Senators are in the Chamber because the calendar is being called. The Senator from Kansas [Mr. SCHOEPPEL] must sit all through the calendar call, without lunch, and I shall have to ask for the regular order. I do not think we should have speeches on extraneous matters when we are considering the measures on the calendar.

Mr. FERGUSON. Mr. President, I ask unanimous consent that the remainder of my remarks, when I conclude them later, may be consolidated with what I have said, my entire remarks to appear at this point in the RECORD.

The PRESIDING OFFICER. Is there objection to incorporating the subsequent remarks of the Senator from Michigan as part of his remarks at this point in the RECORD? The Chair hears no objection, and it is ordered.

Mr. TOBEY. Mr. President, will the Senator from Michigan yield?

Mr. FERGUSON. I am unable to yield. My time under the 5-minute rule has expired.

EXCLUSION FROM GROSS INCOME OF PROCEEDS OF SPORTS PROGRAMS FOR BENEFIT OF AMERICAN RED CROSS

The Senate resumed consideration of the bill (H. R. 7345) to exclude from gross income the proceeds of certain sports programs conducted for the benefit of the American National Red Cross.

Mr. SCHOEPPEL. Mr. President, may we have an explanation of the measure?

Mr. GEORGE. The bill excludes from gross income the proceeds of certain sports programs conducted for the benefit of the American National Red Cross. When the bill came from the House it dealt with that one subject. The Committee on Finance was of the opinion that there were other charities that should also enjoy the same privilege, and we accordingly amended the bill. The amendment does not change the portion of the bill as passed by the House but does increase from 15 percent to 20 percent the amount which an individual may give to a charity, excluding from gross income the 20 percent contributed when full contribution is made by the individual.

The committee was of the opinion that many hospitals, small colleges, and charitable institutions were very helpful in various communities, and that we should permit an individual who wished to give as much as 20 percent of his income the privilege of doing so.

Particularly, we wanted to give a corporation the right to carry on an athletic program and devote the whole proceeds of such a program for a day, let us say, to the National Red Cross.

There are many other charities which wished to be included, but the committee is of the opinion that to include, for example, the Community Chest and various other charities, would defeat the whole object of the bill. It is obvious that no baseball club in the American League or the National League could afford to give away successive days of its income for charitable purposes, whereas we had some indication that the American League would give 1 day's proceeds to the National Red Cross, and perhaps the Washington team itself would be glad to give 1 day of its proceeds to the National Red Cross.

Of course the Red Cross holds a Federal charter. The President of the United States has the power to appoint certain directors of the National Red Cross. The chairman who is in active charge of its affairs is designated by the executive branch of the Government. The National Red Cross engages in many governmental functions and discharges many obligations, both locally and nationally. The House having seen fit to give the National Red Cross the opportunity of obtaining 1 day's proceeds from an athletic program, the Senate Committee on Finance let that provision stand but decided to give to any individual the right to increase his contribution for charitable purposes from 15 percent to 20 percent.

Mr. MILLIKIN. Mr. President, will the Senator from Georgia yield to me?

Mr. GEORGE. I yield.

Mr. MILLIKIN. The distinguished Senator from Georgia may recall that the junior Senator from Colorado offered an amendment to include the Community Chest. It was developed, however, that if we include the Community Chest, we would have to include many other worthy organizations which serve a public purpose. It was pointed out that if we enlarged the list, the result would probably be that baseball would not give any free days because they would have to make a selection, and that would be regarded as discrimination. Is that correct?

Mr. GEORGE. That is correct, and that is what controlled the committee. The committee, as I have said, will be glad to have an increase made from 15 to 20 percent, in the case of contributions made by individuals to any charity.

Mr. SCHOEPPEL. Mr. President, I appreciate very much the explanation which has been given by the Senator from Georgia in regard to how the amendment would broaden the contribution field. I am sure the amendment was very, very badly needed by a great many of the smaller religious colleges and other educational institutions.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (H. R. 7345), to exclude from gross income the proceeds of certain sports programs conducted for the benefit of the American National Red Cross, which had been reported from the Committee on Finance with amendments on page 3, line 6, after the word "by", to insert "the first section and section 2 of"; and after line 9, to insert:

SEC. 4. (a) Section 23 (o) of the Internal Revenue Code (relating to deductions by individuals for charitable contributions) is hereby amended by striking out "15 percent" and inserting in lieu thereof "20 percent."

(b) The amendment made by this section shall be applicable only with respect to taxable years beginning after December 31, 1951.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act to exclude from gross income the proceeds of certain sports programs conducted for the benefit of the American National Red Cross, and for other purposes."

FREE IMPORTATION OF ALTARS, PULPITS, ETC., FOR RELIGIOUS USE

Mr. GEORGE. Mr. President, I dislike very much to request the consideration of a bill out of order, but I wonder whether I may obtain unanimous consent to have the Senate consider at this time House bill 7593, calendar 1531. That bill has not yet been reached on the calendar, but I apprehend that there is no objection to it. Inasmuch as I have to leave the floor in a moment, I should like to have that bill disposed of at this time. Therefore, I ask unanimous consent for the present consideration of the bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Georgia for the present consideration of House bill 7593, calendar No. 1531?

There being no objection, the Senate proceeded to consider the bill (H. R. 7593) to amend paragraph 1774, section 201, title II, of the Tariff Act of 1930.

Mr. GEORGE. Mr. President, this bill will merely permit a church to import, duty free, articles for church purposes, which can now be imported duty free if the donor sees fit to have the shipments made in his own name. However, in some instances the church itself wishes to have such articles imported. I refer, for instance, to bells, or other articles for religious services or purposes. The bill would exempt the payment of duty only when such articles were imported for such purposes.

The PRESIDING OFFICER. The question is on the third reading of the bill.

The bill (H. R. 7593) was ordered to a third reading, read the third time, and passed.

Mr. GEORGE. Mr. President, I appreciate very much the courtesy of Senators in connection with the bill which has just been passed.

AMENDMENT OF FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT

The bill (H. R. 4323) to amend the Federal Property and Administrative Services Act of 1949, as amended, to authorize the Administrator of General Services to enter into lease-purchase agreements to provide for the lease to the United States of real property and structures for terms of not less than 8 or more than 25 years and for acquisition of title to such properties and structures by the United States at or before the expiration of the lease terms, and for other purposes was announced as next in order.

Mr. McCLELLAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Arkansas will state it.

Mr. McCLELLAN. Would it be in order, after this bill is taken up, to amend it by striking out all after the enacting clause and inserting the text of Senate bill S. 2137, which is on the calendar? In that way, we would, in effect, pass the Senate bill, which is a substitute for the House bill.

The PRESIDING OFFICER. The first question is whether there is objection to the present consideration of the House bill.

Mr. McCLELLAN. Before I determine whether I wish to object, I desire to have my parliamentary inquiry answered.

The PRESIDING OFFICER. The Chair advises the Senator from Arkansas that after the House bill is considered, it can be perfected by way of amendment, and then can be passed. In that way, if the House bill is considered and if an amendment which includes the text of the Senate bill is offered to the House bill, following its enacting clause, the purpose suggested by the Senator from Arkansas can be achieved.

Mr. McFARLAND. Mr. President, I have received from the Senator from New Mexico [Mr. CHAVEZ] a request to have this bill go over. Of course I hope that the procedure suggested by the Senator from Arkansas can be followed.

Mr. McCLELLAN. Let me say to the majority leader that my only purpose is to have the bill go to conference. That is why I suggested that the text of the Senate bill be substituted for the text of the House bill. If that can be done, the result will be to have the bill in conference.

Mr. McFARLAND. Mr. President, I hope such an arrangement can be made, for this measure is an important one. However, at the request of the Senator from New Mexico [Mr. CHAVEZ], I must ask that the bill go over.

The PRESIDING OFFICER. Objection being heard, the bill will be passed over.

BILL PASSED OVER

The bill (S. 2592) to amend section 403 (v) of the Civil Aeronautics Act of 1938 so as to permit the granting of free or reduced rate transportation to ministers of religion was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. TOBEY. I object.

The PRESIDING OFFICER. Objection is heard, and the bill goes over.

AMENDMENT OF FOREIGN SERVICE BUILDINGS ACT, 1926

The bill (H. R. 6661) to amend the Foreign Service Buildings Act, 1926, was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. SCHOEPPEL. Mr. President, I may say that I have no objection to consideration of the bill, but I wish to indicate that at the proper time I desire to submit an amendment to the bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. SCHOEPPEL. Mr. President, at this time I offer the amendment to which I have referred.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 2, in line 2, it is proposed to strike cut "by striking out the last sentence thereof," and to insert in lieu thereof: "by amending the last sentence thereof to read as follows: 'In the case of the buildings and grounds authorized by this act, after the initial alterations, repairs, and furnishing has been completed, subsequent expenditures for such purposes may be made out of the appropriations authorized by this act in amounts authorized by the Congress each fiscal year'."

Mr. CONNALLY. Mr. President, I have no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Kansas [Mr. SCHOEPPEL].

The amendment was agreed to.

Mr. SCHOEPPEL. Mr. President, I ask unanimous consent to have printed at this point in the RECORD, in connection with the bill which has just been passed, a brief explanation of the amendment which has been submitted and adopted.

The PRESIDING OFFICER. Is there objection?

There being no objection, the explanation was ordered to be printed in the RECORD, as follows:

EXPLANATION OF AMENDMENT TO HOUSE BILL 6661

As reported from committee, section 2, among other things, would delete the last sentence in section 4 of the Foreign Service Buildings Act of 1926, as amended, which reads as follows: "In the case of the buildings and grounds authorized by this act, after the initial alterations, repairs and furnishings have been completed, subsequent expenditures for such purposes shall not be made out of the appropriations authorized by this act."

The committee report justifies this deletion on the ground that it "will permit the expenditure of the authorized and appropriated funds for continuing alterations, repairs, and furnishings. It seems reasonable

to bring all such expenditures into one place in the interest of effective management, sound budgeting, and a correct over-all point of view."

This deletion has objectional features, however, since it would endorse a policy which would permit advance authorizations for maintenance and operations, without the requirement of Congressional approval or authorization. This circumvents congressional control, hitherto required annually, over expenditure of whatever funds may be used for this purpose. It would endorse a policy whereby no distinction is made between appropriations intended for initial construction and repairs on the one hand and maintenance and operations on the other. It is furthermore believed that the deletion suggested by the committee might promote waste in stimulating expenditure of otherwise appropriated but unspent funds for repairs, furnishings, and maintenance that may be unnecessary.

The language of the suggested amendment would still permit the use of dollar credits, however, to the extent approved in the annual appropriations.

The suggested amendment has been informally endorsed by the General Accounting Office.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. DOUGLAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois seek recognition?

Mr. DOUGLAS. Yes, I do. The bill was passed before I had a chance to read it. I should like to ask the distinguished chairman of the committee whether my understanding of the bill is correct, namely, that it authorizes the expenditure of $90,000,000 for quarters for United States foreign service personnel serving overseas. Am I correct in my understanding of the bill?

Mr. CONNALLY. The bill involves purely a bookkeeping transaction, in order to reimburse the Treasury. The bill does not involve any expenditure whatever of United States funds.

Mr. DOUGLAS. Where will the money come from?

Mr. CONNALLY. It will come from the counterpart funds. If we do not use them, they will lapse, and we shall not obtain the benefit of them.

Mr. DOUGLAS. However, if we use the counterpart funds in that way, we shall thus diminish the degree to which we could use the counterpart funds to provide supplies to our allies.

Would not this bill involve the use of $90,000,000 for the buildings referred to, instead of using the $90,000,000 to equip French divisions, for instance?

Therefore, Mr. President, I object.

The PRESIDING OFFICER. The Chair wishes to advise the Senator from Illinois that the Chair asked whether there was objection, and none was heard, and the bill was passed.

Does the Senator from Illinois desire to ask unanimous consent that the vote by which the bill was ordered to a third reading, read the third time, and passed be reconsidered, so that we may return to consideration of the bill?

Mr. DOUGLAS. Yes, I make that request, Mr. President. When the calendar is called, things move rather rapidly; and I did not have a chance to read the bill until just at the moment when the bill was passed.

Ninety million dollars is quite a large sum of money. I think there is a very real question as to whether the security of the United States would not be better served by using the money to equip foreign divisions, instead of using the money to erect more handsome buildings to house members of the Foreign Service.

Mr. CONNALLY. Mr. President, the Senator from Illinois is objecting; yet this measure will not cost the Treasury of the United States one dollar. We have millions of dollars tied up in Europe in what are called counterpart funds, which were supplied by the other governments in consideration of our having given them ECA aid and other assistance.

Unless the counterpart funds are used, they will lapse, and we shall lose them.

This measure simply provides that the counterpart funds can be used to repair and construct buildings which otherwise would have to be repaired and constructed at the expense of the Federal Government, if the Federal Government is ever to obtain them.

The Senator from Illinois wishes to have the money used for mutual security aid. The other day when we had that question before us, the Senator from Illinois wished to drag in the entire defense program of $55,000,000,000. Why should almost every bill which comes before the Senate be complicated by having the Senator from Illinois drag into it a bill relating to the national defense? The Senator from Illinois was not here when this bill was passed. However, he could have been here, as other Senators were, to attend to the objection he had in mind.

So I wish to make these remarks in respect to the observations and inferences of the Senator from Illinois.

Mr. SCHOEPPEL. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. SCHOEPPEL. Is the Senator from Kansas correct in the assumption that this matter would have to be passed upon by the Bureau of the Budget and the Appropriations Committee at the proper time, in the event a request were actually made for these funds?

Mr. CONNALLY. To be sure. There is no request at all for dollars, none whatever. If these funds are not used in the foreign countries, we shall not get them. We would then have to come back to the Senate to request an appropriation of dollars from the United States Treasury. Is that what the Senator from Illinois desires? Does he want more dollars to be expended out of the United States Treasury? Or does he want the United States to obtain some of the foreign counterpart funds and use them for purposes which otherwise would be charged later on against the Treasury?

Mr. DOUGLAS. Mr. President, is it appropriate for me to say anything in reply to the statements which have been made?

The PRESIDING OFFICER. The Senator from Illinois is recognized for 5 minutes.

Mr. DOUGLAS. Mr. President, the question is whether there are not alternative uses for these funds, more important to the United States of America, than erecting more handsome Government buildings overseas. We have the counterpart funds there. Certainly they do not have to lapse. We can use them for an alternative purpose. The Senator from Texas agrees that these are counterpart funds. In NATO countries they can be used directly for the equipment of divisions, thus saving money which we otherwise would set aside. To the degree that these funds are in the non-NATO countries, perhaps they could be used for economic purposes.

Mr. President, I may be old-fashioned, I may seem old-fashioned to the Senator from Texas——

Mr. CONNALLY. The Senator is new-fangled.

Mr. DOUGLAS. I hope I am not cantankerous, but $90,000,000 still seems to me to be a large sum.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Illinois to reconsider the votes whereby House bill 6661 was ordered to a third reading, read the third time, and passed?

Mr. CONNALLY. I merely want to make a brief observation. I have before me the report from the Committee on Foreign Relations regarding this matter, from which I read:

> From a strictly commercial investment standpoint, this form of capital investment in buildings by the Government is especially attractive because of the comparatively low interest rates involved, the favorable amortization periods applicable to Government buildings and because of the general freedom from taxation accorded diplomatic and consular properties. Since 1947, over $19,000,000 has been saved in dollar rentals and quarters allowances by Government ownership of property.

Mr. President, what does the Senator from Illinois want to do? Does he want any foreign consular or embassy buildings? We constantly have requests and demands in the form of bills for facilities of that kind. Does the Senator want to have none of them provided? Does he want to spend all the money on arms and upon the military? The Senator from Illinois says he may be old-fashioned. No, Mr. President, he is not old-fashioned; he is new-fashioned. He is against everything except a few pet ideas of his own.

Mr. President, this is an actual saving to the Government of $90,000,000, which the Senator from Illinois, by inference, wants to dig out of the Treasury in the form of United States dollars.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Illinois? The Chair hears none, and the bill is before the Senate.

If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill (H. R. 6661) was ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. The clerk will state the next bill on the calendar.

FLOOD CONTROL, CITY OF HONOLULU

The bill (H. R. 4801) to enable the Legislature of the Territory of Hawaii to authorize the Board of Supervisors of the City and County of Honolulu to issue certain bonds for flood-control purposes was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. SCHOEPPEL. Reserving the right to object—and I shall not object—may we have an explanation of this measure? I may say there is a series of bills, Calendar Nos. 1516 to 1521, both inclusive, of the same tenor. In the spirit of expediting the matter, I should like to ask the distinguished and able Senator from Wyoming whether he would make a statement explaining the general nature of the proposition involved in this and the other bills.

Mr. O'MAHONEY. Mr. President, as the Senator from Kansas has said, Senate bill 4801 is one of a series of bills unanimously approved by the Committee on Interior and Insular Affairs, authorizing the city and county of Honolulu, the county of Maui, in several instances, in the Territory of Hawaii, to issue certain bonds for flood control, for public improvement, for public-school purposes, and the like.

The necessity for legislation of this kind arises from the fact that the Organic Act of the Territory of Hawaii provides, in section 55, as I recall, that no bonds may be issued without the consent of Congress in excess of 5 percent of the debt limit. The debt limit in Hawaii is controlled, of course, as in other subdivisions, but the values in Hawaii are very much greater than the assessed valuation would indicate. Therefore, a debt limitation based upon assessed values does not present an accurate picture of the fiscal situation in the islands. The committee was very careful about these bills, and asked for a complete report from the Department of the Interior, so that it would be clear that we were not authorizing the Territory of Hawaii or the municipality of Honolulu, or the counties, to extend themselves by the issuance of bonds.

It would appear that, by and large, the actual market value of property in the Territory of Hawaii, within the areas covered by these particular bills, is three or four times greater than the assessed valuation of the real property schedules throughout the Territory. The purpose is to bring the assessed valuation of such real property into appropriate relationship to the actual value. The situation in the city and county of Honolulu will be made clear when I say that the present assessed valuation of property in Honolulu, for determining debt limitation, in accordance with organic act, is $253,785,190. The outstanding indebtedness is only $15,180,000, and the bills which are on the calendar, H. R. 4801, H. R. 4802, H. R. 5386, and H. R. 4923 would authorize an additional bonded indebtedness of $28,783,713.

The PRESIDING OFFICER. The time of the Senator from Wyoming has expired.

Mr. O'MAHONEY. Mr. President, I ask unanimous consent that I may conclude this brief statement.

The PRESIDING OFFICER. Without objection, the Senator may proceed.

Mr. O'MAHONEY. Mr. President, it would amount to approximately 11.3 percent of the present assessed valuation; and inasmuch as the assessed valuation is considerably lower than the actual market value of the property, the committee felt that the authority should be granted, because rehabilitation of the parks, flood control, public schools, and the other public improvement projects which have been endorsed by the legislature should be carried forward.

Mr. SCHOEPPEL. Mr. President, I thank the Senator from Wyoming for his explanation.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the bill (H. R. 4801) was considered, ordered to a third reading, read the third time, and passed.

BILLS RELATING TO HAWAII CONSIDERED AND PASSED EN BLOC

Mr. O'MAHONEY. Mr. President, I ask unanimous consent, in view of the explanation which has been made and its acceptance by the Senator from Kansas, that Calendar Nos. 1517, House bill 4802; 1518, House bill 5386; 1519, House bill 5071; 1520, House bill 5072; and 1521, House bill 4923, be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H. R. 4802) to enable the Legislature of the Territory of Hawaii to authorize the Board of Supervisors of the city and county of Honolulu to issue certain public improvement bonds; the bill (H. R. 5386) to enable the Legislature of the Territory of Hawaii to authorize the city and county of Honolulu, municipal corporation of the Territory of Hawaii, to issue bonds for the acquisition of real property for public-school purposes, and for construction and replacement of buildings for public school purposes; the bill (H. R. 5071) to enable the Legislature of the Territory of Hawaii to authorize the County of Maui, T. H., to issue public-improvements bonds for the construction of flood-control projects on Iao stream; the bill (H. R. 5072) to enable the Legislature of the Territory of Hawaii to authorize the county of Maui, T. H., to issue public-improvement bonds for the construction of new public-school buildings; and the bill (H. R. 4923) to enable the Legislature of the Territory of Hawaii to authorize the Board of Supervisors of the city and county of Honolulu to issue certain bonds for the construction of the Kalihi tunnel and its approach roads, were severally considered, ordered to a third reading, read the third time, and passed.

CONVEYANCE OF CERTAIN INDIAN LANDS IN CALIFORNIA

The bill (H. R. 6675) to authorize the conveyance of lands in the Hoopa Valley Indian Reservation to the State of California or to the Hoopa Unified School District for use for school purposes, was considered, ordered to a third reading, read the third time, and passed.

EXEMPTION OF CERTAIN LANDS FROM RECLAMATION LAWS

The bill (S. 2610) providing that excess-land provision of the Federal reclamation laws shall not apply to certain lands that will receive a supplemental or regulated water supply from the San Luis Valley project, Colorado, was announced as next in order.

Mr. SCHOEPPEL. Mr. President, may we have an explanation of the bill?

Mr. MILLIKIN. Mr. President, bills similar to this have been before the Congress for a number of years. One of them was passed by the Senate on a previous occasion. The area involved is in a very high altitude. There is a very short growing season, and 160 acres, or anything short of what is asked for in the bill, cannot provide a proper living scale for the farmers. There is a dam involved, but it is not being used because of the limitations which now exist. The enactment of the bill will make it possible to use the dam which has been built by public funds.

Mr. SCHOEPPEL. I thank the Senator from Colorado.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the bill (S. 2610) was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the excess-land provisions of the Federal reclamation laws shall not be applicable to lands or to the ownership of lands which receive a supplemental or regulated supply of water from the San Luis Valley project, Colorado: *Provided, however,* That, in lieu of the acreage limitations contained in such provisions, no landowner shall receive for such project a supplemental or regulated water supply greater in quantity than that reasonably necessary to irrigate 480 acres of land served by such project: *Provided further,* That the provisions of this act are intended to meet the special conditions existing on the lands served or to be served by the San Luis Valley project, Colorado, and shall not be considered as altering the general policy of the United States with respect to the excess-land provisions of the Federal reclamation laws.

BILLS PASSED OVER

The bill (S. 2437) to amend and supplement the Federal Aid Road Act approved July 11, 1916, (39 Stat. 355), as amended and supplemented, to authorize appropriations for continuing the construction of highways, and for other purposes, was announced as next in order.

Mr. SCHOEPPEL. Mr. President, I ask that the bill be passed over. I do not think it is a measure which should be considered on the call of the calendar.

Mr. McFARLAND. Mr. President, it is one of the bills which we gave notice we would take up later.

The PRESIDING OFFICER. The bill will be passed over.

OPERATION OF CERTAIN PUBLIC AIRPORTS BY SECRETARY OF AGRICULTURE

The Senate proceeded to consider the bill (S. 2229) to authorize the Secretary of Agriculture to acquire, construct, operate, and maintain public airports in certain areas and for other purposes, which had been reported from the Committee on Interstate and Foreign Commerce with amendments on page 1, line 6, after the word "in" to insert "the continental United States in, or in close"; in line 7, after the word "proximity", to strike out "to" and insert "to,"; on page 2, line 22, after the word "act", to insert a colon and "*Provided*, That nothing in this act shall be held to authorize the Secretary to acquire any land, or interest in or over land, by purchase, condemnation, grant, or lease without first obtaining the consent of the Governor of the State, and the consent of the State political subdivision in which such land is located"; and on page 3, line 3, after "SEC. 3.", to strike out "Notwithstanding any other provision of law" and insert "In order to carry out the purpose of this act", so as to make the bill read:

Be it enacted, etc., That the Secretary of Agriculture (hereinafter called the "Secretary") is hereby authorized to plan, acquire, establish, construct, enlarge, improve, maintain, equip, operate, regulate, and protect airports in the continental United States in, or in close proximity to, national forests when such airports are determined by him to be necessary for proper protection and administration of the national forests: *Provided*, That no such airport shall be acquired or constructed unless such airport is included in the then current revision of the national airport plan formulated by the Administrator of Civil Aeronautics pursuant to the provisions of the Federal Airport Act: *Provided further*, That the operation and maintenance of such airports shall be in accordance with the standards, rules, or regulations prescribed by the Administrator of Civil Aeronautics: *And provided further*, That no airport owned or controlled by a State or a political subdivision thereof shall be acquired or taken over without the consent of such State or political subdivision.

SEC. 2. In order to carry out the purposes of this act, the Secretary is authorized to acquire necessary lands and interests in or over lands; to contract for the construction, improvement, operation, and maintenance of airports and incidental facilities; to enter into agreements with other public agencies providing for the construction, operation, or maintenance of airports by such other public agencies or jointly by the Secretary and such other public agencies upon mutually satisfactory terms; and to enter into such other agreements and take such other action with respect to such airports as may be necessary to carry out the purposes of this act: *Provided*, That nothing in this act shall be held to authorize the Secretary to acquire any land, or interest in or over land, by purchase, condemnation, grant, or lease without first obtaining the consent of the Governor of the State, and the consent of the State political subdivision in which such land is located.

SEC. 3. In order to carry out the purposes of this act, the Secretary is hereby authorized to sponsor projects under the Federal Airport Act either independently or jointly with other public agencies, and to use, for payment of the sponsor's share of the project costs of such projects, any funds that may be contributed or otherwise made available to him for such purpose (receipt of which funds and their use for such purposes is hereby authorized), or may be appropriated or otherwise specifically authorized therefor.

SEC. 4. All airports acquired or taken over under the provisions of this act, unless otherwise specifically provided by law, shall be operated as public airports available for public use on fair and reasonable terms and without unjust discrimination.

SEC. 5. The terms "airport," "project," "project costs," "public agency," and "sponsor," as used in this act shall have the respective meanings prescribed in the Federal Airport Act.

SEC. 6. Section 9 (c) of the Federal Airport Act, as amended, is hereby amended to read as follows:

"(c) Nothing in this act shall authorize the submission of a project application by the United States or any agency thereof, except in the case of a project in the Territory of Alaska, the Territory of Hawaii, Puerto Rico, the Virgin Islands, or in, or in proximity to, a national park, national recreation area, national monument, or national forest."

SEC. 7. Section 3 (c) of the Federal Airport Act, as amended, is hereby amended to read as follows:

"(c) In making annual revisions of the national airport plan pursuant to the provisions of this Act, the Administrator of Civil Aeronautics shall consult with and consider the views and recommendations of the heads of the departments concerned with respect to the need for development of airports in, or in proximity to, national parks, national monuments, national recreation areas, or national forests."

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NATIONAL CEMETERIES IN ARIZONA

The bill (S. 2621) to provide for national cemeteries in the State of Arizona was announced as next in order.

Mr. SCHOEPPEL. Mr. President, may we have an explanation of this bill?

Mr. McFARLAND. Mr. President, in Arizona there is a veteran population of approximately 72,000 persons. There are no available national cemeteries in the nearby States. The nearest one is some 400 or 600 miles distant. A few plots in private cemeteries have been available, but these plots are rapidly becoming filled, and it will be only a short time until there will be no plot available for the burial of veterans living in Arizona. The veterans of my State are anxious that a cemetery be established. There are two main hospitals in which from time to time many veterans are patients. Unfortunately, some of them pass away, and there is no place to bury them unless their bodies can be sent back home. The bill is very important to the veterans of my State.

The PRESIDING OFFICER. Is there objection to consideration of the bill?

There being no objection, the bill (S. 2621) to provide for national cemeteries in the State of Arizona, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted etc., That the Secretary of the Army is authorized and directed (1) to establish one or more national cemeteries at a location selected by him in the State of Arizona and (2) to acquire, by donation, purchase, condemnation, or otherwise, such land as may be required for the establishment of such national cemeteries.

SEC. 2. When requested to do so by the Secretary of the Army, the Administrator of the General Services is authorized and directed to transfer to the Department of the Army, without reimbursement or transfer of funds, any Government-owned land in the State of Arizona, which the Secretary of the Army has determined to be suitable for the purposes of this statute and which is otherwise surplus to Government needs. In addition, the Secretary of the Army is authorized to utilize when practicable, for the establishment thereon of a national cemetery or cemeteries, such Government-owned lands under the jurisdiction of the Department of the Army which are located within the State of Arizona and which are no longer needed for military purposes.

SEC. 3. Upon selection by the Secretary of the Army of such land, as provided in sections 1 and 2 hereof, he is authorized to establish such national cemeteries and to provide for the care and maintenance thereof.

SEC. 4. The Secretary of the Army is authorized to prescribe such regulations as he may deem necessary for the administration of this act.

SEC. 5. There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry into effect the purposes of this act.

MATHILDE KOHAR HALEBIAN

The bill (S. 2084) for the relief of Mathilde Kohar Halebian was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted etc., That for the purposes of the immigration and naturalization laws, Mathilde Kohar Halebian shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee and head tax. Upon the granting of permanent residence to such alien as provided in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

GRANTING JURISDICTION TO COURT OF CLAIMS TO HEAR AND DETERMINE CERTAIN CLAIMS

The bill (S. 3195) granting jurisdiction to the Court of Claims to hear, determine, and render judgment upon certain claims was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the United States Court of Claims be, and hereby is, given jurisdiction to hear, determine, and render judgment, notwithstanding any statute of limitations, laches, or lapse of time, on the claim of any owner or operator of a gold mine or gold placer operation for losses incurred allegedly because of the closing or curtailment or prevention of operations of such mine or placer operation as a result of the restrictions imposed by War Production

Board Limitation Order L-208 during the effective life thereof: *Provided*, That actions on such claims shall be brought within 1 year from the date this act becomes effective.

PROPOSED CONSTITUTIONAL AMENDMENT—JOINT RESOLUTION PASSED TO NEXT CALL OF CALENDAR

The joint resolution (S. J. Res. 158) proposing an amendment to the Constitution of the United States relative to the taking of private property was announced as next in order.

Mr. McFARLAND. Mr. President, at the request of numerous Senators, I ask that the joint resolution be passed over.

The PRESIDING OFFICER. Without objection, the joint resolution will be passed over.

Mr. FERGUSON subsequently said: I ask unanimous consent that Calendar No. 1537, the joint resolution (S. J. Res. 158) proposing an amendment to the Constitution of the United States relative to the taking of private property, be included in the next call of the calendar. I understand there was objection to the joint resolution, which proposed a constitutional amendment to prohibit the seizure of property, except as provided by an act of Congress.

The PRESIDING OFFICER. The joint resolution was passed over.

Mr. FERGUSON. While the joint resolution may be thought unnecessary by some, by reason of the today's Supreme Court ruling, I believe it is a matter which should receive very careful and present attention by the Senate. I merely ask unanimous consent that it may be placed on the next call of the calendar; that is, that it may be considered on the next call of the calendar.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Michigan? The Chair hears none, and it is so ordered.

APPROVAL OF CONTRACT WITH IRRIGATION DISTRICTS ON THE OWYHEE FEDERAL PROJECT

The bill (H. R. 5633) to approve a contract negotiated with the irrigation districts on the Owyhee Federal project, to authorize its execution, and for other purposes, was announced as next in order.

Mr. SCHOEPPEL. Mr. President, may we have a short explanation of this measure?

Mr. O'MAHONEY. Mr. President, I shall be very happy to explain the bill. It affects four irrigation and reclamation projects. The Reclamation Project Act of 1939 authorizes the Secretary of the Interior to negotiate modifications of the repayment contracts under certain circumstances. These circumstances arise when engineering difficulties, as in the past, because of conditions of unfavorable land or in respect to irrigation render certain areas unavailable to be brought into irrigation and to grow crops and make it unjust to charge the settlers with repayment for excessive amounts which cannot be produced from crops on the project.

The House of Representatives has passed three bills, one of which affects the Owyhee project in Idaho and Oregon, and the others the Milk River project in Montana, and the Frenchtown project in Montana. The Senators from Montana have supported the two Montana projects. The Senator from Idaho [Mr. DWORSHAK] introduced a bill which was a companion to the House bill. The fourth project is the Riverton project in Wyoming. In each instance the committee, having examined the contracts and the circumstances under which the repayments were deemed to be made necessary, felt that the contracts were proper and should be approved.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (H. R. 5633) to approve a contract negotiated with the irrigation districts on the Owyhee Federal project to authorize its execution, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs with an amendment to strike out all after the enacting clause and to insert:

That the contracts referred to in sections 2 to 5 of this act, which have been negotiated by the Secretary of the Interior, pursuant to section 7 of the Reclamation Project Act of 1939 (53 Stat. 1187), are hereby approved, and the Secretary is authorized to execute them on behalf of the United States.

OWYHEE PROJECT, IDAHO-OREGON

SEC. 2. The amendatory repayment contract dated August 29, 1951, with the Gem irrigation district, the Ridgeview irrigation district, the Owyhee irrigation district, the Ontario-Nyssa irrigation district, the Advancement irrigation district, the Payette-Oregon slope irrigation district, the Crystal irrigation district, the Bench irrigation district, and the Slide irrigation district.

RIVERTON PROJECT, WYOMING

SEC. 3. The contract with the Midvale irrigation district, which contract was approved by the electors of the district on May 14, 1952.

MILK RIVER PROJECT, MONTANA

SEC. 4. The contract with the Malta irrigation district which was executed by said district pursuant to the laws of the State of Montana and in conformity with the order of the District Court of the Seventeenth Judicial District of the State of Montana, in and for the county of Phillips, dated March 6, 1951, in the confirmation proceedings on said contract before said court; and the contract with the Glasgow irrigation district which was executed by said district pursuant to the laws of the State of Montana and in conformity with the order of the District Court of the Seventeenth Judicial District of the State of Montana, in and for the county of Valley, dated October 1, 1951, in the confirmation proceedings on said contract before said court.

(a) The 1947 reclassification of the lands of the Malta irrigation district and the Glasgow irrigation district of the Milk River project, Montana, made in accordance with the provisions of section 8 of the Reclamation Project Act of 1939 and approved by the Board of Commissioners of the Malta irrigation district by resolution, dated June 24, 1948, and by the Board of Commissioners of the Glasgow irrigation district by resolution, dated July 1, 1948, is approved.

(b) Contingent upon the execution of the contract with the Malta irrigation district, approved in this section, there shall be deducted from the total costs of the project, as the Malta irrigation district's share thereof, the sum of $663,644 on account of 12,128 acres, within the Malta irrigation district, found to be permanently unproductive by the 1947 reclassification of lands.

(c) Contingent upon the execution of the contract with the Glasgow irrigation district, approved in this section, there shall be deducted from the total costs of the project, as the Glasgow irrigation district's share thereof, the sum of $5,691 on account of 104 acres within the Glasgow irrigation district, found to be permanently unproductive by the 1947 reclassification of lands.

(d) There shall be deducted from the total costs of the project on account of nondistrict lands found to be permanently unproductive by the 1947 reclassification of lands, which reclassification as to nondistrict lands is hereby approved, the sum of $7,661 on account of 140 acres formerly excluded from the Glasgow irrigation district and not intended to be included within said district.

(e) The Secretary is authorized, in his discretion, to cancel and deduct from the total costs of the Glasgow division of the Milk River project, Montana, the construction charge obligation against any of the lands within said division of said project which are not actually included within the Glasgow irrigation district. The amount of said cancellation and deduction shall be computed by the Secretary by multiplying the total number of acres of land formerly intended to be included within the irrigation district but not so included by the sum of $54.72 per acre.

(f) The Secretary, at any time subsequent to the execution of the contracts approved in this section, and not later than January 1, 1960, shall reclassify and designate as either class 1, 2, 3, 4, 4a, 4b, or 6, as provided in said contracts, all lands within the Malta and Glasgow irrigation districts designated as class 5 by the 1947 reclassification of lands, and the reclassification and designation as class 6 of any of said lands shall reduce the construction charge obligation of the district in which such class 6 lands are situated by the sum of $54.72 per acre.

(g) The amounts deducted from the construction charge obligation of either or both the Malta and Glasgow irrigation districts, and from the total costs of the Milk River project, as provided for herein and adjusted in the contracts approved in this section, shall be charged off as a permanent loss to the reclamation fund, but no adjustment shall be made by the United States by reason thereof with any individual landowner by way of refund of or credit on account of sums heretofore paid, repaid, returned, or due and payable to the United States, by way of exchange of land, or by any other method.

FRENCHTOWN PROJECT, MONTANA

SEC. 5. The contract dated September 6, 1951, with the Frenchtown irrigation district.

SEC. 6. All costs and expenses incurred by the United States in negotiating and completing the contracts approved under sections 3 and 4 of this act and in making the investigations in connection therewith and in future determinations under said contracts with respect to the productivity of temporarily unproductive lands shall, contingent upon the final confirmation and execution of the contracts, be nonreimbursable and nonreturnable under the Federal reclamation laws. The water rights formerly appurtenant to the permanently unproductive lands referred to in the contracts aforesaid shall be disposed of by the United States under the reclamation laws with a preference right to the water users on the respective reclamation projects.

SEC. 7. This act is declared to be a part of the Federal reclamation laws as those laws are defined in the Reclamation Project Act of 1939.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act to approve contracts negotiated with irrigation districts on the Owyhee, Riverton, Milk River, and Frenchtown Federal reclamation projects, to authorize their execution, and for other purposes."

INCREASE IN SECURITIES ISSUED BY MOTOR CARRIERS

The bill (S. 2360) to amend the Interstate Commerce Act to increase the amounts of securities issued by motor carriers without requiring approval by the Interstate Commerce Commission, was announced as next in order.

Mr. MAYBANK. Mr. President, I should like an explanation of this bill, because the Interstate Commerce Commission does not now have sufficient money with which to function. Their backlog of cases is very great. If we pass this authorization bill, there is not going to be any money to meet the costs involved. The funds for the Commission are appropriated in the independent offices appropriation bill.

Mr. McFARLAND. Mr. President, I ask unanimous consent that the bill go to the foot of the calendar.

Mr. MAYBANK. I do not wish to interfere with the passage of the bill, but the financial condition of the Interstate Commerce Commission is critical. I hope the Senate will go along with the Senate committee and provide certain appropriations for the Commission which the House has omitted. If we place any more work upon the Interstate Commerce Commission, unless we allow them increased appropriations, they are not going to be able to function properly. They are about 3 years behind in their work in certain cases.

The PRESIDING OFFICER. Without objection, the bill will go to the foot of the calendar.

TRANSFER OF LAND TO THE STATE OF OREGON

The bill (S. 2603) to authorize the transfer of certain lands to the State of Oregon, was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. NIXON. Mr. President, I should like to ask the Senator from Kansas whether the junior Senator from Oregon [Mr. MORSE] has lodged an objection to Calendar No. 1541 (H. R. 5341), which is the bill following the one just called.

Mr. SCHOEPPEL. I may say to the Senator from California that the junior Senator from Oregon has lodged objection to the request for consideration of that measure.

Mr. NIXON. In that connection, I notice that Senate bill 2603 authorizes the transfer of certain lands to the State of Oregon. Calendar No. 1541 (H. R. 5314) authorizes the transfer of certain lands to the University of California, an instrumentality of the State of California.

I should like to ask the Senator from Kansas on what ground the junior Senator from Oregon objects to the bill which grants lands to the University of California, but does not object to the granting of lands to the State of Oregon.

Mr. SCHOEPPEL. Mr. President, if I may reply to the Senator from California, I desire to read a short statement the Senator from Oregon [Mr. MORSE] left with me. This is what his statement says:

> Since Senate bill 2603 contemplates a transfer of land by the Federal Government to the State of Oregon, I have requested that this brief statement be inserted in the RECORD following consideration of this bill during today's calendar call.
>
> Under the so-called Morse formula regarding Federal land transfers, I have maintained the position that no Federal land should be transferred by the Federal Government without at least 50 percent of the appraised fair market value being paid if the land is to be used for public purposes, and 100 percent of the appraised fair market value being paid if the land to be used for private purposes.
>
> However, there have been several cases before the Senate where the land involved had originally been donated to the Federal Government without cost by the same entity which would be the recipient of the land under the legislation involved. In such cases, where there have been no valuable improvements made by the Federal Government during the time that it held the land, I have not objected to the retransfer of that land back to the original donor. I am informed that S. 2603 deals with such a case and I therefore have made no objection to it.

I may say to the Senator from California that that seemingly covers the explanation which the Senator from Oregon has left with the calendar committee.

Mr. ELLENDER. Mr. President, will the Senator from California yield?

Mr. NIXON. I yield to the Senator from Louisiana.

Mr. ELLENDER. As was indicated by the statement just read by the Senator from Kansas, the difference between Calendar No. 1540 (S. 2603), which is now under consideration, and Calendar No. 1541 (H. R. 5314), is that in the case of S. 2603 the State of Oregon had donated 46 acres-plus for certain purposes, whereas the land transfer involved in H. R. 5314 was purchased by the Federal Government for an experiment station. The State Commission of Fisheries in Oregon is desirous of building a fish hatchery on 2 acres of this land. It is really a return of the 2 acres of land which was previously given by the State of Oregon to the Federal Government.

Mr. NIXON. Is the Senator aware of the bill which involved a return to the State of Oregon of a dry-land experiment station last year, to which the Senator from Oregon did not object?

Mr. ELLENDER. No; I am not.

Mr. NIXON. What I am getting at is that it seems that whenever the Senator from Oregon applies his formula that no grant should be made by the Federal Government to a State in cases of this type, he generally finds against other States, but in those instances where the State of Oregon is involved, usually an exception can be made, and the cases can be distinguished.

I am not suggesting that the junior Senator from Oregon has not convinced himself, in those instances where the State of Oregon is involved, that the case can be distinguished, but, on the other hand, I should like to point out, so far as Calendar No. 1541 (H. R. 5314), which involves the State of California, is concerned, even if we follow what I would term the strict legalistic approach of the junior Senator from Oregon, we find that the case involving the University of California falls within his formula.

Mr. ELLENDER. Mr. President, will the Senator yield further to me?

Mr. NIXON. Yes.

Mr. ELLENDER. I am very much surprised—as a matter of fact, I am disappointed—at the attitude taken by the distinguished junior Senator from Oregon with respect to calendar 1541 (H. R. 5341), because in that case, it is true, the Federal Government purchased the land for $15,000 and made improvements on it costing about $11,000, representing a total investment of $26,000. But this land will be taken over by the University of California to carry on the same work which is now costing the Federal Government many dollars.

As I understand the purpose of the bill, it is to permit the University of California to carry on experiments with grape culture. The moment that the university fails to carry on that work, or similar agricultural work, this property will revert to the United States.

Mr. NIXON. In that connection, so that the junior Senator from Oregon in reading the RECORD will understand that this is a case which should fall within his formula, I point out that the report reads as follows:

> The effect of the transfer will be to permit the grape experimental program, which would otherwise be discontinued, to continue at very little cost to the United States.

Why is the United States Department of Agriculture discontinuing the program?

I read further:

> For budgetary and other reasons the Department of Agriculture is no longer conducting an active experimental program on this property, although there is the recognized need for further experimental field work in grapes.

Getting to the point, I think it is extremely important to note that, first of all, there is a quid pro quo within the formula which the junior Senator from Oregon lays down, because the United States is to receive the benefit of the work done by the University of California. The whole country will benefit, because grapes are grown in Ohio, New York, and other States as well as in California. It is true, we Californians contend they are not so good as those grown in California, but all grape-growing States would still get the benefit of the experimental work.

The second point which should be mentioned is that what is sought in H. R. 5314 is certainly in line with the principle toward which we are all working these days, namely, to develop more

State and local responsibility for research activity of this type, thus taking the burden from the Federal Government. That is exactly what would be accomplished by this bill. This is a needed program, which the Federal Government can no longer afford, which the State has assumed the responsibility for carrying on.

Mr. ELLENDER. Mr. President, I am hopeful that my good friend from California will not object to the consideration of Senate bill 2603. It is possible that we can talk the distinguished Senator from Oregon [Mr. MORSE] into withdrawing his opposition to Calendar No. 1541, House bill 5314.

The PRESIDING OFFICER. The Chair advises the distinguished Senator from Louisiana that the calendar number under discussion is 1540, Senate bill 2603.

Mr. ELLENDER. I understand. I am coming to that bill now.

Senate bill 2603 involves only 2 acres of land located in the State of Oregon. I understand that the State of Oregon has already spent some money for a fish hatchery on that location. The State has been leasing land from the Federal Government for that purpose. It is not desirous of continuing to spend its own funds unless it has title to the land.

I ask my good friend from California to withdraw his objection.

Mr. SCHOEPPEL. Mr. President, I ask unanimous consent that the Senator from California [Mr. NIXON] may be recognized for five additional minutes. His original time has expired by reason of questioning. I ask unanimous consent that he be recognized for five additional minutes in connection with Calendar No. 1540, Senate bill 2603.

The PRESIDING OFFICER. Without objection, the Senator from California is recognized for five additional minutes.

Mr. NIXON. Mr. President, I should like to point out the third reason why the California bill is one which I think falls within the formula of the junior Senator from Oregon [Mr. MORSE], and also one which should commend this legislation to all Members of the Senate.

The major reason for the development of the formula of the junior Senator from Oregon—and I do not question the need for that kind of watchdog activity on the floor of the Senate—was his interest in economy at the Federal level. From the standpoint of economy, what we must recognize in this case is that the State of California will be doing work which must be done by some Government agency. If it is not done by the State of California, through its university extension work, the grape growers will be back here asking Congress to appropriate funds to carry on the work. So, from the standpoint of economy, we find the University of California spending far more each year in this experimental work than the $26,000 investment of the Federal Government, and all portions of the country in which grapes are grown will benefit from this expenditure.

The Federal Government indirectly receives the benefit in that it will not have to put out the funds it is now spending in doing that work itself. Under the circumstances, it seems to me that this is a bill which should recommend itself not only to Members of the Senate who are now present, but also to the junior Senator from Oregon, in whose absence objection is interposed on his behalf.

I realize that if I were to follow a narrow legalistic approach on a quid pro quo basis, I should, of course, object to the pending bill, which grants 2 acres of land to the State of Oregon. I shall not do so. I believe that the Oregon bill has merit, and I believe that it should stand or fall on its own merit. I do not object, but I do suggest that the junior Senator from Oregon read and study this record carefully, because I am sure that he will then reach the conclusion that not only does the California bill fall within the legal terms and provisions of his formula, but that in the interest of true economy the bill granting this property to the University of California should be approved.

The PRESIDING OFFICER. Is there objection to the present consideration of Senate bill 2603?

There being no objection, the bill was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of Agriculture is hereby authorized and directed to convey by quitclaim deed to the State of Oregon, without consideration, all right, title, and interest of the United States in and to the following-described lands comprising a portion of a tract of land acquired by the United States by gift from the State of Oregon: Beginning at the northwest corner of section 8, township 2 north, range 8 east, of the Willamette meridian, which is marked with a United States Army Engineers' land monument; thence north eighty-nine degrees forty-five minutes east two hundred sixty-three and ninety-two one-hundredths feet; thence south one degree thirty-nine minutes thirty seconds east two hundred ninety-one and twenty-four one-hundredths feet to an iron pipe which is the point of beginning of the tract herein described; thence south eighty degrees fifty-seven minutes thirty seconds west three hundred eighty-six and thirty-four one-hundredths feet; thence south fifty degrees twenty-four minutes thirty seconds west four hundred twenty-four and five one-hundredths feet; thence north twenty-eight degrees fifty-one minutes west two hundred twenty-nine and seven one-hundredths feet; thence north seventy-four degrees thirty-nine minutes thirty seconds east eight hundred forty-eight and thirty-five one-hundredths feet; thence south one degree thirty-nine minutes thirty seconds east ninety-four and eight one-hundredths feet to point of beginning, containing two acres more or less.

TRANSFER OF PROPERTY IN NAPA COUNTY, CALIF., TO UNIVERSITY OF CALIFORNIA—BILL PASSED TO NEXT CALL OF CALENDAR

The bill (H. R. 5314) to authorize the transfer to the regents of the University of California, for agricultural purposes, of certain real property in Napa County, Calif., was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. SCHOEPPEL. Mr. President——

Mr. AIKEN. Mr. President, before the Senator objects, will he allow me to say a few words?

Mr. SCHOEPPEL. I reserve the right to object. Does the Senator desire to speak?

Mr. AIKEN. I should like to say a few words on the bill.

Mr. SCHOEPPEL. I withhold my objection.

Mr. AIKEN. I believe that the transfer of this great experiment station to the University of California would be very helpful, from the standpoint both of the State of California and the entire Nation, to which the results obtained would be available.

In this case the property would have to be continued in operation as an experiment station, or it would revert to the Federal Government. It seems to me that this is a very worthy case. The Department of Agriculture plans the abandonment of this station because of a shortage of funds. If this land were not transferred to the university, not only would the work itself be lost to the country, but also a considerable part of the money which the Federal Government has already invested would be lost. Instead of the Federal Government saving money, in all probability it would lose money. I do not know at what price the property could be sold.

Mr. NIXON. Mr. President, will the Senator yield?

Mr. AIKEN. I yield.

Mr. NIXON. It would probably mean that the property would not be used for this purpose under any circumstances, because the Federal Government is unable to spend the money for this experimental program. The property is probably worth much less for any other purpose than it would be worth if it were to be continued in use as an experiment station.

Mr. AIKEN. It seems to me that this is a case in which, in order to save what has already been spent by the Federal Government, it would be advisable to turn the land over to the University of California to continue the work under such agreement as might be reached between the Department of Agriculture and the university authorities.

Mr. ELLENDER. Mr. President, I point out to the distinguished Senator from Vermont that according to the report the value of the land has not increased since its acquisition by the Government several years ago. As has been stated, the University of California is willing to undertake the work of agriculture which has been done by the Department itself, perhaps on a more extended basis. All the data which have been collected would be available, as my good friend from California [Mr. NIXON] stated, not only to the people of California, but to the people of all the country. Because of a curtailment in appropriations of the Department of Agriculture, the Department had to reduce some of its expenses in connection with experiment stations. This experimental station is one of the victims.

Mr. NIXON. Mr. President, in line with the suggestion made by the Senator from Louisiana, if the experimental work were to be continued, the result might possibly be that grapes grown in Ohio, New York, and other States would equal in quality those grown in California,

which would be a great improvement, as most of us in California would admit.

I point out also that the bill contains a provision that the property shall revert to the United States if at any time the university ceases to use it for the general purposes for which it is to be transferred, which means that there would be an implied agreement on the part of the University of California to continue to use the property for that purpose.

Under the circumstances, it seems to me that the Federal Government is getting from the University of California a quid pro quo, within the formula of the junior Senator from Oregon.

The PRESIDING OFFICER. Is there objection to the present consideration of House bill 5314?

Mr. SCHOEPPEL. Mr. President, reserving the right to object, let me say to the able Senator from California [Mr. NIXON] and the able Senator from Vermont [Mr. AIKEN] that I must object. However, in making my objection, I wish to submit a request. While I must object, in order to carry out my responsibility to the Senator from Oregon [Mr. MORSE], in view of the explanation which has been made by the Senator from California and the colloquy which has taken place on the floor of the Senate, I ask unanimous consent that Calendar No. 1541, House bill 5314, be passed over until the next call of the calendar, and that it be eligible to be called at that time. I make this request out of fairness to the Senator from California, inasmuch as the Senator from Oregon is not present. I am hopeful that the Senate will agree to my request.

The PRESIDING OFFICER. Without objection, the request of the Senator from Kansas in stating his objection to the consideration of the bill will be agreed to. The bill will be passed over until the next call of the calendar.

Mr. McFARLAND. Mr. President, I have received a request that this bill be called up for consideration. That could not be done today without notice. The bill seems to be of importance. I give notice that it may be called up any day. I hope the Senator from California can make arrangements with the Senator from Oregon so that the bill may be considered some day soon, and that the differences may be thrashed out.

The bill (H. R. 6922) to amend section 22 (relating to the endowment and support of colleges of agriculture and the mechanic arts) of the act of June 29, 1935, so as to extend the benefits of such section to certain colleges in the Territory of Alaska, was considered, ordered to a third reading, read the third time, and passed.

TELEGRAM AND OTHER ALLOWANCES OF SENATORS—BILL PASSED OVER TO NEXT CALL OF THE CALENDAR

The bill (S. 2651) relating to telegrams, long-distance telephone, and special-delivery and air-mail postage allowances of Senators was announced as next in order.

Mr. SCHOEPPEL. Mr. President, reserving the right to object—and probably I shall object—the minority leader, who could not be here today, has not had an opportunity to study certain phases of the bill to the extent he would like to study them.

I ask unanimous consent that the bill go over to the next call of the calendar. During the interim, Senators will have an opportunity to discuss the bill with its sponsors.

The PRESIDING OFFICER. Without objection, the bill will be passed over to the next call of the calendar.

AMENDMENT OF ICC ACT TO RESTRICT APPLICATIONS OF CERTAIN EXEMPTIONS FOR MOTOR CARRIERS

The Senate proceeded to consider the bill (S. 2357) to amend the Interstate Commerce Act to restrict the application of the agricultural and fish exemption for motor carriers, which had been reported from the Committee on Interstate and Foreign Commerce with an amendment, to strike out all after the enacting clause and insert:

That clauses (4a) and (6) of subsection (b) of section 203 of the Interstate Commerce Act are amended by inserting after "agricultural" in each such clause the following: "(including horticultural)."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide that horticultural commodities shall be included within the term 'agricultural commodities' for the purpose of the agricultural exemption for motor carriers in the Interstate Commerce Act."

AMENDMENT OF THE RECONSTRUCTION FINANCE CORPORATION ACT

The bill (S. 515) to amend the Reconstruction Finance Corporation Act was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. SCHOEPPEL. Over. It is not a bill which should be considered on the call of the calendar.

The PRESIDING OFFICER. Objection is heard, and the bill goes over.

AGRICULTURAL APPROPRIATIONS FOR 1953

The bill (H. R. 7314) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1953, and for other purposes, was announced as next in order.

Mr. SCHOEPPEL. By reason of the previous agreement entered into, this measure should go over.

The PRESIDING OFFICER. The bill will be passed over.

CARRY-OVER OF MARYLAND TOBACCO TO BE DETERMINED AS OF JANUARY 1—AMENDMENT TO AGRICULTURAL ADJUSTMENT ACT OF 1938

The bill (H. R. 3554) to amend the Agricultural Adjustment Act of 1938, as amended, was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of this bill?

Mr. SCHOEPPEL. Mr. President, may we have an explanation of the bill?

Mr. ELLENDER. The sole purpose of the bill is to change the date for computing the carry-over of Maryland tobacco. At the present time, the carry-over is computed as of October 1st of each year. The bill would make the carry-over date January 1st of each year. This change would conform to present practices with reference to the marketing of tobacco in the State of Maryland. The net result would be to reduce the carry-over and total supply by the disappearance of Maryland tobacco during the period October 1 to January 1, and consequently would require a larger marketing quota in order to bring the total supply up to the reserve supply level.

Mr. SCHOEPPEL. I have no objection.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (H. R. 3554) to amend the Agricultural Adjustment Act of 1938, as amended, which had been reported from the Committee on Agriculture and Forestry with amendments on page 1, line 8, after the word "years", to insert "(or on January 1 of such marketing year in the case of Maryland tobacco)", and in line 11, after the word "year", to strike out "then current, except that in the case of Maryland tobacco it shall be the quantity of such tobacco on hand in the United States on January 1 of such marketing year, and" and insert "in which such marketing year begins."

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

PRINTING OF SUPREME COURT DECISION IN STEEL SEIZURE CASE AS A SENATE DOCUMENT (S. DOC. NO. 141)

Mr. MAYBANK. Mr. President, the Supreme Court has rendered its decision in the so-called steel seizure case. It is my information that the supply of copies of the opinions of the Justices of the Supreme Court in the case has been exhausted. I ask unanimous consent that the opinions written by the Justices of the Supreme Court, of which I have a copy, be printed as a Senate document so that they may be readily available to everyone interested in the Court's decision.

Mr. McFARLAND. Mr. President, the opinions have already been inserted in the RECORD at the request of the Senator from Washington [Mr. CAIN].

Mr. MAYBANK. I understand that but I was requesting that the opinions be printed as a Senate document so that copies may be readily available.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. MAYBANK. I yield.

Mr. FERGUSON. I think it would be highly advisable to do so because the opinions could be obtained much quicker in the form of a Senate document than otherwise.

Mr. MAYBANK. That is correct. They would be in documentary form.

Mr. FERGUSON. They could be obtained much quicker as a Senate document than in the Supreme Court Reports.

Mr. MAYBANK. I am making the request only because people have been telephoning to Senators with reference to the Defense Production Act in connection with the opinions written by the distinguished Justices of the Supreme Court.

Mr. McFARLAND. Mr. President, will the Senator yield?

Mr. MAYBANK. I yield.

Mr. McFARLAND. The distinguished Senator from Washington [Mr. CAIN] is about to leave the floor. I suggest that if the opinions of the Supreme Court are to be printed as a Senate document it would be unnecessary to have them printed in the CONGRESSIONAL RECORD. I wonder if the Senator from Washington would be willing to withdraw his request that they be printed in the CONGRESSIONAL RECORD.

Mr. MAYBANK. I think it would be better if they were printed as a Senate document, because I understand the Supreme Court has no more copies of the opinions available.

Mr. WATKINS. Mr. President, will the Senator yield?

Mr. MAYBANK. I yield.

Mr. WATKINS. How many copies of the CONGRESSIONAL RECORD are printed?

Mr. MAYBANK. I do not know the exact number, but I think it is approximately 43,000. I believe I receive a hundred copies, which are sent to certain persons in South Carolina who are on the list. Many of them probably would not be particularly interested in the opinion of the Supreme Court, although some of them of course would be interested. I dare say that many people are much more interested in reading about agriculture, civil functions, and rivers and harbors.

I am not suggesting that my good friend the Senator from Washington withdraw his request to have the opinions printed in the CONGRESSIONAL RECORD. I think that in the interest of the lawyers of the country and for the benefit of the people who have been telephoning about the opinions it would be better to have the opinions printed as a Senate document. The Senator from Michigan [Mr. FERGUSON] is a former judge. He is better qualified to give us an opinion on the matter.

Mr. FERGUSON. I wonder how long it would take to have a Senate document printed?

Mr. MAYBANK. Probably overnight, if the Senate asked for priority to be given to the printing of the Senate document.

Mr. FERGUSON. If we had the opinions printed as a Senate document they would be all in one place. It would be much easier to distribute them in the form of a Senate document than if the opinions were printed in the CONGRESSIONAL RECORD. We get only a certain number of copies of the RECORD, whereas we can get a greater number of a Senate document.

Mr. MAYBANK. Not only would we get a greater number, but it would not be necessary to read what a Senator said about a House bill or some other subject.

Mr. WATKINS. Mr. President, will the Senator yield?

Mr. MAYBANK. I yield.

Mr. WATKINS. It seems to me that the best way to get distribution would be through the CONGRESSIONAL RECORD. The same type that is used in printing the opinions in the CONGRESSIONAL RECORD could be used in printing the document. More than 20,000 copies of the RECORD are regularly distributed to the libraries of the United States.

Mr. MAYBANK. I will say that I have no interest in the matter.

Mr. WATKINS. The opinions can be printed both in the RECORD and as a document.

Mr. MAYBANK. I was asked to make the request by Senators who wanted the opinions in documentary form, so that persons connected with the courts and lawyers could read the opinions.

Mr. FERGUSON. I think it is important that the decision receive the greatest possible distribution because it is of vital interest to the people of the United States.

Mr. MAYBANK. The Senator from Michigan is correct. The Senator knows my stand on the matter. The question is whether we should have the opinions printed in documentary form.

Mr. McFARLAND. Mr. President, I have no objection to their being printed as a Senate document. Probably more space would be taken up in the CONGRESSIONAL RECORD in discussing the subject than would be taken up by printing the opinions. For that reason I call for the regular order.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from South Carolina that the opinions be printed as a Senate document?

Mr. CAIN. Mr. President, reserving the right to object, I should like to ask a question of my friend, the Senator from South Carolina. His request, as I understand it, is not predicated on my withdrawing my request that the decision of the Supreme Court be printed in the body of the RECORD. Am I correct in my understanding?

Mr. MAYBANK. I never made such a request or suggestion.

Mr. CAIN. I should like to suggest that in view of the importance——

Mr. McFARLAND. Mr. President, I call for the regular order.

The PRESIDING OFFICER. The regular order has been called for.

Mr. FERGUSON. Mr. President, reserving the right to object——

The PRESIDING OFFICER. The regular order has been called for, and the Chair will submit the request: Is there objection to the request for the printing of the opinions as a Senate document? The Chair hears none, and it is so ordered.

The next bill on the calendar will be stated.

BILL PASSED OVER

The bill (H. R. 7340) to amend and supplement the Federal Aid Road Act approved July 11, 1916 (39 Stat. 355) as amended and supplemented to authorize appropriations for continuing the construction of highways, and for other purposes, was announced as next in order.

Mr. SCHOEPPEL. Mr. President, I rise to object, and to ask that the bill be passed over.

The PRESIDING OFFICER. Objection being heard, the bill is passed over.

VISIT TO THE SENATE BY STUDENTS FROM BRIGHAM YOUNG UNIVERSITY

Mr. WATKINS. Mr. President, reserving the right to object, although I shall not object, I desire to call attention to the fact that in the early days of the State of Utah, a great educational institution was founded by Brigham Young, and is known to the world as the Brigham Young University. It draws students from all over the world.

Today a group of students from that university, and in addition to two young men from Weber College, Ogden, Utah, under the direction of two of the professors of modern languages at the university, and accompanied by chaperons, are visiting the Senate of the United States. They are on their way to Europe, for a 90-day tour. Their tour will not be an ordinary tourists' tour of Europe; it will actually be a course of study in modern languages and in European history and culture.

They will have lectures and study periods regularly while they are traveling; and when the tour is finished, they will receive college credit for the work they have done.

I desire to call the attention of the Members of the Senate to this fact today, because this group is now in the Senate gallery watching the proceedings of the Senate. Their educational tour is also for the purpose of becoming acquainted with their own Government; and then they will go to Europe to meet the people and to meet students at the universities and colleges there, and in that manner to cultivate better relationships between our country and the peoples of Europe.

Some 35 of the students are now in the Senate gallery to the left of where

I am standing. They are accompanied by Dr. Max Rogers, of the faculty of the university and, let me say with some pride, by my son, Dr. Arthur R. Watkins, also of the faculty of the College of Modern Languages of Brigham Young University. The chaperones are Mrs. George H. Hansen, wife of Dr. George H. Hansen, of the department of geology, and Mrs. Dora McDonald, principal of one of Utah's public schools.

TRANSFER OF CERTAIN LANDS TO FLORIDA FOR EDUCATIONAL PURPOSES

Mr. CHAVEZ. Mr. President, have we completed the calendar?

The PRESIDING OFFICER. Several measures were ordered placed at the foot of the calendar. Until they have been disposed of, we shall not have completed our action on the calendar.

Mr. SCHOEPPEL. Mr. President, let me call the attention of the Chair to the fact that by unanimous consent the measures in which the distinguished chairman of the Judiciary Committee, the Senator from Nevada [Mr. McCARRAN], is interested, have not yet been called.

The PRESIDING OFFICER. Those measures were also placed at the foot of the calendar.

Mr. WATKINS. Mr. President, what is before the Senate at the moment?

The PRESIDING OFFICER The bills which earlier today were ordered placed at the foot of the calendar are now to be called. There are four of them, and they will be stated in order. The first bill in that category will be stated.

The LEGISLATIVE CLERK. A bill (S. 556), calendar 1419, authorizing the transfer of certain lands in Putnam County, Fla., to the State Board of Education of Florida for the use of the University of Florida for educational purposes.

The PRESIDING OFFICER. On a previous day this bill was considered, the committee amendments were adopted, and the bill as amended was ordered to be engrossed for a third reading, read the third time, and passed. On the same day a motion to reconsider was agreed to.

The bill is now before the Senate. Is there objection to its present consideration?

Mr. HOLLAND. Mr. President, when the bill was reached earlier today, it was suggested that it be placed at the foot of the calendar, for discussion. I believe that at this time there is no objection to the final passage of the bill.

Mr. Adams, legislative assistant to the junior Senator from Oregon [Mr. MORSE], and Mr. Shelley, my administrative assistant, jointly called Mr. Donald Chaney, who is general counsel of the Fish and Wildlife Service of the Department of the Interior, to ask him whether any facts were available as to the present market value of the 55 acres of land involved in this bill.

Mr. Chaney told these gentlemen that the entire fair market value was between $500 and $600, with $600 the top.

Under those circumstances, and also in view of the fact that Mr. Chaney said that an appraisal would cost $200, which was because of the remote location of the land, I suggest—and I understand that the settlement I have suggested is acceptable to the Senator from Oregon—that a fixed $300 consideration be provided for, along with the reservations and reversionary clauses, which are to be left in the bill, in accordance with the action previously taken, as those amendments were reported by the committee and as the amendments were adopted by the Senate on a previous day.

I hope that disposition of the matter will be acceptable to the Senator from Kansas.

The PRESIDING OFFICER. The Chair would ask the Senator from Florida whether he is prepared to offer an amendment to that effect.

Mr. HOLLAND. I am, if that course is acceptable.

Mr. SCHOEPPEL. Mr. President, in view of the explanation which has been made, I suggest that that settlement will be satisfactory. If the amendment suggested by the Senator from Florida is adopted, I shall not object on behalf of the Senator from Oregon.

The PRESIDING OFFICER. Is there objection to the present consideration of Senate bill 556?

There being no objection, the Senate proceeded to consider the bill.

Mr. HOLLAND. Mr. President, I now offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 1, in line 4, after the word 'convey", it is proposed to insert "for the payment of $300."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Florida.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Interior is authorized and directed to convey, for the payment of $300, subject to other applicable provisions of this act, to the State Board of Education of the State of Florida, for the use and benefit of the University of Florida for educational purposes primarily concerned with conservation of natural resources, land utilization, forestry, biology, botany, and natural history, such portions of the area known as the Welaka Fish Hatchery, Putnam County, Fla., aggregating approximately 55 acres, as he may determine to be excess to the needs of the Department of the Interior, and available for the aforesaid purposes.

SEC. 2. The property to be conveyed shall include both the land and the improvements thereon: *Provided*, That the United States reserves the right to remove, at any time within a period of 2 years from the date of approval of this act, any of said improvements constructed by it or financed out of its funds.

SEC. 3. The use of said property shall be subject to all easements, rights-of-way, licenses, leases, and outstanding interests in, upon, across, or through said property which have heretofore been granted or reserved by the United States or its predecessors in title.

SEC. 4. The United States reserves the rights to all minerals upon or in said property, together with the usual mining rights, powers, and privileges, including the right of access to and use of such portions of the surface of said property as may be necessary for mining and removing said minerals.

SEC. 5. Title to or control over the lands conveyed under the authority of this act may not be transferred by the grantee or its successor, except with the consent of the Secretary of the Interior. The grantee or its successor may not change the use of the lands from the educational purposes specified in section 1 of this act to another or additional use, except with the consent of the Secretary. If at any time after the lands are conveyed under this act, the grantee or its successor attempts to transfer title to or control over these lands to another or the lands are devoted to a use other than the educational purposes specified in section 1, without the consent of the Secretary, title to the lands shall revert to the United States. Such reversion shall be considered effective and established upon the mailing of notice thereof to the State Board of Education of Florida, or its successor, by the Secretary.

Mr. HOLLAND. I thank the distinguished Senator from Kansas.

TRANSFER OF CERTAIN LANDS TO THE STATE OF TENNESSEE—BILL PASSED OVER

The PRESIDING OFFICER. The next bill ordered placed at the foot of the calendar will be stated.

The LEGISLATIVE CLERK. A bill (S. 2959) authorizing the transfer to the State of Tennessee of certain lands in the Veterans' Administration Center, Mountain Home, Tenn.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. SCHOEPPEL. Mr. President, according to the instructions which I have, I must object to consideration of the bill. However, I wish to ask unanimous consent, because of the importance of this bill—even though objection is made to its consideration at this time—that the bill be included in the next regular call of the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

BILL PASSED OVER

The PRESIDING OFFICER. The next bill ordered to the foot of the calendar will be stated.

The CHIEF CLERK. A bill (S. 1331) to further implement the full faith and credit clause of the Constitution.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. SCHOEPPEL. Mr. President, I think an explanation should be made of the bill. I understand that request has been made to have the bill go over. Therefore, I ask unanimous consent that the bill be passed over, but be included in the next call of the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

INCREASE IN SECURITIES ISSUED BY MOTOR CARRIERS

The PRESIDING OFFICER. The next bill previously ordered placed at the foot of the calendar will be stated.

The CHIEF CLERK. A bill (S. 2360) to amend the Interstate Commerce Act to

increase the amounts of securities issued by motor carriers without requiring approval by the Interstate Commerce Commission.

DEATH OF FORMER REPRESENTATIVE SAMUEL F. HOBBS

Mr. HILL. Mr. President, I rise at this time to address the Senate for several minutes.

It is with deep regret that I announce that on last Saturday evening a former colleague in the House of Representatives, Judge Samuel F. Hobbs, died at his home at Selma, Ala.

Members of the Senate will remember Judge Hobbs as one of the most industrious and one of the ablest Members of the House of Representatives. During his 16 years in the House of Representatives, until he was forced to retire voluntarily, because of ill health, Judge Hobbs was outstanding in his work and his leadership, and he made many fine and lasting contributions to our Government and to the welfare of our people. As a member of the Judiciary Committee of the House of Representatives, he rendered exceptionally brilliant and devoted service. Alabama was indeed proud of Judge Samuel F. Hobbs.

Mr. President, a year ago, shortly after Judge Hobbs' voluntary retirement from the House of Representatives, many people of Alabama assembled in a meeting in his home town of Selma and paid him impressive tribute. On that occasion I wrote a letter to Judge Hobbs' successor in the House of Representatives, Hon. KENNETH A. ROBERTS. I ask unanimous consent that a copy of the letter be printed in the RECORD at this point as a part of my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WASHINGTON, D. C.,
May 15, 1951.

Hon. KENNETH ROBERTS,
House of Representatives,
Washington, D. C.

MY DEAR KENNETH: We are happy that you are going to Alabama to join in tribute to Judge Hobbs on Saturday evening. We only wish it were possible for us to go with you.

We want you and the judge to know that we will be with you in spirit.

Please tell the judge how much we miss him, his good and generous comradeship, and the fine example of courage, of untiring industry, and of deep devotion to Alabama and her people which he set for us. Please tell him how proudly we proclaim his services to the Nation.

Please convey to him—great Alabamian and great American—our warmest and most affectionate salutations and our heartiest congratulations.

Sincerely.

Mr. McFARLAND. Mr. President, I desire to associate myself with the remarks the Senator from Alabama has made about Sam Hobbs. I knew him well and favorably. A magnificent American and a great statesman he rendered valuable service to his country. His family have assurances of my sympathy.

Mr. HOLLAND. Mr. President, I should like to join in the remarks just made by the distinguished senior Senator from Alabama and the distinguished majority leader, with reference to former Representative Judge Sam Hobbs. He was one of the finest gentlemen whom I have ever had the pleasure of meeting, and, as I thought, one of the ablest Members of the Congress. We all remember how greatly we have missed him since his retirement but a few years ago. I am distressed to hear that he was not allowed to enjoy the years of relaxation and rest which he had so well earned by his efficient labors here. I join in the expressions of sympathy and condolence, to his familiy, to his State, and to his colleagues.

Mr. SMATHERS. Mr. President, I desire to join in the words of condolence to the family of Judge Sam Hobbs which have been expressed by the majority leader, the senior Senator from Alabama, and the senior Senator from Florida. I first knew Judge Sam Hobbs when I was a freshman Member of the House of Representatives. I shall never forget the kindly way in which he treated me and all other freshmen. Whenever there arose any complicated matter of law or of parliamentary procedure, we always went over to talk with Judge Sam Hobbs. He would give to us generously the benefit of his great experience and of his excellent advice. With all others who knew him, I lament his passing.

Mr. CARLSON. Mr. President, I, too, wish to express my deep sorrow because of the death of Judge Sam Hobbs. He and I became Members of the House of Representatives at the same session of the Congress. We served together on certain committees. I came to know him intimately. He was an outstanding statesman, a fine gentleman, at all times a man of honor. Certainly it was a pleasure to work with him. During his service in the Congress, Alabama had an able Representative. The Nation has now lost a great citizen.

Mr. STENNIS. Mr. President, I learned with great regret of the passing of the late former Representative Samuel L. Hobbs, of Alabama, who, to my mind, was one of the most valuable Members of Congress in our generation. Representative Hobbs was a man of profound learning in the law. He was an accomplished jurist. He was highly trained in his profession, and he adhered to the ethics of that profession to the very highest degree. He possessed great learning in constitutional law. His advice was sought for many miles around when he was a judge and practicing lawyer in Alabama. When he came to Congress, he was soon recognized as a great constitutional lawyer, a man of very fine attainments, and of very high loyalty to the principles of our Government.

He voluntarily retired within the past 2 years after a very distinguished and constructive career. This Nation will long benefit from his very fine service. We mourn the passing of this truly great man.

Mr. McKELLAR. Mr. President, I wish to endorse all that has been said by the distinguished Senator from Mississippi concerning Mr. Hobbs. I had known him practically all my life. We came from the some county in Alabama. He was a grand man, and I deeply regret his passing as do all who knew him.

Mr. ROBERTSON. Mr. President, I wish to express my deep regret on the untimely death of a very beloved former colleague in the House. I knew Sam Hobbs well. He was a very able lawyer and a wonderfully fine Christian gentleman. I regret sincerely his passing.

Mr. CHAVEZ. Mr. President, I say this for Sam Hobbs: A man. That covers everything. He was that kind of gentleman.

The PRESIDING OFFICER (Mr. MONRONEY in the chair). The present occupant of the chair desires to join in the remarks of Senators regarding the public service of Hon. Sam Hobbs. He was a profound constitutional lawyer, a leader in the House Judiciary Committee, a terrific force for wise, progressive legislation, which he so greatly helped to build up for the entire United States, and particularly for the section of the United States which he so ably served. His service terminated voluntarily in the Eighty-first Congress. He has been missed by all who had been associated with him during his many years in the legislative halls.

INCREASE IN AMOUNTS OF SECURITIES ISSUED BY MOTOR CARRIERS

The PRESIDING OFFICER. Is there objection to the present consideration of Senate bill 2360, which has been announced as next in order?

There being no objection, the Senate proceeded to consider the bill (S. 2360) to amend the Interstate Commerce Act to increase the amounts of securities issued by motor carriers without requiring approval by the Interstate Commerce Commission, which had been reported from the Committee on Interstate and Foreign Commerce, with amendments, in line 6, after the word "figure", to strike out "$1,500,000" and insert "$1,000,000", and in line 8, after the word "figure", to strike out "$500,000" and insert "$200,000", so as to make the bill read:

Be it enacted, etc., That section 214 of the Interstate Commerce Act, as amended, is amended by (1) striking out the figure "$500,000" in the first proviso and inserting the figure "$1,000,000" in lieu thereof, and (2) striking out the figure "$100,000" in the first proviso and inserting the figure "$200,000" in lieu thereof.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDING OFFICER. That concludes the call of the calendar, with the exception of the bills reported by the Judiciary Committee, which were passed over.

Mr. McFARLAND. Mr. President, I ask that the Senate proceed to consider the bills reported by the Judiciary Committee, with the understanding that bills on which explanations are requested, will go over until the next call of the calendar, unless the Senator from Nevada comes into the Senate Chamber in the meantime.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call all the bills reported by the committee which were passed over.

SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

The concurrent resolution (S. Con. Res. 76) favoring the suspension of deportation of certain aliens was considered and agreed to.

(For text of above concurrent resolution, see CONGRESSIONAL RECORD of May 12, 1952, pp. 5011 to 5013.)

DR. GUY RAIOLA

The bill (S. 1086) for the relief of Dr. Guy Raiola was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, for the purposes of the immigration and naturalization laws, Doctor Guy Raiola shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee and head tax. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

RUZENA STRANSKY

The bill (S. 1130) for the relief of Ruzena Stransky was considered, ordered to be engrossed for a third reading, read the third time, and passed as follows:

Be it enacted, etc., That, for the purposes of the immigration and naturalization laws, Ruzena Stransky shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee and head tax. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

AUGUSTA BLEYS

The bill (S. 1336) for the relief of Augusta Bleys, also known as Augustina Bleys, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, for the purposes of the immigration and naturalization laws, Augusta Bleys, also known as Augustina Bleys, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee and head tax. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

ADELE FRATTINI

The bill (S. 1479) for the relief of Adele Frattini was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, for the purposes of the immigration and naturalization laws, Adele Frattini shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee and head tax. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

THORVALD NIN

The bill (S. 1513) for the relief of Thorvald Nin was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That notwithstanding the provisions of section 404 of the Nationality Act of 1940, Thorvald Nin shall be held and considered to have retained his United States citizenship regardless of any period of residence outside the United States prior to the date of enactment of this act.

SILVERIO SALVATORE CONTE

The bill (S. 1719) for the relief of Silverio Salvatore Conte was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That Silverio Salvatore Conte, who lost United States citizenship under the provisions of section 401 (e) of the Nationality Act of 1940, as amended, may be naturalized by taking prior to 1 year after the effective date of this act, before any court referred to in subsection (a) of section 301 of the Nationality Act of 1940, as amended, or before any diplomatic or consular officer of the United States abroad, the oaths prescribed by section 335 of the said act. From and after naturalization under this act the said Silverio Salvatore Conte shall have the same citizenship status which existed immediately prior to its loss.

ELINA BRANLUND

The bill (S. 1724) for the relief of Elina Branlund was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, for the purposes of the immigration and naturalization laws, Elina Branlund shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act upon payment of the required visa fee and head tax. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

ALTOON SAPRICHIAN

The bill (S. 1743) for the relief of Altoon Saprichian was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, for the purposes of the immigration and naturalization laws, Altoon Saprichian shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee and head tax. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

DR. ALBERT HAAS

The bill (S. 1744) for the relief of Dr. Albert Haas was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, for the purposes of the immigration and naturalization laws, Dr. Albert Haas shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act upon payment of the required visa fee and head tax. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

SOCORRO GERONA DE CASTRO

The bill (S. 2308) for the relief of Socorro Gerona de Castro was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, for the purposes of the immigration and naturalization laws, Socorro Gerona de Castro shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee and head tax. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

JIMMY LEE DAVIS

The bill (S. 3007) for the relief of Jimmy Lee Davis was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, for the purposes of sections 4 (a) and 9 of the Immigration Act of 1924, as amended, the minor child, Jimmy Lee Davis, shall be held and considered to be the natural-born alien child of Sgt. and Mrs. Billie Davis, citizens of the United States, and notwithstanding the provisions of section 13 (c) of the Immigration Act of 1924, as amended, the said Jimmy Lee Davis may be admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of the immigration laws.

KAREN CHRISTENE EISEN MURDOCK

The bill (S. 3008) for the relief of Karen Christene Eisen Murdock was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, for the purposes of sections 4 (a) and 9 of the Immigration Act of 1924, as amended, the minor child, Karen Christene Eisen Murdock, shall be held and considered to be the natural-born alien child of Master Sgt. and Mrs. David L. Murdock, citizens of the United States.

MIRKO M. BJELOPETROVICH

The Senate proceeded to consider the bill (S. 1315) for the relief of Mirko M. Bjelopetrovich, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That, for the purposes of the immigration and naturalization laws, Mirko M. Bjelopetrovich shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee and head tax. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TOM TATEKI IRIYE

The Senate proceeded to consider the bill (S. 1740) for the relief of Tom Tateki Iriye, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That, notwithstanding the provisions of section 13 (c) of the Immigration Act of 1924, as amended, Tom Tateki Iriye may be admitted to the United States for permanent residence provided he is otherwise admissible under the provisions of the immigration laws.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARIA WEILAND

The Senate proceeded to consider the bill (S. 2067) for the relief of Maria Weiland, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That, for the purposes of sections 4 (a) and 9 of the Immigration Act of 1924, as amended, the minor child, Maria Weiland, shall be held and considered to be the natural-born alien child of First Lt. and Mrs. John P. Fowler, citizens of the United States.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PETER PENOVIC ET AL.

The Senate proceeded to consider the bill (S. 2123) for the relief of Peter Penovic, Milos Grahovac, and Nikola Maljkovic, which had been reported from the Committee on the Judiciary with an amendment in line 11, after the word "deduct," to strike out "one number" and insert "three numbers", so as to make the bill read:

Be it enacted, etc., That, for the purposes of the immigration and naturalization laws, Peter Penovic, Milos Grahovac, and Nikola Maljkovic shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fees and head taxes. Upon the granting of permanent residence to each such alien as provided for in this act, the Secretary of State shall instruct the proper quota officer to deduct three numbers from the appropriate quota for the first year that such quota is available.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE B. HENLY CONSTRUCTION CO.

The Senate proceeded to consider the bill (S. 1707) for the relief of George B. Henly Construction Co., Inc., which had been reported from the Committee on the Judiciary with amendments.

Mr. SCHOEPPEL. I have an amendment which I shall offer to the second committee amendment.

The PRESIDING OFFICER. The Chair would advise the distinguished Senator from Kansas that, as soon as the committee amendment is reached he may submit his amendment to it. The clerk will state the first committee amendment.

The LEGISLATIVE CLERK. On page 1, line 6, after the word "Company", it is proposed to strike out "Incorporated,". The amendment was agreed to.

The next amendment was, in the same line, after the word "of", to strike out $43,286.05" and insert "$30,000."

Mr. SCHOEPPEL. Mr. President, I offer an amendment to the amendment.

The PRESIDING OFFICER. The clerk will state the amendment to the amendment.

The Legislative Clerk. On page 1, line 7, in lieu of "$30,000", proposed to be inserted by the committee, it is proposed to insert "$22,929.69."

The PRESIDING OFFICER. The question is on the amendment of the Senator from Kansas.

Mr. SCHOEPPEL. Mr. President, this would reduce the payment to the construction company from $30,000 to $22,929.69. I may say that the Senator from Idaho [Mr. DWORSHAK], who is interested in this measure, has agreed with me that this would limit the payment to actual out-of-pocket costs, which I think would make the bill far more equitable. The amendment makes no allowance for interest or profits as had originally been requested and which I felt was an objectionable feature. I hope the Senate will adopt the amendment.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Kansas to the committee amendment.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the George B. Henly Construction Co., Boise, Idaho, the sum of $22,929.69. The payment of such sum shall be in full settlement of all claims of the George B. Henly Construction Co., Inc., against the United States for additional compensation under the contract dated February 16, 1948 (No. 12r–17891), between the United States and such company for the construction of earthwork and structures, Locket Gulch wasteway, according to specifications No. 1252 of the Mitchell Butte division, Owyhee project, Oregon-Idaho. Such claims are based on additional expenses incurred by such company as a result of conditions not set forth in the specifications and plans for such construction and which could not reasonably have been anticipated: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The title was amended so as to read: "A bill for the relief of the George B. Henly Construction Co."

IVO CERNE

The bill (H. R. 654) for the relief of Ivo Cerne was considered, ordered to a third reading, read the third time, and passed.

SARAH A. DAVIES

The bill (H. R. 975) for the relief of Sarah A. Davies was considered, ordered to a third reading, read the third time, and passed.

ESTATE OF COBB NICHOLS

The bill (H. R. 1099) for the relief of the estate of Cobb Nichols was considered, ordered to a third reading, read the third time, and passed.

KAIKO SUGIMOTE (KAY FAIR) AND HER MINOR CHILDREN

The bill (H. R. 1162) for the relief of Kaiko Sugimote (Kay Fair) and her minor children was considered, ordered to a third reading, read the third time, and passed.

CLAUDE FORANDA

The bill (H. R. 1428) for the relief of Claude Foranda was considered, ordered to a third reading, read the third time, and passed.

ERIKA NICOLO AND MINOR CHILD

The bill (H. R. 1960) for the relief of Erika Nicolo and her minor child was considered, ordered to a third reading, read the third time, and passed.

SISTERS MARIA SALERNO ET AL.

The bill (H. R. 2303) for the relief of Sisters Maria Salerno, Eufrasisa Binotto, Maria Ballatore, and Giovanna Buziol

was considered, ordered to a third reading, read the third time, and passed.

JEAN (JOHN) PLEWNIAK ET AL.

The bill (H. R. 2307) for the relief of Jean (John) Plewniak and Anna Piotrowska Plewniak was considered, ordered to a third reading, read the third time, and passed.

ODETTE LOUISE TIRMAN

The bill (H. R. 2346) for the relief of Odette Louise Tirman was considered, ordered to a third reading, read the third time, and passed.

MRS. JEANNETTE THORN PEASE

The bill (H. R. 2587) for the relief of Mrs. Jeannette Thorn Pease was considered, ordered to a third reading, read the third time, and passed.

GEORGE H. SOFFEL CO.

The bill (H. R. 2628) for the relief of the George H. Soffel Co. was considered, ordered to a third reading, read the third time, and passed.

FUMIKO HIGA

The bill (H. R. 2784) for the relief of Fumiko Higa was considered, ordered to a third reading, read the third time, and passed.

YAI WING LEE

The bill (H. R. 2841) for the relief of Yai Wing Lee was considered, ordered to a third reading, read the third time, and passed.

THOMAS E. BELL

The bill (H. R. 2902) for the relief of Thomas E. Bell was considered, ordered to a third reading, read the third time, and passed.

MIMI FONG ET AL.

The bill (H. R. 2903) for the relief of Mimi Fong and her children, Sing Lee and Lily, was considered, ordered to a third reading, read the third time, and passed.

PRISCILLA OGDEN DICKERSON GILLSON DE LA FREGONNIERE

The bill (H. R. 2920) for the relief of Priscilla Ogden Dickerson Gillson de la Fregonniere was considered, ordered to a third reading, read the third time, and passed.

GIOVANNI RINALDO BOTTINI

The bill (H. R. 3070) for the relief of Giovanni Rinaldo Bottini was considered, ordered to a third reading, read the third time, and passed.

MEHMET SALIH TOPCUOGLU

The bill (H. R. 3124) for the relief of Mehmet Salih Topcuoglu was considered, ordered to a third reading, read the third time, and passed.

SISTER APOLONIA GERARDA SOKOLOWSKA

The bill (H. R. 3132) for the relief of Sister Apolonia Gerarda Sokolowska was considered, ordered to a third reading, read the third time, and passed.

MRS. SETSUYO SUMIDA

The bill (H. R. 3152) for the relief of Mrs. Setsuyo Sumida was considered, ordered to a third reading, read the third time, and passed.

MARY OSADCHY

The bill (H. R. 3561) for the relief of Mary Osadchy was considered, ordered to a third reading, read the third time, and passed.

YING CHEE JUNG

The bill (H. R. 3572) for the relief of Ying Chee Jung was considered, ordered to a third reading, read the third time, and passed.

STEPHAN JOSEPH HORVATH AND LUCAS ALBERT HORVATH

The bill (H. R. 3732) for the relief of Stephan Joseph Horvath and Lucas Albert Horvath was considered, ordered to a third reading, read the third time, and passed.

CHAN TOY HAR

The bill (H. R. 3953) for the relief of Chan Toy Har was considered, ordered to a third reading, read the third time, and passed.

ANN TOBAK AND JOHN TOBAK

The bill (H. R. 4152) for the relief of Ann Tobak and John Tobak was considered, ordered to a third reading, read the third time, and passed.

NORMA J. ROBERTS

The bill (H. R. 4492) for the relief of the legal guardian of Norma J. Roberts, a minor, was considered, ordered to a third reading, read the third time, and passed.

HELGA RICHTER

The bill (H. R. 4790) for the relief of Helga Richter was considered, ordered to a third reading, read the third time, and passed.

FELIX NAVEDO-MERCED AND CARMEN RAMOS-BAEZ

The bill (H. R. 5121) for the relief of Felix Navedo-Merced and Carmen Ramos-Baez was considered, ordered to a third reading, read the third time, and passed.

TSUTAKO KUROKI MASUDA

The bill (H. R. 5145) for the relief of Tsutako Kuroki Masuda was considered, ordered to a third reading, read the third time, and passed.

BERNARD J. KEOGH

The bill (H. R. 5753) for the relief of Bernard J. Keogh was considered, ordered to a third reading, read the third time, and passed.

PATRICIA LAURETTA PRAY

The bill (H. R. 5805) for the relief of Patricia Lauretta Pray was considered, ordered to a third reading, read the third time, and passed.

INGEBORG AND ANNA LUKAS

The bill (H. R. 5956) for the relief of Ingeborg and Anna Lukas was considered, ordered to a third reading, read the third time, and passed.

PAULINE W. GOODYEAR

The bill (H. R. 5958) for the relief of Pauline W. Goodyear was considered, ordered to a third reading, read the third time, and passed.

MICHIKO NAKASHIMA

The bill (H. R. 5976) for the relief of Michiko Nakashima was considered, ordered to a third reading, read the third time, and passed.

JIMMY DOGUTA

The bill (H. R. 5984) for the relief of Jimmy Doguta (also known as Jimmy Blagg) was considered, ordered to a third reading, read the third time, and passed.

MARIAN DIANE DELPHINE SACHS

The bill (H. R. 6265) for the relief of Marian Diane Delphine Sachs was considered, ordered to a third reading, read the third time, and passed.

KIKO OSHIRO

The bill (H. R. 6314) for the relief of Kiko Oshiro was considered, ordered to a third reading, read the third time, and passed.

SHARON ELAINE FRANKOVICH

The bill (H. R. 6848) for the relief of Sharon Elaine Frankovich was considered, ordered to a third reading, read the third time, and passed.

ELLIS E. GABBERT

The Senate proceeded to consider the bill (H. R. 1826) for the relief of Ellis E. Gabbert which had been reported from the Committee on the Judiciary with an amendment on page 1, line 5, after the word "of", to strike out "$438.87" and insert "$309.92."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

EDWARD CHARLES CLEVERLY

The Senate proceeded to consider the bill (H. R. 1114) for the relief of Edward Charles Cleverly, which had been reported from the Committee on the Judiciary with an amendment in line 6, after the name "Charles", to strike out "Cleverly" and insert "Cleverley."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act for the relief of Edward Charles Cleverley."

The PRESIDING OFFICER (Mr. STENNIS in the chair). That completes the call of the calendar.

Mr. SCHOEPPEL. Mr. President, I was just going to suggest what the distinguished Presiding Officer has indicated, that the call of the calendar has been completed. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

CONFIRMATION OF MIDSHIPMEN MITCHELL DANIEL CHARNESKI AND PAUL S. MACLAFFERTY

Mr. HUNT. Mr. President, I ask unanimous consent that the order for the quorum call be temporarily rescinded in order that I may submit a report from the Committee on Armed Services with respect to the commissioning of two officers.

The PRESIDING OFFICER (Mr. STENNIS in the chair). Is there objection? The Chair hears none, and the Senator from Wyoming is recognized.

MR. HUNT. Mr. President, as in executive session, I ask unanimous consent to report, from the Committee on Armed Services, two nominations in the Navy.

The PRESIDING OFFICER. Is there objection? The Chair hears none and the nominations will be placed on the Executive Calendar.

Mr. HUNT. Mr. President, would there be any objection to the immediate consideration of these nominations?

The PRESIDING OFFICER. The Senator may make his request.

Mr. HUNT. Mr. President, inasmuch as these two young men will graduate from Annapolis tomorrow I ask unanimous consent that the nominations may now be considered as in executive session. Midshipmen are always commissioned at the time they are graduated. These two names were held up in the Committee on Armed Services by the distinguished Senator from Iowa, who now withdraws all objection. My request is made so that these men may receive their commissions tomorrow.

The PRESIDING OFFICER. Is there objection?

Mr. SALTONSTALL. Mr. President, I certainly shall not object. As a member of the Committee on Armed Services, I know about this situation, and I endorse with wholehearted approval what the Senator from Wyoming has said.

The PRESIDING OFFICER. The clerk will state the nominations.

The Chief Clerk read the nominations of Mitchell Daniel Charneski to be second lieutenant in the Regular Air Force and Paul S. Maclafferty to be ensign in the Supply Corps of the Navy.

The PRESIDING OFFICER. Without objection, and as in executive session, the nominations are confirmed, and the President will be immediately notified.

ORDER OF BUSINESS

Mr. CHAVEZ. Mr. President, has the call of the calendar been concluded?

The PRESIDING OFFICER. The call of the calendar has been completed, and a quorum call was temporarily rescinded.

Mr. SCHOEPPEL. Mr. President, I renew my suggestion of the absence of a quorum.

Mr. CHAVEZ. Mr. President, I move that the Senate now take up——

The PRESIDING OFFICER. Temporarily the call for a quorum has been rescinded, for the purpose of allowing the Senator from Wyoming [Mr. HUNT] to secure action on two nominations. They have been disposed of, and the Senator from Kansas has renewed his suggestion of the absence of a quorum, which the Chair now sustains.

Mr. SALTONSTALL. Mr. President, in the interest of orderly procedure, what is the question pending before the Senate at the present time?

The PRESIDING OFFICER. There is no question now pending before the Senate.

Mr. CHAVEZ. May I inform the Senator from Massachusetts——

The PRESIDING OFFICER. Does the Senator from Kansas withhold his suggestion of the absence of a quorum, in order to permit this discussion?

Mr. SCHOEPPEL. I shall be glad to withhold my suggestion.

Mr. CHAVEZ. I had intended to say that if the Senate was through with the call of the calendar, it was my purpose to ask that it consider S. 2437, which is the Federal-aid road bill, and to see if we could dispose of it this afternoon. The bill was reported a week or 10 days ago by the Committee on Public Works. As soon as the Senate finished the consideration of whatever was pending, I had intended to call up that bill.

Mr. HUNT. Mr. President, will the Senator from Kansas yield?

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Wyoming?

Mr. HUNT. I desired to ask the distinguished Senator from New Mexico if he would be agreeable to our completing Senate bill 3019 on which we had started on Thursday afternoon, and which extends for a period of 10 months provision for equalizing the pay of physicians and dentists in the armed services.

Mr. CHAVEZ. Mr. President, I would have no objection whatsoever if I could obtain consent that immediately after we finished with that bill, we would take up Senate bill 2437.

The PRESIDING OFFICER. The only opportunity the Chair has to act is when a motion or a request is made.

Mr. HUNT. Mr. President, I request unanimous consent that immediately following the roll call the Senate resume the consideration of the Senate bill 3019.

Mr. SCHOEPPEL. Mr. President, if the Senator will yield, I may say that I had suggested the absence of a quorum because I rather suspected that there would be some question about the order in which these measures should be considered. I respectfully suggest, if it is in order, that the quorum call be now completed, and that immediately thereafter the requests of Senators to consider bills be acted on. It might save some time.

The PRESIDING OFFICER. Does the Senator from Kansas renew his suggestion of the absence of a quorum?

Mr. SCHOEPPEL. I do.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Byrd	Holland	Nixon
Cain	Hunt	O'Mahoney
Carlson	Ives	Robertson
Chavez	Johnson, Colo.	Saltonstall
Connally	Kerr	Schoeppel
Cordon	Lodge	Smathers
Dirksen	Long	Smith, Maine
Douglas	Maybank	Smith, N. J.
Dworkshak	McCarran	Stennis
Ferguson	McCarthy	Thye
Flanders	McClellan	Tobey
George	McFarland	Watkins
Gillette	Millikin	Wiley
Hayden	Monroney	Young
Hill	Mundt	

Mr. McFARLAND. I announce that the Senator from Connecticut [Mr. BENTON], the Senator from Mississippi [Mr. EASTLAND], the Senator from Delaware [Mr. FREAR], the Senators from Rhode Island [Mr. GREEN and Mr. PASTORE], the Senators from North Carolna [Mr. HOEY and Mr. SMITH], the Senator from Minnesota [Mr. HUMPHREY], the Senator from New York [Mr. LEHMAN], the Senator from Washington [Mr. MAGNUSON], the Senator from Michigan [Mr. MOODY], the Senator from West Virginia [Mr. NEELY], the Senator from Maryland [Mr. O'CONOR], and the Senator from Kentucky [Mr. UNDERWOOD] are absent on official business.

The Senator from Tennessee [Mr. KEFAUVER], the Senator from Georgia [Mr. RUSSELL], and the Senator from Alabama [Mr. SPARKMAN], are absent by leave of the Senate.

The Senator from Connecticut [Mr. MCMAHON] is absent because of illness.

The Senator from Montana [Mr. MURRAY] is absent by leave of the Senate on official business, having been appointed a delegate from the United States to the International Labor Organization Conference, meeting in Geneva, Switzerland.

Mr. SALTONSTALL. I announce that the Senator from Utah [Mr. BENNETT], the Senator from Nebraska [Mr.

BUTLER], the Senator from South Dakota [Mr. CASE], the Senator from Montana [Mr. ECTON], the Senator from Missouri [Mr. KEM], and the Senator from North Dakota [Mr. LANGER] are absent on official business.

The Senator from Maryland [Mr. BUTLER], the Senator from Maine [Mr. BREWSTER], the Senator from Ohio [Mr. BRICKER], the Senator from New Hampshire [Mr. BRIDGES], the Senator from Indiana [Mr. CAPEHART], and the Senator from Oregon [Mr. MORSE] are necessarily absent.

The Senator from California [Mr. KNOWLAND] is absent by leave of the Senate.

The PRESIDING OFFICER. A quorum is not present.

Mr. McFARLAND. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a little delay, Mr. AIKEN, Mr. ANDERSON, Mr. CLEMENTS, Mr. DUFF, Mr. ELLENDER, Mr. FULBRIGHT, Mr. HENDRICKSON, Mr. HENNINGS, Mr. HICKENLOOPER, Mr. JENNER, Mr. JOHNSON of Texas, Mr. JOHNSTON of South Carolina, Mr. KILGORE, Mr. MALONE, Mr. MARTIN, Mr. McKELLAR, Mr. SEATON, Mr. TAFT, Mr. WELKER, and Mr. WILLIAMS entered the Chamber and answered to their names.

The PRESIDING OFFICER. A quorum is present.

AMENDMENT OF FEDERAL CIVIL DEFENSE ACT OF 1950

The PRESIDING OFFICER (Mr. STENNIS in the chair) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H. R. 5990) to amend the Federal Civil Defense Act of 1950, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BYRD. I move that the Senate insist upon its amendments, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. HUNT, Mr. STENNIS, Mr. LONG, Mr. BRIDGES, and Mr. FLANDERS conferees on the part of the Senate.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that on May 29, 1952, the President had approved and signed the following acts:

S. 148. An act for the relief of Gerdina Josephina Van Delft;

S. 420. An act for the relief of Gloria Wilson;

S. 603. An act for the relief of Wanda Charwat and her daughter, Wanda Aino Charwat;

S. 695. An act for the relief of William Greville Birkett;

S. 794. An act for the relief of Mrs. Shu-Ting Liu Hsia and her daughter, Lucia;

S. 869. An act for the relief of Marie Cafcalaki;

S. 992. An act for the relief of Daniel Wolkonsky and his wife, Xenia Wolkonsky;

S. 1189. An act for the relief of Anthony Lombardo;

S. 1192. An act for the relief of Demetrius Alexander Jordan;

S. 1420. An act for the relief of Pinfang Hsia;

S. 1494. An act for the relief of George Georgacopoulos;

S. 1565. An act for the relief of Andy Duzsik;

S. 1766. An act for the relief of Frederic James Mercado;

S. 1879. An act for the relief of Ernest Nanpei Ihrig;

S. 2033. An act for the relief of Giuseppa S. Boyd;

S. 2034. An act for the relief of Charlotte Elizabeth Cason;

S. 2051. An act for the relief of Naomi Saito;

S. 2145. An act for the relief of certain displaced persons;

S. 2220. An act for the relief of Theresa Hatcher;

S. 2588. An act for the relief of Dulcie Ann Steinhardt Sherlock; and

S. 2770. An act for the relief of Matheos Alafouzes.

EXECUTIVE MESSAGE REFERRED

As in executive session,

The PRESIDING OFFICER laid before the Senate a message from the President of the United States submitting sundry nominations, which was referred to the Committee on Armed Services.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORT OF A COMMITTEE

As in executive session,

The following favorable report of a committee was submitted:

By Mr. CONNALLY, from the Committee on Foreign Relations:

Executive W, Eighty-first Congress, second session, a Highway Convention with the Republic of Panama (Ex. Rept. No. 10).

CONVENTION AND PROTOCOL ON RELATIONS BETWEEN THE UNITED STATES, UNITED KINGDOM OF GREAT BRITAIN, AND FRANCE, AND FEDERAL REPUBLIC OF GERMANY, AND SO FORTH—REMOVAL OF INJUNCTION OF SECRECY

Mr. CONNALLY. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from Executive Q, Eighty-second Congress, second session, a convention on relations between the United States, the United Kingdom of Great Britain, and France and the Federal Republic of Germany, signed at Bonn, Germany, on May 26, 1952, and Executive R, Eighty-second Congress, second session, a protocol to the North Atlantic Treaty covering security guaranties to the members of the European Defense Community by the parties to the North Atlantic Treaty signed at Paris on May 27, 1952.

The PRESIDING OFFICER. Without objection, the injunction of secrecy is removed from the convention and protocol, and the convention and protocol, together with the President's message of transmittal, will be referred to the Committee on Foreign Relations; and the President's message will be printed in the RECORD.

The President's message is as follows:

To the Senate of the United States:

I transmit herewith for the consideration of the Senate a copy of the Convention on Relations between the Three Powers and the Federal Republic of Germany, signed by the United Kingdom, the French Republic, the United States, and the Federal Republic of Germany at Bonn on May 26, 1952, to which is annexed the Charter of the Arbitration Tribunal. I also transmit a copy of a protocol to the North Atlantic Treaty covering security guaranties to the members of the European Defense Community by the parties to the North Atlantic Treaty, signed at Paris on May 27, 1952. I request the advice and consent of the Senate to the ratification of these two documents.

In addition, I transmit for the information of the Senate a number of related documents, including a report made to me by the Secretary of State; three additional conventions with the Federal Republic of Germany related to the main Convention; the Treaty Constituting the European Defense Community; a declaration made by the United States, the United Kingdom, and the French Governments at the time of the signing of this treaty; and the Treaty Constituting the European Coal-and-Steel Community.

Together these documents constitute a great forward stride toward strengthening peace and freedom in the world. They are all concerned directly with Europe, but they have world-wide significance.

Three main purposes will be accomplished by these documents:

First, they will restore the Federal Republic of Germany to a status which will enable it to play a full and honorable part in the family of nations.

Second, they will create a common defense organization for six European countries, including the Federal Republic of Germany, and associate that common defense organization with the North Atlantic Treaty. This will greatly strengthen the defense of Europe and the free world against any aggression.

Third, they will constitute additional major steps toward unity among the countries of Western Europe—which is so important for peace and progress in that area.

These purposes are all interrelated, and they all serve the common objective of the free nations to create conditions of peace, based on freedom and justice, in accordance with the principles of the United Nations Charter.

It has been a major objective of the United States to help bring about an independent, democratic, and united Germany, and to conclude a treaty of peace

with such a Germany. That is still our policy, and will continue to be. Unfortunately, as all the world knows, the Soviet Union, while professing a desire for German unification, has by its actions and policies prevented unification and the creation of a free all-German Government with which a treaty of peace could be negotiated.

Under these circumstances, the United States, France, and Great Britain 4 years ago gave the people in Western Germany the chance to create their own democratic government. They worked out their own constitution, and since September 1949 the Federal Republic of Germany has taken an increasing responsibility for governing the three-fourths of the German people who are free from Soviet control. During this time the German Government has demonstrated that it is democratic and responsive to the will of the free people of Germany, and that it is able and ready to take its place in the community of free nations and to do its share toward building peaceful and cooperative relationships with other free countries.

Over the last 3 years there has been a continuing process of relaxing occupation controls on the one hand and increasing the scope of the German Federal Government's responsibilities on the other. Last October the United States and many other countries concerned ended the technical state of war which had existed with Germany. In these ways we have gradually been moving away from the original relationship of conqueror and conquered, and moving toward the relationship of equality which we expect to find among freemen everywhere.

Now we are taking another major step in this direction. By the convention on relations between the Federal Republic and the United States, France, and Great Britain, we are restoring to the free German people control over their domestic and external affairs, subject only to certain limited exceptions made necessary by the present international situation. These exceptions relate to the stationing and security of allied forces in Germany, to Berlin, and to questions of unification, a peace settlement, and other matters concerning Germany as a whole. When the new convention goes into effect, the occupation statute will be repealed, the Allied High Commission will be abolished, and relations between the Federal Republic and other countries will be placed on the customary diplomatic basis.

But the Convention on Relations was not, and could not be, prepared as an isolated document, because it does not meet the full problem confronting the free people of Germany and those of other free countries. In order to provide for the security of the Federal Republic, and to insure against any revival of militarism, arrangements were worked out under which the Federal Republic is joining in establishing the European Defense Community—the common defense organization of six continental European countries. As a member of this community, the Federal Republic will be able to make a vital contribution to the common defense of Western Europe without the creation of a national German military establishment. The European Defense Community, with a common budget and common procurement of military equipment, common uniforms and common training, is a very remarkable advance, representing as it does a voluntary merging of national power into a common structure of defense.

As an additional vital safeguard for peace and freedom in Europe, the German Federal Republic, as a member of the European Defense Community, is joining in reciprocal commitments between the members of that community and the members of the North Atlantic Treaty organization. The protocol to the North Atlantic Treaty extends the application of the guaranty of mutual assistance expressed in article 5 of the treaty by providing that an attack on the territory of any member of the European Defense Community, including the German Federal Republic, or on the community's forces, shall be considered an attack against all the parties to the treaty. A reciprocal guaranty is extended to the North Atlantic Treaty partners by the members of the community in a protocol to the Treaty Constituting the European Defense Community.

Thus, these various documents constitute an integrated whole. The United States is a party only to the Convention on Relations—and the related conventions—and to the protocol to the North Atlantic Treaty, but the Treaty Constituting the European Defense Community is an essential factor in the new relationship which the conventions establish. It is expressly provided that the conventions with the Federal Republic, the Treaty Constituting the European Defense Community, and the protocol to the North Atlantic Treaty will come into force simultaneously, thus assuring the complete interrelationship of all of them. The participation of the Federal Republic in the European Coal-and-Steel Community (the Schuman plan) and the European Defense Community, and the resultant transfer to European agencies of authority over the basic industries of the participating countries and over military activities are the strongest safeguards for the future security of Western Europe. The successful creation of these European institutions makes possible the removal of special restraints which have heretofore been imposed on the Federal Republic and thereby enables the latter to participate in western defense on a basis of equality.

Thus, while not a party, the United States has a direct and abiding interest in the success and effectiveness of the Treaty Constituting the European Defense Community and in the continuing existence of this community as constituted. By virtue of the North Atlantic Treaty and the Convention on Relations between the Three Powers and the Federal Republic of Germany, the United States has demonstrated its lasting interest and binding ties with the Atlantic and European communities of nations. By its adherence to the Treaty Constituting the European Defense Community and the Convention on Relations, the Federal Republic has linked its future with that of the community and of the participating countries. It is therefore evident that the United States has acquired a very great stake in the maintenance of the institutions and relationships thus established and would consider any act which would affect their integrity or existence as a matter of fundamental concern to its own interests and security. I stress this point in order to make clear the relationship between the conventions, the Treaty Constituting the European Defense Community, and the North Atlantic Treaty, and between the parties to these various agreements.

The documents I am transmitting to the Senate today are real and significant steps toward peace and security in Europe and the whole free world. These actions threaten no one; their only targets are fear and poverty. They will allow almost 50,000,000 free German people to take a further great stride toward independence and self-government, and to join with their neighbors in self-defense. These moves are clearly in the direction of a just and lasting peace; only those with aggressive intent could have any objection to them.

The actions represented by these documents will not, of course, wipe out the basic conflicts of policies which underlie the current tense international situation. But they will, when ratified by the various countries concerned, bring about a fundamental change in the relationships between the free people of Germany and their friends in the free countries of the world. Under this new relationship we will all be able to work together more fully and more effectively to combine our strength, not only to deter aggression but also to bring about the economic and social progress and the more harmonious and friendly international relations to which all free men aspire.

I recommend that the Senate give early and favorable consideration to the Convention on Relations and to the protocol to the North Atlantic Treaty transmitted herewith, and give its advice and consent to their ratification in order that this great contribution to the strength and unity of the free world can become a reality.

HARRY S. TRUMAN.

THE WHITE HOUSE, *June 2, 1952.*

CONVENTION FOR HIGH SEAS FISHERIES OF NORTH PACIFIC OCEAN BETWEEN THE UNITED STATES, CANADA, AND JAPAN—REMOVAL OF INJUNCTION OF SECRECY

Mr. CONNALLY. Mr. President, as in executive session, I also ask unanimous consent that the injunction of secrecy be removed from the convention for the high seas fisheries of the North Pacific Ocean, together with a protocol relating thereto, Executive S, Eighty-second Congress, second session, signed at Tokyo on May 9, 1952, which was sent to the Senate today.

The PRESIDING OFFICER. Without objection, the injunction of secrecy is removed from the convention and protocol, and the convention and protocol, together with the President's message of transmittal, will be referred to the Committee on Foreign Relations, and the

President's message will be printed in the RECORD.

The President's message is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith an international convention for the high seas fisheries of the North Pacific Ocean, together with a protocol relating thereto, signed at Tokyo May 9, 1952 on behalf of the United States, Canada, and Japan.

I transmit also, for the information of the Senate, the report by the Acting Secretary of State with respect to the convention.

HARRY S. TRUMAN.

THE WHITE HOUSE, *June 2, 1952.*

(Enclosures: (1) Report of the Acting Secretary of State. (2) International convention for the high seas fisheries of the North Pacific Ocean, with protocol, signed at Tokyo May 9, 1952.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Snader, its assistant reading clerk, announced that the House had passed, without amendment, the bill (S. 2721) to provide transportation on Canadian vessels between Skagway, Alaska, and other points in Alaska, between Haines, Alaska, and other points in Alaska, and between Hyder, Alaska, and other points in Alaska or the continental United States, either directly or via a foreign port, or for any part of the transportation.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 5990) to amend the Federal Civil Defense Act of 1950; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. VINSON, Mr. DURHAM, and Mr. SHORT were appointed managers on the part of the House at the conference.

ENROLLED JOINT RESOLUTION SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled joint resolution (H. J. Res. 454) making additional appropriations for the Department of Agriculture and the Department of Defense for the fiscal year 1952, and for other purposes, and it was signed by the President pro tempore.

AMENDMENT TO DEFENSE PRODUCTION ACT

Mr. LODGE. Mr. President, we shall be voting soon on a amendment to Senate bill 2594, extending the Defense Production Act. I am a sponsor of that amendment, together with my colleague from Massachusetts [Mr. SALTONSTALL], the Senator from New Hampshire [Mr. BRIDGES], the Senator from New Hampshire [Mr. TOBEY], the Senator from New York [Mr. IVES], and the Senator from Oregon [Mr. MORSE]. The purpose of my amendment is to strike from the bill the two amendments to the Walsh-Healey Act proposed by the junior Senator from Arkansas [Mr. FULBRIGHT], and approved by the Banking and Currency Committee.

As I read and understand the amendments proposed by the Senator from Arkansas [Mr. FULBRIGHT], their purpose is to weaken the Walsh-Healey Act, first by making that statute inapplicable to materials and supplies purchased ordinarily in the open market, regardless of how the Government buys them; and secondly, by making the decisions of the Secretary of Labor subject to review under the Administrative Procedure Act.

I am utterly and vigorously opposed to this attempted emasculation of the Walsh-Healey Act. The amendment making Walsh-Healey inapplicable to contractors selling so-called standard items in the open market would, of course, reduce the Act's coverage so drastically as to make it a hollow shell. For example, I am advised by the President of the National Association of Cotton Manufacturers that this would exempt practically all textiles. It would further cripple the act by causing frequent delays, since obviously there will be many borderline categories of goods where reasonable doubt exists as to whether they fall into the "standard" or "open market" class or not. Decisions would have to be reached in each of these individual cases. In the meantime, the conscientious businessman is uncertain as to whether or not he is covered by the act, while his less scrupulous competitor is given an alibi to ignore the act.

Bringing the Administrative Procedure Act into the picture would further cripple the Walsh-Healey Act. Once you give every contractor, employee, or labor union the right to file appeals against decisions of the Secretary of Labor, you inevitably invite dilatory, and possibly frivolous, appeals to the courts by those who dislike the Walsh-Healey Act. This would render the act impotent in and of itself.

I am one who believes that the Walsh-Healey Act is on the whole, a good law. The Supreme Court, in my judgment, aptly characterized it as a measure necessary "to obviate the possibility that any part of tremendous national expenditures would go to forces tending to depress wages and purchasing power and offend fair social standards of employment." If the amendments proposed by the junior Senator from Arkansas were to become law, we would then be using the power of "tremendous national expenditures" to depress wages, purchasing power, and to offend fair social standards of employment. The net effect of the amendment would be to reward plants paying low wages with Government orders and to penalize plants which pay higher wages. In other words, Congress is here being asked to reverse a long-standing policy of doing everything possible to encourage high wages and to adopt a policy of encouraging low wages. This is not a policy which will have my support.

This amendment would be bad for labor and bad for management. Companies presently paying higher wages would be forced to cut wages or forego any Government business. The alternative would be for the high-wage company to transfer its plant to a low wage area in order to meet competition for Government orders. This would, in turn, result in a disastrous dislocation to the entire economic pattern of the country, affecting all industry, whether covered by Walsh-Healey or not. The corner grocer would suffer as much as the textile factory. In this sense, crippling the Walsh-Healey Act would be bad for the whole community which has a greater interest in the maintenance of healthy industry than even labor or management.

Earlier this year I appeared before the Committee on Banking and Currency to urge a legislative requirement that distressed areas receive priority in channeling of Government orders. As a general proposition, high wages prevail in these areas of abnormal unemployment. The committee voted against incorporating this proposal into the Defense Production Act; now it is urged that affirmative action be taken in the opposite direction to make the situation in these distressed areas just about as bad as humanly possible. I cannot, as one who represents in part a State where many key industries are struggling for their very existence, remain silent in the face of legislative action which would mean economic disaster to many of the people of that State.

I hope, therefore, that our amendment will prevail and that the Senate will not go on record in favor of depressed wages and lower standards of employment.

SPECIAL-INDUCEMENT PAY TO DOCTORS AND DENTISTS IN THE ARMED FORCES

Mr. HUNT. Mr. President, I ask unanimous consent that the Senate resume the consideration of Senate bill 3019, Calendar No. 1430.

There being no objection, the Senate resumed the consideration of the bill (S. 3019) to amend the Career Compensation Act of 1949, as amended, to extend the application of the special-inducement pay provided thereby to doctors and dentists, and for other purposes.

Mr. FERGUSON rose.

Mr. HUNT. How much time does the Senator from Michigan desire?

Mr. FERGUSON. I desire to obtain the floor. It would require me about 10 or 15 minutes.

Mr. HUNT. Mr. President, I regret that I am unable to yield to the distinguished Senator from Michigan. I think we must proceed with the consideration of the pending bill, which, it will be remembered, we began but were unable to conclude on last Thursday evening. I rather reluctantly take the time of the Senate again to explain this bill. I did so on Thursday, I thought, at some length, and that explanation is in the RECORD. But I am quite sure all Senators have not read the RECORD; therefore, I feel compelled again to explain the contents of the bill.

Mr. President, the purpose of this bill is to extend for 10 months the so-called equalizing pay of physicians and dentists. It would extend it from September 2, 1952, to July 1, 1953, and it pro-

poses to do so by amending the Career Compensation Act of 1949, which reenacted the provisions, with respect to special pay of physicians and dentists, which had been contained in the Procurement Act of 1947. It will be noted that the special pay applied only to personnel serving as commissioned officers on a voluntary basis, and that the authority to establish eligibility for this special pay existed only for a period of 5 years, terminating September 1, 1952; hence the pending bill.

Mr. President, the bill is requested by the Department of Defense. Appearing as witnesses in favor of the bill were Major General Armstrong, Surgeon General of the United States Army, and Admiral Pugh, Surgeon General of the United States Navy; for the American Medical Association, trustee member, Dr. Walter B. Martin, of Norfolk, Va., and for the American Dental Association, Dr. J. C. Earnest, of Monroe, La. Other witnesses appeared against the bill. However, I think it should be noted that in hearings held earlier in the day with reference to an incentive and with reference to various overseas pay, the Senator from Illinois appeared in opposition. I feel that his position was also applicable to this bill.

Mr. President, from January 1, 1945, to the time of the passage of the Procurement Act of 1947, physicians and dentists were leaving the military services in great numbers. I am advised that there were 956 resignations from the Navy and 142 resignations from the Army, or a total of 1,100 resignations within a 2-year period.

Recognizing that some emergency measure was required in order to stop this trend in the matter of resignations, if the medical and dental services were to be maintained at a high standard, or in fact were to be maintained at all, the Medical Officers Procurement Act of 1947 was passed by the Congress.

Secretary Robert Patterson, in the course of testimony given before the committee presented the argument in behalf of the Defense Establishment. To give some idea of the effect of this bill, I may say that, from the passage of the 1947 act, to date, during the 5-year period there have been but 314 resignations from the Navy, and 347 from the Army, as contrasted to the 2-year record prior to the enactment of that law, of 1,100, in the armed services. During the year before the act was passed, the Public Health Service recruited 166 physicians, though it lost about 501. In the year following its passage the Public Health Service was able to recruit 274 physicians, whereas it lost but 141. Thus, under the Procurement Act of 1947, we find that in 1 year there was a gain of 133 physicians in the Public Health Service.

Mr. President, the referred to act provided equalizing pay to medical and dental officers of $100 a month, over and above that of officers in the other branches of the services, and accomplished just what the act was designed to accomplish. As I have previously stated, the number of resignations immediately declined to an annual average of 80.

The Surgeon General, Major General Armstrong, speaking for the various services, stated to the committee that the sizable decline in resignations, as well as the definite increase in procurement, strongly indicate that the special pay authorized for physicians and surgeons is the most effective method not only of retaining experienced career officers in the service, but of increasing the number willing to accept commissions.

At the outset, it should be pointed out that the $100 a month received by physicians and dentists over and above the amount paid other officers of the same rank, should not be considered merely an incentive pay. It should not be considered extra pay, for it is, in every sense of the word, an equalizing pay, as I shall attempt to point out to the Members of the Senate.

The medical services following World War II found themselves unable to maintain, on a voluntary basis, a Medical and Dental Corps competent to administer even a minimum standard of medical and dental services to our Armed Forces.

Procurement of medical officers was at a standstill. In great part, this was due to the wide disparity between the income of physicians and dentists in civilian life as compared with that of physicians and dentists in the military services.

In the Army, after the war, the officer needs of all the branches of the Department of Defense were on a voluntary basis, and there were five applications for every commission excepting in the Medical and Dental Corps, where there was but one application for every three commissions.

Extensive hearings were had to explore ways and means of meeting this critical situation and making military services more attractive to these professional people.

During the course of the hearings it became very evident that entirely apart from the question of disparity of earnings between medical officers on the one hand and civilian physicians and dentists on the other hand, a basic inequity in pay structure of the Armed Forces existed wherein medical and dental officers were at a considerable disadvantage in terms of total earnings in comparison with that of other officers.

A comparison, Mr. President, between a line officer and a medical officer over the normal 30-year period of service establishes the fact that a career medical officer is at a disadvantage of, roughly, $40,000.

A line officer at the age of 22, having graduated from college, meets the educational requirements for an appointment as a second lieutenant or as an ensign, gets a commission, and his service pay begins.

In contrast, a medical or dental student, after completing 4 years of college, must, in order to attain a degree in medicine, spend 4 years in a medical school and 1 year as an intern. Some dentists also spend 4 years in college in order to qualify for a commission, and some schools require 1 year of internship. They are then qualified for commissions in the armed services; but it is 5 years later, and they are 5 years older than the line officers. The average age they have reached is 27 years, as compared with the line officer, who is but 22 years of age.

During these 5 years after the line officer receives his commission and before the medical officer can receive his commission, the line officer has earned an income of approximately $21,000, while during the same 5-year period the medical officer, requiring the most expensive of all educations, has an expenditure, conservatively estimated, of $10,000. I may say that I know it is far in excess of that amount, Mr. President. Therefore, before the medical officer receives his commission, there is a disparity of more than $30,000 as between the two officers.

Except in the case of West Point and Annapolis graduates, where the disparity equals another conservatively estimated amount of $22,000, the pay of cadets in the Academies is, roughly, $7,100, and the cost to the Government is approximately $22,000 to educate each of the cadets.

Therefore, there is a tremendous additional disadvantage to the M. D. and the D. D. S.

Throughout the 30 years' service, the line officer's income is approximately $212,000. The medical officer's income, without the equalizing pay, is $170,000, or $40,000 to the advantage of the line officer. With the equalizing pay, the medical officer will earn a total in the 30-year period of his service of $202,000, so that with the equalizing pay the medical officer has still approximately $10,000 less total income than has the line officer.

Should an interest charge on the differential be taken into account, the advantage of the line officer is still greater.

But with reference to the disparity of income as between the line officer, who, let us say, is an engineer, and the medical officer, we have additional financial disadvantages to consider:

First. Since the line officer enters the service at 22 years of age, he is subject to retirement after 30 years of service at the age of 52, or a full 5 years before the medical officer entering the service at 27 years of age may retire at the age of 57 years.

Second. If the line officer is in good health at the time of retirement and is an engineer, he will, the Office of Education advises me, earn, estimated on the year 1949, approximately $6,000 a year for the 5-year period, while the medical officer is still in the service, or another $30,000 over and above the amount received by the medical officer.

I might say, too, Mr. President, that during the 5 years of retirement, the line officer is receiving his retirement pay which is still in addition to that which the medical officer would be receiving during that time.

Mr. CAIN. Mr. President, will the Senator yield for a question?

Mr. HUNT. I shall be glad to yield to the Senator from Washington.

Mr. CAIN. The distinguished Senator from Wyoming appears to be suggesting that over a normal 30-year period of service the medical or dental officer who benefits from equalizing or incentive pay will still, at the end of his service period, or just prior to retirement, have received a total sum considerably less than the average line officer would receive who serves without so-called incentive pay.

Is the Senator from Washington approximately correct in his interpretation?

Mr. HUNT. The medical officer would receive at the end of 30 years' service approximately $40,000 less than the line officer would have received. That is not quite a correct statement. There would be a differential of $40,000, taking into consideration the 5 years' additional cost of education which the medical officer had to meet while the line officer was receiving an income from his commission in the service.

Mr. DOUGLAS. Mr. President, will the Senator from Wyoming yield?

Mr. HUNT. I shall be glad to yield for a question.

Mr. DOUGLAS. Is it true that when young doctors have finished their medical training and have received their degrees from medical college, they can then go into the service without a prior period of internship, and that their initial period in the military service is thereafter taken as a form of internship?

Mr. HUNT. I am inclined to think that may be possible, but I do not believe that that is what is considered as a good, complete, full medical education.

Mr. DOUGLAS. Is it not true that a great many young medical officers go into the service right after medical school without having had a prior period of internship in a hospital? That is, they go in with the grades of lieutenant, junior grade, and first lieutenant, and therefore, in practice, have not had a period of internship before going into the service and becoming eligible for the extra $100 a month?

Mr. HUNT. I do not have any information to that effect, but I may say to the distinguished Senator from Illinois that that is one thing the armed services very much desire to prevent, for the reason that they feel that a medical officer going into the service immediately upon graduation is not capable of affording to the armed services the type of medical service he would have been able to render if he had had some experience.

Mr. DOUGLAS. Not even under the attention of a senior medical officer with experience?

Mr. HUNT. That is what I am told. I am also told by the armed services that going in immediately from school, military officers are not competent to assume command in staff positions which require a great number of career officers, and that they have seriously handicapped the services.

Mr. DOUGLAS. Medical officers could be assigned to base hospitals as interns and also to medical battalions with the younger doctors working under the direction of senior doctors, and thus receiving the equivalent of an internship.

Mr. HUNT. I do not think that is at all possible. I am sure the distinguished Senator from Illinois understands that the medical services afforded within the armed services are very often performed under very great difficulties, and not in the best hospitals, and not in the best conditions for rounding out the type of medical education a doctor or dentist likes to have.

Mr. DOUGLAS. There are a great many other people who go into the armed services who do not receive in the armed services the rounded-out education they would like to receive as businessmen, lawyers, engineers.

Mr. HUNT. I think the Senator is quite right, but I would say those people are not dealing with the health of men in the services; they are dealing entirely with other aspects of military life.

If the line officer is in good health at the time of his retirement as an engineer, he will, in addition to receiving a salary from whatever occupation he assumes, receive his retirement pay.

But there are still some other financial disadvantages to the medical officer. The medical officer in civilian life, computed on the basis of 1949, would be having a net income of $11,000 a year, while the average line officer would, in the same period of time, assuming he is an engineer, have a net income of about $6,000 a year, and in 30 years would be sacrificing an income of approximately $5,000 a year compared with the other line officer.

I think it is entirely unnecessary to elaborate further on the financial disadvantage to which a medical officer is subjected by serving his country in the Military Establishment, but one further point should be emphasized, namely, that the Department of Defense is receiving services from the medical officer which cannot be measured in dollars and cents.

Senate bill 3019, which is now before the Senate, extends for a period of 10 months to July 1, 1953, the $100 a month equalizing pay for physicians and dentists.

Mr. MAYBANK. Mr. President, will the Senator yield?

Mr. HUNT. I yield.

Mr. MAYBANK. I should like to ask the Senator from Wyoming if there is any great change in this bill from the bills considered in 1947 and 1949.

Mr. HUNT. No; except that the 1947 bill and the 1949 bill did not cover a very few officers who were retired at the time those bills were passed, but now are being called back to active duty. They would be covered by the pending bill.

Mr. MAYBANK. What I mean is that there is no great money change. How much would it cost?

Mr. HUNT. For the 10 months, it would cost $382,000.

Mr. MAYBANK. What does it cost now?

Mr. HUNT. I cannot tell the distinguished Senator what it costs now, because we must charge off those going out against those coming in, and we are going to have 6,000 resignations, or 6,000 leaving the service, between now and July 1, 1953.

Mr. MAYBANK. As I understand, the purpose of this bill is to retain those in the service under the present existing pay, except for some small number. Is that correct?

Mr. HUNT. I think the Senator's statement is quite correct.

Mr. MAYBANK. As the Senator from Wyoming knows, I was on the committee in 1947 when such a bill was first written. Again, in 1949, I supported similar legislation. But several people have asked me the question, "Is this another big windfall of money for certain beneficiaries?"

I have made the statement—perhaps unjustifiably, and I want the Senator from Wyoming to correct me if I am wrong, because I am no longer on the committee—that it is the present pay, the pay which the officers now receive, which is being extended.

Mr. HUNT. That is exactly so. I wish to say to the distinguished Senator from South Carolina that this bill has absolutely no effect on any medical or dental officer who goes into the service prior to September 2, 1952. It affects only those going in after that date.

Mr. MAYBANK. I thank the Senator, because I wanted my statement to be correct. When people have said this is more or less the same as the law which was passed in 1948, and renewed in 1949, I have replied that this bill does not raise the present pay above what they are being paid today. Again, is that statement correct?

Mr. HUNT. That is quite correct.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. HUNT. I yield.

Mr. SALTONSTALL. I merely wish to say to the Senator from Wyoming that I am a member of the Committee on Armed Services and voted in favor of reporting this bill, because, as I understand, it simply extends for 10 months the privilege of those entering the service between September 1 this year and July 1 of the coming year to get an extra $100, and puts them in the same category or on the same basis with physicians who entered voluntarily after 1947, or who were kept in the service by reason of the selective service law after a later date, after 1949.

Am I not correct in saying that this whole subject will be reviewed on July 1, 1953?

Mr. HUNT. The Senator is absolutely correct.

Mr. SALTONSTALL. So the pending bill will merely take care of officers who enter the service between September 1, 1952, and July 1, 1953, and will leave everybody else just as he is now, will it not?

Mr. HUNT. The Senator is exactly correct.

Mr. SALTONSTALL. That is the whole bill?

Mr. HUNT. That is the whole bill.

Mr. SALTONSTALL. That is why our committee unanimously reported it favorably, is it not?

Mr. HUNT. That is correct.

Mr. CAIN. Mr. President, will the Senator yield for a brief question?

Mr. HUNT. I yield.

Mr. CAIN. Is it not a fact that the authority of the Military Establishment to order Reserve officers to duty involuntarily, or against their will, will expire on July 1, 1953?

Mr. HUNT. No, I do not believe that to be the fact. I do not believe the Physicians and Dentists Procurement Act of 1951, which the Senator will remember, by which physicians and dentists up to the age of 50 were drafted, has a 5-year limitation.

Mr. CAIN. I may say to the Senator that my understanding is that that authority does terminate, and if that understanding is correct, it makes even more valid the Senator's bill, which would extend for a period of only 10 months the time during which an officer ordered to active duty involuntarily or against his will could qualify for the incentive or equalizing pay which the Senator's bill would provide.

Mr. HUNT. I think the Senator is quite correct.

Mr. President, I am very anxious, if it is at all possible, to have a yea-and-nay vote on this bill. While I should like to present a considerable additional amount of evidence on behalf of the bill, realizing that it would be very difficult later in the evening to get a yea-and-nay vote, I shall conclude my remarks simply by saying to the Senate that I believe this proposed legislation is almost a "must" if we wish to continue to maintain the type of medical and dental services to which every serviceman is entitled.

Mr. SALTONSTALL. Mr. President, will the Senator yield for one question?

Mr. HUNT. I shall be glad to yield.

Mr. SALTONSTALL. Does not the bill present really a question of fairness? Does it not merely provide fair treatment for those who enter the service up until July 1, 1953?

Mr. HUNT. The degree of fairness, I may say to the Senator from Massachusetts, rests in this consideration; those now in the service and those who will come into the service up to September 2, 1952, will continue to get $100 a month until they are parted from the service, even though they may serve out their 30 years' career service.

If we do not pass this bill any physician or dentist coming in after September 2, 1952, will not receive the additional $100 a month. He will be working side by side with another physician, perhaps from the same school, perhaps from the same class, doing the same type of work, and receiving $100 a month more than the one coming in after September 2, 1952.

DECISION OF THE SUPREME COURT IN THE STEEL SEIZURE CASE

Mr. FERGUSON. Mr. President, during the call of the calendar I used 5 minutes to discuss the opinion of the Supreme Court in the steel-seizure case.

Mr. MAYBANK. Mr. President, will the Senator yield?

Mr. FERGUSON. I wish to continue those remarks at the present time. I yield to the Senator from South Carolina for a question.

Mr. MAYBANK. I shall have to preface my question to my friend from Michigan by saying that earlier in the day the Senate ordered the decisions and opinions in the steel-seizure case to be printed as a Senate document. The copies which I have of the Supreme Court decision—and the same is true of the copies which the Senator from Michigan has—are proof copies, subject to correction.

Mr. FERGUSON. That is correct.

Mr. MAYBANK. There may have been a period left out here, or a comma there, or a word may have been misspelled. There may be a number of minor corrections to be made in the proofs.

Mr. FERGUSON. That is true.

Mr. MAYBANK. Inasmuch as the Justices of the Supreme Court are to look over the proofs, and since the Supreme Court itself is to have the opinions printed, it has been suggested that perhaps if the printing of the Senate document is delayed for a day or two, we can use the same type which the Supreme Court uses, with a possible saving of perhaps $13 a page, or $1,300 for the complete copies.

Mr. FERGUSON. That is true.

Mr. MAYBANK. I know the Senator from Michigan feels as I do. The opinions will be printed in the CONGRESSIONAL RECORD, with perhaps a few minor errors. However, when it comes to printing them as a Senate document, I think it is preferable to wait until the Justices check the proofs and the corrections are made. As I say, there may be changes in punctuation, or in spelling of words.

Mr. FERGUSON. Or even other changes. I agree with the suggestion of the distinguished Senator from South Carolina.

Mr. MAYBANK. That process will require 2 or 3 days. The course which I have suggested will result in a saving of thousands of dollars. The proofs can be printed in the CONGRESSIONAL RECORD for today, and subsequently any errors will be corrected.

Mr. FERGUSON. I thank the Senator for making that point.

Mr. MAYBANK. I wished to have that point understood.

Mr. FERGUSON. There will be a few days' delay in making use of the same type. Anyone who reads the RECORD may discover that there will be a few alterations, after the Justices shall have searched the proofs.

Mr. MAYBANK. They will be corrections of technical errors, but I do not anticipate any change in substance.

Mr. FERGUSON. I do not anticipate that there will be any substantive changes either.

Mr. President, these opinions are so important to the Nation and to the Congress that we should have them before us. I think it is well to have them made a Senate document, as well as to have them printed in the CONGRESSIONAL RECORD.

I read from the opinion of the Supreme Court:

> It is clear that if the President had authority to issue the order he did, it must be found in some provisions of the Constitution. And it is not claimed that express constitutional language grants this power to the President. The contention is that Presidential power should be implied from the aggregate of his powers under article II of the Constitution. Particular reliance is placed on the provisions which say that "the Executive power shall be vested in a President * * *" that "he shall take care that the laws be faithfully executed"; and that he "shall be Commander in Chief of the Army and Navy of the United States."

Speaking in relation to that part of Constitution the court, describing and discussing his position as Commander in Chief in this case, said:

> This is a job for the Nation's lawmakers, not for its military authorities.

The Court continued:

> Nor can the seizure order be sustained because of the several constitutional provisions that grant Executive power to the President. In the framework of our Constitution, the President's power to see that the laws are faithfully executed refutes the idea that he is to be a lawmaker.

That is very significant. The Court invites our attention to the fact that when the President drew his order he was acting as a lawmaker. He was making a law. We in America do not believe that the Chief Executives can make law by decree. If one will read the order, which is attached to the opinion, he will discover that it lays down a policy, instead of carrying out what Congress had directed. It lays down a certain policy, and then proceeds to carry out the policy as laid down by the President.

Mr. MAYBANK. Mr. President, will the Senator yield?

Mr. FERGUSON. I am glad to yield to the Senator from South Carolina.

Mr. MAYBANK. That policy has been cited in the Defense Production Act.

Mr. FERGUSON. That is correct.

Mr. MAYBANK. Since 12 o'clock today the staff of the Committee on Banking and Currency has been helping me prepare a memorandum showing how the Defense Production Act is affected by Justice Black's decision for the majority of the Court. The staff has been engaged for 4 hours or more in a study of that question. Mr. President, I ask unanimous consent that my memorandum may be printed at this point in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

MEMORANDUM BY SENATOR MAYBANK

The majority decision of the United States Supreme Court today in the steel dispute, *Youngstown Company* v. *Sawyer*, clearly decides the President has no inherent power to seize the steel mills in the manner he used. The Court, speaking through Justice Black, our former colleague, notes that the Constitution places all legislative power in the Congress and that the President is to execute laws faithfully, not to make them. Justice Black for the Court rejected the President's acts in this case as presidential policy executed in a manner prescribed by the President, not congressional policy executed in a manner prescribed by the Congress. Mr. Justice Black accepted the Government's contention it did not act under the authority of any statute, but rather under what it called inherent powers. Justice Black pointed out Congress refused in

1947 to give the President seizure authority when it considered the Taft-Hartley Act. The Court decision rejects the claim the President was authorized to act as he did as Commander in Chief, even though the "theater of war" is an expanding concept. "Taking possession of private property to keep labor disputes from stopping production is a job for the Congress, not for the Nation's military authorities," he said. Mr. Justice Black for the Court also rejects the idea the President's acts were justified because he is the Chief Executive. Here it was said the legislative power is in the Congress, not in the Presidency.

The Court therefore affirmed the decision of the district court holding the seizure unlawful.

I wish to invite the attention of the Senate to the fact that while a majority of the Supreme Court found the President lacked inherent power to seize the steel mills, the same majority and the minority stated that the President has ample statutory authority under the Defense Production Act of 1950, as amended, to take by condemnation a temporary use of these mills upon depositing in Court an amount estimated to be just compensation. Having done so when a declaration of taking is filed, the Government may obtain immediate possession of the property.

The majority of the Court also cite the Selective Service Act of 1948 as authority for the President to take property under the conditions spelled out in that act. In his concurring opinion, Justice Clark points out the Government may move swiftly under that statute to take over property when producers fail to deliver under defense orders.

From the several opinions issued in this decision, it also seems apparent the President may still invoke the Taft-Hartley Act if he cares to do so.

In short, it seems there are laws now on the books the President can use to help solve this crisis. I urge the President to make use of the tools the Congress has already given him to solve this problem, and quickly. I invite particular attention to the fact that the Defense Production Act gives the President authority to keep production going by lawful, statutory means.

If the Congress wishes to resurvey the field of lawful settlement of labor disputes, that is its prerogative. But the times are serious, Mr. President, and our Nation must not let down its guard through inaction. The Congress has given the President adequate tools. I urge him to use them promptly. Under today's decision of the Supreme Court, we remain a Government of laws and not a Government of men.

Mr. FERGUSON. In the last Defense Production Act there was a provision that if it should become necessary to condemn property for defense purposes, the President could take certain steps and follow certain prescribed procedures. But the Solicitor General, in arguing before the Supreme Court, said to the Court, "That law is much too cumbersome. We did not want to use it because it was not what the President thought we ought to have."

That is the question which the Supreme Court discusses in the opinion. The Court says that the President had no such authority. As Justice Holmes once said, Congress lays down the law. Congress, and not the President, is to make the policy. The President has no authority to determine that any law is too cumbersome. He must use it in the best way he can.

Coming back to the opinion:

The Constitution limits his functions in the law-making process to the recommending of laws he thinks wise and the vetoing of laws he thinks bad.

That is his only power in the law-making field. He recommends laws which he believes the country should have, and if he is not satisfied with a law which Congress enacts, he has the veto power. Congress can then again exert its power and override the veto.

Continuing with the opinion:

And the Constitution is neither silent nor equivocal about who shall make laws which the President is to execute. The first section of the first article says that—

"All legislative powers herein granted shall be vested in a Congress of the United States."

After granting many powers to the Congress, article I goes on to provide that Congress may "make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Consitution in the Government of the United States, or in any department or officer thereof."

The President's order does not direct that a congressional policy be executed in a manner prescribed by Congress—it directs that a presidential policy be executed in a manner prescribed by the President.

In other words, he took over the law-making power of the Congress when he issued the order.

The preamble of the order itself, like that of many statutes, sets out reasons why the President believes certain policies should be adopted, proclaims these policies as rules of conduct to be followed, and again, like a statute, authorizes a Government official to promulgate additional rules and regulations consistent with the policy proclaimed and needed to carry that policy into execution. The power of Congress to adopt such public policies as those proclaimed by the order is beyond question. It can authorize the taking of private property for public use. It can make laws regulating the relationships between employers and employees, prescribing rules designed to settle labor disputes, and fixing wages and working conditions in certain fields of our economy. The Constitution did not subject this law-making power of Congress to presidential or military supervision or control.

It is true, Mr. President, that the military did not see fit to take any action by way of an order or a decree; but I believe it is well that the statement is included in the Supreme Court's opinion, because it was argued before the Court that the military advised that it was necessary to enter the order, and that the President under his implied powers had entered the order.

So once and for all we get this very clear opinion from the Court:

The Constitution did not subject this law-making power of Congress to Presidential or military supervision or control.

It is said that other Presidents without congressional authority have taken possesion of private business enterprises in order to settle labor disputes.

Some time ago I put into the RECORD a statement of the number of times Presidents have seized properties for various reasons.

The Court continues:

But even if this be true, Congress has not thereby lost its exclusive—

Note the word "exclusive"—

constitutional authority to make laws necessary and proper to carry out the powers vested by the Constitution "in the Government of the United States, or any department or officer thereof."

The next lines in the opinion are very significant and very important. Congress and the people should always remember these lines:

The founders of this Nation entrusted the law-making power to the Congress alone in both good and bad times.

Mr. President, what makes America the great bulwark of liberty is the fact that the Constitution is binding upon the President of the United States and on every citizen of the country and on Congress.

The founders of this Nation entrusted the law-making power to the Congress alone in both good and bad times.

Mr. President, one of the Justices sets forth in his opinion a statement of what happened to the German Republic. It is a well-known fact that the German constitution contained a provision to the effect that in case of an emergency the President of Germany could set aside the constitution. Hundreds of times the President of the German Republic set aside certain constitutional rights. Finally Hitler came into power and he absolutely set aside everything but his own power, under that provision which allowed the setting aside of the constitution in emergencies.

Mr. President, this expression of the Court should be read again and again:

The founders of this Nation entrusted the lawmaking power to the Congress alone in both good and bad times.

Six opinions were written by the justices who affirmed the judgment of the district court in finding that the act of the President was unconstitutional. It is very significant that Mr. Justice Black in his concurring opinion found reason to believe that there was inherent power. He recalled the case of Little against Barreme, decided in 1804. The case involved the seizure of a vessel leaving a French port. The Court stated that it was clear that the President had no power to seize the vessel because the vessel was leaving a French port and not sailing to the French port. Justice Clark goes on to say that in the Steel case the Taft-Hartley law was applicable. He continues:

The limits of presidential power are obscure. However, article II, no less than article I, is part of "a constitution intended to endure for ages to come, and, consequently, to be adapted to the various crises of human affairs."

In again citing Little against Barreme, he concludes that in his opinion, Congress having laid down specific procedures, the President was not authorized to act.

With all deference to the Justices of the Supreme Court, we must say that if the President has inherent power to perform an act, Congress cannot take away that inherent power by legislative act. It would be necessary for Congress to propose a constitutional amendment and to have it ratified. If the President had the power, unless that power was coequal with that of Congress, he would

have the power to act if Congress had not acted.

The distinguished Senator from Nevada [Mr. McCARRAN] introduced a joint resolution proposing a constitutional amendment, and the subcommittee of the Judiciary Committee unanimously reported it to the full committee. The full committee has unanimously reported it to the Senate and it is now on the calendar. I have been granted unanimous consent that it remain on the calendar and that it be considered on the next call of the calendar, because the proposed constitutional amendment should be studied in the light of these opinions, to determine whether under certain circumstances there would be a finding by the Court that there existed such inherent power. I do not find the statement in the opinions, but I think we ought to make a search of the opinions in that regard, and the Committee on the Judiciary should perform that task. That is why I was eager to have the joint resolution remain on the calendar and have it come up on the next call of the calendar, because it is very important that we fully understand what we do.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. FERGUSON. I yield.

Mr. SALTONSTALL. Along with the Senator from Michigan I have read the opinions somewhat hastily. Do I not express the Senator's feelings, as well as my own, when I say that Mr. Justice Jackson in one sentence sums up the whole situation? He says:

> I cannot be brought to believe that this country will suffer if the Court refuses further to aggrandize the presidential office, already so potent and so relatively immune from judicial review, at the expense of Congress.

Does not that sum up the case?

Mr. FERGUSON. It certainly does.

Mr. McFARLAND. Mr. President, I wonder whether the Senator from Michigan intends to speak much longer. The Senate desires to get a vote on the pending measure. It is almost 5 o'clock in the afternoon.

Mr. FERGUSON. I shall not take much more time. I must attend a committee meeting.

Mr. McCARRAN. Mr. President, will the Senator yield?

Mr. FERGUSON. I yield.

Mr. McCARRAN. In view of the fact that the Senator from Michigan has made reference to a joint resolution providing for a constitutional amendment which is now on the calendar, I should like to say that I was in the Supreme Court this morning during all of the presentation made by the Court. I listened to the opinions being read by the respective Justices.

I was never so convinced as I was after listening to the Supreme Court that the joint resolution proposing a constitutional amendment should be immediately enacted. While the opinion of Mr. Justice Black was clear, concise, well-rounded, and to the point, the concurring opinions of the other Justices—not the dissenting opinions but the concurring opinions—took something from the cogency of the Black opinion. Although they agreed with the conclusion, they seemed to be in doubt as to certain phases of it. I thought then and I think now that no argument could be offered which would be more convincing for the enactment of the joint resolution that is pending than the decision of the Supreme Court as it was presented this morning.

Mr. FERGUSON. I thank the distinguished Senator from Nevada for his remarks. In reading the opinions I noticed that Justice Burton referred to "under the circumstances" and so forth of this particular order. There is also mention made of "irreparable damage" and the issuance of an injunction.

For just a few moments more I wish to call attention to some of the other opinions in the case.

Mr. Justice Douglas in his concurring opinion says some very important things about the power of the President, particularly in times of emergency. His opinion declares:

> But the emergency did not create power: it merely marked an occasion when power should be exercised.

That is an important concept, namely, that no emergency creates power under the terms of the Constitution.

In his decision Justice Douglas discusses the Executive power in these terms:

> All executive power—from the reign of ancient kings to the rule of modern dictators—has the outward appearance of efficiency.
>
> Legislative power, by contrast, is slower to exercise. There must be delay while the ponderous machinery of committees, hearings, and debates is put into motion. That takes time; and while the Congress slowly moves into action, the emergency may take its toll in wages, consumer goods, war production, the standard of living of the people, and perhaps even lives. Legislative action may indeed often be cumbersome, time-consuming, and apparently inefficient. But as Mr. Justice Brandeis stated in his dissent in *Myers* v. *United States* (272 U. S. 52, 293):
>
> "The doctrine of the separation of powers was adopted by the Convention of 1787, not to promote efficiency but to preclude the exercise of arbitrary power. The purpose was, not to avoid friction, but, by means of the inevitable friction incident to the distribution of the governmental powers among three departments, to save the people from autocracy."
>
> We therefore cannot decide this case by determining which branch of government can deal most expeditiously with the present crisis. The answer must depend on the allocation of powers under the Constitution. That in turn requires an analysis of the conditions giving rise to the seizure and of the seizure itself.

Although only temporary seizure was intended, yet if such a right existed, permanent seizure power could be claimed. This was realized by Mr. Justice Douglas when he said:

> A permanent taking would amount to the nationalization of the industry. A temporary taking falls short of that goal. But though seizure is only for a week or a month, the condemnation is complete and the United States must pay compensation for the temporary possession. *United States* v. *General Motors Corp.* (323 U. S. 373); *United States* v. *Pewee Coal Co.*, supra.

Let us consider for a moment the opinion of Mr. Justice Jackson. Attention was called to a statement in that opinion by the Senator from Massachusetts.

Mr. Justice Jackson went on to say:

> The essence of our free Government is "leave to live by no man's leave, underneath the law"—to be governed by those impersonal forces which we call law. Our Government is fashioned to fulfill this concept so far as humanly possible. The Executive, except for recommendation and veto, has no legislative power.

Mr. President, I now ask unanimous consent to have the entire opinion of Mr. Justice Jackson printed in the RECORD.

The PRESIDING OFFICER (Mr. JOHNSTON of South Carolina in the chair). Is there objection?

There being no objection, the opinion was ordered to be printed in the RECORD.

(For Justice Jackson's opinion see pp. 6304–6308 of today's RECORD.)

Mr. FERGUSON. Mr. President, I believe that every Senator should carefully examine these opinions, should search them in the light of our constitutional liberties, and should determine whether we should proceed with a constitutional amendment.

Such a constitutional amendment, I believe, should probably go further than is contemplated by the proposed constitutional amendment now on the calendar. I believe that there should be proposed a constitutional amendment relating to "inherent powers," so that there could be no question about that matter. The proposed constitutional amendment now on the calendar relates only to the seizure of property. Of course the seizure of property covers a very wide field. That is why Mr. Justice Douglas said, toward the end of his opinion:

> Yet tomorrow another President might use the same power to prevent a wage increase, to curb trade unionists, to regiment labor as oppressively as industry thinks it has been regimented by this seizure.

So, Mr. President, when we consider industry we consider, of course, labor, as specifically stated in the opinion. That is why it is most important that we study it. We should have in mind more than property, of course, although property involves personal liberty and rights. We should also examine the question of inherent powers, because some day they may even relate to the holding of an election, if a President thought that an emergency which arose required that a national election not be held. Not only property rights but also human rights should be studied in the light of these opinions.

Mr. President, today, June 2, is a great day for constitutional government, a great day for the liberty of the American people, a great day which the people of the United States will long, long remember as one of the guideposts to personal liberty and constitutional government—a government of law, not a government of men.

Mr. GEORGE. Mr. President, when the steel-seizure case was under consideration by the Supreme Court, I refrained from making any statement,

other than to answer my private correspondence. In perhaps more than 1,000 letters I used the following sentence:

> Whatever the Supreme Court of the United States finally decides in this case, the universal judgment of informed mankind will sustain the opinion of Judge Pine, of the district court, who rendered the initial decision in this case.

Beyond that statement, I did not think it proper to make any comment on the issue before the Supreme Court.

I do not intend now to make any extended comments or statement regarding the opinions rendered in this case, because I have not had time to read more than the opinion of Mr. Justice Black and two or three of the concurring opinions.

I must say now that Mr. Justice Black's opinion, in my judgment, is logical, is sound, and is conclusive upon the points with which he dealt in this case. I can very well understand how some Associate Justices might not wish to follow all of his logic to an extreme conclusion. But I wish to commend Mr. Justice Black and I wish to say that I am very proud to have served in this body with a man who has made so distinguished a record upon the Supreme Court of the United States. He has done it in the face of some adverse criticism; but he has done it by hard work, industry, continued study, and devotion to first principles.

Mr. President, I never doubted what would be the opinion of Mr. Justice Frankfurter in this case, because he is entirely too good a lawyer to have reached a decision contrary to the decision he reached today. I never doubted that some of the other opinions which have been announced today would be reached. I did have some doubts about some of the contrary opinions which have been delivered in this case. I say it with all kindness, because those members of the Court happen to be among my most intimate personal friends upon that Court.

However, Mr. President, as nearly as I can arrive at their conclusion it is that the President decided that the country was in "a hell of a fix" and that therefore the President had a right to resort to anything he thought would get the country out of "a hell of a fix." Actually, that is what their dissenting opinions come down to. It will not be a great honor to the Supreme Court of the United States, either this year or 50 years hence, to read the dissenting opinions in this case.

Mr. President, I wish to make a general observation. I regret to make this statement, because, as I have already said, the Justices who have seen fit to dissent happen to be the only Justices on the Supreme Court, with two exceptions, with whom I am on speaking terms and whom I regard most kindly.

The statement I wish to make is this: Who was it who said that "God reigns, and the Government at Washington still stands?" The statement was made after a President had been shot. I am sure that some of our colleagues who are scholars will remember that statement. I am sure that my friend, the Senator from Illinois [Mr. DOUGLAS], remembers it.

I wish to repeat another statement. Once there was in the United States a great lawyer who lived in Massachusetts as I recall. I have tried to find his name, because I should like to give him exact credit for making a prophetic statement. He did not hold public office, so far as I know; at least, he was not a Senator or a Vice President or even a President of the United States. So far as I know, he held no public office. However, he made this statement in one of his addresses. As nearly as I can recall, his name was William Evarts. I cannot quote the exact words he used, although I wish I could. I even asked the librarians, a few days ago, to find the quotation for me, but they could not find it.

In substance, what he said was that the final stress and strains upon our free institutions would fall, not upon the President, because he might be a weak man, he might be a vacillating man, he might be subject to pressures by minority groups or by what he erroneously supposed to be the majority group at the moment. He might even be corrupt, said this great American lawyer, but the final stress and strains on our free institutions would not rest upon him. Nor, added he, would it rest upon the Congress of the United States, as honorable as the Members of the Congress were at the moment or might be at any moment in our history. But, they, themselves, might become weak, they might yield to popular clamor; they might yield to public opinions either of a minority or of an imagined majority. They might become even corrupt and venal. So, said this lawyer, the final stress and strain of our free institutions would not rest upon the Congress of the United States. But, said he, the final stress and strain would rest upon an upright, a courageous, a fearless judiciary that would dare uphold the Constitution of the United States and all that is represented by the Constitution.

So, Mr. President, I thank God that again, under quite different circumstances, I can say, "God be praised, the Government at Washington still stands"; and so long as there is a judiciary with the courage and the fortitude and the integrity to stand for the fundamentals of our American institutions, those institutions will prevail.

Unfortunately the decision today in this important case, Mr. President, was not by a unanimous court, though it was by a decisive majority of a full court of nine. I repeat what I said, though not on this floor, when I heard the contention made in the Senate about inherent powers and about a reservoir of powers in the Executive—I repeat what I said in many, many letters, that whatever the decision by the Court across the way might be, the judgment of informed Americans would sustain the opinion of that single courageous man on the bench here in Washington, where official privilege and official power take the backbone out of most men who would dare write what is the simple, plain law of this case. There never was anything mysterious about it. There never was anything involved about it. It takes courts to make things mysterious and involved.

I recall, Mr. President, what another distinguished American lawyer said of a great English case, which had been on trial in London. In referring to the circumstances of that case and the details of the issue involved, which did affect the liberties of Englishmen, he said that when the English jury brought in its verdict, the simultaneous shout of more than 200 Englishmen rose from the waterfront clear across London, or as he put it, "The simultaneous shout of freemen for the triumph of liberty and of justice."

Upon our courts depends the final survival of this free republic we have loved and tried to serve for so long a time. How careless we have been—and I take a full measure of the blame upon myself—in the confirmation of men to high posts in the judiciary, men who had by no possibility the proper qualifications for a high office of that sort. But today at least a court composed of stalwart men who went against the Chief Justice, a court which undoubtedly would have been unanimous with his concurrence, has sustained what all Americans who are without undue prejudice recognize to have been the correct decision in this case.

SPECIAL-INDUCEMENT PAY TO DOCTORS AND DENTISTS IN THE ARMED FORCES

The Senate resumed the consideration of the bill (S. 3019) to amend the Career Compensation Act of 1949, as amended, to extend the application of the special-inducement pay provided thereby to doctors and dentists, and for other purposes.

The PRESIDING OFFICER. The bill is open to amendment.

Mr. DOUGLAS. Mr. President, it is with a sense of anticlimax that I follow a discussion of the decision of the Supreme Court with a continuation of the discussion of the bill pending before the Senate, namely, the bonus bill for doctors. In order to indicate some of the issues which are at stake, I send to the desk an amendment which I am proposing to the bill, with a request that it be read.

The PRESIDING OFFICER (Mr. STENNIS in the chair). The clerk will state the amendment.

The LEGISLATIVE CLERK. On page 3, beginning with line 23, it is proposed to strike out, to and through line 4, on page 4, and insert the following:

> (b) amending subsection 203 (b), (1) by striking out "$100" wherever it appears in such subsection and inserting in lieu thereof "$5", and (2) by deleting the second proviso thereof and inserting in lieu thereof the following:
>
> *"Provided further,* That the commissioned officers described in subsection (a) (4) of this section who are called or ordered to active duty without their consent shall not be entitled to receive the pay provided by this subsection for any period prior to September 9, 1950."

Mr. DOUGLAS. Mr. President, all my amendment proposes to accomplish is to reduce the present bonus, which the committee calls an equalizing payment, for doctors from $100 a month to $5 a month. In other words, the amend-

ment is intended to strike at the institution of the medical bonus itself.

I may say that my good friend from Wyoming, the eminent junior Senator from that State [Mr. HUNT], refers to the $100 bonus as an equalizing payment. Apparently, it was first conceived of as an equalizing payment in order that doctors in the military service might receive the same approximate average income which they would presumably have received had they remained in civilian life. That was the purpose; so that there would be no appreciable financial sacrifice involved by the doctors if they entered the military service.

In passing, Mr. President, I should like to say that if we approve this principle in this instance it will lead to very extraordinary conclusions, namely, that if we do this for doctors, how can we refuse to do it for lawyers, for engineers, for businessmen, for skilled artisans, for all the wide variety of men with skills who are needed in the miiltary service and who sacrifice earning power when they go into the military service either willingly or unwillingly?

If we are going to say that no one shall incur a financial sacrifice by going into the military service, then, believe me, Mr. President, the pay in our armed services will be extremely high. So there is a principle involved.

The second basis on which it is said that the bill is equalizing is a complicated process which I confess I cannot fully understand, but which contemplates that medical officers should receive for a time more than line officers in order that over their period of life they will receive as much as will the line officers.

I suppose the chief justification is the 3-year training period which a doctor has to have and which a line officer is presumed not to have. But if we accept that principle, what are we going to do about lawyers who go into the service and become judge advocates? What are we going to do about engineers who go into the service and enter the Engineer Corps? They are not all drawn from West Point. What are we going to do about all the specialists who have spent extra years in training? What are we going to do about businessmen who enter the miiltary service? Or, on lower levels, what are we going to do for skilled workmen, for professional men, and others, who serve in the ranks of the enlisted men? Are we to say that their pay is to be equalized over the course of a lifetime?

So, I think, Mr. President, we are on very dangerous ground, and there are large sums of money involved.

The eminent Senator from Wyoming last Thursday declared that there were some 13,000 doctors and dentists already in the Defense Department. The budget submitted by the Defense Department for next year contemplates a little more than 20,000 physicians and dentists. Since the bonus payments amount to $1,200 a year——

Mr. HUNT. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I yield.

Mr. HUNT. I think that what I referred to was the number of physicians and dentists taken in under the existing act. I did not mean the total number in the service.

Mr. DOUGLAS. I understand. If we take the eminent Senator's figures, we would have 13,000 at $1,200 a year, or an extra amount of $15,600,000 a year. If we take 20,000 as our figure, there would be $24,000,000 a year involved in extra costs caused by the medical bonus, with 1,200 as the multiplier in each case.

Mr. HUNT. Mr. President, will the Senator yield further?

Mr. DOUGLAS. Certainly.

Mr. HUNT. Let me say to the Senator from Illinois that the number that will be taken in under this bill will draw $4,630,600 in the ensuing 10 months.

Those who will be discharged will take from the roll $4,248,100, leaving the actual cost, under the bill less than $400,000.

Mr. DOUGLAS. Evidently, the Senator from Wyoming and I are talking about different things. He is speaking of the added cost over the present system. I am speaking of the cost of the whole bonus system to the Government as applied to the number of physicians and dentists who are in the military service, not merely the added numbers who will be brought in.

Mr. HUNT. Mr. President, will the Senator yield further?

Mr. DOUGLAS. Certainly.

Mr. HUNT. I am sure the Senator understands that the pending bill has no bearing whatsoever on those who have been taken or who will be taken into the Medical Department prior to September 2, 1952.

Mr. DOUGLAS. In other words, their bonus will continue?

Mr. HUNT. Yes.

Mr. DOUGLAS. The Senator from Wyoming made that clear in his statement on Thursday, but the amendment which the senior Senator from Illinois has proposed aims virtually to eliminate the $100 bonus not merely for the additional doctors and dentists to be brought into the service, but for all those who are already in the service.

Mr. HUNT. Mr. President, will the Senator from Illinois yield further?

Mr. DOUGLAS. I yield.

Mr. HUNT. I am sure the Senator understands that should his amendment prevail, the situation would be such that every physician and every dentist taken into the service by September 2, 1952, would receive $100 a month extra, while those taken in after September 2, 1952, would not receive $100 a month, but would receive $5 a month extra. So we would have two men, possibly from the same school, with exactly the same education, working side by side in the operating room, one receiving $95 a month more than the other receives.

Mr. DOUGLAS. If the Senator from Wyoming will look at the amendment, a copy of which I have placed on his desk, he will see that it affects everyone.

Mr. HUNT. That is what I understand.

Mr. DOUGLAS. It would mean that instead of everyone getting a bonus of $100, they would get a bonus of $5.

Mr. President, certain things need to be borne in mind. One is that the assumption that all doctors must have 5 years of training before they can go into the military service is, as I think the colloquy developed, only partially true. It is quite possible for doctors to go into the military service after leaving medical school to work in base hospitals as internes or to occupy junior positions in medical battalions and medical units under the supervision of some skilled workers, without a prior period of hospital internship. Therefore, instead of having 5 years prior preparation, a practice of only approximately 3 years will be required in a large percentage of cases.

The second point, which was not mentioned in the discussion of the junior Senator from Wyoming, is that when a doctor does enter the military service he enters at one grade above that at which line officers are expected to enter. A young line officer enters as a second lieutenant or as an ensign and serves a period of time as a second lieutenant or an ensign. When doctors and dentists enter, they come in at one grade above, as first lieutenant or as lieutenant junior grade. Is not that true?

Mr. HUNT. That is true to a certain extent, but it is not always true.

Mr. DOUGLAS. Is it not 99.44 percent true?

Mr. HUNT. I should like to draw the Senator's attention to the other end of the line, when they are finishing or about to finish their careers.

The opportunity for a medical officer to become a general or an admiral at the other end of his service is decidedly out of proportion to the opportunity afforded to a line officer. In other words, according to the table of organization, a line officer has 0.75 percent opportunity to become an admiral or a major general, whereas a medical officer has only 0.5 percent opportunity. Thus, the advantage is 3 to 2 in favor of the line officer becoming an admiral or a major general, as compared with a line officer. So I should think that would far more than equal any advantage a medical officer who enters as a first lieutenant may have for a short period of time, over the line officer who enters as a second lieutenant.

Mr. DOUGLAS. Do I understand the Senator from Wyoming to say that 7½ percent of all men who enter as second lieutenants end by having two stars?

Mr. HUNT. No. According to the table of organization, it is possible for 0.75 percent of all line officers——

Mr. DOUGLAS. Three-quarters of one percent?

Mr. HUNT. To become admirals or major generals; while in the case of medical officers, it is only 0.5 percent, or a ratio of 3 to 2.

Mr. DOUGLAS. Does the Senator mean that in every 100 second lieutenants or every 100 line officers there will be only three-quarters of one man—if we could divide him—who will be a 2-star officer, whereas in the medical branch it will be only half of a man? I would not say that the difference between being half of 2-stars and three-quarters of two stars is a great detriment to the medical profession. That extra one-quarter percent of a star would not, I

think, deter people from entering the medical profession in the armed services. One would not say, "If I go into the medical service, one-half of me will be an admiral, but three-quarters of a line officer will be an admiral or a major-general. Therefore, I shall not go into the service." I do not believe a rationalistic calculist works in such minute proportions as that.

Mr. HUNT. Far be it from me to attempt on the floor of the Senate to debate mathematics or economics with the distinguished Senator from Illinois.

Mr. DOUGLAS. It is just simple arithmetic.

Mr. HUNT. The Senator from Illinois knows, as does everyone else on the Senate floor, that we are dealing with the Army, not with the individual.

Mr. DOUGLAS. As I have said, I do not think the difference between a half percent and three-quarters percent is very important, whereas the fact is that the doctors come in as first lieutenants, and line officers come in as second lieutenants. That is a big difference.

Mr. HUNT. Taking a military establishment of 3,000,000 men, it means there are a very great number of line officers.

Mr. DOUGLAS. Mr. President, this exchange has established the fact that medical officers enter one grade above line officers—and as they are promoted up through captain, major, and lieutenant colonel, they tend to be promoted more rapidly—and I think perhaps the fact that one-quarter of a man does not stand as much chance to become a two-star general as if he were a line officer. But that is outweighed by the advantages which the medical staff has had along the way.

We should also remember that there were during the war many thousands of doctors trained under the V–12 program, who were exempted from combat duty, whose education was simply limited to preparing them for medicine. I am not criticizing them at all. They go into the military service. I notice that quite a few of them have not gone as yet. After their education has been paid for by the Government, they then get $100 a month more than the men who pay for their own education.

Mr. President, what we are doing here is to pay bonuses to specialists who will experience far less danger and hardship than the combat soldiers. A second lieutenant who leads a rifle platoon, whose casualty rate is the highest, receives no bonus. It sometimes seems as though the bonuses for some grades are paid in inverse ratio to danger, upon the basis of supposed earning power in civilian life, rather than on the basis of contribution to the military service itself.

It seems to me we are setting a very dangerous example in the military service when we pay bonuses to doctors and dentists—and I say that with all justice to them—who do not experience the dangers which the average rifleman experiences.

The eminent Senator from Wyoming mentioned the fact that the first casualty in Korea was that of a dentist. That is true, and all honor to him. But it is also true that the average casualty rate of doctors and dentists is relatively low, and the casualty rate of riflemen in the rifle companies is extremely high. No extra compensation is paid to them.

Mr. CHAVEZ. Mr. President, will the Senator yield for a question?

Mr. DOUGLAS. I shall yield for a question in a moment.

It is the disparity between sacrifice and reward which I think is repugnant to the idea of fairness.

I now yield to the Senator from New Mexico for a question.

Mr. CHAVEZ. Would the Senator agree, then, that if it is correct to take care of a dentist or a doctor now, we should do something for those whose lives are actually put in danger?

Mr. DOUGLAS. If the Senator from New Mexico will remember, the junior Senator from Louisiana, the junior Senator from Michigan, and I jointly sponsored an amendment to provide a bonus for combat soldiers. If we give bonuses at all, then the combat soldiers should certainly get them. But I think we should remove some of the unnecessary, and what I regard as unfair and improper bonuses, lest the infection spread through the entire military system, at great cost to the taxpayers and to the destruction of the morale of the Armed Forces.

Mr. CHAVEZ. Mr. President, will the Senator yield for a further question?

Mr. DOUGLAS. I yield for a question.

Mr. CHAVEZ. I believe that I could agree with the Senator from Illinois that there should be no generalization. I believe all should be treated alike, but certainly consideration should be given to the one who is sticking his stomach in front of a Communist bayonet. There can be no question about that.

But let me tell the Senator from Illinois of the case of a young man I know, whom I brought to Washington. He worked on one of our elevators, and while doing so he received a certificate from one of our fine dental schools here. Then I saw him receive his commission in the Navy. He was called to the colors, and he answered the call and did his duty. Eventually, he returned to civil life to start in his profession. But, like the average American, he joined the Reserves, and now although he has a family, as he is proceeding to make headway in his profession, and he is going to make good, I am positive—he is called to serve again. Is there any reason why an extra bonus should not be paid to that young man, who is asked to serve his country, perhaps in this instance as a dentist only, but who is leaving his all, his future, his everything?

Mr. DOUGLAS. Let me say to my good friend from New Mexico that the hardship of which he speaks, which the individual dentist suffers, is the same type of hardship suffered by reserves in all other occupations. After the war, the reservists reestablished themselves in civilian life, but they were called back. That is true not only of doctors and dentists, but it is true of lawyers, businessmen, engineers, accountants, clerks, laborers, and farmers. It is true of the whole society. If we are to say that doctors and dentists are to be compensated for that reason, the conclusion is that everyone should receive a bonus. If that is done, two things will happen. The country will go bankrupt, and the armed services will be in great difficulty.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. CHAVEZ. I do not want to make an exception of dentists and doctors. Personally I believe that the boys who suffered that kind of hardship should be compensated. We are compensating business. We tell businessmen, "You will be granted certain tax relief if you start to manufacture bullets, which may kill someone, or produce bombs to destroy people or cities." We do not worry about the taxpayers' money in that case. But if we are paying a poor dentist or a poor soldier, then, of course, the country is going bankrupt.

Mr. DOUGLAS. Let me say to my good friend from New Mexico that if my amendment to eliminate bonuses for doctors and dentists is rejected, I have a satirical amendment which I intend to offer, extending the same bonus to those who studied for 3 years in law school and have an LL. B., to those who studied in an engineering school and have engineering degrees, to those who have received high school diplomas and have been employed for 7 years prior to the date upon which they enter upon active duty, and to those whose salaries for the month immediately preceding the date of their entry into the armed services were greater than the pay which they received in the armed services. If we are to adopt a policy that there shall be no financial loss, by reason of induction into the armed services in the case of doctors, then, of course, we ought to make the same provision for everyone else. But that would bankrupt the country. I serve notice that while I shall offer such an amendment, it will be for satirical purposes only.

Mr. CHAVEZ. Mr. President, will the Senator yield to me for a question? He has been very patient.

Mr. DOUGLAS. I yield.

Mr. CHAVEZ. I feel differently than does my friend from Illinois. I do not look upon the teacher of history as being the only one who is honest, loyal, and patriotic in Government.

Mr. DOUGLAS. Is that an implication that I regard myself as being the only person who is loyal, honest, and patriotic?

Mr. CHAVEZ. Mr. President——

Mr. DOUGLAS. Is it or is it not such an implication?

Mr. CHAVEZ. It is not.

Mr DOUGLAS. That is fine. I was about to say that if the Senator wished to make such an implication, I did not teach history. In order to make the illustration precise, I should tell the Senator the subject which I taught.

Mr. CHAVEZ. I have too much respect for my friend from Illinois to make that kind of implication.

Mr. DOUGLAS. I am glad of that.

Mr. CHAVEZ. To me an American is an American, whether he teaches history or dentistry, or whether he is in the front lines in Korea.

Mr. DOUGLAS. What is the Senator's point?

Mr. CHAVEZ. The point is that all should be treated alike.

Mr. DOUGLAS. I am inclined to agree with the Senator. I believe that the way to do it is to remove the bonuses. But if we cannot remove the bonuses, then, as I say, for satirical purposes, I shall propose that everyone get a bonus.

Mr. CHAVEZ. I could possibly agree with the Senator from Illinois in removing the bonus, so long as it is removed with respect to all. But there is no particular reason why we should punish a dentist any more than we should punish a professor.

Mr. DOUGLAS. Professors as such get no bonuses in the armed services. Today we can cut the bonus for doctors and dentists. Later we shall include the chair corps in the Air Corps. Incidentally, while I am on that point——

Mr. CHAVEZ. That is the trouble——

Mr. DOUGLAS. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Illinois has the floor.

Mr. DOUGLAS. That brings me to a very interesting anomaly. On Thursday the eminent Senator from Wyoming placed in the RECORD the fact that slightly less than a thousand doctors and dentists are not only drawing the medical bonus, but drawing the flight bonus in addition.

Mr. HUNT. Mr. President, will the Senator yield?

Mr. DOUGLAS. No. I wish to conclude.

Mr. HUNT. Every flight officer draws that bonus. It is not a special thing.

Mr. DOUGLAS. Certain men are drawing two bonuses. They are drawing a bonus of $100 a month as doctors or dentists, and they are drawing $100 to $210 as flight officers.

Mr. HUNT. Only 7 percent of them draw such a bonus.

Mr. DOUGLAS. Very well. I read from page 6249 of the CONGRESSIONAL RECORD for May 29, where the eminent Senator from Wyoming said:

> There are 13,181 physicians in the Department of Defense. Nine-hundred and seventy-five, or 7 percent, of these officers receive flight pay.

Mr. HUNT. There are 20,000 physicians and dentists in the service. Seven percent of them, including two dentists are receiving flight pay. That includes submarine pay.

Mr. DOUGLAS. That is all the Senator from Illinois said. He said that slightly less than a thousand receive not only the doctors' bonus, but the flight bonus in addition.

Mr. HUNT. Mr. President——

Mr. DOUGLAS. Mr. President, if I may be allowed to finish a paragraph without interruption——

Mr. HUNT. Let me say to my good friend from Illinois that I shall not interrupt him again. However, I have often heard the Senator from Illinois interrupt other Senators.

Mr. DOUGLAS. I am delighted to be interrupted, but I desire to conclude the argument.

I had always understood that the flight bonus was paid in order to develop proficient flight officers. But we find doctors who are apparently also pilots, as well as doctors. Apparently they are not only skilled in medicine, but they can take up a fighter plane, a bomber, or one of the new jet planes. In order that they may be trained for flight work, they must receive not only their bonus as doctors, but also a flight bonus of $100 a month for a second lieutenant up to $210 a month for a colonel. If the man happens to be a colonel in the medical corps, he receives a flight bonus of $210, as a flight officer, in addition to a bonus of $100 for being a doctor.

I hardly think it is necessary to make flight officers of these doctors. Thousands of them are receiving both bonuses. It is very difficult to defend or justify their receiving either bonus, but certainly they should not receive both. After my first two amendments are offered, I have a third amendment, which would eliminate the anomaly to which I have referred.

There are large sums of money involved, and great questions of equity are involved. It is a tragic thing that the men in the armed services who take the greatest risks, who receive the wounds and who suffer the most physically, and who as a class suffer the most deaths, receive the lowest pay. The bonuses go to the specialists, those who have prestige on the outside. I think it is wrong.

It has been said that it is necessary to follow such a policy in order to induce doctors to volunteer. I make two comments in that connection. The first is that probably the tables of organization of both the Military and Naval Establishments provide a greater complement of doctors than are actually needed in the Armed Forces. We have established the fact that there are 20,000 physicians and dentists in the services at the present time. We do not have more than 3,700,000 men under arms, if we have that many. That means an approxmiate ratio of 1 doctor to every 185 persons. Among the civilian population we have roughly 1 doctor to every 1,000 population. We are providing six times as much medical care for the same number of persons in the armed services as in civilian life. They are employed to take care of young men in the healthiest period of their lives. It is true that when a division or an army goes into combat, there is great need for the medical service. But not all divisions are in combat at the same time; and there are pooled reserves of doctors lying idle, even while a whole army is engaged in battle.

Persons who have been in the service know fairly well that there is an excess complement of doctors and that it is not necessary to maintain 1 doctor for every 185 persons in the uniformed service. Therefore, we could have some shrinkage in the medical service without any real loss of military effectiveness.

The second point I should like to make is that, according to the figures put in the RECORD on Thursday by the eminent Senator from Wyoming, 11,174 medical officers received training under the Navy's V–12 program, and of that number 8,926 have been on active duty. That leaves 2,200 who have been educated at Government expense and who have not been on active duty. Certainly they should be asked to go on active duty if there is need for medical attention, without getting a $100 bonus a month.

Mr. President, the hour is late, and I do not wish to delay the Senate; I should like to ask for a vote on my amendment, which in effect reduces the entire medical bonus from $100 a month to $5 a month.

The PRESIDING OFFICER (Mr. SMATHERS in the chair). The question is on agreeing to the amendment offered by the Senator from Illinois [Mr. DOUGLAS].

Mr. HUNT. Mr. President, the distinguished Senator from Illinois constantly refers to the payment to medical officers as a bonus and as something undeserved. In all the discussions in committee on the bill in 1947 and in 1949 I saw no reference at any time to the word "bonus."

The distinguished Senator from Illinois spoke of the attempt to equalize the pay of physicians and dentists in the military service with the pay of physicians and dentists not in the service. That would be an absolute impossibility. I have some knowledge of what the net income of physicians and dentists is as of today. The bill would equalize the pay of dentists and physicians with the pay of their running mates, or line officers.

The Senator spoke of doing the same thing for lawyers and for engineers, as well as for other technically trained men. I should like to say that personally perhaps I would have no objection to it, but the situation is that such men are not in demand. There is no difficulty at all in getting lawyers and engineers into the service. They are in ample supply. Exactly the opposite is true with reference to physicians and dentists. They are in very great demand in practically every community in the United States.

The distinguished Senator from Illinois said that many doctors and dentists got their education at the expense of the Federal Government. Only a very few of those in the armed services were educated at the expense of the Government, and all have been in service except perhaps 3,000. The reason for that is physical disability. There is a sort of selective service board in every community which passes on the availability of dentists and physicians. Many of the physicians and dentists are declared essential in their local communities and are not allowed to go into the armed services.

I may say also, with reference to line officers, outside of the two service Academies, that practically every line officer who enters as a Reserve officer goes through OCS, which, of course, is supported by the Government.

However, this is the most important point, Mr. President, with reference to the Senator's amendment. In 1947 and again in 1949 the Armed Services Committees of the House and the Senate approved, and the House and the Senate passed similar bills, and now again in 1951 the Armed Services Committee approved this bill.

Let me say that a firm contract—an honest agreement and understanding—has been entered into with the men who are now in the service to receive $100 a month. I should hate to be one Member of the Senate who would break faith with a solemn obligation of the United States Government, brought about by the action of Congress, and take the $100 a month away from men who went into the service under that agreement, with certainly no expectation that the Senate would ever repudiate an honest agreement, entered into in good faith.

The Senator spoke of flight pay. There are a few medical officers who get flight pay; but, I wish to say to the distinguished Senator from Illinois that those who get flight pay are actually rendering flight service with injured men and with patients, which makes it necessary to go into the air and spend time in planes. I am not saying that is true in every case; but I am advised that it is true in nearly all cases.

Mr. President, I do not think the amendment has any place in the bill. It would break faith with those in the service. It would greatly lower the morale of the physicians and dentists in the service, and I think it would even affect the type of service our men in the armed services are now receiving.

I am hopeful that the Senate will reject the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Illinois [Mr. DOUGLAS].

Mr. DOUGLAS. Mr. President, I hope we can get a yea-and-nay vote on the amendment. Therefore, I trust that the Members of the Senate who are in the Chamber will be willing to hold up their hands to second my request for a yea-and-nay vote. If we are not able to have such a vote, I shall be compelled to suggest the absence of a quorum. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. FERGUSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FERGUSON. Mr. President, I ask unanimous consent that the order for a quorum call be rescinded, and that further proceedings under the call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment offered by the Senator from Illinois [Mr. DOUGLAS]. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOUGLAS (when his name was called). Mr. President, has any Senator voted thus far?

The PRESIDING OFFICER. No Senator has yet voted.

Mr. DOUGLAS. Am I privileged to make a clarifying remark, then?

The PRESIDING OFFICER. Yes.

Mr. DOUGLAS. Mr. President, I merely wish to explain that this amendment would reduce from $100 a month to $5 a month the bonuses now being paid to all doctors and dentists in the Armed Forces. Such a provision is submitted as an amendment, so that the bill will apply not only to those who are entering the armed services, as the original bill would do, but also to those who already are in the armed services.

Now that the vote is under way, I answer "yea."

Mr. SALTONSTALL. Mr. President, I most respectfully say that I object to that procedure, because I was going to ask a question of the Senator from Illinois; but when he concluded his remarks, he voted "yea." However, if the yeas and nays are now to be called, after the Senator from Illinois has made an explanatory statement, we must begin again with the first name on the roll.

In other words, Mr. President, I rise to a parliamentary inquiry, namely, at this time is it not necessary to have the yeas and nays commenced again, beginning with the first name on the roll?

The PRESIDING OFFICER. Yes, the Chair rules that the roll call has been voided, and the clerk will start again the call of the roll.

Mr. SALTONSTALL. At this time, Mr. President, I should like to ask a question of the Senator from Illinois: If the incentive pay of doctors and dentists is to be reduced from $100 a month to $5 a month, would it be better to reduce it to nothing? I ask that question because it seems to me that it would be an unfair gesture to cut the incentive pay from $100 to $5.

Mr. DOUGLAS. In view of the fact that on two other occasions I have been told that the pending bill would merely extend the $100 payment to other groups who have not previously been covered by such a measure, it is obvious that merely to reject such a bill would not be very important. Therefore I have offered my amendment, so that by means of it we can reduce the bonuses going to the doctors and dentists who already are in the armed services. That is the parliamentary way by which we can strike at the bonus itself.

Mr. SALTONSTALL. Let me say that in 1947 I was a member of the committee when a bill similar to this was before us. I had some doubts about the bill at the time. I voted for the bill for the reason that, first, substantial numbers of men in the Armed Forces were without the services of a doctor, which indicated that more doctors were needed. My second reason was that a doctor must have four more years of training than the average person in the Armed Forces is required to have. My third reason was that I understand that doctors and dentists can be compelled to enter the armed services against their will, ahead of those in the other professions.

Of course, some of the doctors and dentists who have entered the armed services have done so because they wished to make that service a career. So it seems to me that it would be very unfair, after those professional men have entered the Armed Forces for the purpose of making military service a career, now to take away from them a portion of their pay.

I wish to say to my friend, the Senator from Illinois, for whom I have the utmost respect, that the entire question of incentive pay is a very difficult one, and I think it should be restudied. However, to act in the arbitrary way now proposed I think would be most unfair.

Mr. JOHNSON of Colorado. Mr. President, will the Senator from Massachusetts yield to me?

Mr. SALTONSTALL. I yield.

Mr. JOHNSON of Colorado. In addition to the arguments which have been advanced by the Senator from Massachusetts, is it not also true that the medical officers are advanced in rank more slowly than almost any other group of commissioned officers in the armed services, for the reason that the officer in charge of a hospital is a colonel, and thus it is required that the officers serving under him must be of lower rank?

I know that when I was a member of the Armed Services Committee, we went into this matter, and we found that medical officers were not advanced as rapidly in rank as are other commissioned officers, for the reason that they must have lower rank than that of the head of the hospital, who is always a colonel. Such an arrangement works a hardship on the officers who serve under an officer who is the head of a hospital.

Mr. SALTONSTALL. I may say to the Senator from Colorado that I cannot answer his question factually, but I believe that the senior officer in charge of a hospital is a colonel in rank, and that therefore all doctors serving under him must have lower rank.

Mr. JOHNSON of Colorado. Yes.

Mr. SALTONSTALL. I cannot state that as a fact.

Mr. FERGUSON. Mr. President, if the Senator will yield, let me say that I am sure all of us realize that many outstanding surgeons serve in Army hospitals, but all of them must be under the command of a colonel, for they must not outrank him. That fact may not constitute the only reason for the rather slow advance in rank of medical officers. However, it has always seemed to me that the rank of medical officers who serve in various branches of the armed services appears to be too low.

Mr. SALTONSTALL. I speak with some knowledge of the situation, for in World War I my own father was a colonel. He entered the service as a colonel, and he left it as a colonel. He could not rise to a higher rank, because he was in charge of a hospital.

Mr. CORDON. Mr. President, will the Senator from Massachusetts yield for a question?

Mr. SALTONSTALL. I yield for either a question or an observation.

Mr. CORDON. I prefer to ask a question. I wish to inquire whether the advance in rank of the commissioned personnel in the Medical Corps is slower than that of other commissioned personnel? If that be so, then in this case are we to compound one error with another error?

Mr. SALTONSTALL. To the best of my memory, that point was not discussed when the hearings on this bill were held.

The main point stressed was the scarcity of doctors in comparison with the number of men in the Armed Forces. Other points discussed were the additional training a doctor must have before he can qualify and the added difficulty in inducing doctors—inasmuch as generally they are somewhat older, by the time they are qualified, than are those who serve in other professions—to enter the armed services as a career.

I do not think the proposed reduction in pay should be made after doctors have entered the armed services on the basis of the inducements which have been offered. I would prefer to vote against any incentive pay at all, rather than to vote for the proposed reduction to $5, because I say most respectfully to my friend, the Senator from Illinois, that if the amendment to reduce the incentive pay to $5 were agreed to, it would constitute almost a slap in the face.

Mr. DOUGLAS. Mr. President, will the Senator from Massachusetts yield on this point?

Mr. SALTONSTALL. I yield.

Mr. DOUGLAS. Is my colleague serious when he says he would prefer to vote for an amendment which would directly eliminate the bonus pay? In other words, is he making an offer in that connection? If so, I have drafted an amendment on that point.

Mr. SALTONSTALL. Mr. President, I hope the Senator from Illinois realizes from what I have tried to say that I have not made an offer. I shall vote against his amendment.

Mr. DOUGLAS. Would the Senator from Massachusetts vote against an amendment to do away with all incentive pay?

Mr. SALTONSTALL. I would at this time. I am a member of a subcommittee, under the chairmanship of the Senator from Wyoming [Mr. HUNT], that is studying the entire question of such pay, and I believe that matter should be further studied.

Mr. CORDON. Mr. President, will the Senator from Massachusetts yield to me?

Mr. SALTONSTALL. I yield for a question or I yield the floor.

Mr. CORDON. The Senator from Massachusetts has stated that he believes the entire matter of incentive pay should be restudied. I agree 100 percent with him.

What assurance, if any, can the Senator from Massachusetts give the Senate that the question will be restudied? Is there any hope, even, that presently we shall have before us for consideration a well-studied recommendation, upon which we can act?

Mr. SALTONSTALL. I do not wish to anticipate the decisions which will be reached by the Armed Services Committee. All I can say to the Senator from Oregon is that under the leadership of the Senator from Wyoming [Mr. HUNT], there is a subcommittee which expects to make a report very soon. The members of that subcommittee include the Senator from Mississippi [Mr. STENNIS], the Senator from Wyoming [Mr. HUNT], myself, and several other Senators, including the Senator from Louisiana [Mr. LONG]. We shall report on the question of incentive pay.

The Armed Services Committee as a whole will have to pass on our report, of course. However, I know that some of us believe the subject should be studied very carefully. I hope the report the subcommittee makes will be accepted.

Mr. CORDON. Then, am I to understand from the Senator from Massachusetts that at this time a subcommittee is making an over-all study of the overall question of incentive pay?

Mr. SALTONSTALL. The study was primarily directed to flying pay, submarine pay, and parachute pay, but certainly medical officers' pay could well be included, and I think it should be.

Mr. DOUGLAS. Mr. President, will my good friend, the Senator from Massachusetts, yield for a question?

Mr. SALTONSTALL. I yield the floor.

Mr. DOUGLAS. Let me ask the Senator from Massachusetts whether it is true that when the military pay bill was before the Senate, and when I questioned the bonuses in connection with that measure, it was said that that matter was being studied by a subcommittee of the Armed Services Committee? I think that is true, and it led to the rejection of some of the amendments I offered.

Now, 2 months later, we have—not at the initiative of the Senator from Illinois, but at the initiative of the Armed Services Committee—another bill, one which would extend the bonus system or equalizing payments or disequalizing payments or a lop-sided system to still other groups; and yet when we try to strike at all provision for that system, in an attempt virtually to abolish it, it is said that the study of it should be continued. The Senate must act upon it at some time. I think we have had sufficient discussion on this amendment so that the Senate is ready to act.

The PRESIDING OFFICER. The yeas and nays having been ordered——

Mrs. SMITH of Maine. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. SMITH of Maine. Mr. President, I ask unanimous consent that the order for a quorum call be rescinded, and that further proceedings under the call be dispensed with.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Maine? The Chair hears none, and it is so ordered.

The question is on agreeing to the amendment offered by the Senator from Illinois [Mr. DOUGLAS]. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. JOHNSON of Texas. I announce that the Senators from New Mexico [Mr. ANDERSON and Mr. CHAVEZ], the Senator from Connecticut [Mr. BENTON], the Senator from Virginia [Mr. BYRD], the Senator from Mississippi [Mr. EASTLAND], the Senator from Louisiana [Mr. ELLENDER], the Senator from Delaware [Mr. FREAR], the Senator from Georgia [Mr. GEORGE], the Senator from Iowa [Mr. GILLETTE], the Senators from Rhode Island [Mr. GREEN and Mr. PASTORE], the Senators from North Carolina [Mr. HOEY and Mr. SMITH], the Senator from Minnesota [Mr. HUMPHREY], the Senator from New York [Mr. LEHMAN], the Senator from Washington [Mr. MAGNUSON], the Senator from Michigan [Mr. MOODY], the Senator from West Virginia [Mr. NEELY], the Senator from Maryland [Mr. O'CONOR], and the Senator from Kentucky [Mr. UNDERWOOD] are absent on official business.

The Senator from Tennessee [Mr. KEFAUVER], the Senator from Georgia, [Mr. RUSSELL], and the Senator from Alabama [Mr. SPARKMAN] are absent by leave of the Senate.

The Senator from Connecticut [Mr. MCMAHON] is absent because of illness.

The Senator from Montana [Mr. MURRAY] is absent by leave of the Senate on official business, having been appointed a delegate from the United States to the International Labor Organization Conference, which is to meet in Geneva, Switzerland.

Mr. SALTONSTALL. I announce that the Senator from Utah [Mr. BENNETT], the Senator from Nebraska [Mr. BUTLER], the Senator from South Dakota [Mr. CASE], the Senator from Montana [Mr. ECTON], the Senator from Missouri [Mr. KEM], and the Senator from North Dakota [Mr. LANGER] are absent on official business.

The Senator from Maine [Mr. BREWSTER], the Senator from Ohio [Mr. BRICKER], the Senator from Maryland [Mr. BUTLER], the Senator from New Hampshire [Mr. BRIDGES], the Senator from Indiana [Mr. CAPEHART], and the Senator from Oregon [Mr. MORSE] are necessarily absent.

The Senator from California [Mr. KNOWLAND] is absent by leave of the Senate.

The Senator from Kansas [Mr. CARLSON], the Senator from Vermont [Mr. FLANDERS], the Senator from New Jersey [Mr. HENDRICKSON], and the Senator from New Hampshire [Mr. TOBEY] are detained on official business.

If present and voting the Senator from Utah [Mr. BENNETT], the Senator from Maine [Mr. BREWSTER], and the Senator from Oregon [Mr. MORSE] would each vote "nay."

The result was announced—yeas 4, nays 50, as follows:

YEAS—4

Douglas	Robertson	Smathers
Hennings		

NAYS—50

Aiken	Johnson, Colo.	Mundt
Cain	Johnson, Tex.	Nixon
Clements	Johnston, S. C.	O'Mahoney
Connally	Kerr	Saltonstall
Cordon	Kilgore	Schoeppel
Dirksen	Lodge	Seaton
Duff	Long	Smith, Maine
Dworshak	Malone	Smith, N. J.
Ferguson	Martin	Stennis
Fulbright	Maybank	Taft
Hayden	McCarran	Thye
Hickenlooper	McCarthy	Watkins
Hill	McClellan	Welker
Holland	McFarland	Wiley
Hunt	McKellar	Williams
Ives	Millikin	Young
Jenner	Monroney	

NOT VOTING—42

Anderson	Ecton	Lehman
Bennett	Ellender	Magnuson
Benton	Flanders	McMahon
Brewster	Frear	Moody
Bricker	George	Morse
Bridges	Gillette	Murray
Butler, Md.	Green	Neely
Butler, Nebr.	Hendrickson	O'Conor
Byrd	Hoey	Pastore
Capehart	Humphrey	Russell
Carlson	Kefauver	Smith, N. C.
Case	Kem	Sparkman
Chavez	Knowland	Tobey
Eastland	Langer	Underwood

So, Mr. DOUGLAS' amendment was rejected.

Mr. DOUGLAS. Mr. President, I send to the desk another amendment, which I should like to have stated.

The PRESIDING OFFICER (Mr. SMATHERS in the chair). The amendment offered by the Senator from Illinois will be stated.

The LEGISLATIVE CLERK. On page 3, beginning with line 23, it is proposed to strike out through line 4, page 4, and insert the following:

(b) amending subsection 203 (b) to read as follows:

"(b) In addition to any pay, allowances, or special pay that they are otherwise entitled to receive, commissioned officers as defined in subsection (a) of this section shall be entitled to receive special pay at the rate of $100 per month for each month of active service: *Provided*, That such sums shall not be included in computing the amount of increase in pay authorized by any other provision of this act or in computing retired pay, disability retirement pay, or any severance pay: *Provided further*, That the commissioned officers described in subsection (a) (4) of this section who are called or ordered to active duty without their consent shall not be entitled to receive the pay provided by this subsection for any period prior to September 9, 1950: *Provided further*, That no commissioned officer as described in subsection (a) of this section shall (1) while he is serving as a medical or dental interne or (2) while he is receiving incentive pay pursuant to the provisions of section 204 of this act be entitled to receive the special pay of $100 per month as is provided in this subsection: *And provided further*, That no commissioned officer as described in subsection (a) shall be entitled to receive the special pay of $100 per month provided for in this subsection unless the primary duty to which he is assigned during such month requires the performance of services in which professional medical or dental training is necessary."

Mr. DOUGLAS. My head is bloody but unbowed from the previous vote. I had intended to offer a satirical amendment, and then withdraw it, the idea being that if the Senate believed this bonus was necessary for doctors because of their special training, it should also be extended to engineers, lawyers, and those who have high earnings in business and industry, and to those who have been out of school for a given period of time. However, because of the lateness of the hour, I shall not offer that amendment. I hope, however, the committee will accept the pending amendment, because what it primarily aims to do is to prevent a doctor or a dentist from getting both a medical bonus and a flight bonus at the same time.

I should like to emphasize that approximately 1,000 officers—975, to be precise—who are receiving double bonuses, really cannot be said to be aviators. They are not aviators. If they are doctors, they will receive the medical bonus. Well and good. I do not believe they should get even that, but if the Senate believes that they should receive a medical bonus, very well. But why should they get a flight bonus on top of that? The two bonuses together will come to an average of about $275 a month, or roughly $3,500 a year, over and above what other men in the same grades would receive.

Here is a chance to remove the worst case of injustice and, in the process, to save $1,500,000. I hope the committee will accept the amendment.

Mr. HUNT. Mr. President, I find myself unable to accept this amendment. There are 20,000 medical officers in the services. Only 7 percent of them are receiving flight pay. I say to the Senate that while I am not positive of the exact number, they are really in the air, flying with patients, carrying on their duties directly with the flying service. There are less than 1,000 of the 20,000 who fall into that category, and certainly a good many of the 975 are actually in the air, flying. They do not need to be flying planes, but they are in the air and are subject to the same hazards as though they were pilots.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. HUNT. I yield.

Mr. McCLELLAN. Are they pilots?

Mr. HUNT. No; they are physicians.

Mr. McCLELLAN. Are they merely riding in planes?

Mr. HUNT. No; they are administering to patients in planes.

Mr. McCLELLAN. I understand, but in doing that they are not in greater danger than is the patient in the plane, are they?

Mr. HUNT. No; but I think the Senator from Arkansas will understand, as to flight pay that is received by the Air Corps, that many receive flight pay simply for being in a plane. The reference is not to pilots.

Mr. McCLELLAN. That may be so, but I do not agree with it. The point I am making is about giving a doctor two bonuses. I voted against the other amendment; but to give a doctor two bonuses because he rides in a plane, just as all our boys ride in planes when they are being shipped somewhere, does not seem right to me.

Mr. HUNT. Even with the $100 equalizing pay, a medical officer still comes out, after his 30 years' career service, nearly $10,000 behind a line officer.

Mr. McCLELLAN. It may be true that some adjustment is needed, but after giving certain officers, doctors, a bonus or incentive pay for being doctors, because they are professional men and because they have expended their own resources to qualify for higher duty, would it not be setting an unwise precedent then to give them extra pay simply because they perform their duty sitting in a plane, when we are putting privates in planes and are shipping them all around the country?

Mr. HUNT. Does the Senator from Arkansas understand that the flight pay to doctors and dentists is no different from that given to other officers?

Mr. McCLELLAN. I do not understand that flight pay is granted to other officers if they merely happen to ride in a plane. I understand we pay them as pilots, if they pilot a plane for so many hours a month.

Mr. HUNT. When doctors are up in a plane and are administering medical service, they are certainly endangering their lives.

Mr. McCLELLAN. Certainly; and so is everyone else in the plane.

Mr. HUNT. Mr. President, with reference to the second part of the amendment, which provides that equalizing pay shall be paid only to those who are actually administering medical services——

Mr. DOUGLAS. The phrase is:

Unless the primary duty to which he is assigned during such month requires the performance of services in which professional medical or dental training is necessary.

He does not have to be performing medical services but medical or dental training must be required before he can get the bonus. This means that an administrative officer running a hospital, even though he does not actually take care of patients, would still be qualified.

Mr. HUNT. To the best of my knowledge, this amendment would apply to one individual in the Military Establishment, and that individual is rendering technical dental services to the Selective Service. Certainly he is not operating at the chair, but he is acting in the capacity of adviser on medical matters. If I am correct, the amendment applies to only one individual.

Mr. DOUGLAS. I know of one individual—I do not wish to mention his name, because I do not want to single him out—who has a position in the Selective Service which, I am told, has almost nothing to do with dental service. But I am informed that this person is drawing what my friend from Wyoming calls equalization payment, but what I call disequalizing pay, or a lopsided bonus.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Illinois [Mr. DOUGLAS].

Mr. DOUGLAS. I ask for a division.

The Senate proceeded to divide.

Mr. DOUGLAS. I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. MAYBANK. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Hayden	Kilgore
Cain	Hennings	Lodge
Chavez	Hickenlooper	Long
Clements	Hill	Malone
Connally	Holland	Martin
Cordon	Hunt	Maybank
Dirksen	Ives	McCarran
Douglas	Jenner	McCarthy
Duff	Johnson, Colo.	McClellan
Dworshak	Johnson, Tex.	McFarland
Ferguson	Johnston, S. C.	McKellar
Fulbright	Kerr	Millikin

Monroney	Seaton	Watkins
Mundt	Smathers	Welker
Nixon	Smith, Maine	Wiley
O'Mahoney	Smith, N. J.	Williams
Robertson	Stennis	Young
Saltonstall	Taft	
Schoeppel	Thye	

The PRESIDING OFFICER. A quorum is present. The question is on agreeing to the amendment offered by the Senator from Illinois [Mr. DOUGLAS].

Mr. DOUGLAS. I ask for the yeas and nays.

The yeas and nays were not ordered.

The amendment was rejected.

The PRESIDING OFFICER. The bill is open to amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (S. 3019) was passed, as follows:

Be it enacted, etc., That the Career Compensation Act of 1949, as amended, is further amended by—

(a) Amending subsection 203 (a) to read as follows:

"(a) The term 'commissioned officers,' as used in this section, shall be interpreted to mean only (1) those commissioned officers in the Medical and Dental Corps of, or designated as medical or dental officers in, the Regular Army, Navy, and Air Force and commissioned medical and dental officers of the Regular Corps of the Public Health Service who were on active duty on September 1, 1947; (2) those commissioned officers in the Medical and Dental Corps of, or designated as medical or dental officers in, the Regular Army, Navy, and Air Force and commissioned medical and dental officers of the Regular Corps of the Public Health Service, who were retired prior to September 1, 1947, and who thereafter but prior to July 1, 1953, have been or may be assigned to active duty; (3) those officers who, heretofore but subsequent to September 1, 1947, have been or who, prior to July 1, 1953, may be commissioned in the Medical and Dental Corps of, or designated as medical or dental officers in, the Regular Army, Navy, and Air Force or as medical and dental officers of the Regular Corps of the Public Health Service; (4) such officers who on September 1, 1947, were or who thereafter have been or may be commissioned in the Medical and Dental Corps of, or designated as medical or dental officers in, the Officers' Reserve Corps, the United States Air Force Reserve, the Naval Reserve, the National Guard, the National Guard of the United States, the Air National Guard, the Air National Guard of the United States, the Army of the United States, the Air Force of the United States, or as medical and dental officers of the Reserve Corps of the Public Health Service and who heretofore, but subsequent to September 1, 1947, have been called or ordered to extended active duty of 1 year or longer, or who may, prior to July 1, 1953, be called or ordered to extended active duty of 1 year or longer; (5) general officers appointed from the Medical and Dental Corps of, or previously designated as medical or dental officers in, the Regular Army, the Officers' Reserve Corps, the National Guard, the National Guard of the United States, the Army of the United States, the Regular Air Force, the United States Air Force Reserve, the Air National Guard, the Air National Guard of the United States, and the Air Force of the United States who were on active duty on September 1, 1947; and (6) general officers who, subsequent to September 1, 1947, have been or who may be appointed from those officers of the Medical and Dental Corps of, or from those officers designated as medical or dental officers in, the Regular Army, the Officers' Reserve Corps, the National Guard, the National Guard of the United States, the Army of the United States, the Regular Air Force, the United States Air Force Reserve, the Air National Guard, the Air National Guard of the United States, and the Air Force of the United States who are included in parts (1), (2), (3), or (4), of this subsection."

(b) Deleting the second proviso of subsection 203 (b) and inserting in lieu thereof the following: *"Provided further,* That the commissioned officers described in subsection (a) (4) of this section who are called or ordered to active duty without their consent shall not be entitled to receive the pay provided by this subsection for any period prior to September 9, 1950."

SEC. 2. Section 2 of the act of September 9, 1950 (64 Stat. 828, ch. 939), is hereby repealed.

SEC. 3. Section 1 of this act shall be effective as of October 1, 1949. Appropriations currently available for pay and allowances of members of the uniformed services shall be available for retroactive payments authorized under this act.

The title was amended so as to read: "A bill to amend the Career Compensation Act of 1949, as amended, to extend the application of the special-inducement pay provided thereby to physicians and dentists, and for other purposes."

CONTINUANCE OF CONSTRUCTION OF HIGHWAYS—AMENDMENT OF FEDERAL-AID ROAD ACT, 1916

Mr. McFARLAND. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1526, Senate bill 2437.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 2437) to amend and supplement the Federal-Aid Road Act approved July 11, 1916 (39 Stat. 355), as amended and supplemented, to authorize appropriations for continuing the construction of highways, and for other purposes,

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Arizona.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Public Works, with amendments, on page 2, line 14, after "(58 Stat. 838)", to strike out the colon and the following proviso: *"Provided,* That not more than 25 percent of the amount apportioned to any State in any year for expenditure on the Federal-aid highway system or on the Federal-aid secondary highway system, respectively, may be transferred from the Federal-aid highway system for expenditure on the Federal-aid secondary highway system or from the Federal-aid secondary highway system for expenditure on the Federal-aid highway system when such transfer is requested and certified as being in the public interest by the State highway department and is approved by the Commissioner of Public Roads."

On page 3, after line 11, to insert:

SEC. 2. For the purpose of expediting the construction, reconstruction, and improvement, inclusive of necessary bridges and tunnels, of the national system of interstate highways, designated in accordance with the provisions of section 7 of the Federal-Aid Highway Act of 1944 (58 Stat. 838), there is hereby authorized to be appropriated the additional sum of $50,000,000 for the fiscal year ending June 30, 1954, and a like additional sum for the fiscal year ending June 30, 1955. The sum herein authorized for each fiscal year shall be apportioned among the several States in the manner now provided by law for the apportionment of Federal-aid primary funds: *Provided,* That the Federal share payable on account of any project provided for by funds made available under the provisions of this section shall be determined in the same manner as now provided by law for projects on said Federal-aid primary system.

On page 4, line 4, to change the section number from "2" to "3"; in line 7, after the word "of", to strike out "$32,000,000" and insert "$25,000,000"; in line 11, after the word "of", to strike out "$28,000,000" and insert "$22,500,000"; in line 18, to change the section number from "3" to "4"; in line 19, after the word "improvement", to strike out the comma and "and maintenance."

On page 5, line 1, after the word "of", to strike out "$16,000,000" and insert "$10,000,000"; in line 8, after the word "of", to strike out "$17,000,000" and insert "$10,000,000"; in line 24, to change the section number from "4" to "5"; in the same line, after the amendment just above stated, to strike out "Section" and insert "for the purpose of carrying out the provisions of section."

On page 6, line 4, after "(55 Stat. 860)," to strike out "is hereby amended to read as follows:" and insert "as amended by section 11 of the Federal-Aid Highway Act of 1950, approved September 7, 1950 (64 Stat. 785)"; in line 7, after the amendment just above stated, to strike out "There" and insert "there"; in line 16, after the word "and" where it occurs the second time, to insert "completion of"; in line 19, after the word "exceed", to strike out "$3,000,000" and insert "one-third"; at the beginning of line 25, to strike out "The expenditures authorized by this section shall be made in accordance with all provisions and limitations in section 11 of the Federal-Aid Highway Act of 1950."

On page 7, line 3, to change the sec the number from "5" to "6"; in line 21, after the word "width", to insert "where practicable."

On page 8, line 13, after "December", to strike out "14" and insert "15"; in line 14, after the word "parties", to insert "or any other treaty or international convention establishing similar reciprocal recognition;"; in line 23, after the name "Rama", to insert "and for a survey but not for the construction of a road from Rama to El Bluff."

On page 9, after line 4, to strike out:

SEC. 6. Not to exceed $15,000,000 of any money heretofore or hereafter appropriated for expenditure in accordance with the provision of the Federal Highway Act, as amended and supplemented, shall be available for expenditure by the Commissioner

of Public Roads in accordance with the provision of section 9 of the Federal-Aid Highway Act of 1950 (64 Stat. 785) as an emergency relief fund.

After line 11, to insert:

SEC. 7. There is hereby authorized an emergency fund in the amount of $15,000,000 for expenditure by the Commissioner of Public Roads, in accordance with the provisions of the Federal-Aid Highway Act, as amended and supplemented, after receipt of an application therefor from the highway department of any State, in the repair or reconstruction of highways and bridges on the Federal-aid highway systems, which he shall find have suffered serious damage as the result of disaster over a wide area, such as by floods, hurricanes, tidal waves, earthquakes, severe storms, landslides, or other catastrophes in any part of the United States. The appropriation of such moneys as may be necessary for the initial establishment of this fund and for its replenishment on an annual basis is hereby authorized: *Provided*, That, pending the appropriation of said sum, or its replenishment, the Commissioner of Public Roads may expend, from existing Federal-aid highway appropriations, such sums as may be necessary for the immediate prosecution of the work herein authorized, such appropriations to be reimbursed from the appropriations herein authorized when made: *Provided further*, That no expenditures shall be made hereunder with respect to any such catastrophe in any State unless an emergency has been declared by the Governor of such State and concurred in by the Secretary of Commerce: *And provided further*, That the Federal share payable on account of any repair or reconstruction project provided for by funds made available under this section shall not exceed 50 percent of the cost thereof.

On page 10, line 15, to change the section number from "7" to "8"; in line 21, after the word "of", to strike out "$5,000,000" and insert "$2,500,000"; in line 24 to change the section number from "8" to "9."

On page 11, after line 5, to strike out:

SEC. 9. For the purpose of carrying out the provisions of section 6 of the Defense Highway Act of 1941 (55 Stat. 765), as amended, and section 12 of the Federal-Aid Highway Act of 1950 (64 Stat. 785), there is hereby authorized to be appropriated the additional sum of $150,000,000 to remain available until expended.

After line 11, to insert:

SEC. 10. For the purpose of carrying out the provisions of section 6 of the Defense Highway Act of 1941 (55 Stat. 765), as amended, and section 12 of the Federal-Aid Highway Act of 1941 (55 Stat. 765), as amended, there is hereby authorized to be appropriated the additional sum of $50,000,000 to remain available until expended: *Provided*, That whenever any project for the construction or improvement of a circumferential highway around a city or of a radial intracity route thereto submitted by any State, is certified by the Secretary of Defense, or such other official as the President may designate, as being important for civilian or military defense, such project may be constructed under the authorization in this section and in accordance with the conditions contained therein.

At the top of page 12, to insert:

SEC. 11. All provisions of the Federal-Aid Highway Act of 1944, approved December 20, 1944 (58 Stat. 838); the Federal-Aid Highway Act of 1948, approved June 29, 1948 (62 Stat. 1105); and the Federal-Aid Highway Act of 1950, approved September 7, 1950, not inconsistent with this act, shall remain in full force and effect.

In line 7, to change the section number from "10" to "12"; in line 13, to change the section number from "11" to "13"; and in line 16, to change the section number from "12" to "14", so as to make the bill read:

Be it enacted, etc., That, for the purpose of carrying out the provisions of the Federal-Aid Road Act approved July 11, 1916 (39 Stat. 355), and all acts amendatory thereof and supplementary thereto, there is hereby authorized to be appropriated the sum of $600,000,000 for the fiscal year ending June 30, 1954, and a like sum for the fiscal year ending June 30, 1955.

The sum herein authorized for each fiscal year shall be available for expenditure as follows:

(a) $270,000,000 for projects on the Federal-aid highway system.

(b) $180,000,000 for projects on the Federal-aid secondary highway system.

(c) $150,000,000 for projects on the Federal-aid highway system in urban areas.

The sums authorized by this section for each fiscal year, respectively, shall be apportioned among the several States in the manner now provided by law and in accordance with the formulas set forth in section 4 of the Federal-Aid Highway Act of 1944, approved December 20, 1944 (58 Stat. 838).

Any sums apportioned to any State under the provision of this section shall be available for expenditure in that State for 18 months after the close of the fiscal year for which such sums are authorized, and any amount so apportioned remaining unexpended at the end of such period shall lapse: *Provided*, That such funds for any fiscal year shall be deemed to have been expended if a sum equal to the total of the sums apportioned to the State for such fiscal year is covered by formal agreements with the Commissioner of Public Roads for the improvement of specific projects as provided by this act.

SEC. 2. For the purpose of expediting the construction, reconstruction, and improvement, inclusive of necessary bridges and tunnels, of the national system of interstate highways, designated in accordance with the provisions of section 7 of the Federal-Aid Highway Act of 1944 (58 Stat. 838), there is hereby authorized to be appropriated the additional sum of $50,000,000 for the fiscal year ending June 30, 1954, and a like additional sum for the fiscal year ending June 30, 1955. The sum herein authorized for each fiscal year shall be apportioned among the several States in the manner now provided by law for the apportionment of Federal-aid primary funds: *Provided*, That the Federal share payable on account of any project provided for by funds made available under the provisions of this section shall be determined in the same manner as now provided by law for projects on said Federal-aid primary system.

SEC. 3. For the purpose of carrying out the provisions of section 23 of the Federal Highway Act (42 Stat. 218), as amended and supplemented, there is hereby authorized to be appropriated (1) for forest highways the sum of $25,000,000 for the fiscal year ending June 30, 1954, and a like sum for the fiscal year ending June 30, 1955; and (2) for forest development roads and trails the sum of $22,500,000 for the fiscal year ending June 30, 1954, and a like sum for the fiscal year ending June 30, 1955: *Provided*, That the appropriation herein authorized for forest highways shall be apportioned by the Secretary of Commerce for expenditure in the several States, Alaska, and Puerto Rico in accordance with the provision of section 3 of the Federal-Aid Highway Act of 1950.

SEC. 4. (a) For the construction, reconstruction, and improvement of roads and trails, inclusive of necessary bridges, in national parks, monuments, and other areas administered by the National Park Service, including areas authorized to be established as national parks and monuments, and national park and monument approach roads authorized by the act of January 31, 1931 (46 Stat. 1053), as amended, there is hereby authorized to be appropriated the sum of $10,000,000 for the fiscal year ending June 30, 1954, and a like sum for the fiscal year ending June 30, 1955.

(b) For the construction, reconstruction, improvement, and maintenance of parkways, authorized by acts of Congress, on lands to which title is vested in the United States, there is hereby authorized to be appropriated the sum of $10,000,000 for the fiscal year ending June 30, 1954, and a like sum for the fiscal year ending June 30, 1955.

(c) For the construction, improvement, and maintenance of Indian reservation roads and bridges and roads and bridges to provide access to Indian reservations and Indian lands under the provisions of the act approved May 26, 1928 (45 Stat. 750), there is hereby authorized to be appropriated the sum of $10,000,000 for the fiscal year ending June 30, 1954, and a like sum for the fiscal year ending June 30, 1955: *Provided*, That the location, type, and design of all roads and bridges constructed shall be approved by the Commissioner of Public Roads before any expenditures are made thereon, and all such construction shall be under the general supervisions of the Commissioner of Public Roads.

SEC. 5. For the purpose of carrying out the provisions of section 1 of the act entitled "An act to provide for cooperation with Central American Republics in the construction of the Inter-American Highway," approved December 26, 1941 (55 Stat. 860), as amended by section 11 of the Federal-Aid Highway Act of 1950, approved September 7, 1950 (64 Stat. 785), there is hereby authorized to be appropriated, in addition to the sums heretofore authorized, the sum of $8,000,000 for the fiscal year ending June 30, 1953, and a like sum for each fiscal year thereafter up to and including the fiscal year ending June 30, 1959, to be available until expended, to enable the United States to cooperate with the governments of the American Republics situated in Central America—that is, with the governments of the Republics of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama—in the survey and completion of construction of the Inter-American Highway within the borders of the aforesaid Republics, respectively. Not to exceed one-third of the appropriation authorized for each fiscal year may be expended without requiring the country or countries in which such sums may be expended to match any part thereof, if the Secretary of State shall find that the cost of constructing said highway in such country or countries will be beyond their reasonable capacity to bear.

SEC. 6. Recognizing the mutual benefits that will accrue to the Republic of Nicaragua and to the United States from the completion of the road from San Benito to Rama in said Republic of Nicaragua, the construction of which road was begun and partially completed pursuant to an agreement between said Republic and the United States, there is hereby authorized to be appropriated not to exceed $8,000,000 for completing the construction of such road, to be available until expended. No expenditure shall be made hereunder for the construction of said road until a request therefor shall have been received by the Secretary of State from the Government of the Republic of Nicaragua nor until an agreement shall have been entered into by said Republic with the Secretary of State which shall provide, in part, that said Republic—

(1) will provide, without participation of funds herein authorized, all necessary right-of-way for the construction of said highway, which right-of-way shall be of a minimum width where practicable of 100 meters in rural areas and 50 meters in municipalities

and shall forever be held inviolate as a part of the highway for public use;

(2) will not impose any highway toll, or permit any such toll to be charged, for the use of said highway by vehicles or persons;

(3) will not levy or assess, directly or indirectly, any fee, tax, or other charge for the use of said road by vehicles or persons from the United States that does not apply equally to vehicles or persons of such Republic;

(4) will continue to grant reciprocal recognition of vehicle registration and drivers' licenses in accordance with the provision of the Convention for the Regulation of Inter-American Automotive Traffic, which was opened for signature at the Pan American Union in Washington on December 15, 1943, and to which such Republic and the United States are parties or any other treaty or international convention establishing similar reciprocal recognition; and

(5) will maintain said road after its completion in proper condition adequately to serve the needs of present and future traffic.

(b) The funds appropriated pursuant to this authorization shall be available for expenditure in accordance with the terms of this act for the survey and construction of the said road from San Benito to Rama, and for a survey but not for the construction of a road from Rama to El Bluff in the Republic of Nicaragua without being matched by said Republic, and all expenditures made under the provisions of this act for materials, equipment, and supplies, shall, whenever practicable, be made for products of the United States or of the Republic of Nicaragua.

SEC. 7. There is hereby authorized an emergency fund in the amount of $15,000,000 for expenditure by the Commissioner of Public Roads, in accordance with the provisions of the Federal-Aid Highway Act, as amended and supplemented, after receipt of an application therefor from the highway department of any State, in the repair or reconstruction of highways and bridges on the Federal-aid highway systems, which he shall find have suffered serious damage as the result of disaster over a wide area, such as by floods, hurricanes, tidal waves, earthquakes, severe storms, landslides, or other catastrophes in any part of the United States. The appropriation of such moneys as may be necessary for the initial establishment of this fund and for its replenishment on an annual basis is hereby authorized: *Provided*, That, pending the appropriation of said sum, or its replenishment, the Commissioner of Public Roads may expend, from existing Federal-aid highway appropriations, such sums as may be necessary for the immediate prosecution of the work herein authorized, such appropriations to be reimbursed from the appropriation herein authorized when made: *Provided further*, That no expenditures shall be made hereunder with respect to any such catastrophe in any State unless an emergency has been declared by the Governor of such State and concurred in by the Secretary of Commerce: *And provided further*, That the Federal share payable on account of any repair or reconstruction project provided for by funds made available under this section shall not exceed 50 per centum of the cost thereof.

SEC. 8. For the purpose of carrying out the provisions of section 10 of the Federal-Aid Highway Act of 1950 (64 Stat. 785) there is hereby authorized to be appropriated for the survey, construction, reconstruction, and maintenance of main roads through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations the sum of $2,500,000 for the fiscal year ending June 30, 1954, and a like sum for the fiscal year ending June 30, 1955, to remain available until expended.

SEC. 9. The Commissioner of Public Roads is authorized and directed to assist in carrying out the action program of the President's Highway Safety Conference and to cooperate with the State highway departments and other agencies in this program to advance the cause of safety on the streets and highways: *Provided*, That not to exceed $100,000 shall be expended annually for the purposes of this section.

SEC. 10. For the purpose of carrying out the provisions of section 6 of the Defense Highway Act of 1941 (55 Stat. 765), as amended, and section 12 of the Federal-Aid Highway Act of 1950 (64 Stat. 785), as amended, there is hereby authorized to be appropriated the additional sum of $50,000,000 to remain available until expended: *Provided*, That whenever any project for the construction or improvement of a circumferential highway around a city or of a radial intracity route thereto submitted by any State, is certified by the Secretary of Defense, or such other official as the President may designate, as being important for civilian or military defense, such project may be constructed under the authorization in this section and in accordance with the conditions contained therein.

SEC. 11. All provisions of the Federal-Aid Highway Act of 1944, approved December 20, 1944 (58 Stat. 838); the Federal-Aid Highway Act of 1948, as approved June 29, 1948 (62 Stat. 1105); and the Federal-Aid Highway Act of 1950, approved September 7, 1950, not inconsistent with this act, shall remain in full force and effect.

SEC. 12. If any section, subsection, or other provision of this act or the application thereof to any person or circumstance is held invalid, the remainder of this act and the application of such section, subsection, or other provision to other persons or circumstances shall not be affected thereby.

SEC. 13. That all acts or parts of acts in any way inconsistent with the provisions of this act are hereby repealed, and this act shall take effect on its passage.

SEC. 14. This act may be cited as the Federal-Aid Highway Act of 1952.

HOUR OF MEETING TOMORROW

Mr. McFARLAND. Mr. President, I do not know how much progress we can make this evening,. I appreciate the fact that Senators have remained in the Chamber. I did not give notice of a night session tonight. The Senate will meet at 10 o'clock tomorrow morning. We have two bills to pass, the pending bill and the independent offices appropriation bill, so, unless we can complete consideration of those two bills before evening, we shall have a night session. We are going to make more progress than we have made today. We have spent altogether too much time waiting for quorum calls.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. McFARLAND. I yield.

Mr. SALTONSTALL. Do I correctly understand the Senator to say the Senate will meet at 10 o'clock tomorrow morning?

Mr. McFARLAND. Yes; the Senate will meet at 10 o'clock tomorrow morning.

Mr. CHAVEZ. Mr. President, we have wasted so much time during the afternoon that perhaps some people would find it difficult to appreciate what we are doing. I would ask Senators who are in the Chamber, kindly Senators and serious Senators, who want to enact constructive legislation, to remember that the Committee on Public Works of the Senate is not a political committee. We deal with constructive work.

We are now considering Senate bill 2437. All I am asking of Senators is to be patient for a few minutes at least, and that instead of discussing who is going to be President next year, or this, that, or the other subject, we do something for the United States.

The bill I am presenting provides for what? It provides for continuing into a fiscal years 1954 and 1955 the policy of Federal aid in the construction and improvement of the Nation's highways. Is that important? I ask every Senator on both sides of the aisle whether it is important. This is continuing legislation. It is not new legislation. It is not new legislation in the sense of establishing new programs or commitments of new policy. It merely continues the policy and programs of Federal aid to highway improvements which were first adopted by Congress—when? In 1916—and which have been continued in force ever since.

The bill provides the necessary authorizations for another 2-year period to maintain the guiding hand of Federal aid, which has estimated development of the greatest system in the world.

There can be no question about the need for highway development. The principal question involved is how much or how little money we shall invest in the program. It is a question of whether we provide only enough to maintain our existing roads or whether we provide enough to improve and extend the roads. We find very few people who are willing to let our highways deteriorate.

The records show that we have done very little to improve our highways during the past 10 years. During World War II we stopped all highway construction except defense roads, and since the end of the war we have not yet been able to make up entirely for the battering which the wartime traffic gave our highways.

In other words, this is what happened: All our highways, whether they be in Massachusetts, Michigan, Kansas, Washington, or elsewhere, were designed to take care of 2-ton trucks. Today the trucks are much larger and the roads are still feeling the effects of the wartime traffic. I want Senators to please believe that our committee does not give a continental about what anyone's politics are. We are trying to do constructive work for roads. We may have come to wrong conclusions about dollars and cents, but we know that we need roads, whether they cost 50 cents or 60 cents.

As I have said, the records show that we have done very little to improve our highways during the past 10 years, and during World War II we stopped all highway construction except defense roads. Since the end of the war we have not yet been able to entirely make up for the battering which the wartime traffic gave our highways. Yet in the past 10-year period the traffic on the highways has increased from 34,000,000 vehicles to 52,000,000 vehicles in 1952. In other words, there has been an increase of 18,000,000 vehicles during the past 10 year period. There are now 52,000,000 vehicles on our roads. Is the bill

important? Is it as important as whether dentists shall get $100 a month more in pay? I am asking, in all seriousness and without any idea of politics of the Senators who are so kind as to be present, to do something for Uncle Sam and for Uncle Sam's people. I repeat, in the past 10 years the traffic on the highways has increased from 34,000,000 vehicles to 52,000,000 vehicles. The number of miles traveled on the highways per year now amounts to 600,000,000,000 miles, or approximately double the miles of highway travel 10 years ago. Today there is an average of one car for every three people in the Nation. Every source of factual research—and I am referring to factual research, without inquiring into anyone's politics or whether he was elected by a particular political party—shows that our highway system is not meeting the expansion of highway traffic, and the people who drive the cars and trucks today know it only too well. That is true whether a person drives a car from Arlington, Va., to Washington, or from Washington, D. C., to St. Louis, or between any other two places.

Our highway engineers tell us that we are not even keeping up with obsolescence. The roads are wearing out faster than we can rebuild or replace them.

Senators may think that Europe is important; or they may think that Asia is important. Let me say that only the thing that keeps the United States together is our roads; it is transportation. The constitution uses the expression "United States of America." Do Senators know what united the United States? It was transportation, believe it or not. That is what did it. In the olden days after the Civil War southerners were cursing the Yankees in the North. Yankees were cursing the rebels in the South. Both of them were cursing the wild and woolly westerners. Do Senators know what united the United States? It was the 1916 law. That law made transportation possible. That is all that this bill is trying to do now.

Highway engineers tell us that it would take about $32,000,000,000 to bring the Federal-aid systems up to first-class condition. If we spread the amount over as long a period as 10 years, it would mean that we should double the present annual amount of Federal aid, and bring it up to $1,000,000,000 a year. If we needed to be concerned only with our domestic affairs, that is the amount of highway aid we should be providing today, because it would repay generous dividends. But unfortunately, whether we like it or not, we must face the fact that international uncertainties have forced heavy defense expenditures upon us. So, in highway aid, as in so many other things, we cannot do as much as we should do.

The pending bill, therefore, does little more than give assurance that our highways will not suffer greatly from deterioration in the next 2 years. In comparison with the present authorization, the bill authorizes barely enough to cover the increase in price levels during the past 2 years. This bill is admittedly a stopgap measure, recommended in the hope that 2 years hence conditions will be such that in this field we can provide for the aid needed to get off dead center and begin to move forward.

The committee report on Senate bill 2437 contains as explanation of the bill in detail.

Mr. McFARLAND. Mr. President, will the Senator from New Mexico yield to me?

Mr. CHAVEZ. I yield.

Mr. McFARLAND. I wonder whether the Senator from New Mexico would be willing to have proposed at this time a unanimous-consent agreement providing for a limitation of debate on the bill, to begin at 10 o'clock in the morning?

Mr. CHAVEZ. I would not mind a limitation on debate; but there are few times when we can get many Senators here on bills such as this one; but a number of Senators would probably be here if the Senate were considering a bill relating to Indonesia or a bill relating to China or a bill relating to France or a bill relating to Italy, or a similar bill. I wish Senators would pay a little attention to what affects the United States of America.

Mr. McFARLAND. I understand the Senator's point. However, if the Senator from New Mexico does not object, I should like to attempt to obtain a unanimous-consent agreement for a limitation of debate.

Mr. CHAVEZ. I know that my friend, the Senator from Michigan [Mr. FERGUSON], would love to continue to listen to my remarks.

Mr. McFARLAND. I realize that, but I wondered whether the Senator from New Mexico would be willing to let me propose a unanimous consent agreement at this time.

Mr. CHAVEZ. I prefer to continue with my remarks at this time, Mr. President.

Mr. McFARLAND. Very well.

Mr. CHAVEZ. I know that Senators believe it is important to consider the decision just reached by the Supreme Court, and it is important. But, Mr. President, believe me, getting the farmer out of the mud is also important. So I wish to discuss this bill. I hope my good friend, the economizer from Michigan, will follow me in these remarks.

This bill will do what has been done since 1916, so far as roads and road bills are concerned. Since 1916, Congress has been passing authorization bills in behalf of the American people—not in behalf of the Republican Party or in behalf of the Democratic Party, but in behalf of the American people. I think that is a fine idea. My good friend, the Senator from Washington [Mr. CAIN], is the ranking minority member of the Committee on Public Roads. I ask him now whether at any time any effort has been made to play politics with this bill or with anything having to do with public roads for the American people. Roads affect all of us, just as floods do. A flood in Republican Kansas may do as much harm as one in Democratic Mississippi.

Mr. McFARLAND. Mr. President, will the Senator from New Mexico yield to me?

Mr. CHAVEZ. I yield.

Mr. McFARLAND. Is not Kansas going Democratic in the next election?

Mr. CHAVEZ. I shall not get into politics now. I am trying to have the Senate pass a constructive bill in the interest of the American people, namely, the road bill, the one bill which has for its purpose its getting the farmer out of the mud.

Mr. President, the farmers need roads. The farmers do not care under what political auspices the road bills are presented in Congress; the farmers simply wish to have the road bills passed and the roads constructed. The roads are for the use of all, for the use of Republicans, for the use of Democrats. Once a road is built, it is available to everyone; it makes no difference what may be the political faith of the driver of an automobile or truck that rolls down the road.

Two years ago, in 1950, the road authorization bill called for $500,000,000 for the primary, secondary, and urban system. This time the committee, in the best faith, in an attempt to save money, but at the same time in an attempt to maintain the American way of life, recommends an authorization of $600,000,000. That was recommended, not because the committee wished to have $100,000,000 more made available to those who build the roads, but because—regardless of whether we like it or not—$100,000,000 more is needed to do today what we could have done 2 or 3 years ago with $500,000,000. That is the explanation of the situation. So the committee recommends $600,000,000 for the primary, secondary, and urban system.

All of us know what the urban system is. In Illinois it is United States Route 66; in my State it is United States Route 85; in Maryland it is United States Route No. 1, and so forth.

This bill also relates to secondary roads and to the farm-to-market roads. Is any Member of the Senate opposed to the building of such roads? If so, let him rise now and say so.

Mr. President, I say God bless the Senator from Arizona [Mr. HAYDEN]. When it comes to roads, as well as other subjects, he thinks—and he thinks correctly—not as a Democrat from Arizona, but as an American citizen who is trying to help every State in the Union. The urban system has to do with places such as Baltimore, Washington, Chicago, Detroit; the urban system relates to them more than it does to the Western States, from which come most of the members of the committee.

Then we come to the interstate highway system. The roads in that system are related to the national defense; they are the roads which will connect Baltimore with San Francisco.

Then we come to the forest highways. Let me say that I am sorry that at this time so few Senators are in the Chamber. Neither the American people as a whole nor the Senate itself realize at this moment the tremendous assets we have in the State of my good friend, the Senator from Washington [Mr. CAIN]. Many of those assets belong to the American people. In the State of the Senator from Washington, 150,000 board-feet of lumber can be obtained from 1 acre of land. The people are not aware of those assets and their importance. We are try-

ing to provide for forest highways which will connect the interstate highways with the national system of roads through the forests.

Then we come to the forest access roads. They make available millions and millions of acres of the finest timberland which belongs to the American people. Is is necessary that highways be built so that timber can be reached?

Mr. President, this bill is not brought forward in self-interest; this bill actually relates to economics.

Then there are the roads in the national parks and parkways and the Indian reservation roads. Many of us are constantly worried about the Indians, and we sympathize very greatly with them. Mr. President, my colleagues should not merely feel sorry for the Indians; my colleagues should let the Indians help themselves. What the Indians need are roads to enable them to have contacts with others. After all, this bill calls for only a small sum—$10,000,000—for that purpose. As a matter of fact, the Indians have been robbed of more than that amount.

Then there are the roads through the public lands. As is known by my friend, the Senator from Washington, who is ranking minority member of the Committee on Public Roads, in the West we have many public lands. In my State, 63 percent of the area belongs to the Federal Government. Thirty-seven percent of my State pays for the cost of the State government. In Arizona the proportion is about the same. In Nevada approximately 88 percent of the land belongs to the Federal Government.

So this bill calls for a little—but only a very little—to take care of the road system for the public lands. For instance, the bill calls for $600,000,000—$100,000,000 more than was called for 2 years ago, for the reason that today $600,000,000 is needed to do what could have been done for $500,000,000 2 years ago.

For the interstate highway system we are asking for $50,000,000.

For the forest highway system we are asking for $25,000,000.

For the forest access roads we are asking for $22,500,000.

For the national parks roads we are asking for $10,000,000.

For the parkways roads we are asking for $10,000,000.

For the Indian reservation roads we are asking for $10,000,000.

For the public lands roads we are asking for $2,500,000.

That has been reduced from $5,000,000.

We then have a lump-sum appropriation. Indeed, many people might object to that; but we are still in the society of nations, we are still in the United States of America.

Mr. President, there are many things I do not like. I might object strenuously to the appropriation of billions of dollars to be sent to Europe or Asia, but I nevertheless love my country, and I want to go along with what is best for my country. They are commitments which are logically and honestly brought about, and I want to see that my country continues them.

We need further development of strategic defense roads and a uniform development of interstate routes vital to defense; there can be no question about that. We also know that highway usage is far ahead of highway improvement. When we commence to lay out additional roads, are we still talking about 2-ton trucks. Are there not 30- and 40-ton trucks today?

We ask for an inter-American highway. Mr. President, were it not for the possible and probable beneficial results to our own country, I would not vote to appropriate one penny to any foreign country. The money we are now spending on roads in Latin America is money contributed with a view to enabling them to buy more from us. When those highways are completed, what automobiles will roll over them? They will be automobiles from Detroit, Cleveland, and Chicago. Where will the people of Latin America buy their machinery? They will buy it in Chicago, Cleveland, and Toledo. That is the reason. Apart from the element of good will, it is not altogether a one-way matter.

I do not want to make myself believe that I am optimistic about Europe or Asia, because I am not. The people of those countries have been plowing their poor land for about 2,000 years. We love the American way of life. There is but one way to keep that way of life, and that is through the creation of wealth. In this country we have but one way by which to create that way of life. Hudson Bay and Patagonia and such places have not been developed. With American skill plus the endeavors of people south of the American border, the Latin-American countries could produce 10 times the amount of wealth they are now producing. When they did so, where would they buy? They would buy from Uncle Sam. For that reason, I think the State Department was correct in recommending the inter-American highway. That is the economic aspect of it. I am interested in that, deeply interested. But, besides that, during World War II, the Germans were powerful enough to go into the Caribbean. Some people, possibly, do not know where the Caribbean is. Drake and Morgan knew about it. Knowledge of it on the part of the world started about 400 years ago. They knew about America. They knew about other places.

So while this bill possibly does not represent the best of judgment, nevertheless I may say it represents the considered judgment of a nonpartisan committee. I ask my good friend from the State of Washington whether it is not true that it comes from a nonpartisan committee.

Mr. President, I ask that the bill be read for amendment.

Mr. McFARLAND and Mr. CAIN addressed the Chair.

Mr. CHAVEZ. I yield first to the majority leader.

Mr. McFARLAND. Mr. President, I am sure the Senator from Washington is about to suggest the absence of a quorum, if we are to vote on amendments. I do not believe we could obtain a quorum at this time and expect Senators to remain during the consideration of this bill tonight.

I ask unanimous consent that, beginning tomorrow morning at 10 o'clock, there be a limitation of 40 minutes on each amendment, 20 minutes to the side, and 1 hour on the bill, the time upon the amendments to be controlled, respectively, by the proponent of the amendment and the distinguished Senator from New Mexico, unless the latter should happen to favor the amendment, in which case the time would be controlled by the distinguished minority leader.

Mr. CHAVEZ. Mr. President, I like my good friend from Arizona, but I should like to say to him that I think this bill is so good for the American people. There has not been before the Senate a bill which would do more for the American people than the road bill. I say that irrespective of headlines in the Washington papers.

Mr. McFARLAND. I certainly agree with the Senator.

Mr. CHAVEZ. If my memory serves me correctly, the senior Senator from Arizona [Mr. HAYDEN] introduced the original highway bill. I would not be averse to entering into an agreement, but I ask, why can we not vote upon certain of the amendments now?

Mr. McFARLAND. We could do that, but for the fact that many Senators are absent. Even if the absence of a quorum were suggested, I doubt that we would be able to obtain a quorum at this time.

Mr. CHAVEZ. It is suggested that we might not be able to obtain a quorum. But suppose we did. Suppose we trust Senators to do the right thing, for the moment at least.

Mr. McFARLAND. If it is desired to proceed further without a quorum call, and if the distinguished acting minority leader does not intend to suggest the absence of a quorum, I am willing to proceed. But I do not want to have the Senate put in an embarrassing position.

Mr. CHAVEZ. Mr. President, I should like to have an expression of opinion from the acting minority leader, since he is also the ranking minority member of the committee.

Mr. CAIN. Mr. President, I should like to say to the majority leader that it is my view, with reference to this side of the aisle, that it would not be possible to obtain a quorum at this late hour. Nor do I believe that action ought to be taken on any of the important amendments which are to be considered, without a quorum being present.

I share completely the view advanced by the distinguished chairman of the Public Works Committee, that the bill he has discussed is of real importance to the entire Nation, and that a majority of Senators on both sides of the aisle ought to be present and taking an interest when action is called for on any amendment to be presented, or upon the bill itself.

Mr. McFARLAND. Then, under those circumstances, I ask unanimous consent that, beginning at 10 o'clock tomorrow morning, there be a limitation of debate of 40 minutes on each amendment, as well as on motions and appeals, the time

to be equally divided, and to be controlled, respectively, by the proponents of the amendment, and, by the distinguished senior Senator from New Mexico; that all amendments must be germane, and that the general debate on the passage of the bill be limited to 1 hour, the time to be controlled respectively by the distinguished senor Senator from New Mexico and the minority leader, or by any Senator whom he may designate.

Mr. CHAVEZ. Mr. President, I would love to agree with the majority leader, but I do not believe in limitations on debate. This bill is in my opinion, so important to the American people that I am willing to let the Senate discuss it as much as may be desired. I think it is most important. No doubt there will be limitations on debate in connection with the consideration of some bill which proposes to appropriate $8,000,000,000 for use elsewhere.

Mr. McFARLAND. Of course, if the Senator does not want to agree——

Mr. CHAVEZ. I do not consent.

Mr. McFARLAND. The Senator from New Mexico desires to object, does he?

Mr. CHAVEZ. I object.

Mr. McFARLAND. I regret that very much, Mr. President, because it may mean that this bill will not be finished tomorrow.

Mr. DOUGLAS. Mr. President, will the Senator from Arizona yield?

Mr. McFARLAND. I yield.

Mr. DOUGLAS. Mr. President, I shall send to the desk in a moment an amendment to the bill, S. 2437, which is under consideration. My amendment would reduce the total authorization by $200,000,000 each year. It would do so by reducing the authorization for the Federal-aid road system from $600,000,000 to $400,000,000. The reduction would be distributed in somewhat larger proportionate cuts among secondary roads and urban roads than in the primary highway systems.

Of course, the system of public roads is extremely important, but we also need to remember that they are subordinate to our preparedness program.

As students of the bill know, the original recommendation of the Budget Bureau for the Federal-aid road system was for an authorization for those items of $400,000,000 a year for 2 years. The House of Representatives increased the figure to $550,000,000. The Senate committee then increased the sum to $600,000,000 a year, and also added two other $50,000,000 appropriations, one for interstate highways and the other for circumferential highways. In fact, therefore the total committee increase over the administration's request has been at least $300,000,000.

We very frequently criticize, and I think, properly, the governmental agencies for sending excessive figures in requests for appropriations and authorizations, which are not covered by the tax bills which are likely to be passed. Here is a case where the House of Representatives and the Senate Public Works Committee, I am sure, with the best of motives, have greatly increased the figure above that requested by the administration. In my judgment, in view of the financial situation with which we are faced, we should go back to the Budget estimate on this item and save $200,000,000 a year.

Mr. President, I send the amendment to the desk and ask that it be separately printed and lie on the table.

The PRESIDING OFFICER. The amendment will be received, printed, and will lie on the table.

Mr. CAIN. Mr. President, I should like to express my appreciation and admiration for the character and substance of the presentation which has just been offered to the Senate by the chairman of the Public Works Committee, the senior Senator from New Mexico [Mr. CHAVEZ]. When he advises the Senate, which is to say, when he advises the Nation, that his intention is to help the United States of America, he is speaking, from my own knowledge, nothing but a complete truth. The Senator from New Mexico has on several occasions this afternoon made reference to the junior Senator from Washington and inquired if it were not a fact that there are few political considerations within the Committee on Public Works. I always enjoy agreeing with my colleague from New Mexico, when that is possible, and it very often is possible.

The only function of the Public Works Committee, as I understand, is to render political free service, the most splendid service, to all the States of the Union, regardless of politics which may exist within those States or within the Nation as a whole.

I relish this opportunity to express my deep regard for the intentions which always underlie the work of a very sincere and honest American—the senior Senator from New Mexico.

RECESS TO 10 A. M. TOMORROW

Mr. McFARLAND. I move that the Senate stand in recess until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 6 o'clock and 57 minutes p. m.) the Senate took a recess until tomorrow, Tuesday, June 3, 1952, at 10 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate June 2, 1952:

IN THE AIR FORCE

The following officers for appointment to the positions indicated under the provisions of section 504, Officer Personnel Act of 1947:

To be generals

Lt. Gen. Lauris Norstad, 25A (major general, Regular Air Force), United States Air Force, to be commander in chief, United States Air Forces in Europe, with rank of general.

Lt. Gen. Otto Paul Weyland, 63A (major general, Regular Air Force), United States Air Force, to be commanding general, Far East Air Forces, with rank of general.

To be lieutenant generals

Maj. Gen. Charles Pearre Cabell, 70A, Regular Air Force, to be director, the joint staff, Joint Chiefs of Staff, with rank of lieutenant general.

Maj. Gen. Laurence Carbee Craigie, 61A, Regular Air Force, to be deputy chief of staff, development, United States Air Force, with rank of lieutenant general.

Maj. Gen. Leon William Johnson, 88A, Regular Air Force, to be commanding general, Continental Air Command, with rank of lieutenant general.

Maj. Gen. Charles Trovilla Myers, 37A, Regular Air Force, to be commander in chief, United States Northeast Command, with rank of lieutenant general.

Maj. Gen. Joseph Smith, 84A, Regular Air Force, to be commander, Military Air Transport Service, with rank of lieutenant general.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 2, 1952:

REGULAR AIR FORCE

Midshipman Mitchell Daniel Charneski, United States Naval Academy, for appointment in the Regular Air Force, in the grade of second lieutenant, effective June 3, 1952, upon his graduation, under the provisions of section 506, Public Law 381, Eightieth Congress (Officer Personnel Act of 1947). Date of rank to be determined by the Secretary of the Air Force.

IN THE NAVY

Midshipman Paul S. MacLafferty (Naval Academy) to be an ensign in the Supply Corps in the Navy, subject to physical qualification and approval by the Secretary of the Navy.

HOUSE OF REPRESENTATIVES

MONDAY, JUNE 2, 1952

The House met at 12 o'clock noon.

Rev. Franklin M. Zentz, Court Street Methodist Church, Rockford, Ill., offered the following prayer:

Our Heavenly Father, who art the source of all light and truth, we thank Thee for the heritage which is ours.

We thank Thee supremely for this great Nation of ours, steeped in liberty and dedicated to noble ends.

Make us worthy of the position of world leadership we have attained.

May we ever give of our influence and means that the cause of justice, fair play, and human brotherhood may be advanced.

May the Members of the House of Representatives be guided by Thy truth and eternal purposes.

Give them wisdom and insight.

Give them dedication to noble purpose so that they may be instruments in the building of a better nation and world, where men may live together in peace and plenty. Amen.

The Journal of the proceedings of Thursday, May 29, 1952, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Carrell, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H. J. Res. 454. Joint resolution making additional appropriations for the Department of Agriculture and the Department of Defense for the fiscal year 1952, and for other purposes.