The following-named line officers for permanent appointment in the Supply Corps of the Navy, with the grades indicated:

LIEUTENANT COMMANDERS

David A. Broad
Frederick D. Forger

LIEUTENANT

Roy D. Neufeldt

LIEUTENANTS (JUNIOR GRADE)

Cecil G. Allison	Theodore E. Lide, Jr.
Richard S. Baird	Gale W. Nuernberger
George G. Dunn	William J. Shoemaker
John E. Fishburn III	Carlton B. Smith

ENSIGNS

Daniel S. Curran	Derrell B. Hauser
Gorman L. Fisher, Jr.	Murray A. Luftglass

The following-named ensign of the Medical Service Corps of the Navy for permanent appointment in the line:

Frederick J. Orrik, Jr.

The following-named women officers of the Navy for permanent promotion to the grade of commander in the corps indicated, subject to qualification therefor as provided by law:

MEDICAL CORPS

Norma C. Furtos

SUPPLY CORPS

Dorothy M. Quinn

The following-named officers of the Navy for permanent promotion to the grade of lieutenant (junior grade) in the line and staff corps indicated, subject to qualification therefor as provided by law:

LINE

John Abbott	Edgar K. Lofton
James J. Ash	Preston Luke
Kenneth W. Atkinson	Frederick C. Marshall
Keith R. Bare	John E. Marshall
Albert T. Barr	Daniel N. Mealy
Robert E. Bennett	Robert E. Morgan
Joseph Brecka, Jr.	Charles P. Moore
Warran R. Brown	Fred S. Newman
Richard B. Campbell	Robert D. Norman
Charles C. Carter	William R. O'Connell
Thomas M. Castner	Louis C. Page, Jr.
William E. Clark	James H. Pressley, Jr.
James C. Clarke	Harold A. Riedl
Robert J. Duffy	George G. Russell
James R. Edixon	William G. Sizemore
Kenneth E. Enney	Gordon H. Smith
Jack E. Everling	Donald E. Sparks
Harry N. Farnsworth	Robert G. Stammer-
Robert W. Fero, Jr.	john
Arthur S. Fusco	Charles A. L. Swanson
William M. Golding	Benjamin W. Taylor
Jerome E. Hamill	Harold L. Terry
Martin H. Henry	Harry E. Thomas
Robert A. Holden	Richard G. Thomson
John C. Humphrey	William E. Tillerson
Roy T. Hynes	Ralph J. Touch
Robert N. Johnson	Marland W. Townsend
Francis N. Jones	Dennis A. Tuck
Isaac F. Jones	John H. Wachtel
Paul T. Karschnia	Edwin S. Wallace, Jr.
Jack E. Keller	Albert J. Weil
Edward J. Klapka	Henry T. White
Edward V. Laney, Jr.	George H. Willey
Robert L. Leydon	William O. Wirt

NURSE CORPS

Irene N. Dowe	Mary V. Redfern
Dorothy S. Mathewson	Clarissa M. Shaw
Rose M. Miller	

The following-named line ensigns of the Navy for permanent appointment in the Civil Engineer Corps of the Navy:

Richard J. Biederman	Ward W. DeGroot III
Carl Courtright	Robert L. Jones
Walter E. Davis, Jr.	Warren G. Stevens

The following-named warrant officer of the Navy for permanent appointment to the grade of commissioned warrant officer as indicated, subject to qualification therefor as provided by law:

CHIEF CARPENTER

Naaman Dingness

IN THE MARINE CORPS

PERMANENT APPOINTMENTS TO THE GRADES INDICATED

To be major general

William O. Brice

To be brigadier general

William J. Scheyer

TEMPORARY APPOINTMENTS TO THE GRADES INDICATED

To be major generals

Randolph McC. Pate	George F. Good, Jr.
Clayton C. Jerome	Merrill B. Twining
James A. Stuart	

To be brigadier generals

Frank D. Weir	Ion M. Bethel
Alexander W. Kreiser, Jr.	Nels H. Nelson
	David M. Shoup
Wilburt S. Brown	Francis B. Loomis, Jr.
John N. Hart	

HOUSE OF REPRESENTATIVES

MONDAY, MARCH 30, 1953

The House met at 12 o'clock noon.

Dr. Oswald C. J. Hoffman, director of public relations, the Lutheran Church, Missouri Synod, offered the following prayer:

Lord Jesus Christ, son of the living God, who for our redetmption didst take the road to the palace of Pilate, to the brow of Calvary, and to the tomb of death, Thou wast smitten with our hands; Thy head was crowned with our thorns; Thou wast accused, condemned, and led as an innocent lamb to the slaughter, bearing the cross we had prepared for Thee; Thou wast pierced with our nails and given our gall to drink; our spear did wound Thee.

We walk the way with Thee in this week of Thy passion, O Redeemer of the world. Do Thou, by these most sacred pains deliver us from all our sins, and by Thy holy cross bring us sinners to the place where he came who prayed from the other cross, "Lord, remember me."

O God the Father, who didst remember us in sending Thy Son to be our redeemer, remember our Nation in its efforts to establish national well-being. Be with us, O God, in our endeavor to arrive at international concord. Make Thy power and presence known among us. Give us faith and love to serve Thee, together with faith and love to serve each other and all our fellow men. In the shadow of Thy Son's cross, and for His sake, we ask this. Amen.

The Journal of the proceedings of Thursday, March 26, 1953, was read and approved.

MESSAGE FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Miller, one of his secretaries, who also informed the House that on the following dates the President approved and signed a joint resolution and bills of the House of the following titles:

On March 25, 1953:

H. J. Res. 206. Joint resolution to authorize the Clerk of the House of Representatives to furnish certain electrical or mechanical office equipment for the use of Members, officers, and committees of the House of Representatives.

On March 27, 1953:

H. R. 1362. An act for the relief of Rose Martin.

On March 28, 1953:

H. R. 3053. An act making supplemental appropriations for the fiscal year ending June 30, 1953, and for other purposes.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Carrell, one of its clerks, announced that the Senate had passed without amendment joint resolutions of the House of the following titles:

H. J. Res. 226. Joint resolution to extend until July 1, 1953, the time limitation upon the effectiveness of certain statutory provisions which but for such time limitation would be in effect 6 months after the termination of the national emergency proclaimed on December 16, 1950; and

H. J. Res. 229. Joint resolution authorizing the Architect of the Capitol to permit certain temporary construction work on the Capitol Grounds in connection with the erection of a building on privately owned property adjacent thereto.

The message also announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 1229. An act to continue the effectiveness of the Missing Persons Act, as amended and extended, until July 1, 1954.

The message also announced that the Vice President has appointed Mr. CARLSON and Mr. JOHNSTON of South Carolina members of the joint select committee on the part of the Senate, as provided for in the act of August 5, 1939, entitled "An act to provide for the disposition of certain records of the United States Government," for the disposition of executive papers referred to in the report of the Archivist of the United States numbered 53–4.

RESIGNATION FROM STANDING COMMITTEE

The SPEAKER laid before the House the following communication, which was read by the Clerk:

MARCH 30, 1953.

Hon. JOSEPH W. MARTIN, Jr.,
Speaker of the House of Representatives, Washington, D. C.

DEAR MR. SPEAKER: I respectfully submit my resignation as a member of the Standing Committee of the House of Representatives on Government Operations.

Sincerely yours,

SIDNEY A. FINE,
Member of Congress.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

The SPEAKER laid before the House the following communication, which was read by the Clerk:

MARCH 30, 1953.

Hon. JOSEPH W. MARTIN, Jr.,
Speaker of the House of Representatives, The Capitol.

MY DEAR MR. SPEAKER: I hereby respectfully tender my resignation as a member of the Standing Committee on House Administration.

Sincerely,

J. L. PILCHER,
Member of Congress.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

ELECTION OF MEMBERS TO STANDING COMMITTEES OF THE HOUSE

Mr. COOPER. Mr. Speaker, I offer a privileged resolution (H. Res. 194) and ask for its immediate consideration.

The Clerk read as follows:

Resolved, That the following-named Members be, and they are hereby, elected members of the following standing committees of the House of Representatives:

Committee on Government Operations: J. L. PILCHER, Georgia.

Committee on the Judiciary, SIDNEY A. FINE, New York.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SPECIAL ORDERS GRANTED

Mrs. ROGERS of Massachusetts asked and was given permission to address the House for 5 minutes today, following the special orders heretofore entered.

Mr. BEAMER. Mr. Speaker, on March 25 I secured a special order for April 2 of 30 minutes. Through error, it is carried in the RECORD as April 22. I ask unanimous consent that the correction may be made and that I may have the special order on April 2, following the special orders heretofore entered for that day.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. LYLE asked and was given permission to address the House for 15 minutes on March 31, following any special orders heretofore entered.

Mr. PHILLIPS asked and was given permission to address the House for 45 minutes on Thursday, April 2, following the special orders heretofore entered.

THE LANHAM ACT

Mrs. ST. GEORGE. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. ST. GEORGE. Mr. Speaker, I am today introducing a bill which amends the Lanham Act to enable persons whose houses have been taken over for Federal housing projects to be given a right, or, rather, a priority, to repurchase their homes when the property is released by the Federal Housing Administration.

I am very sure, Mr. Speaker, that the fact that the words "former owners" were omitted from the Lanham Act was a pure oversight. It would surely be grossly unfair to give priorities to present occupants, veterans and otherwise, and leave out the former owner who has been forced to vacate his property and to accept the price and other qualifications laid down by the Housing Administration.

Cases of this kind have been brought to my attention very forcibly in Shanks Village, in my district, where many former owners have been waiting anxiously for the day when they could return to their old homes that were taken over by the Government at the beginning of World War II.

Mr. Speaker, I trust that this bill will receive speedy attention from the proper committee and that it may pass the House and be written into the law in the very near future.

STALIN'S TIMETABLE—ARE WE LIVING ON BORROWED TIME?

Mrs. FRANCES P. BOLTON. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include a short reprint sent me by the Diamond Bar Specialty Corp., of Lancaster, Ohio, on communism.

The SPEAKER. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Mrs. FRANCES P. BOLTON. Mr. Speaker, Mr. Nicholas Nyaradi, the last non-Communist member of the Hungarian Government before it was taken over by the Russians, says:

I am always amazed to hear some prominent Americans say that the last thing Stalin has in mind is a shooting war.

Certainly those of us who have spent long years studying the tenets of communism and watching its steady march toward an undeviating goal, agree with Mr. Nyaradi. Had they read Lenin's book in which he said there would be a final clash between communism and capitalism, they would know that a shooting war is not out of the question.

And at the end of this last showdown—

Wrote Lenin—

the funeral dirge will be sung either over the tomb of communism or capitalism.

Mr. Speaker, I cannot emphasize too strongly my hope that the membership of this House will take the few moments required to read this powerful picture of Stalin's timetable which I am inserting herewith:

I SAW STALIN'S TIMETABLE

(By Nicholas Nyaradi, former Finance Minister of Hungary)

(Dr. Nyaradi was the last non-Communist member of the Hungarian Government before it was taken over by the Russians. Before going into voluntary exile he had spent 7 months in Moscow trying to effect a settlement of Russia's war claims against Hungary. This gave him an opportunity to study at first hand the plans and programs of the Soviet Union for world domination.)

I am always amazed to hear some prominent Americans say that the last thing Stalin has in mind is a shooting war. It is true that Russia would be happy if she could avoid a shooting war; if she could bleed the American economy white, infiltrate the country on the social level, and cause disorder within its borders. But a shooting war is not out of the question.

It is a pity that some leading American statesmen don't read books, because the statesmen of the West who were at Potsdam, Teheran, and Yalta, believing that Russia was a faithful and trustworthy ally, would have changed their opinion had they read Lenin's book, in which he said there would be a final clash between communism and capitalism.

To quote Lenin verbatim: "And, at the end of this last showdown, the funeral dirge will be sung either over the tomb of communism or capitalism."

I saw Stalin and his henchmen working to make this prediction come true. I saw that the basic principle of his policy was the destruction of America.

I saw Stalin's timetable—not because he showed it to me—but because I was in position to see his plans for coordinating economies, concentrating military powers, and preparing his people psychologically for a hate America campaign.

According to this timetable, we in America are already on borrowed time. Stalin's plans are actually overdue. I saw these plans and preparations, and I know that Russia was to have reached its maximum capacity, both in the military and economic fields, by the end of last year. In short, by the end of 1951, Stalin had achieved about the maximum economic and military strength which he can muster.

When we speak about steel capacity and say that Russia annually produces about 30 million metric tons of steel a year, please do not forget that 68 blast furnaces were sent to Russia during the war from this country in the form of lend-lease. I should like to warn you of underestimating Russian steel production. It is one-third of United States production, of course, but please do not forget that ever since 1945 about 90 percent of Russian steel production had been channeled into war industry. They didn't build skyscrapers, they didn't build pleasure boats, they didn't build automobiles, and they didn't build refrigerators. They built tanks and guns and shells and jet fighters. So we can say that in spite of their relatively low steel production, the Soviet Army had at its disposal until now more steel than either the American Army or any other army in the free world, or I could say, all the armies in the free world together.

How Stalin has achieved this is very simple: squeezing out the last drop of blood; squeezing out the work, the labor, and the sweat of the millions and millions of the Russian people. The result: a Soviet Army which is better equipped today than is the American Army. According to statistics which I have seen in the Soviet ministry of foreign trade, five-sixths of Soviet industrial production is going directly or indirectly for war purposes, and only one-sixth for consumers' goods.

You well know what the military preparations of the Soviet Union are. You well know that they have today an army which is almost 5 million men strong, the strongest army in the peacetime history of the world. But what you might not know is the plan for Soviet mobilization. Within 6 months of the start of war the Soviet Union would be able to send another 10 million men into the front lines, which would bring its total number to 15 million men. If you add to this the 5 million men of the Chinese Communist Army, and the 2 million men of the Soviet Eastern European satellites, you will see that in case of a war, you would have to reckon with a 22-million-man Communist Army on the American defense perimeter.

As far as the military is concerned, the Soviet Union is ready to fight; it has made its concentration of troops; it has made its concentration of economic power. The only deterrent in its economic concentration of power was the ban that the United States Government imposed on March 1, 1948, on the exportation of strategically important materials. This has wrecked Stalin's timetable to a considerable extent. But, of course, he was able to do something about it. He has been very busy keeping up a smuggling operation and also keeping up legal ties with the West. Your British allies, for instance, convinced you way back in 1949 that textile-mill equipment is of no strategic importance whatsoever; therefore, reluctantly you agreed that the British could ship the dismantled

equipment of a British textile mill to Communist Poland, in exchange for some hams, bacon, eggs, and other foodstuffs which the British were anxious to get from a nondollar area. The British got their ham and eggs, but Poland got a complete textile mill, which is today working 24 hours a day on uniform fabrics for the Red army, as a nonstrategic item to Russia.

At the same time, Communist Hungary was allowed to make a deal with the Marshall plan dollars allocated to Austria. Austria needed some foodstuffs. Communist Hungary readily sent them, taking them away from its own citizens who are going hungry. But this of course doesn't bother the Communists. They sent the foodstuffs to Austria. Do you know what they got in exchange for it? Marshall plan dollars for buying cotton in America. The cotton was bought in America by the Hungarian Communist Government, shipped to Hungary, worked through the Hungarian Soviet-owned textile mills, and the American cotton reappeared as Red army uniforms.

This is the way Stalin tries to circumvent the ban on the exportation of strategic materials. Today, the whole Soviet orbit is turned into a military camp, and no matter what material you ship into a military camp it becomes of military importance. In my belief, there is only one way to trade with Communist Russia,—one safe and secure way—and that is not to trade at all.

There is finally a third angle in Stalin's timetable—the psychological angle—which is just as important as the military and economic angles. The reason for this is very simple. Communism is more than the armed power of a great country. Communism is more than an army. Communism is more than 20,000 jets or 50,000 tanks. Communism is an ideology. It is a philosophy. It is an evil religion. And, therefore, perhaps the most dangerous sector of Stalin's timetable is the psychological sector; the psychological sector which has a positive and a negative angle. The positive angle is the amazing fact that the Soviet people seemingly support this aggressive policy of Stalin. The negative angle—I'm sorry to say—is the even more amazing fact that the American people, or at least the great majority of them, are still reluctant to recognize the greatest danger in the history of their Nation.

We said in Hungary that when the Russian troops came to Europe—to Berlin, to Vienna, to Budapest, to Prague—Stalin made two great mistakes: he showed the Russians to Europe, and he also showed Europe to the Russians. But in the great majority Russians have no idea what is going on over here.

If we speak to them over our radio broadcasts about our ideals of life, our conceptions of human rights, it is exactly as if you would speak to a man who was born blind, about the difference between light blue and dark blue, because he hasn't the conception, he hasn't the imagination at all.

This is the psychological difficulty in the way of our broadcasts, but there is a technical difficulty, too. This technical difficulty is the lack of individually-controlled radio sets in Russia. The great majority of the Russian people—exactly 99 per cent of them—have in their rooms, in their houses, in their working places, in their factories or in their collective farms, nothing else but a loud speaker which is connected with a central set manned by some trusted Communist official. It is this Commissar who turns the knob of this central station, and all you can hear over the loud spekear is the official Soviet Government program of the Soviet radio. And this Political Commissar won't tune in the Voice of America, or the British Broadcasting Corporation programs. So that practically 99 per cent of the people don't hear it. The one per cent who do hear it are all trusted members of the Communist Party. They are the ones who do not want to hear what we are going to tell them.

There is of course one possibility, and the only possibility, to reach the Russian people. It has been tried out on a small scale, and involves sending free balloons to Russia. I have developed a program which I call the program of tangible propaganda. I'm going to point it out to you because this tangible propaganda of friendship balloons is about the only way I believe we can really reach the Russian people. If we were to drop matches, razor blades, cards of buttons, safety pins, cheap plastic toys, needles, spools of thread, shoelaces, lead pencils, lipsticks, cigarettes, scissors, and any of the thousands of inexpensive mass-produced dime-store gadgets of America over the cities of the Soviet, all of Russia would go mad. Shoes, yard goods, men's suitings, nylon stockings, cotton shirts, parachuted down upon Moscow would create the greatest sensation since the revolution, for these are things which the Russians can believe; tangibles which they can see, feel, smell, use, compare.

How they would react to this Russia hate America campaign if America presented them with gift boxes. How it would undermine the Russian feeling. How it would undermine the Russian preparation for war. How it would undermine Stalin's psychological weapons, according to which the United States has only one thing in mind, and that is to destroy the Soviet homeland. The Russians love their land, and the only way Stalin can dragoon them into the army is make them believe that America wants to attack them. They believe they act in self-defense.

Although western words are greeted with an immense amount of skepticism, the Russians do have a great curiosity about us. For less money than is spent on unheard broadcasts, or for 1 or 2 percent of the billions spent on defense preparations, the Russians could really be reached by an inexpensively produced shower of cheap gifts. Tangible propaganda: that is the cheapest and the shortest way to the Russian hearts and minds. That is what will defy indoctrination, because upon seeing such miraculous gadgets the Russians will begin to question all that they have been told about America. That is the only way to capture Russian thought.

Words alone, it seems, fail us.

There is then also another angle, which I have called the negative angle of psychological warfare, and I am amazed to see the attitude of so many Americans in this country. In spite of the gloomy picture I have shown you, you should not lose your hope. I was in an extremely high position and I was able to compare the economic and military strength of the Soviet Union with that of your country. I can tell you that you are definitely stronger if you take it as a full-time job. But on the other hand, I am not so sure about your strength and determination in the moral and spiritual sector. Americans take for granted all the wonderful privileges they have. I am amazed to see how you live without the slightest knowledge of the terrible danger which threatens you. I am amazed to see how you have this most dangerous attitude of "This can't happen to me." I am terribly sorry to tell you that Stalin has important allies in your country. I am not speaking only about those fools and criminals in the Communist Party, and their fellow travelers who want to undermine your country, but I am speaking about Stalin's allies in the person of those millions and millions of otherwise good, honest Americans whose ignorance and indifference paves the way for Stalin's domination of the world.

I am always amazed as to the reason for this. What is the reason that the great American people, with such amazing results in their history, seem to be confused, seem to be divided on those issues on which, after all, their whole national existence will depend? I think the only reason is that you in this country have enjoyed an unheard of prosperity. You haven't had war on your own territory for 90 years or so. I am always shocked somehow, and I always wonder how I can explain to you the Soviet danger when you don't know from personal experience what hunger, frustration, slavery, fear, and oppression are.

When I look at my American audiences who are well fed, well dressed, self-sufficient, I always feel that there is a great gap between us. There is a gap between us not because we speak different languages, but because our experiences are so different. I always think about the fact that I lived once in a city which was just as beautiful, just as happy, just as big and just as colorful as any of your great American cities.

Americans don't seem to know and to appreciate these privileges. And if you do not know these privileges how will you stand for them, how will you defend your institutions if it came to it? I am firmly convinced that organizing a Crusade for Freedom in order to bring the truth to the oppressed nations of Communist Russia and the Soviet orbit, to beat the Great Lie with the Great Truth, is not enough. You should extend the Crusade for Freedom in the way that I have told you here, but besides, what you need the most I believe is a Crusade for Freedom in America's own back yard to teach your people what it means to be an American and what it means to live in this country, which I am telling you is really God's own country.

The reason I tell you this is very simple. You are very happy that you have a home, that you have a job, that you have an income, and that you have a bank account. You haven't gone through what it means to come to the bank and find a poster on the door saying that the bank is nationalized and your account confiscated. You haven't gone to your farm and seen the Communist Party taking it over for the purpose of a collective farm. You haven't gone to your factory or to your shop only to have the Worker's Council throw you out, in the good case, or arrest you, in the bad case.

But I went through all this. I lost everything. I was a very wealthy man in my own country, and I have lost not only my job, not only my belongings, which were confiscated by the Communists, but what is worse, I have lost my citizenship because my country was enslaved, and I have lost every single relative and friend of mine who remained behind the Iron Curtain. My wife and I were able to flee. The rest were arrested. We don't know whether they have been killed, whether they are in Siberia, or what has happened to them. The reason I am telling you this is because it is a human characteristic that you cannot really appreciate things until you have lost them. I don't want you to lose these things. I want you to appreciate them beforehand.

THE VOTERS BETRAYED UP TO NOW

Mr. REED of New York Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include an article dealing with tax reduction.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. REED of New York. Mr. Speaker, thousands of letters on tax reduction are pouring through the mail of which this letter is typical:

DEAR SIR: Your honest and courageous efforts to carry out the promises repeatedly made to the electorate by Members of the present administration to win our votes made me proud that you come from my home

State. My deepest sympathies to you, sir, that your fellow Republicans turned their backs to you and to the many voters they lured to their support with promises of spending and tax reductions of great magnitude.

I am an independent voter and up to now I feel I have been betrayed. I shall not lose hope as yet, but a radical change in administration actions—I want no more promises—will be needed soon to restore any measure of confidence for the present Republican leadership in me.

With best wishes and highest respect, I am

Sincerely yours.

There is a steady flow of such letters from every community large and small voicing the sentiment expressed in the foregoing letter. What are businessmen saying? This is typical of the thousands of letters from businessmen throughout the country:

If we wait for politicians or even statesmen to balance the budget before tax reduction we will never get tax reduction. Your plan is better, "Here is so much money to spend, now live within that budget."

Good luck, and more power to you.

I call your attention to another letter from a source I would like to disclose were it not for what might happen to this prominent businessman if his views were to become known to those members of the leadership who are opposing H. R. 1:

MILWAUKEE, WIS., *March 27, 1953.*

Congressman DANIEL A. REED,
House of Representatives,
Washington, D. C.

DEAR MR. REED: I favor reduced taxes this year by—

1. Not renewing the excess-profits tax.
2. Giving individuals some relief in 1953 income.

Because—

1. Ambition and incentive of Americans must not be dulled.
2. High tax rates encourage waste and inefficiency in production.
3. The reduction of this waste and inefficiency through reduction of the deductions for taxes will recoup a substantial portion of the taxes resulting from the tax.
4. Many projects now Federal will be returned to the States where more efficient administration is possible.
5. Many projects now administered by the Government will be returned to the people who alone should administer them.

I favor tax cuts before budget balancing because—

1. The tax cuts will force a budget balance and the benefits set forth above.
2. It will be more difficult to balance the budget if taxes are not cut first.

Very truly yours.

RENT CONTROL

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. O'HARA of Illinois. Mr. Speaker, I bring to the attention of the House the fact that in the city of Chicago tenants are being served eviction notices as of April 30, 1953. This is not the case in a few isolated instances. It is the general rule. The people of Chicago are concerned as to the source from which the real estate interests are getting their assurance that rent control will end as of April 30.

President Eisenhower is not blind to the danger in the existing situation. With the distinguished Speaker of this House and others in the Republican leadership he has declared for an extension of the controls till October 1953. This, at least, would serve as a temporary reprieve giving some time for the working out of a permanent solution. Yet time is galloping on, the real estate speculators have the April 30 gun to the heads of the tenants, eviction notices are going out, the people of Chicago are confused and terrified and the gamblers in human misery are preparing for the kill. Mr. Speaker, I feel strongly that the wholesale sending out of eviction notices at this time constitutes an unpardonable disrespect of the President of the United States and of the responsible leadership of the majority party in this House. I suggest, Mr. Speaker, that the only proper answer for us to make is to call off the Easter recess. Let it not be said that while we were enjoying a week of relaxation time had run out on our chance to act upon the recommendation of the President of the United States. I for one am willing to remain here, even holding if necessary night sessions, to work this thing out.

Mr. Speaker, I am extending my remarks to include a letter typical of the many that are coming to me in every mail. It is from a constituent of mine living at 1500 East 61st Street, Chicago, Ill., and is as follows:

DEAR CONGRESSMAN O'HARA: Here are a few facts as to the shape of things to come. Yesterday tenants in several large buildings in the Hyde Park area were given eviction notices. You know what this means. If all these tenants are forced to move thousands will be hunting for housing as of May 1, and rent uncontrolled will break the sound barrier.

The building in which I live was notified yesterday that all tenants were to vacate as of April 30. This building is not owned by a starving widow but by a bank. The agent is a large North Side realtor.

THELMA J. COHEN.

OUR OFFSHORE OIL RESOURCES

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include an editorial.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. ZABLOCKI. Mr. Speaker, during the course of our national existence, Congress has been faced with many grave issues. When, living up to its responsibilities, this great legislative body resolved those issues in public interest, its decisions were of lasting benefit to our entire Nation. But when Congress, forgetting about the public good, legislated on the basis of other considerations, its enactments were short-lived, abortive, and detrimental to our national well-being and development.

Today, once again, we are faced with a very serious issue—the issue of our offshore oil resources. It behooves us, therefore, to stop for a moment and consider in which way we must proceed to best serve the public interest.

Mr. Speaker, the Supreme Court—on three separate occasions—declared that the off-shore resources belong to the people of the United States. These resources are a part of our national wealth, and all the people of this country should derive some benefit from them. The legislation which we have before us would deprive our public of these riches. It would take this part of our national wealth and give it to a few. This is surely not in the public interest.

At the present time, our national debt approaches the figure of $270 billion. We are living in a critical period of history, which requires us to spend billions of dollars annually on our national defense. The people of this country must shoulder that burden, and they, too, are responsible for the national debt. Under such conditions, how can we possibly justify this tremendous give-away, proposed in the legislation before us? Surely we are not so rich that we can afford to make $60-billion gifts while our people are paying such high taxes. The income from our off-shore oil resources can—and ought to—be used for public good. We can use it to pay off a part of our national debt, to meet our defense expenditures, to improve our educational system, or for other worthy purposes. Whatever we do with this wealth, we should make certain that our entire country—not the few chosen ones—benefits from it.

Mr. Speaker, at this point I would like to read an editorial which appeared in the March 11, 1953, edition of the Milwaukee Journal. This editorial is entitled "Tidelands: Principle or Money."

TIDELANDS: PRINCIPLE OR MONEY

There are those who contend that the fight over offshore lands sought by some States in tidelands legislation is based on the principle of States rights. Texas has been the most fervent flag waver for this principle.

There are others—and we're among them—who believe that the fight for offshore lands is, pure and simple, a fight for oil and income. Texas is best proof of this.

Leaving aside all of the constitutional and other arguments, let's look at Texas. When Texas came into the Union it was agreed that the State could continue to claim jurisdiction over lands 3 Spanish leagues seaward—or 10½ miles. Historically, except for the Gulf Coast of Florida, which also claimed 3 Spanish leagues, the national limits were set at 3 miles.

Texas started out shouting for its historic limits on the grounds of State rights. It gained many supporters.

But oil drilling hasn't found wealth inside the 3-mile limit, or the 10½-mile limit, off Texas. So Texas is forgetting its great basic principle of State rights. It is claiming rights now out to the end of the Continental Shelf—where oil has been found.

The States which backed Texas' original claims are embarrassed by this extension of the "great principle." Senator HOLLAND, Democrat, Florida, for instance, a strong supporter of tidelands for the States, has a bill to give States power to their historic boundaries. He is embarrassed at discovering that his comrades in arms no longer define "historic" by geographic history but by the latest oil strikes. His great State rights argument is knocked into a cocked hat by Texans whose boundaries seem made of elastic.

Senator DANIEL, Democrat, Texas, isn't satisfied with the Holland bill—although it's what he based his crusade on in the election campaign. Now, at the very least, he wants a 37½ percent royalty on everything found off Texas outside the historic boundaries.

This at least strips Texans of their armor of principle and shows up the fight for what it is—a fight for oil and the money therefrom.

Mr. Speaker, I sincerely hope that the membership of this body will consider these comments, and vote against this legislation. There is no other course open to us, if we want to serve the public interest.

SOCIAL SECURITY

Mr. LANE. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LANE. Mr. Speaker, the whole subject of social security has been drained dry by investigations, studies, reports.

It reminds me of another subject—Hawaii—which has been explored so many times on the spot by committees whose capacity for thoroughness is amazing that the people of the islands must be worn out by investigationitis. It also leads to the suspicion that an old political trick is being used overtime to prevent any constructive action.

I suggest that those who oppose social security should say so in a forthright manner, instead of prolonging the agony under the false hope of further studies.

There is no scarcity of actuarial facts to work on.

But where are the improvements in social security that were promised?

Left hanging in the air, while want and solitude and death are supposed to solve this human problem.

In Denver, Colo., on August 9, 1952, Candidate Dwight D. Eisenhower said, and I quote:

I am particularly concerned about the present inadequacy of the social-security law and feel strongly that the law ought to be extended to presently uncovered persons.

But the Washington Post on March 1, 1953, reported that—

GOP House Ways and Means Committee Chairman REED has put social security under exhaustive study which he says makes action this year on social security unlikely.

"Exhaustive study" is an accurate description, because it will exhaust the old people in need before they can get help, and it will exhaust the patience of the American people who still believe that a promise should be backed up by performance.

I earnestly hope that this committee will promptly bring this serious issue to a head and recommend legislation that this session of the Congress will have a chance to vote upon—and by a rollcall—so that our older folks can have the opportunity of knowing who is for them and who is against them.

To evade the issue by delaying tactics, or by juggling with words, would be the shabbiest sort of treatment when directed against the helpless.

I find it hard to believe that such is the veiled purpose behind this re-review, but having observed the perpetuating habits of some study projects in the legislative field, I fear the worst.

I will not make a mockery of the aged by pleading for what is clear and plain. We have long since passed that stage, and we cannot go backward.

The need for more social security is obvious.

I leave it to the conscience of each Member to decide on the followthrough.

Shall it be faced now, or shall it be put off and put off like an obligation that is never fulfilled?

Many organizations have been working year in and year out to make the United States strong inside. They know, with instinctive wisdom, that while guns and tanks and ships and planes are necessary to protect us against aggressors, we must also protect our people against the physical and spiritual enemies of want and fear within our borders.

Among these dedicated groups, working with great hearts but slender resources, is the National Pension Federation, with headquarters in Washington, D. C.

Each Member of Congress has been informed concerning the pressing need for an improved social-security program.

This question was given high priority by the Republican administration and then it was sidetracked.

I join with many others in asking that a bill be reported favoring extension and increases, and that it be brought out into the open so that we can vote on it within the next 3 months.

That is our direct proposal.

What is your answer?

I trust it will not be: "We must study the problem, without end."

SPECIAL ORDER GRANTED

Mr. McCORMACK asked and was given permission to address the House for 5 minutes today, following the legislative program and any special orders heretofore entered.

MISS MARY PICKFORD

Mr. HALLECK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection?

Mr. HALLECK. Mr. Speaker, I have the great pleasure of announcing the plans for a reception by Speaker MARTIN in honor of Miss Mary Pickford, who will launch a nationwide tour in behalf of the United States savings bonds program from the Capitol today.

A public ceremony will be held from 1:30 to 2 p. m. on the steps of the Capitol with the President pro tempore of the Senate, the Speaker, the Secretary of the Treasury, and Miss Pickford participating.

The United States Marine Band will play. Some of you may remember that Miss Pickford came to the Capitol in April 1918 to undertake a similar patriotic task for the Treasury Department. In a sense, it will be history repeating itself.

Miss Pickford will tour from coast to coast to inspire women to conduct a savings bonds signup campaign among the professional and self-employed people. I hope that all Members of the House will attend the ceremony and bid her Godspeed on her travels across America in behalf of a sound economy.

There will be full coverage by the radio and television networks, as well as newspapers and newsreels.

FEDERAL GRANTS-IN-AID—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 114)

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, together with the accompanying papers, referred to the Committee of the Whole House on the State of the Union, and ordered to be printed:

To the Congress of the United States:

In the state of the Union message, I expressed my deep concern for the well-being of all of our citizens and the attainment of equality of opportunity for all. I further stated that our social rights are a most important part of our heritage and must be guarded and defended with all of our strength. I firmly believe that the primary way of accomplishing this is to recommend the creation of a commission to study the means of achieving a sounder relationship between Federal, State, and local governments.

The way has now been prepared for appropriate action. Shortly after stating my original intention, I called an exploratory meeting of interested officials, including Members of Congress and a group of governors representing the Council of State Governments, to confer with me on such a study. This conference produced general agreement on the importance of the problem and an offer of cooperation in the proposed study. Within a few days representatives of several leading organizations of local governmental officials will meet at the White House with several of my associates to give their considered and needed counsel.

The present division of activities between Federal and State governments, including their local subdivisions, is the product of more than a century and a half of piecemeal and often haphazard growth. This growth in recent decades has proceeded at a speed defying order and efficiency. One program after another has been launched to meet emergencies and expanding public needs. Time has rarely been taken for thoughtful attention to the effects of these actions on the basic structure of our Federal-State system of government.

Now there is need to review and assess, with prudence and foresight, the proper roles of the Federal, State, and local governments. In many cases, especially within the past 20 years, the Federal Government has entered fields which, under our Constitution, are the primary

responsibilities of State and local governments. This has tended to blur the responsibilities of local government. It has led to duplication and waste. It is time to relieve the people of the need to pay taxes on taxes.

A major mark of this development has been the multiplication of Federal grants-in-aid for specific types of activities. There are now more than 30 such grant programs. In the aggregate, they involve Federal expenditures of well over $2 billion a year. They make up approximately one-fifth of State revenues.

While by far the greater part of these expenditures are in the fields of social security, health, and education, they also spread into many other areas. In some cases, the Federal Government apportions fixed amounts among the States; in others it matches State expenditures; and in a few, it finances the entire State expenditure. The impact of all these grants on State governments has been profound. While they have greatly stimulated the development of certain State activities, they have complicated State finances and administration; and they have often made it difficult for States to provide the funds for other important services.

The maintenance of strong, well-ordered State and local governments is essential to our Federal system of government. Lines of authority must be clean and clear, the right areas of action for Federal and State government plainly defined. This is imperative for the efficient administration of governmental programs in the fields of health, education, social security, and other grant-in-aid areas.

The manner in which best to accomplish these objectives, and to eliminate friction, duplication, and waste from Federal-State relations, is therefore a major national problem. To reallocate certain of these activities between Federal and State governments, including their local subdivisions, is in no sense to lessen our concern for the objectives of these programs. On the contrary, these programs can be made more effective instruments serving the security and welfare of our citizens.

To achieve these purposes, I recommend the enactment of legislation to establish a Commission on Governmental Functions and Fiscal Resources to make a thorough study of grants-in-aid activities and the problems of finance and Federal-State relations which attend them. The Commission should study and investigate all the activities in which Federal aid is extended to State and local governments, whether there is justification for Federal aid in all these fields, whether there is need for such aid in other fields. The whole question of Federal control of activities to which the Federal Governments contributes must be thoroughly examined.

The matter of the adequacy of fiscal resources available to the various levels of government to discharge their proper functions must be carefully explored.

The Commission should be of such size and composition as to permit appropriate representation of the various governmental levels and of outstanding members of the general public. It should be provided with an excellent staff, able to draw on the great amount of work which has already been done in this field.

In order that the Commission may complete its report in time for consideration by the next session of the Congress, I urge prompt action on this matter.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *March 30, 1953.*

DEPARTMENT OF STATE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 115)

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, together with the accompanying papers, referred to the Committee on Government Operations and ordered to be printed:

To the Congress of the United States:

I transmit herewith a report by the Secretary of State on the operations of the Department of State under section 2 of Public Law 584, 79th Congress, as required by that law.

The enclosed report contains a summary of developments under the program during the 1952 calendar year. It also includes texts of executive agreements concluded with foreign governments pursuant to this legislation, as well as listings of names of both American and foreign recipients of grants, a detailed statement on expenditures, various statistical tables, and other information concerning the operations of this program during the 1952 calendar year.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *March 30, 1953.*

(Enclosure: Report from the Secretary of State concerning Public Law 584.)

SPECIAL ORDERS GRANTED

Mr. BAILEY asked and was given permission to address the House for 30 minutes on Wednesday next, following the legislative program of the day and any special orders heretofore entered.

Mr. DODD asked and was given permission to address the House for 10 minutes on Wednesday next, following any special orders heretofore entered.

QUESTION OF PERSONAL PRIVILEGE

Mr. HOFFMAN of Michigan. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state his question of personal privilege.

Mr. HOFFMAN of Michigan. Mr. Speaker, last week, the gentleman from Massachusetts [Mr. MCCORMACK] released a statement to the press, a copy of which reads as follows:

> The action of Congressman HOFFMAN in appointing a subcommittee to conduct a political investigation in Detroit is not within the jurisdiction of the Committee on Government Operations. It is not in accord with the rules of the House. It is purely partisan. It is a disgraceful abuse of personal power, since the matter never was taken up with HOFFMAN'S full committee.
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> If any House committee has jurisdiction of this matter it is the Committee on House Administration. The Republican leadership of the House has full authority to stop HOFFMAN'S political smear show, and should do so. If it does not do so, however, if an investigation is to proceed, then the subcommittee should investigate the things that are really wrong with elections in Michigan, and elsewhere.
>
> Every American has the right to have his vote counted and not offset by fraud or gross carelessness by election officials. There is clear evidence that this was not the case in Michigan in the 1952 election. There was certainly a shocking degree of reckless inefficiency in tabulating Michigan votes and there is a widely held and justifiable suspicion existing that former United States Senator Blair Moody was counted out in the late hours of tabulation on the day after election, when it became clear that the control of the Senate would depend on the result in Michigan.
>
> This suspicion that Michigan voters had their will reversed by deliberate malfeasance on the part of election officials was strengthened by the strange refusal of the all-Republican State election commission to grant a request made by the Senate Committee on Privileges and Election for a retally of the votes in the Senate race. This request was not a political or even a Democratic request. It was a request by a unanimous Senate committee including the Republican member, to protect the sanctity of our fundamental democratic system.
>
> The retally requested could easily have been held concurrently with the recount of the governor's race. Why did the all-Republican State commission refuse to cooperate with the Senate? Why, unless it feared that Republican foul play would be revealed, did it not act to have the recheck of Senate votes, so that the charges, if ill-founded, could be disproved?
>
> Why do not Republican prosecutors enforce the law against Republican election officials in counties of Michigan where the latter are violating the law requiring an equal number of Republicans and Democrats on election boards? It is charged that the existence of all-Republican boards in many areas of the State make it possible for them to "count as they please." If these charges are untrue, would not the obvious course for the Republican State machine have been to cooperate with the Senate investigation? Instead, the Republican election commission callously refused to cooperate.
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> If HOFFMAN is sincere, and is given the green light to hold hearings in Michigan, he will investigate this situation—and let the chips fall where they may. He will also investigate the widespread practice of the big manufacturers of Detroit and Michigan of using economic pressure on their dealers and suppliers and employees to make political contributions to the Republican Party. The notorious plan for Republican money raising, for which a dozen Republicans were indicted and punished a couple of years ago, was renewed in 1952 in no less grossly unmoral form.
>
> If HOFFMAN wants a real investigation into disgraceful political practices, he should not waste the committee's time or money on untrue charges of what did and did not happen in a relatively obscure party caucus in Michigan, but should call the chairman of the Republican National Committee, Wesley Roberts, to explain why he accepted an $11,000 fee for selling a building to his State for more than $100,000 which the State could have acquired for nothing.
>
> For example, to show how far these unwarranted investigations could go, there is nothing to stop an investigation of the Republican National Convention of 1952 when prominent Republicans charged in the convention that not only votes, but delegations were stolen. As a Democrat, I would consider that any such proposed investigation would be not only unwarranted, but wrong.

It certainly would not be within the jurisdiction of the Committee on Government Operations. However, if one investigation can be made, there is no limit to what can be made. The proposed investigation, which apparently Congressman HOFFMAN is making at the request of and to please Congressman OAKMAN, is wrong in every respect and it does not come within the jurisdiction of Congressman HOFFMAN's committee. It is a personal and arbitrary act on his part. I hope the Republican leadership and the Republican members of the Committee on Government Operations will realize how wrong this is and not permit this unwarranted investigation to take place, that is if Congressman HOFFMAN does not realize himself the error of his ways.

The question of personal privilege arises out of the charges made by Congressman JOHN MCCORMACK that a proposed investigation to learn whether citizens had been deprived of civil political rights guaranteed by the Constitution, whether the Corrupt Practices Act was being violated, whether it should be amended; whether taxpayers' dollars were being used throughout the Labor Department's appointees to assist the CIO and the PAC in political activities in taking over political conventions in Southeastern Michigan; whether Federal legislation governing intergovernmental relationships between the United States and municipalities was adequate to protect the rights of the citizens of the States; whether a study of the "operations of governmental activities at all levels" was advisable in order to determine the economy and efficiency of such activities was "purely personal," a disgraceful abuse of personal power," a "political smear show," a waste of "the committee's time or money on untrue charges," "a personal and arbitrary act" by the Representative of the Fourth Congressional District of Michigan; which charges reflect upon the integrity, in his representative capacity, of the Representative from the Fourth Congressional District of Michigan.

The SPEAKER. The Chair has read the statement of the gentleman from Michigan [Mr. HOFFMAN], and upon examination the Chair feels that the words "disgraceful abuse of personal power," and also where it is stated that "political smear show" justify the establishment of the point made by the gentleman.

The Chair recognizes the gentleman for 1 hour.

Mr. HOFFMAN of Michigan. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include therewith certain newspaper articles and editorials; and in behalf of my colleague from Michigan [Mr. OAKMAN], I also ask that same privilege.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER. The Chair recognizes the gentleman from Michigan [Mr. HOFFMAN] for 1 hour.

Mr. HOFFMAN of Michigan. Mr. Speaker, permit me to answer those charges, sentence by sentence, paragraph by paragraph.

The charge that the appointment of a subcommittee to hold the proposed investigation was "purely partisan" is without foundation in fact. The investigation was requested by another Member of Congress whose veracity I have no reason to question and who stated that the complaint grew out of charges made, not by Republicans, but by Democrats.

The charge that the appointment of a subcommittee to hold the proposed hearings was "a disgraceful abuse of personal power" is not true for the reason that there was no abuse of personal power.

The falsity of the charge is shown by the fact that by the rules and the customs of the House, the chairman of a standing committee has the authority to appoint special subcommittees.

Rule 3 of the Committee on Government Operations expressly states "that special subcommittees consisting of two or more members—at least one of whom shall be a member of the minority—may be appointed by the chairman." That procedure was followed in the instant case. That practice was followed in the 81st and 82d Congresses. Moreover, it has never been the practice of the House Committee on Government Operations, or the committee which it succeeded—during the more than 17 years that I have been on that committee—to question the authority of the chairman to determine the issues which should be investigated by a subcommittee.

There is no foundation in fact for the charge that the appointment of this subcommittee was a part of a political smear. On the contrary, one purpose was to learn, among other things, whether the taxpayers' dollars had been and were being spent by Federal employees to further the effort of the CIO-PAC to obtain control of a political organization, influence legislation, secure Federal jobs for its members and favorites, corrupt elections, deny the constitutional rights of citizens who desired to exercise freely their privilege to vote.

The further charge that the appointment of the committee to make the proposed investigation was "a personal and arbitrary act" is not factual for the reasons above stated—that it is the prerogative and has been the practice of the chairman of that standing committee to appoint special subcommittees to make investigations which he deems within the power of the committee and which are requested by individuals of good standing backed by statements of fact. The judgment of the chairman is, of course, in the first instance, subject to review by the committee, and the action of the committee is subject to review by the House itself.

In this case, the chairman has, ever since the 1st day of January 1937, had some personal knowledge of the unlawful violent acts of members of the CIO and of its political activities, and of some of the activities of Communists who instigated such unlawful activities.

Let it be stated here and now, and borne in mind throughout this discussion, that the patriotism, the loyalty, the integrity of the rank and file of the CIO membership of either the international or the local organizations are not questioned.

It is too much to expect that the left-wing radio commentators, columnists, editorial writers and news gatherers will not deliberately and maliciously ignore that statement. That has been their practice so long that they will continue to cling to the Communist line. It will undoubtedly continue to be their practice and all those who cross their path must accept their abuse and vilification.

But, first permit a reference to the authority of the committee as gathered from the House rules and from legislation.

This committee was first established in December of 1927. Its duty was to check the expenditures of the taxpayers' dollars by the executive departments.

In March of 1928, it was given authority to examine, among other things, the accounts of and the expenditures of the taxpayers' dollar by, the executive departments.

By the Reorganization Act of 1946, it was given the duty of examining the reports of the Comptroller General of the United States. And the Comptroller General of the United States was required to examine the expenditures of the executive departments including the Department of Labor.

The committee and its subcommittees have authority to study "the operation of Government activities at all levels" with a view to determining its economy and efficiency. That certainly includes the Labor Department and its employees.

It is strange, indeed, when employees of the Labor Department, acting with members of the CIO and the PAC and using the taxpayers' dollars, engage in political activities and use force to gain control of political organizations which affect the election of Congressmen and Senators, that the right of a subcommittee of this committee is challenged on jurisdictional grounds.

Oh, I, as well as many others, know of the political alliance between the CIO, the PAC and certain so-called liberals in both major political parties, but I do not know of any sound reason why members of either major political party should join in preventing an exposure of those activities when they are designed to affect Federal legislation.

The Reorganization Act itself confers jurisdiction upon this committee and its subcommittees to study intergovernmental relations between the United States and the States and municipalities.

It has been charged by reputable persons that State officials and employees and employees of a Federal executive department, and representatives of the CIO and PAC have, for several years, been acting together to secure appointments to Federal and State offices, to elect Federal and State officials who will further their activities to obtain control of political organizations, favorable legislation.

Just why should this committee, or a subcommittee, be denied the right to hold hearings, to determine whether additional legislation is advisable?

It is understandable from the press release of the gentleman from Massachusetts and the challenge to the jurisdiction of the committee by a former chairman of the committee, the gentleman from Illinois [Mr. DAWSON], a vice president of the Democratic National Committee, why they should challenge the jurisdiction of the committee. If it is

permissible, may I suggest that they feared the result of any such investigation? Certainly when they both, as they do, vote for the expenditure of billions of dollars for wasteful spending abroad; when they let pass, without protest, the proposed expenditure of $300,000 to build a mansion in the city of New York for the use of the United States representative to the U. N., it is not the expenditure of a few hundred dollars in this investigation which they deplore.

Is it possible that they fear that the expenditures of the CIO, of the PAC, in behalf of the political candidates of their party might be put upon the record? If so, they should rest in peace for that was not the purpose which I had in mind. The thought that came to me was that an effort should be made to expose and to prevent political activities of employees of the Labor Department and the use of force to elect Federal officials—further the cause of candidates for the Senate or House.

Now, back to the political activities of the CIO and of some of the Communists within its ranks—and once more kindly remember that no charge of lack of patriotism, of integrity, or of any unworthy motive is made against the rank and file of any local of the CIO or of the international itself.

As long ago as 1925, John L. Lewis, after an investigation—and see Senate Document No. 14 of the 68th Congress—referring to the Communist International at Moscow, among other things, said:

> Imported revolution is knocking at the door of the United Mine Workers of America and of the American people. The seizure of this union is being attempted as the first step in the realization of a thoroughly organized program of the agencies and forces behind the Communist International at Moscow for the conquest of the American Continent.
>
> The overthrow and destruction of this Government, with the establishment of an absolute and arbitrary dictatorship, and the elimination of all forms of popular voice in governmental affairs, is being attempted on a more gigantic scale, with more resolute purpose, and with more crafty design than at any time in the history of this Nation.
>
> The movement is aimed not only at the labor unions, but at the entire industrial, social, and political structure of the country, and with the single aim of eventually establishing a soviet dictatorship in the United States.

For good measure, and referring to Powers Hapgood, John Brophy, and Adolph Germer, all later active in the CIO, Senate Document No. 14 described the three as fakirs, repudiated leaders, traitors to the unions, opportunists, and purveyors of every falsehood, slander, and deception, and then added that the group had been "doing its dirtiest to capture the United Mine Workers and to transform this splendid union into a Communist organization." Their successors in thought and act have continued to follow the Red procedure and methods.

It is my contention that today the similar activities of the Communist Party have been carried on ever since 1937 in the State of Michigan. That today Communists are attempting to take over by force a major political party, or at least the machinery of that party, so that they might elect to this House and to the other body individuals who do their bidding. Information is in my possession that employees of the Labor Department, have used their time working, while being paid by the Federal Government, to further the activities of the CIO and the PAC.

In June 1937,[1] from the well of this House I named some 30 leftwingers or Communists who dominated the CIO. Some of you will recall that over that period we were criticized, some of us by the leftwing columnists and those who spoke for the Communists, and that we had to endure the heckling of one Lee Pressman, who was general counsel for the CIO, and of Nathan Witt, who was counsel for the National Labor Relations Board; Witt appearing for the Board,

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[1] Powers Hapgood was later field representative for the CIO.

John Brophy, then characterized as a traitor to the unions, the purveyor of every falsehood, slander, and deception, is now directed to supervise the administration of the CIO.

Adolph Germer, as stated, was roundly denounced by Lewis in 1930. For years he was a Socialist agitator. Today he is an organizer for the CIO, his work second only to that of Hapgood and Brophy.

Patrick Toohey, a leader in the movement which was "doing its dirtiest to capture the United Mine Workers and to transform" it "into a Communist organization," and who is now in charge of Communist activity in Philadelphia, is the man who saved the day for the CIO in the RCA strike in Camden, N. J.

Sidney Hillman, one of the original seven who formed the CIO, president of the Amalgamated Clothing Workers of America—which made 1936 campaign contributions of $82,281.89, principally to Labor's Nonpartisan League and the American Labor Party, and including $4,350 to the Minnesota Farmer-Labor Party—is one of those who in 1922 organized the Russian-American Industrial Corp. to raise a million dollars among the workers of America to bring about the "rehabilitation of Russia." He was active on the IWW defense committee and an honorary president of the Ultra Red National Religion and Labor Foundation.

David Dubinsky, president of the International Ladies' Garment Workers Union—which made campaign contributions in 1936 of $61,385.85 to the American Labor Party, Labor's Nonpartisan League, and the Minnesota Farmer-Labor Party—was the man who undertook to raise $100,000 from the American radical unionists for the support of the Communist "red" front in Spain.

Clinton S. Golden was for several years business manager and field director of Brookwood Labor College at Katonah, N. Y., a school for labor students, prospective organizers, and strike leaders. He was a member of the board of counselors of Commonwealth College at Mena, Ark., where, according to a legislative inquiry in 1935, free love practices prevailed and communism and atheism were taught.

While Golden and Hillman were directors of the Garland fund, money was allocated from that fund to the Ferrier group, whose publication then stated:

"We are anarchists because we see in the state an enemy of liberty and human progress; and we are Communists because we conceive communism as the most rational and just economic theory yet proposed. * * * As anarchists, we seek the abolition of the state."

This group then said:

"The all-important thing is that industry be controlled at the point of production."

Which is what the CIO accomplished at Flint, Detroit, and other places.

Other CIO organizers, and ardent supporters who have been listed as Communists, can be named. Among them are:

Alfredo Abillo, a member of the Communist Party at South Chicago and a paid Steel Workers' Organizing Committee organized among Mexicans in that section.

John W. Anderson, a CIO organizer, who was the Communist candidate for Governor of Michigan in 1934.

Merlin D. Bishop, graduate and former member of the staff of the Brookwood Labor College, and who is on the payroll as educational director for the CIO.

Peter Chapa, who for years was a Communist organizer, is now a full-time organizer for the Steel Workers' Organizing Committee at Gary.

Ruth Chapa, wife of Peter Chapa, who is paid by the Steel Workers' Organizing Committee, the SWOC, to do missionary work in the homes of Spanish steel workers.

Joe Cook, a member of the Communist Party, and who is part-time organizer for the SWOC in South Chicago.

Margaret Cowl, Communist writer and agitator, who is on the CIO payroll and was active in promoting the women's activities in the strike at Flint, Mich.

Dave Doran, Pittsburgh district organizer for the Young Communist League, who is on the SWOC payroll and who is a close associate of William Z. Foster, and confers frequently with Philip Murray, director of CIO's steel organization drive.

James W. Ford, colored, Communist candidate for Vice President in 1936. He attended a conference of Negro leaders, called by Philip Murray at Pittsburgh on February 6.

William K. Gebert, associate of William Z. Foster and member of the central committee of the Communist Party, is now a CIO organizer, and confers frequently with Philip Murray.

Paul Glaser, attorney for the section committee of the Communist Party, is a full-salaried member of the SWOC staff.

Doyle Glormer, reporter for the Communist People's Press, is on the payroll of the SWOC.

Jess Gonzales, Mexican, member of the Communist Party and a full-time salaried man on the SWOC in Pittsburgh.

Francis J. Gorman, president of the United Textile Workers, just recently became a member of the advisory board of communistic Commonwealth College at Mena, Ark.

Hansen, first name unknown, member of the Communist Party at Chicago Heights and a full-time organizer for the SWOC.

Charles Henry, member of the Communist Party and part-time organizer for the SWOC in South Chicago.

Mary Hillyer, leader in the leftwing League for Industrial Democracy, who has been assisting Comrade Margaret Cowl, who was active in promoting women's activities in the Flint, Mich., strike.

Clarence Irwin, district organizer for the Communist Party and on the SWOC payroll in Pittsburgh.

Genora Johnson, member of the Socialist Party and leader of the women's brigade at Flint.

Leo Krzycki, vice president of the Amalgamated Clothing Workers, a member of the national executive committee of the Socialist Party, and a member of the advisory board of the CIO.

Louis Majors, member of the Communist Party, and on the payroll of the SWOC in Pittsburgh.

Homer S. Martin, former Baptist minister, who has been a leftwing orator for years, is president of the United Automobile Workers and Lewis' right-hand man in Michigan.

Leonides McDonald, Negro, Communist leader, on the payroll of the SWOC at Indiana Harbor.

Pressman for the CIO, when an employer was charged before the Board with an unfair labor practice. Could anything be more vicious than that conniving of two Reds to deprive employers of equal justice under law? Could anything be more destructive of civil rights, of justice, than to have the attorney for one of the litigants appear before a body where the counsel for that body, Nathan Witt, was his buddy, and admittedly by the sworn testimony of Pressman they both belonged to the same Communist cell here in Washington?

Mike Ostroski, member of the Communist Party, and on the payroll of the SWOC in Gary.

Blain Owen, alias Boris Israel, and whose real name is Isreal Brestein, and who formerly represented Amtorg, the Soviet trading agency on the Pacific, at present is working with William K. Gebert in the Pittsburgh district.

George A. Patterson, member of the Communist Party, and on the payroll of the SWOC in South Chicago.

Rose Pesotta, veteran anarchist leader, who was an intimate of Emma Goldman, is an active CIO organizer in the rubber and automobile industries.

George Powers, alias Morris Powers, former district organizer of the Communist Party in South Carolina, is now a district director of the SWOC of the CIO in Pittsburgh, at a large salary.

Lee Pressman, radical lawyer, CIO's general counsel.

Walter Reuther, Victor Reuther, Roy Reuther, long-time agitators for left-wing causes and now CIO organizers. Victor and Walter are graduates of the Communist Brookwood Labor College at Katonah, N. Y., a training school for black and white agitators.

Eleanor Rye, colored, an organizer for the National Negro Congress, a Communist organization, and on the private payroll of Van A. Bittner, Chicago regional director of the CIO.

John Schmies, former assistant to William Z. Foster and one time organizer of the Auto Workers' Union, a Communist organization, which was active until a few years ago. He is the Detroit representative of the fraternal-orders committee, organized by the CIO to line up fraternal organizations.

Tom Shane, member of the Communist Party and a fulltime CIO organizer on the steel workers' payroll in Pittsburgh.

Tucker P. Smith, president-director of Brookwood College, who writes for the auto workers' CIO organ and who assisted the CIO in founding a training school at Saugatuck, Mich., last summer, for the training of agitators for the sit-down strikes.

Jack Stachel, member of the central committee of the Communist Party, who is a director of CIO payroll organizers in Pennsylvania and who wrote the foreword to one of Foster's propaganda pamphlets distributed by CIO organizers.

Maurice Sugar, radical lawyer, who was the Communist candidate for the office of recorder's judge in the city of Detroit in 1936, and who is on the payroll of the CIO. (Twice convicted in Federal Court and once sentenced to a Federal prison.)

Mary Heaton Vorse, well-known Communist author, who has been directing the organization of CIO women's auxiliaries.

William Weinstone, secretary of the Michigan district of the Communist Party, who has been directing Communist activities in the Flint and Detroit strikes, and who is the author of the pamphlet, The Great Sit-Down Strike.

In addition to the long list of Communists and supporters, whose names I have recited as being moving spirits in the Committee for Industrial Organization, we have numbered, among those giving it active or tacit aid, the National Labor Relations Board; the Secretary of Labor, Madam Perkins; the Governor of the State of Michigan, Frank Murphy; the President of the United States.

William Z. Foster, America's Communist No. 1, national chairman of the Communist Party in America, outlined the plan and prescribed the methods of procedure for unionizing steel, the methods which have been followed in the CIO drive and strikes.

First. Foster recommended that supporting committees be formed among fraternal organizations. Within a month Philip Murray and three full-fledged Communists spoke at a fraternal orders' conference in Pittsburgh. Lewis sent his blessings, and a fraternal orders' committee was formed, with Bill K. Gebert, recently district organizer for the Communist Party in Chicago, as its national chairman. This organization took an active part in the Detroit strike.

Second. Foster suggested that support should be extended to the building up of the Workers' Alliance. As everyone knows, the Workers' Alliance, as now constituted, is a combination of three Red organizations, and not long ago, when a statewide meeting of that organization was held at Harrisburg, Pa., Clinton Golden, the CIO regional director, thanked the Alliance for the support it had given and pledged the support of the CIO to the Alliance.

Third. Foster suggested that prominent speakers of the National Negro Congress, organized by Communists, should be brought into the steel districts. In February Philip Murray met in conference with James W. Ford, ranking Negro Communist, candidate for Vice President on that ticket; John P. Davis, of the National Negro Congress; and Thyra Edwards, not long returned from Soviet Russia.

Fourth. "The women relatives of the steelworkers are a vital factor in the steel industry," said Foster, and directed that they "be organized into ladies' auxiliaries." The CIO immediately adopted the idea.

On the payroll of the CIO, into Flint went Margaret Cowl, leading Communist organizer and writer. There the women's auxiliaries, with their red armbands and red berets, under Mary Hillyer, leader in the League for Industrial Democracy, and Mary Heaton Vorse, Communist author, marched in the streets assisting the pickets and the sitdowners in the factories.

May 26, at Detroit, these women's auxiliaries marched on the Ford plants in Dearborn.

Fifth. The sitdown strikes no more than began when Foster issued further recommendations dealing with anticipated strike problems. These were distributed through Communist and CIO channels. One of these recommendations was this:

"Prominent liberals and others should be brought into the strike areas. A national citizens' committee, comprising such liberal strike sympathizers, including educators, writers, artists, etc., should be set up."

Within a few days from New York into Flint and Detroit went the American Civil Liberties Union, and a national citizens' committee to support the strikers was formed.

Sixth. Foster advised:

"Not only should all the strikers be mobilized for picketing, but their women and children as well."

We have been accustomed to picketing by women, but in Flint children were bedecked with the signs and slogans so characteristic of Red meetings..

Seventh. Foster recommended a legal department and said:

"Here the International Labor Defense can also play an important part."

Onto the stage and representing the strikers came Maurice Sugar, Detroit representative of the Communist International Labor Defense.

"ALIENS UNLAWFULLY IN THIS COUNTRY LEAD A SITDOWN STRIKE"

Eighth. Foster stated:

"Especially vigorous campaigns must be made against all attempts at deportation of foreign-born workers. This emphasizes the need to build up the ILD in the strike centers."

Three of the CIO organizers who assisted in taking possession of the Parke-Davis plant at Detroit—John Dolphin, Solomon Fine, and Anthony Probe—are aliens who are illegally in the United States. Anthony Probe is a candidate for vice president of the UAWA.

"CIO DEFIES COURT"

Ninth. Foster, the Red leader, advised:

"When injunctions are issued the strikers should follow the * * * policy of ignoring such court orders."

When Judge Gadola, at Flint, issued injunctions against the continued possession of General Motors plants by the CIO strikers, those injunctions were ignored, and Gov. Frank Murphy, executive officer of the State of Michigan, called in the National Guard and prevented the enforcement of those orders.

THE ATTITUDE OF THE GOVERNMENT

Of late CIO has been proceeding under the Wagner Act, asking for elections in those plants where it was sure it had a majority of the workers. Where it did not have a majority it refused to ask for an election, as, for example, at Flint, where its membership was but a fraction of the total number of workers.

The history of the Flint strike is well told in a pamphlet by William Weinstone, secretary of the Michigan district of the Communist Party. He lists the causes of the victory. Reference is made to but a few.

He gives first place to the sitdown tactics.

Second, he gives credit to workers in Detroit, Cleveland, Toledo, Norwood, and Flint, who "operated as a single unit, as an army which responded to every critical situation and to every danger. Toledo and Norwood workers came to Flint in the first days of the strike and greatly strengthened the fighting lines."

COMMUNIST ACTIVE IN CIO BOASTS OF GOVERNMENT ASSISTANCE

He further says: "Of first-rate importance among the reasons for the victory must be considered the attitude of the Government. By the Government I mean in this case the attitude of the Governor of the State of Michigan and of President Roosevelt."

He states that the CIO "called upon and secured the aid of the La Follette Committee on Civil Rights."

Let us glance for a moment at the "attitude of the Government," to which Weinstone referred.

There has been a long-continued and thorough investigation of the activities of the mine operators in what is termed "bloody Harlan County." If but a fraction of the testimony taken in that investigation be true, the guilty should be brought to justice and measures adopted to prevent a recurrence of any such happenings. If there be truth in the testimony brought out by the Civil Liberties Committee, a reign of terror has existed for many years in Harlan County.

Under the Federal Constitution and a Federal statute, it was the duty of the National Government to protect the citizen. For more

My charge is, and the information which I have is to the effect, that some of those Communists had control of several local CIO unions in the State of Michigan. As a matter of fact, one of our colleagues who moved over to the other body exposed in hearings held in

Detroit the Communist infiltration into those unions—and some six of them were expelled by the unions themselves because it was publicly shown that they were Communists and adhered to the Communist Party line.

Yet, when I appoint a special subcommittee to look into the use of force, the use of baseball bats to throw the elected members of a political party out of the convention, a convention which elected delegates to the State convention, which went on into the election of Congressmen and Senators, and to disclose the activities of Federal employees who had repeatedly assisted the CIO, when I proposed to attempt that, the jurisdiction of the committee is challenged and, sad to relate, certain Republican Members seemed to agree.

So, what did I do? I said, all right; I was not going to wait to be censured by my Republican colleagues. I said, "All right, if any appreciable number of Republicans or of the committee do not want an investigation or will not countenance an investigation—I had been told by a Member of this House high in authority in the ranks of the party that any vouchers which I might issue would not be signed by the chairman of the House Administration Committee, but who, I am advised, never made such a statement; there was nothing for me to do but say, "All right, we will let it ride." That I did with the statement that apparently the issue and what might grow out of an investigation was too hot politically for either party to permit the investigation to continue.

That is the situation, and that is why I am here now. It makes no difference to me where the thread of corruption runs. I am ready to clean up the mess now, or later, whenever I am permitted.

One thing is sure: Constitutional government, a free government of the people, can never exist if this body is to close its eyes to the use of force to take over political conventions and political party machinery. Force is nothing new in the CIO organization; it is nothing new to Communists.

When a few days ago, acting as chairman of the House Committee on Government Operations, I appointed a subcommittee to inquire into certain activities of the CIO and the PAC, did I know what I was doing? Did I know as much as the members of the committee, including the Republican members, of the record of the CIO and of the Communists who were associated with it, and—let me emphasize this—of the activities of Federal employees—individuals paid with the taxpayers' dollars while they were spending their time and their efforts in the furtherance of the CIO to obtain control of the State government in Michigan—did I?

I, personally, saw something of the sit-down strikes in Michigan. Those strikes began on the last day of December 1936. They continued to June 11, 1937. Many an individual afterward disclosed as a Communist not only participated in, but directed, those strikes. The CIO, with the assistance of the Governor of the State, took possession of more than one Michigan city.

They defied the law-enforcing officers; they disregarded court orders; they destroyed property; they beat and misused women and men who sought only to go peacefully to their jobs. Were they at that time, or later, assisted by the State and Federal Governments?

They certainly were. Has that effort ceased? When we learn that by force and violence they take over political parties, shall we assume Congress is powerless to learn the truth?

The Governor of the State of Michigan called out some 3,600 State troopers. Was it in an effort to preserve law and order? Oh, no. It was to prevent the local law-enforcing officers maintaining order, prevent the men and women who wanted to go to work, to reach their places of employment. The Governor of the State, was at that time, almost in daily communication with the then President of the United States as is shown by the record of the telephone calls.

The CIO, in its drive for members, did not hesitate to use the name of the then administration, a committee of the Congress. Its organizers were, on occasion accompanied by special Federal investigators from Washington and on the hood of an automobile was carried the statement "United States Senate Car—Civil Liberties Committee Invesigators."

But today when the CIO, the PAC, and Communists within their ranks are continuing their efforts to take over the Government in Michigan, determine who shall and who shall not be elected, I am told that the committee lacks jurisdiction. It might be helpful to some Members of Congress, who have, so far, been unable to see that Communists within the CIO were, as early as 1937, using that organization to destroy civil liberties, to take a glance at the CONGRESSIONAL RECORD of June 1, 1937.

But, do I hear you ask: What has what happened in 1937 to do with the proposed invesigation? Just this.

Never, from 1937 on down to the present moment, has the CIO lessened its drive to obtain political control of Michigan or enlarge its influence in Federal Government.

And, never from that day to this, have some Federal employees ceased their efforts to increase the power and the influence of the CIO and, in more recent years, the PAC, the creature of the CIO. And always—a power in some CIO unions has worked with the Communists.

Time and again, as is shown by the records of the Clerk of this House, has the CIO made contributions of money to aid in the election of Members of Congress. And, in at least one instance, the Congressman forgot, even though the CIO did not, to report the contribution and its amount to the Clerk of the House.

Nor does the CIO always at the time acknowledge its political obligation to the recipient of its benefits. Just a few days ago, we noted that from money collected from the rank-and-file workers, it contributed a hundred thousand dollars toward the Truman memorial while the steel workers kicked in $150,000. A belated acknowledgment of favors shown by Mr. Truman.

It was my thought, in appointing this committee and contemplating the proposed hearings, that the Congress might learn whether the Communists who, for so long, have worked so successfully to promote the CIO, bring about strikes and violence, were now back of the CIO strikes in plants which are idle but which should be busy producing munitions of war for the men in Korea; whether they were encouraged in these strikes by Federal mediators, employees of the Wage and Hour Division, of the Conciliation Service of the Federal Government.

Previous hearings had shown State and Federal mediators and conciliators working with the CIO in labor disputes.

It was also my thought that we might learn whether charges made by apparently responsible individuals that some of those who, by force, took over conventions, which had an influence upon the elections of candidates for Federal offices, may have been rewarded by, for example, an appointment to a postmastership in Michigan and by appointment to the office of United States District Attorney.

Perhaps had hearings been held, we might have learned whether that charge was true or false, and whether, if true, those who used violence to take over political conventions and the management of political parties were to be rewarded with Federal jobs.

Something has been said of the violence, the lawlessness, the defiance of Government which Communist agitators in the CIO have employed to domi-

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than 4 years this administration has had full power to remedy this condition, to prevent this injustice. Yet little was done until assistance to CIO's organizing efforts was needed.

Unfortunately no investigation of the activities of the CIO in that county has been undertaken. No investigation of the intimidation, of the brutality exercised by the organizers of the CIO has been made.

It is undisputed that in Flint the civil liberties of the citizens of that city were taken from them, but no committee attempted to learn who was responsible.

ARMED INVASION OF STATE

It is undisputed that hundreds of armed men invaded the State of Michigan and the cities of that State during the Flint and the Detroit strikes and, by show of force, intimidated and terrorized peaceful citizens seeking work. No investigation has been made; no steps have been taken to punish those guilty or to prevent a recurrence.

On the contrary, the Governor of the State of Michigan, who was in communication and talked with the Secretary of Labor and with the President, actively prevented protection being given to either property or person. No Communist, no Anarchist, no ultra Red could desire more effective cooperation.

In the motor industry Ford alone has refused to yield to the demands of the CIO. On the 26th of May organizers invaded his plant and were thrown out and beaten by workers.

Immediately a hue and cry went up to the National Labor Relations Board, to the Civil Liberties Committee, to the Governor of Michigan, and to the President for protection.

Protection from what? To protect these organizers in their invasion of private rights; to protect these organizers in their efforts to throw men out of their jobs, to force them to join the CIO, to force them to pay dues, to place the CIO in a position where if a man desires to work he must first sign on the dotted line and then pay such assessments as the officers of that organization might demand?

nate industry in Michigan from 1937 on down through the years.

Lest my words be not understood, permit me to show you copies of photographs from the court records in the eastern district of Michigan, sent me by United States District Judge Tuttle of that court, which were introduced in evidence in litigation, and which show the way in which Communists dominated the CIO, cowardly beat defenseless citizens. The six which I hold in my hand are but a part of the exhibit. Let me describe just one.

I quote:

STRIKE GANG CLUBS WORKER

On April 3, 1941, at the Ford River Rouge plant in Dearborn, Wayne County, Mich., as he attempted to enter gate 4 on Miller Road, to aid in making out the payroll for strikers, Melvin Bartling, timekeeper, was beaten until he was unconscious by four men shown in the picture. About 15 members of the Michigan State Police, who are not shown in the picture, stood within 50 feet of him, but gave no assistance—this despite the fact that section 17 of Act 176 of the Public Acts of the State of Michigan for the year 1939 makes it a criminal offense for anyone to interfere with any employee on his way to work.

The men who are shown beating Bartling are No. 1, the man with the club, Roy Snowden; No. 2, the man to the left of Bartling is Eugene Torrence; the man to the right rear, swinging his right and the man in front, are the Ferraza brothers, Nos. 3 and 4. None of these men was an employee of the Ford Motor Co. All were members of Briggs Local No. 212, UAW–CIO. Snowden and Torrence are members of the Communist Party.

The same methods of violence, the beatings which the Communists in the CIO used on many occasions in years gone by, we were reliably informed, were used to take over political conventions in that same general area and to, through the use of violence and the seizure of those political conventions, obtain political power, prestige, Federal jobs, and exert influence in the writing of Federal legislation.

Did the members of the Committee on Government Operations, who frowned upon the appointment of a special subcommitee realize that the force, the violence, the defiance of the law which existed in years gone by, was being used to obtain control of the party machinery of the Democratic Party in Michigan and through it, influence not only the writing, interpretation, and the administration of State law as it related to Federal legislation, but to influence the writing of Federal legislation? Is violence in connection with labor disputes to be subject to investigation by congressional committees but approved, or at least ignored in political activities which affect Federal legislation?

And do not forget that, over the years, Federal employees have been following a course of action which encouraged and gave strength to the CIO and the PAC.

Are we, in Congress, to sit idly by as we did when previous administrations built up the strength of Red Russia which is now being used against us and, by our silence, condone the activities of Communists and others who seek to take over and dominate the activities of a political party's organization?

Do I hear someone ask why all these facts were not laid before the committee when my judgment was challenged? In return, I ask, is the judgment of a chairman of a committee to be questioned and set aside unless he details the evidence which it is expected will be produced at a hearing? That has never been the custom.

Moreover, the committee has a rule, though already it is questionable whether its spirit, if not its letter, has been violated. That rule is to the effect that statements of proposed activities shall not be given out either by staff members or members of the committee until reports have been approved.

If that rule continues to be ignored or sidestepped by subcommittees, or members of subcommittees, then it will not hereafter be observed by the chairman of the committee.

Perhaps I was mistaken and the Congress and the people have no interest, no right to be interested, in whether those who violate State laws, who use force to obtain political control, are rewarded by appointment to Federal office.

The appointment of this special subcommittee and the holding of the proposed hearings were challenged on the ground that such action would invade the jurisdiction of other standing committees of the House. There is no question whatever that the jurisdiction of the House Committee on Government Operations overlaps the jurisdiction and is coincident with the jurisdiction of every standing committee of the House.

Not a single standing committee of the House, charged with legislation, but has an interest in, has a right to inquire into and should be concerned with, not only the necessity for legislation, but the effectiveness of the legislation which it sponsors.

Nevertheless, the Committee on Government Operations, from the date of its creation right down to the present moment, has, by the rules of the House and the statutes, been given the right to inquire into the effectiveness of all legislation, the efficiency and the economy or the lack of both, with which legislation is interpreted and administered. It has been given jurisdiction to inquire into the expenditures of the taxpayers' dollars by every single executive agency, no matter which committee writes the legislation.

To now hold that a subcommittee or the Committee on Government Operations has no jurisdiction to follow the taxpayers' dollar through the Department of Labor, when its employees join hands with the Communists in the CIO and the PAC in an effort to control the government of a State and increase the power of the CIO and the PAC in the Federal Government, is a policy with which I cannot go along, except as I am forced to do so.

Has all that violence—the acts of the CIO—anything to do with this issue which was up before the committee the other day? I say it has. This campaign of violence, of beatings, which was carried on then, has continued right on down to the holding of those conventions, and the same methods, the methods of the Communist Party, were used when the CIO–PAC fellows walked into the conventions in Wayne County and threw out the old-line regular Democratic members of the party. Yet, even though the CIO–PAC has over the years been aided, undoubtedly aided by the employees of the Labor Department—and I have a few affidavits over the years to that effect—the leadership on that side says the committee has no jurisdiction to investigate that, no not even to question the use of the tax dollar though they investigated expenditures all over the world.

They evidently have persuaded some of the Republicans who are not familiar with the past record of the Communists in Michigan, who are not familiar with the statement of Gus Scholle, State president of the CIO, that no Republicans should be elected, no matter how able, how competent, how loyal—they may not have been familiar with the record of the Reuther brothers, who studied in Russia, who learned something about communism there, and who appear in Washington off and on to tell committees of the Congress, just a week or two ago the Labor Committtee, what kind of legislation should be written. Of course the rank-and-file of the CIO does not know what has been going on, but the leaders do, and some of them are serving the Communist cause.

Now, as to the precedents bearing upon the action which was taken by the Chairman of this committee in appointing a subcommittee of this committee.

PRECEDENT JUSTIFIES THE APPOINTMENT OF A SPECIAL SUBCOMMITTEE

The challenge to the right to appoint a special subcommittee for the purpose heretofore outlined because standing legislative committees of the House have jurisdiction, is unsound.

As has been stated, there is no question but that legislative committees have jurisdiction to hold hearings on practically all of the situations which this committee has authority to investigate. But the Committee on Government Operations, ever since it was created in 1927, has had authority to inquire into the activities of every executive department, not only as to the expenditures of the funds of those departments, but as to the manner in which legislation was interpreted and enforced.

Permit the citation of a few precedents:

In the 80th Congress, without challenge, a special subcommittee was appointed to investigate the paroles granted to five of the Capone gangsters. Hearings were held in Washington and in Chicago. In the latter hearing the gentleman from Chicago [Mr. DAWSON], though not a member of the subcommittee, participated, examined witnesses, and exchanged charges with Captain Connolly and Captain Drury, formerly of the Chicago police force. Drury was later killed and the Chicago papers charged that his execution was the result of gangster activities.

The activities of those who assisted in the procuring of these paroles were, through the testimony of Paul Dillon, a one-time campaign manager of President Truman, traced directly to the White House.

The paroles were revoked, though later Federal judges, apparently accepting the

argument that a parole, once granted, was irrevocable, vitiated the order revoking the paroles.

Beyond doubt, the House Committee on the Judiciary had jurisdiction over the question of whether the granting of the paroles was justified, whether additional legislation was needed to prevent similar occurrences.

A special subcommittee was appointed during the 80th Congress to investigate violence and racketeering on the Dock Street market in Philadelphia. The issue was whether the civil rights of citizens, including veterans, had been denied them. Another issue was whether the Hobbs amendment to the antiracketeering law had been violated. The Attorney General insisted that it had not. But, as the result of the hearings, several of the gangsters—they were union officials—were convicted and sentenced to prison.

The issues involved in those hearings were clearly within the jurisdiction of the House Committee on the Judiciary. There was no complaint from that committee. There was no complaint from the Committee on Education and Labor.

While I was chairman of a subcommitte of the House Committee on Education and Labor, this subcommittee held hearings inquiring into the violence and the use of force in connection with labor disputes in Berrien County, Mich.; Cass County, Mich.; Clinton, Mich.; Michigan City, Ind.; in Galion, Ohio; in Dayton, Ohio.

In each and every one of those hearings, it appeared that Federal employees, paid with the taxpayers' dollars, had encouraged and given substantial aid to unlawful activities of the CIO.

In two instances in Michigan, State authorities and State police, acting in conjunction with Federal employees, gave aid and comfort to the violators of the law.

In Ohio, the Governor of the State called out the State troops because their assistance was needed to quell violence and rioting. Beyond doubt the Committee on the Judiciary had jurisdiction to investigate, hold hearings, and write legislation. There was no challenge to the action of that special subcommittee.

A special subcommittee held hearings in Chicago in connection with the unlawful activities of the CIO which then was carrying on a strike against the packing industry. Those strikes were being carried on in several cities. The railroads, as well as the highways were, in some instances, obstructed, railway cars were burned, many individuals were beaten, a great deal of property was destroyed and at least two men were killed.

In these strikes, as in others, the influence of the Communists was felt, their methods were followed.

The Committee on Interstate and Foreign Commerce and the Committee on the Judiciary had jurisdiction. There was no challenge of the authority of the special subcommittee.

In 1950 a subcommittee of 6 headed by the gentleman from Minnesota [Mr. BLATNIK] traveled to Europe, taking with them 4 other people at a cost of $6,820.21. Whatever may have been the purpose of the committee, no report was filed. The same year a subcommittee consisting of six Members headed by the gentleman from Ohio, Mr. Huber, traveled to Asia and the Far East at a cost of $2,864.75, but the purpose of that trip was never disclosed by a report. Yet today gentlemen who sponsored that trip object to hearings in Detroit which, apparently, it is feared might disclose political activities of a political organization aided and abetted by Communists and encouraged by Federal employees.

FEDERAL SUPPLY MANAGEMENT (OVERSEAS SURVEY)

In 1951, the Bonner subcommittee, charged with jurisdiction over intergovernmental relations—not foreign relations, not military expenditures—made a round-the-world trip, which took approximately 42 days, during which there were 29 days of hearings and a record of 1,465 pages of testimony was made.

It came up with a valuable report, recommendations of which if followed will save not millions, but billions, of dollars. Why then is reference made to that committee's activities? Because, and only because, the matters which it inquired into might properly be said to fall within the jurisdiction of the Subcommittee on Military Affairs, probably not within the jurisdiction of the Subcommittee on Intergovernmental Relations. I made no objection then, nor now, because in my opinion the committee did a masterful job and it matters not at all to me whether a good job is done by Mr. A or Mr. B. It is cited here only because of the present attitude of some of the members of the House Committee on Government Operations toward the proposed investigation by a special subcommittee appointed for the purposes hereinbefore outlined.

MILITARY HOUSING CONSTRUCTION IN ALASKA

In September 1952, a special subcommittee on Military Housing Construction in Alaska was appointed. That committee, with the gentleman from California and the gentleman from Georgia, Mr. HENDERSON LANHAM, present, held the hearings and filed a report.

Beyond question, the Armed Services Committee has jurisdiction in that matter.

ANOTHER CASE OF CONCURRENT JURISDICTION

In the 80th Congress, a special subcommittee of the House Committee on Education and Labor, which undoubtedly had jurisdiction of the subject matter, made an investigation into the activities of Communists in connection with the GSI strike here in Washington, without objection from the Committee on Un-American Activities. Abram Flaxer, an official of the international, appeared at that hearing and refused to testify as to his connection with the Communist Party. Recently he was convicted of contempt of the committee because of his refusal to answer similar questions. At that time John Steelman, the President's assistant, was subpenaed to appear because the subcommittee desired to learn whether information which had been given the subcommittee that the President was backing the Communists in the GSI strike was true or false. The President refused to let Mr. Steelman appear. Not only did the Committee on Un-American Activities have jurisdiction over the subject matter, but certainly the Committee on the Judiciary had jurisdiction, but neither made any objection.

INVESTIGATION OF THE HOME LOAN BANK BOARD

In the 81st Congress, the gentleman from Illinois, who now challenges the appointment and the jurisdiction of the proposed subcommittee to hold hearings in Michigan, appointed a special subcommittee to investigate the Home Loan Bank Board. That committee consisted of three Republicans and two Democrats.

Later the gentleman from California [Mr. HOLIFIELD], acting as chairman and acting alone, except for the assistance of his general counsel, Mr. Hyman I. Fischbach and Fischback's assistant, Mr. Herbert Roback, held hearings. Apparently the principal purpose of the hearings was to force the Home Loan Bank Board and the Department of Justice to cease its opposition to the payment of a claim made by one Gregory for some $4,500,000 to $5,000,000 damages.

Hearings were held by the special subcommittee on 36 days, beginning on October 27, 1950, and ending on March 28, 1952. The record covers 2,118 pages. No report was ever adopted by the subcommittee, nor by the full committee. To date the Federal courts, twice the Supreme Court, have upheld the contentions of the Home Loan Bank Board and the Department of Justice.

The Committee on the Judiciary certainly the Committee on Banking and Currency, had jurisdiction over the issues here inquired into.

The right of the chairman of the full committee to appoint a special subcommittee was not challenged.

The right of the chairman of the subcommittee to make investigation and to hold hearings without the approval and attendance of the other member or members of the subcommittee was challenged. Nevertheless, on October 27, 1950, in the Federal Building in Los Angeles, the gentleman from California did hold hearings. I read from the record:

Present: Hon. CHET HOLIFIELD, chairman of the Special Subcommittee of the Committee on Expenditures in the Executive Departments of the House of Representatives.

H. I. Fischbach, Esq., counsel for the special subcommittee of the Committee on Expenditures in the Executive Departments of the House of Representatives.

On November 14, 1950, in the Post Office Building at Long Beach, Calif., hearings were held. Permit a quotation from the record:

Present Hon. CHET HOLIFIELD, chairman of the special subcommittee of the Committee on Expenditures in the Executive Departments of the House of Representatives.

Hon. Clyde DOYLE, Congressman, Eighteenth Congressional District.

H. I. Fischbach, Esq., counsel for the special subcommittee of the Committee on Expenditures in the Executive Departments of the House of Representatives.

When objection was made by me to the holding of hearings unless an opportunity was given to the minority to have a representative present, the objection was overruled. See committee hearings of October 19, 1951.

In view of the precedents established by the Committee on Government Operations, the present objection to the appointment of a special subcommittee to hold hearings to determine whether the

constitutional civil rights of citizens have been forcibly denied them by organizations which have over the years received the approval and support of Federal employees seems rather inconsistent.

As the gentleman from Massachusetts [Mr. McCORMACK] placed his interpretation upon what it was proposed to do in Michigan, let me give my opinion as to why a certain faction of the Democratic Party, sitting here in the House, objected to what might be disclosed if we went to Michigan.

My opinion is—and of course it is only an opinion, and a man is easily mistaken—that before these hearings were concluded the activities of the Communists would be hooked up to those of the CIO. And it would be shown that employees of the Federal Government had for years aided the CIO. Some of each group would have been disclosed as the instigators and conductors of a campaign of violence which took physical possession of the Democratic convention and ousted the so-called conservative Democrats in Michigan. It would have disclosed, in my judgment, that as a reward for their physical violence at least two of them received Federal appointments. Oh, the committee has no jurisdiction because Federal questions are not involved. If certain Republicans joined with them, either because they did not know the record or because, as was whispered around, we might get into some dirt of Republican organizations—as far as I am concerned, I will never cover up one single act of crookedness on the part of any Republican just because he is a Republican. Maybe I am wrong, but at least that is my opinion of what they were afraid of. They were afraid that that group, the CIO and the PAC, would have been shown to have been in a conspiracy which was furthered by the efforts of employees of the Labor Department on the Federal payroll. Do you see where we are getting? Now, if that is to be the criterion, and if the chairman of the Committee on Government Operations is to be charged with a lack of authority to make investigations similar to those which the committee throughout the years has heretofore made, or investigations similar to those which the committee throughout the years has made, then I think it is well that we have all of the proposed investigations by the subcommittees passed upon by the full committee; and the membership of the committee being 14 Democrats and 16 Republicans, if the opposition, voting as a unit, can persuade one Republican on the committee to go along with them, all investigations are at an end. That would certainly be a delightful situation for the Democratic Party and the members of that party, would it not? To their credit be it said that many Democratic committees and subcommittees over the last few years have exposed the rottenness and crookedness in their own party, assisted, of course, as they were by the Republican members of the committees. But now some do not want the Republicans to proceed with the work.

For myself, I can only say that in the November election, and prior thereto, I ran for office on the promise that I would do my utmost to reduce taxes and to balance the budget; to get us out of the Korean war, and to end the rottenness which permitted the creation of the mess here in Washington. That is why I am speaking today, not because I am critical of my fellow Republicans, but because I would like to have this House know that there is a move on foot to stifle all investigations. Day in and day out the commentators and columnists who served the left-wing new dealers and internationalists so well are deploring every move made by a Republican to clean house here in Washington.

You are all familiar with the fact that a member of the minority filed a resolution asking that we depose the gentleman from Illinois [Mr. VELDE] as chairman of the House Committee on Un-American Activities. Oh, yes. Would anything please the leftwingers or the Communists any more than to have the gentleman from Illinois [Mr. VELDE] kicked off that committee? No. They got rid of the gentleman from Texas [Mr. DIES], who was doing an outstanding job here in cleaning the Communists out of the administration. Oh, yes. Later on they got rid of two more good American citizens who were doing a job on the Communists. They got rid of John Rankin and they got rid of Mr. HÉBERT. Why? Because they were taking the lid off the dirty, rotten mess underneath. They got rid of them. They said—what was it? They must have lawyers on the Committee on Un-American Activities. The Democratic Party as a party just did not want them; they were too effective. They were nailing too many Reds who were in the administration. So now the issue before this House—this side at least—is: Are we going to fall for this propaganda?—these attacks on the chairmen of our committees?

Mr. ABERNETHY. Will the gentleman yield to me?

The SPEAKER pro tempore. Does the gentleman from Michigan yield to the gentleman from Mississippi?

Mr. HOFFMAN of Michigan. I yield.

I did not say anything about the gentleman himself; I admire the gentleman from Mississippi very much.

Mr. ABERNETHY. I thank the gentleman.

Mr. HOFFMAN of Michigan. My point was that the Democratic leadership got John Rankin off the Committee on Un-American Activities. I was not talking about the election; if I was I did not mean to. They got John Rankin off the Committee on Un-American Activities, and they got HÉBERT off for the same reason, because both of them were just taking the cover right off the Communist activities in the administration. What I was getting at was that the Democratic Party got these people off the Committee on Un-American Activities and they got Joe Stearns off, too; he was on that same committee. The Democratic Party cleaned up on Un-American Activities. Those who did that job have never had the courage, they have never had the courage, I repeat, to come out in the open and endorse the Communist activities if they had any inclination to do so. They never had the courage to vote against appropriations for that committee—oh, no; there were only two votes against the last appropriation, nevertheless all the time they have crucified the opponents of communism on that committee; that is what they have done all during the record of the committee; and along the same line now they do not want any investigation of the dirty, rotten, communistic CIO-PAC mess in Michigan, because they fear it might defeat some of their candidates for Federal office in the next election. For the time being they have succeeded in gagging this subcommittee but there will come another day.

Mr. OAKMAN. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN of Michigan. I yield.

Mr. OAKMAN. Mr. Speaker, I ask unanimous consent to insert in the RECORD, at the conclusion of the gentleman's remarks, my own statement relative to the matter under discussion, together with various editorials and news articles from the three Detroit daily newspapers pertinent thereto; also, chapter VI of a book entitled "The CIO and the Democratic Party," pages 112 to 146, inclusive. This chapter is entitled "Michigan: PAC Enters a State Party." The author of the book is Fay Calkins, research assistant for the National CIO-PAC. This study is a project of the industrial-relations center of the University of Chicago and published by the University of Chicago Press.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. OAKMAN. Mr. Speaker, I am before you today to describe to you a menacing situation which has developed in our community. While the developments which I shall describe have taken place within the Michigan Democratic Party, I wish to make it clear at the outset that my comments are in no sense inspired by partisan motives. This is a situation which transcends all political considerations.

Many honorable and distinguished Democrats in the 17th district and elsewhere in Michigan have fallen victim to the conspiracy which has so far proven successful in seizing power and displacing honest and patriotic Democrats who stood in the way. My only interest is in maintaining the free representative institutions which, uncoerced by any hidden group, guarantee true representative government.

That I am not alone in this desire to preserve our free representative institutions, is indicated by the fact that complaints concerning the situation in Wayne County have reached me largely from Democrats.

The conspiracy I shall describe to you today has used terrorism and force in order to subvert the apparatus of the Democrat Party of Michigan. I respectfully submit that the success of this conspiracy is now preventing many of the voters of Michigan from properly exercising their franchise in Federal elections.

With your permission, I should like to begin by describing the events of the night of September 20, 1950, as they took

place at 5 of the 6 congressional district Democratic conventions in Wayne County. This is public knowledge and the reign of terror in those conventions on that night in Wayne County was reflected in all the newspapers the next day, as well as in cartoons depicting the brutality of the seizure of these congressional district conventions, and in editorials blazing with indignation.

Immediately following this disclosure in the public press there were evidences of an aroused citizenry, but the people were so concerned about Korea, spiraling prices, and their own immediate personal problems that before long the matter dropped out of public sight; although feeling that it was an unfortunate incident in the local political history, citizens of Wayne County failed to understand the true significance of this threat to their civil and political rights.

As a result of this seizure by force of the congressional district conventions in Wayne County, many of the real Democrats, as they have been known in America for generations, have ceased to be active within the party and have termed themselves "Democrats-in-exile."

Only a few county officials have been able to stand off the threat of this group and remain in office in spite of them. They have been able to do so because the captive congressional district organizations do not make decisions as to who shall run in the popular primary for county offices.

It is the State organization of the Democratic Party which was peculiarly vulnerable to this kind of conspiracy. This is so because it is the State convention which nominates the Democratic candidates for all elective State offices with the exception of the offices of the Governor and Lieutenant Governor.

The full significance of this seizure would not be apparent if there was not added the important fact that the captive congressional districts also choose the delegates to the State convention, which in turn elects the delegates to the Democratic National Convention, where the party chooses its nominees for the Presidency and Vice Presidency of the United States.

As a citizen residing in the 17th Congressional District of Michigan, and as a Representative of the people of that district in the 83d Congress, I have considered it my responsibility and duty to join in bringing to the attention of the Congress this use of force and terrorism in the seizure of the party machinery of the Democrat Party of Michigan.

The use of force was, I believe, limited to the halls wherein 5 of the 6 congressional district conventions of Wayne County were held. In order to understand the significance of this strategy it is necessary to know the importance of the congressional districts of Wayne County for anyone who wishes to control the Democratic organization of the State of Michigan.

Wayne County has a population in excess of two and a half million, which is 37 percent of the people in the State. But Wayne County has an even higher proportion of the State's Democrats. For example, 66 percent of the Democratic votes for Governor in 1948 were cast in Wayne County.

Wayne County is composed of six congressional districts, the 1st, 13th, 14th, 15th, 16th, and 17th, each of which holds a congressional district convention, separately, but on the same night. Any group which could seize control of the Democratic Party machinery in these Wayne County congressional districts would, therefore, be in a position to control the whole State Democratic Party. This was clearly the strategy of the conspirators who used force and terrorism to take over the congressional district conventions of Wayne County on the night of September 20, 1950.

By seizing the conventions on that night they were able to put into party office men of their own choosing. Once having seized the offices by force it has been possible for them to maintain power since that time.

The conspirators later apologized for their actions by complaining that there were fraudulent petitions among those submitted by the regular Democrats, and that it was impossible to get legal action to counteract these petitions. Is this a good excuse for resorting to violence and terrorism? In the United States, I submit, a dissatisfaction with some phase of the operation of the legal system confers no right on individuals, or groups, to take the law into their own hands.

This was clearly not a conspiracy by the respectable union officials of the A. F. of L. or even of the CIO. George S. Fitzgerald, then Democratic national committeeman, who walked out of the Fourteenth District convention, was also attorney for the A. F. of L. Teamsters Union. Mrs. Nellie Riley, State president, of the Eleanor Roosevelt League of Michigan, and a former delegate to the Democratic National Convention, is reported to have made this public statement:

> Socialists are in complete control of the Democratic Party machinery.

Similar descriptions of this brazen seizure of the Democratic Party appeared in the public press, attested to by reliable and responsible staff reporters of the three daily Detroit newspapers. This was the part of the conspiracy which the public saw; what they did not see was the long, careful preparation of the conspiracy, the underground struggle to destroy opposition in advance of this brazen thrust for power.

A recent study by Fay Calkins, described on the book jacket as a research assistant of the National CIO-PAC, is entitled "The CIO and the Democratic Party." This remarkable book describes in a singularly frank manner the strategy and tactics of the PAC and as it was written by a researcher of the PAC, who ought to know. I shall, with your permission, refer to it from time to time to supplement my own observations. I respectfully suggest that this book is worthy of the attention of the Congress. I would further request that chapter 6 of this book, pages 112 to 146, inclusive, be entered in the RECORD at the end of my remarks.

The part of the conspiracy which showed above the surface was only the quick lunge for power, the night of September 20, 1950, at the end of a long period of careful planning and underground struggle. The conspiracy began, according to Fay Calkins, of the PAC, one evening early in 1947 at a secret meeting of the State director of the CIO–PAC with several discontented members of the Democratic Party in the house of Martha and Hicks Griffiths at 12080 Montrose Avenue, in my congressional district in Detroit. Martha and Hicks Griffiths were law partners of Gov. G. Mennen Williams. It was at this secret meeting that the decision was made to seize the Democratic Party in Michigan.

The PAC study shows how this organization first had to convince or subdue CIO members who rejected the proposed methods. Having conquered its own membership, the small group of five men in Detroit—whom Calkins says controlled the PAC—could turn their attention to their plans to seize the party.

The whole core of the strategy has been one of stealth and concealment, except for the one burst of activity on the night of September 20, when the perfectly timed squads, armed with clubs and revolvers, according to Calkins, of the PAC, quickly and expertly took over the congressional district conventions of Detroit. Even today, although it is a matter of general knowledge among newspapermen and professional politicians, the public is largely unaware of what has happened to the Democratic Party of Michigan.

That is why I appear before the House today. It is a matter of public interest to Democrats and Republicans alike that this situation be explored to its fullest extent and the facts brought to public attention.

The book I have mentioned, The CIO and the Democratic Party, is a blueprint for political conquest of the United States by PAC, through the use of terrorism, fraud, and stealth. It might well be asked why the PAC would tolerate such an exposé of its sinister strategy, but I would draw your attention to Hitler's Mein Kampf and Karl Marx's Das Kapital. Hitler wrote out clearly his plan of strategy many years before he carried those plans out, yet no one would believe he really would disclose his actual methods. So it was with Karl Marx. Few have actually read his book, and some of those who have read the book keep hoping that it is not true.

An explanation of the public apathy in Michigan regarding the menacing control of the Michigan Democratic Party by the PAC, might be the complete success of this basic strategy of stealth. The PAC has done everything possible to hide the full extent of its power from everyone, including the CIO members. In the PAC study this absolute need to keep PAC plans hidden is emphasized again and again. In fact, they ascribe the victory of Senator TAFT in Ohio in 1950 to the fact that the PAC was detected by the voters.

This is what the book says, and I quote:

> Whereas, in Ohio, PAC was exposed to public opinion as a special interest group because of its separate precinct organization and marked literature, in Michigan PAC was hidden behind a broad party organization and a traditional party name. A Republican like TAFT could scarcely have crucified Williams. * * * Williams was a Democrat. His labor connections were not apparent to the average voter. Nor could

TAFT have capitalized on the idea that PAC had captured the Democratic Party. The average citizen did not concern himself with district and State party conventions, and the interest-group composition of these bodies was not widely known.

The sinister fact, gentlemen, is that these conspirators are depending upon the apathy of the average American voter with regard to these local conventions, in order to seize and destroy our freedoms at that vital point. Once they have seized the local organizations by force, then they are in power. They make the rules. The party machinery remains intact; it looks just the same from the outside, but the hands on the levers are different, and they belong to evil men, who have only contempt for the very democratic processes which they have seized.

These men do not trust anyone. Their strategy of stealth is universal. As the PAC study indicates, it is a policy in Michigan to hide the identity of PAC workers from union members, as well as from the public. It was regular policy for PAC precinct workers working in the Williams campaign, for example, thus to hide their identity. The PAC writer describes this as "sophisticated politics."

As the PAC handbook of tactics points out:

The Michigan campaign committee * * * deliberately concealed its interest groups.

The PAC goes on to tell with amusement how the public was fooled because the PAC "candidate for governor was heir to the Mennen shaving-cream fortune." This, indeed, was a perfect disguise for a hard-bitten, ruthless gang of leftist conspirators. How would the average voter of Michigan understand that this affable, rich young Princeton graduate could be in secret collaboration with a gang like the PAC?

Faced by a hopeless situation, many honorable Democrats boycotted the State convention in 1950. George S. Fitzgerald, Democratic National Committeeman, refused to attend a State convention, the delegates to which had been picked, as he is reported to have expressed it, "with storm troopers guarding the doors and the chairman presiding with a baseball bat." With all minority opposition suppressed, the Detroit Times described the subsequent State convention as "the quietest in years."

In Michigan the PAC is controlled absolutely from the center. In their own book they describe the organization as "a centralized and disciplined structure," and then they add that "candidates were predetermined" and "approved like clockwork."

Once in power, there has been no pretense on the part of the PAC that they stand for anything but retaining their power at any cost. As they put it in their handbook:

PAC's compromises had to be pragmatic, in terms of the balance of power at the moment. It could seldom take an ideal position.

When it becomes necessary to doublecross a temporary ally, there is no hesitation and, in fact, the PAC calmly and without shame, describes how such activities are developed.

After the PAC took over hidden control, the idea of keeping the Democratic Party responsible to the public was immediately discarded. In their handbook the PAC analyst discards the idea of responsible parties as theoretical.

Not only are candidates now predetermined by a secret caucus, but the party platform in Michigan has become a simple reproduction of the PAC's program. All of us in the Detroit political arena are aware of this. The average voter is not aware, however, of this fact. The PAC handbook clearly states it as a fact and with your permission I will quote once again:

PAC's hand in this platform can be easily seen by comparing the platform with the State legislative program. This platform, like the candidates, was actually determined at informal caucuses * * * Ratification by the State convention was assured.

Could anything show more clearly than this admission that the PAC now has absolute control of the party which it seized by the use of force and terrorism in the Wayne County, district conventions of 1950?

As a public official of the city of Detroit for 12 years, I have seen some political situations develop which may not have been in the public interest, but I have seen nothing in all my political life to compare with the menace to our free institutions of this threat in Wayne County and Michigan. And Wayne County can be the test tube experiment leading to other conquests.

I respectfully suggest to the Congress that the conspiracy I have described relates to the free elections of Federal officials, and that this matter would be a proper subject for further investigation.

[From the Detroit Free Press of September 21, 1950]

OLD GUARD ON LOSING END—DEMOCRAT CAUCUS WIDENS RIFT

(By Hub M. George)

Warring Wayne County Democrats caucused with police protection in 5 of the 6 congressional districts Wednesday night.

In the first round of the struggle, honors went to CIO and Americans for Democratic Action factions friendly to Governor Williams.

But deep-seated wounds of caucus encounters are likely to have far-reaching campaign ramifications.

It was apparent also that the steamroller techniques which flattened old-line party moves for more voice in Democratic affairs will result in appeals to the State convention September 30 in Grand Rapids.

In one instance, George S. Fitzgerald, national committeeman, withdrew from the 14th district caucus along with a sizable block of delegates. The walkout protested the rulings of Chairman Nicholas Rothe, a CIO stalwart.

Rothe was reelected chairman for 2 years, but he had a tight squeak.

The result was not accomplished until more than 75 delegates certified by the county clerk as elected had been excluded from Briggs UAW Local Hall, 10940 Mack.

Police guards barred the bitterly disappointed factionalists. Caucus sergeants, armed with delegate lists, refused admittance to scores whose credentials had been determined as irregular.

The rump withdrawal followed Rothe's refusal to permit shifting of 17 votes from Mrs. Gwen Swartz, who withdrew midway in the balloting, to John P. McElroy, who lost out at the finish 92 to 85.

Among those excluded were Charles S. Porritt, former State chairman, a delegate from a Grosse Pointe district and close ally of former Governor Murray D. Van Wagoner.

A close supporter of Governor Williams got caught in the nutcracker in the 15th district.

Hugh McGoldrick, director of hospitals under Williams, failed to convince sergeants at the 15th district gathering in the UAW hall, 15th and McGraw, that his credentials were authentic.

He appealed for a police escort into the hall. It was refused. Then he tried to force admittance by himself and was thrown out bodily.

He told police that CIO goon squads were the offenders.

County Chairman Ernest J. Lacey was reelected over State Senator James P. Hannan in the fifteenth.

It marked victory, even though the cost might be high, for the Williams cause.

Lacey was elevated to the county chairmanship when Hicks Griffiths, law partner of the governor, moved up to the State chairmanship.

More than 40 delegates were excluded from the 15th district caucus because someone unknown had determined that their petitions had been fraudulent.

What had been expected to be a stormy battle in the 13th district turned out to be a smooth affair.

Chairman James A. Burns, who had been a leader of the old-line faction fighting for party control, failed to show up.

That paved the way for former council president, George Edwards, to win the chairmanship over Patrick Sheehan, who had been nominated by incumbent Congressman George D. O'Brien.

The vote was 92 to 67.

Williams' supporters also won the embattled 17th district, where Griffiths was chairman before his appointment to the Probate Court bench.

Alfred Meyers, of the Griffiths-Williams camp, beat Emmet Donohue, 102 to 58.

Tom Downs, chairman of the Unemployment Compensation Commission, led the challengers in the 17th. As 20 or more supposed delegates were excluded, hoots greeted the name of Governor Williams.

In a melee at the door, William Munger, a young attorney who was excluded, claimed he had been slugged by a man he identified as a postmaster in a rural community.

Under the Hatch Act a postmaster has a questionable right to sit in the convention. Munger said he will swear to an assault warrant Thursday.

A pro-Williams slate was elected for other offices.

Stanley F. Rozycki was reelected first district chairman after another row over the exclusion of about 40 supposed delegates.

State Senator A. J. Wilkowski, who had an opposing slate, refused to continue in the convention after the main body sustained the exclusion.

Wilkowski and his supporters withdrew from further deliberation.

Only in the 16th District was there comparative harmony. There Court Commissioner William Krueger stepped aside from the chairmanship which he has held many years. John Plas, Jr., was named to succeed him by 99 to 87 votes over John Belose.

No attempt was made in this district to exclude any delegates. A lone deputy sheriff maintained order.

The controversy over party control was not injected.

[From the Detroit Times of September 21, 1950]

DELEGATES BOLT, BUT WILLIAMS HOLDS WAYNE—STORMY SESSION SPLITS DEMOCRATS

(By Frank Morris)

After a night of headbruising battling, the Democratic "eager beavers" led by Governor Williams and the CIO took complete command today of Wayne County's delegation to the Democratic State convention in Grand Rapids September 30.

Delegates to the sixth congressional district conventions last night wrestled like performers on television, pushing and pulling and shouting under the noses of astonished policemen.

USES BAT FOR GAVEL

The confusion reached a peak at the 14th district meeting where Chairman Nicholas Rothe used a sawed-off baseball bat as a gavel that threatened many skulls.

National Committeeman George Fitzgerald led his followers out of this convention, declaring:

"From now on, the song should be God Save America, not God Bless America.

"I won't be responsible for what happens to Governor Williams next November."

Delegates who thought they were properly elected were barred from the halls in all but the 16th district. In the 15th the anti-Williams cohorts were admitted for a short visit and then consigned to limbo, one by one.

CREDENTIALS QUESTIONED

One victim of the scuffles was Hugh McGoldrick, a loyal Williams supporter who is State director of hospital construction.

McGoldrick, one-time president of Young Democrats, was carried from the 15th district convention by CIO delegates who questioned his credentials and suspected the presence of a spy.

Those who got into the halls, and kept screaming such parliamentary phrases as "point of order, Mr. Chairman" were subdued quickly while waving Roberts' Rules of Order.

Shouts for police aid got the recalcitrants nowhere. Police were on hand at all six conventions, but the officers of the law bowed to majority rule.

The result was that close to 50 Democrats in the first district, who contended they had been elected as convention delegates, were excluded. Dozens were barred at other conventions without a voice.

The outcome leaves Governor Williams with a Wayne County delegation to the State convention completely under his command.

The maneuver also widens a breach in the party which has been widening for some time.

The battles culminated a struggle for power within the party in Wayne County.

On one side were Governor Williams and the ADA and the CIO. On the other were National Committeeman Fitzgerald and James Hoffa, head of the Teamsters' Union.

Fitzgerald walked out of the 14th district convention, charging that Rothe, who was reelected chairman, was operating a steam roller. A couple of dozen delegates walked out with the national committeeman.

BATTLE IN 13TH

John P. McElroy, personnel manager for the Wayne County road commission, scared the shamrocks out of Rothe by getting 85 votes for the chairmanship against Rothe's 92. McElroy would have won had Rothe allowed Mrs. Frand Schwartz to give her 17 votes to the loser. But Rothe ruled her out of order.

The biggest battle was to have been in the 13th, where former Senator James A. Burns has led the opposition to Williams and the ADA.

But Burns didn't show up and former Councilman George Edwards, charter member of the ADA, was elected chairman over Patrick Sheehan.

Stanley Rozycki, a battler for Governor Williams, was reelected chairman in the first district after State Senator Anthony J. Wilkowski led his followers out of the hall.

LACEY REELECTED

County Chairman Ernest J. Lacey won reelection as district chairman of the 15th after a noisy scrap with State Senator James Hannan, a member of National Committeeman Fitzgerald's law firm.

John Plas was elected chairman in the 16th, and Albert Meyers in the 17th.

[From the Detroit News of September 21, 1950]

FIGHTS, FRICTION, CRIES OF FRAUD ENLIVEN DISTRICT DEMOCRATS' CONVENTIONS

(By William R. Muller)

One of Governor Williams' own State aids was accused of fraud and ejected bodily during district convention balloting which splintered the Democratic Party in Wayne County today.

Hugh J. McGoldrick, State director of hospital construction and survey, was hustled from the hall of UAW-CIO Local 157.

He admitted before a screening committee of delegates that he swore to his own nominating petition as its circulator before it had been circulated.

The 15th District Democratic convention tried McGoldrick, found he was not entitled to a seat, and voted to accept the screening committee report that signatures on his petition were fraudulent.

FITZGERALD LEAVES

At a tumultuous 14th District convention over which Chairman Nicholas Rothe presided with a sawed-off baseball bat, National Committeeman George S. Fitzgerald walked out of the party.

In the First District, State Senator Anthony J. Wilkowski led his Democratic supporters out of Dodge Local CIO hall after the credentials of many were questioned and a large group of Negroes was barred.

Wilkowski had been a candidate for the district chairmanship. When he left, the remaining delegates reelected Stanley F. Rozycki, whom Wilkowski had defeated for the Second District Democratic nomination to the State senate.

After several people were slugged and police were called to the 17th Congressional District convention at Carpenter's Hall, 22521 Grand River Avenue, Alfred V. Meyers, a teacher, was elected district chairman.

EDWARDS VICTOR

Former council president, George Edwards, an original organizer of Americans for Democratic Action in Detroit, was named 13th District chairman over his opponent, Patrick Sheehan. Representative GEORGE D. O'BRIEN had asked Sheehan's election.

There was one peaceful Democratic convention. John Plas, a Democratic regular and a county-building employee, was elected chairman in the 16th to succeed William P. Krueger, now a Circuit Court commissioner.

Delegates barred from the 14th District Democratic convention tore off polka-dotted bowtie pins—political emblems of Governor Williams—and shouted "Me too for Kelly."

Harry F. Kelly is the Republican nominee for Governor November 7.

"After this the theme song of the Nation should be 'God Save America' instead of 'God Bless America'," said Democratic National Committeeman Fitzgerald.

CHARGES SOCIALISM

"I have just watched socialism take over the Democratic Party by communistic processes."

Rothe, refusing to appoint a temporary convention chairman in his place while he was being voted on for reelection, got 92 votes.

Mrs. Gwyn Schwartz got 17. Jack McElroy, Williams' appointee to the State board of aeronautics, got 85. The Schwartz backers rose and asked their votes be counted for McElroy just before the tally closed.

Rothe ignored them. Pandemonium resulted. Fitzgerald seized the microphone and pleaded for democratic procedure. He was shouted down. Bouncers forced McElroy into a chair.

"You haven't taken over the Democratic Party," Fitzgerald shouted at Rothe as he gathered Democratic regulars and left the hall.

"But you now are responsible for what will happen to Governor Wiliams in the 14th District in the November 7 election."

COALITION ON JOB

The CIO–ADA coalition set up screening committees in five districts to pass on credentials of delegates. Huge groups of opposition candidates were barred by bulky bouncers and accused of having been elected on fraudulent nominating petitions. Police stood guard with night sticks.

In many instances the bouncers disregarded election certifications of the county clerk's office.

In the 15th, McGoldrick, caught in the net set up by those he thought friendly, pleaded he was an aid and supporter of the Governor. He admitted he no longer lived at the address appearing on his petition. But he said he "kept an address next door."

James Hare, former Detroit head of ADA, charged the signatures on McGoldrick's petition were fraudulent. McGoldrick admitted he had signed the petition as circulator, but had done so before a single signature had been obtained.

Williams' own men cheered as McGoldrick was hustled away.

HANNAN FAILS

State Senator James P. Hannan failed to beat Ernest J. Lacey, running for reelection as 15th District chairman. Lacey scored 108 to 50. He will be up for reelection as county chairman also tonight.

The CIO–ADA coalition could claim 5 of the 6 congressional district chairmanships today. The opposition predicted openly the coalition had won party control at the cost of Williams' reelection.

The battle foreshadowed complete control also of the State nominating convention of the party in Grand Rapids September 30 by the coalition.

True to a secretly negotiated peace pact, the Teamsters Union (AFL) created no disturbances at the party's local delegate conventions.

Retiring Chairman James A. Burns took no part in the 13th convention in line with that agreement.

[From the Detroit News of September 22, 1950]

DEMOCRATS-FOR-KELLY CLUB FORMED AS FACTIONS FEUD

(By William R. Muller)

Democratic Governor Williams' reelection campaign today ran into its first open party rebellion.

National Committeeman George S. Fitzgerald rejected an invitation from Williams to come to Lansing today to discuss party strategy with Williams' cohorts.

The rejection came but a few hours after elective Wayne County officers stayed away from a Wayne Democratic Committee meeting which Williams addressed and which reelected Ernest J. Lacey as chairman.

Meeting in the Downtown Republican Club, the Wayne County Republican Committee was told by Chairman Fred W. Kaess that the first Democrats-for-Kelly Club is being formed in the 13th District.

Harry F. Kelly is the Republican nominee for Governor.

RESENTMENT FLARES

The rebellion was traced to flaring resentment by party regulars over CIO-ADA tactics in seizing control of Democratic organizations in five of Wayne's six congressional districts Wednesday night.

The CIO-Americans for Democratic Action coalition had established guards on the doors of district convention meeting places and screened delegates.

Governor Williams learned just before addressing the county committee Thursday night that Hugh J. McGoldrick, his director of hospital building and survey, ejected from a 15th District convention by Williams' supporters, had been taken to Mt. Carmel Mercy Hospital during the day with a heart attack.

His condition was reported satisfactory.

LACEY UNOPPOSED

Lacey won the 15th District chairmanship again Wednesday night and went on to reelection to his county job Thursday night without opposition.

"I want to congratulate you roundly on what you have done here tonight," said Williams, referring to Lacey's reelection.

As he spoke, he could look over an audience decimated by the absence of Democratic regulars and most of the Democratic nominees for the State legislature.

Two officials of the 14th District Young Democratic Club had refused to allow party workers to pin Williams buttons in their lapels. Both identified themselves as World War II veterans but asked their names be withheld.

Pressed for an explanation of his refusal to join Williams' strategy meeting, Fitzgerald declined comment.

BITTER RESENTMENT

But Fitzgerald was known to be bitterly resentful over the CIO-ADA coup after a peace meeting in Washington where the Teamsters Union (A. F. of L.), the top command of the CIO and A. F. of L., and Fitzgerald had agreed to work for peaceful settlement of the fight for party control.

Democrats renominated Mrs. Stella Lecznar, county building worker, for her third term as committee vice chairman in the Barium Hotel meeting Thursday night. Miss Anna Pasztuska, former secretary of the First District, was nominated by the CIO.

Mrs. Lecznar measured the CIO forces with her eye and announced her retirement.

Stanley Frankowski, seeking reelection as county committee treasurer, also ran into CIO opposition. He withdrew after John N. Santieu, Dearborn undertaker, was nominated against him. Santieu then was chosen without opposition.

"Victory is possible for us, but it isn't coming on a silver platter," Williams told the Democrats. He warned them to get out the full party strength in the November 7 election.

Democrats rose and cheered him as he left.

[From the Detroit Free Press of September 23, 1950]

DEMOCRACY'S NEW SYMBOL: BALL BAT

Governor Williams, Democratic nominee for reelection, was said to have won a resounding victory in Wayne County when his cohorts, the leftwingers of the Americans for Democratic Action and the CIO-PAC, captured control of the Democratic Party machinery in Wayne County congressional district conventions.

But whatever it means to the political fortunes of Governor Williams, it was no victory for democratic processes of orderly government.

In all but one district, the caucuses were marked by sluggings and the Communist techniques of beating down opposition by violence.

The ADA–PAC combination brought back to Michigan the sitdown strike methods which have been disavowed in labor disputes, and applied them to government.

The goon squads took over, and the gavel, that traditional symbol of orderly parliamentary procedure, was discarded for the sawed-off baseball bat.

In all but one district—the 16th—there was near-rioting as the strong arm squads took over.

Delegates representing the old-line Democratic elements were beaten and thrown bodily out of the halls by the shock troop goon squads.

In the 14th District the ADA–PAC chairman, Nicholas Rothe, presided with a baseball bat instead of a gavel.

His tactics of intimidation caused Democratic National Committeeman George Fitzgerald and his following to walk out.

"After this," Fitzgerald declared, "the theme song of the Nation should be 'God Save America' instead of 'God Bess America.'

"I have just watched socialism take over the Democratic Party by communistic processes," he added.

And another Democratic leader, high in CIO circles, echoed Fitzgerald's sentiments.

"You can see," he said, "what happens to democratic government when the Socialists move in."

So outraged were many of the delegates, it was reported, that they tore off their polka-dotted bow tie pins, the campaign emblems of Governor Williams. This was the insult direct to Soapy.

It was 15 years ago that Michigan was stricken by the wave of sitdown strikes, an imported device of the Communists to create violence and disruption.

The power behind the sitdown strikes was the gangs of goon squads, the professional thugs, armed with their clubs and ball bats.

It was the goon squads which, in utter defiance of law and public safety, closed streets in Detroit and forbade their use by citizens while the police stood by helplessly and watched.

It was the goon squads which invaded the capitol in Lansing and took over the government of that city, closing up business, and terrorizing the people.

Only when the goon storm troopers moved into East Lansing and tried to take over Michigan State College were their ranks broken. They came up against brawny American college kids who would not be intimidated like the politicians were. These youngsters threw the hoodlums into the river. That act so stiffened the backbone of the American people all over the country that the sitdown strike no longer could effectively be used.

But if the great mass of organized labor discarded this Communist technique, the left-wing political aspirants, the fellow travelers, the bleeding hearts, and the ADA-ers did not.

For them, the goon squad was a useful device, to be used any time or any place it would further their interests.

No means is unlawful to their ends, and they do not hesitate to use it, always bleating, meanwhile, about their constitutional privileges and the Bill of Rights.

Governor Williams and his ADA backers may have won a big victory by using strong-arm methods to take over control of the Democratic Party in Wayne County.

But they may find it difficult to convince the public, which is not prepared to surrender its rights to ball bat wielding goon squads, who would fit better into a picture of the Kremlin than of America.

[From the Detroit Free Press of September 28, 1950]

WAYNE DEMS EYE MORE TOP SPOTS

Wayne Democrats, alarmed by the threatened party bolt of old-line factions, are asking more key nominations to bolster their fighting front.

Both Governor Williams and Lt. Gov. John W. Connolly are from Wayne, but wounds remaining after last week's stormy conventions are disturbing.

Most serious defection was the announcement that National Committeeman George S. Fitzgerald would neither attend the Grand Rapids convention Saturday, nor participate in consultations.

"I cannot go to a convention whose delegates were chosen by storm trooper methods and the domination of sawed-off baseball bats," Fitzgerald said.

After a goodly number of elected delegates were excluded from the 14th District convention last week, the Fitzgerald forces withdrew from the Briggs local hall.

District Chairman Nicholas Rothe had provided himself with the bat to use as a gavel.

Primary gains had encouraged Democrats to expect a 200,000 Wayne plurality for Governor Williams, an offset for Republican strength outstate.

Now the word is that big blocs of 1st, 13th, 14th, 15th, and 17th District delegates will "sit out" at home during the Grand Rapids deliberations.

Some outstate regulars, including a Muskegon group and Menominee party men, also plan to hold aloof from the parley.

Richard T. Kelly, president of the Wyandotte city council, is the latest secretary of state aspirant. He is endorsed by 16th Congressional District officers.

Supporters claim his name would offset prestige of the name of Harry F. Kelly, former governor, and GOP nominee.

[From the Detroit Times of Sept. 28, 1950]

GOVERNOR FIGHTS PINCER MOVE—TWO REVOLTS FLOOR WILLIAMS

(By Frank Morris)

Governor Williams struggled to escape a political pincers today as he faced two rebellions within the Democratic Party.

The CIO, heretofore his guide and his strength, demanded that John W. Gibson, until recently Federal Assistant Secretary of Labor, must be nominated for Secretary of State.

This unexpected demand rocked Williams, for he is committed to support for that office Philip Hart, 38, his commissioner of securities and corporations.

LEADS BOYCOTT

While fighting this fire, Williams was burned by George S. Fitzgerald, Democratic national committeeman, who is leading a boycott of the party's State convention Saturday in Grand Rapids.

Williams' first move to combat the rebels was to woo the Wayne County elective officials, who never have been close to him or enthusiastic about his party leadership.

He met secretly with the so-called county building crowd last night in the office of Register of Deeds Bernard J. Youngblood, and the meeting ended with everyone shaking hands like lifelong friends embarking on a dangerous expedition.

GET CONVENTION VOICE

The county officials promised to work for Williams' reelection, abandoning their recent passive attitude, in return for a voice in the convention.

The move to force the nomination of Gibson had Williams floored.

Gibson, who came close to being appointed Secretary of Labor under President Truman, is Williams' close friend. They learned politics together under the late Supreme Court Justice Frank Murphy, their mutual idol.

There is no one Williams would rather have as a running mate in preference to Hart, but he made a commitment a year ago to make Hart the next Secretary of State if the Democratic Party wins the election.

BRIGGS' SON-IN-LAW

Hart, Detroit attorney, is a son-in-law of Walter O. Briggs, Detroit industrialist, and has been described as the "only Democrat in Bloomfield Hills."

Outside of about 890 delegates in the 16th Congressoinal District, the Wayne County delegates to the party's State convention Saturday are controlled by the CIO. In addition, the CIO is in command of delegates from such counties as Saginaw, Bay, Genesee, and Muskegon.

Gus Scholle, president of the Michigan CIO Council, has served notice on Williams that, despite their close cooperation, he will support Gibson over Hart.

This troublesome news was followed by Fitzgerald's announcement he will boycott the convention on grounds that the CIO used goons and baseball bats to control the Wayne County convention.

FLEW TO DETROIT

So Williams flew to Detroit to keep the pincers from closing too tightly and went wooing the county officials. Among those at the secret meeting were County Auditor Sumeracki, County Clerk Branigin, Sheriff Baird, County Treasurer Stoll, Prosecutor O'Brien, and their deputies.

Representative RABAUT, of the 14th District, also was present.

They told Williams they had been ignored in party affairs and pointed out they had no voice in the Democratic congressional district conventions here last week.

They told him they were almost certain to be reelected, while his reelection was questionable.

In the end, they agreed to help Williams out of his labyrinth, and Williams agreed to work closely with them in the future and open party campaign headquarters in various sections of the city to help them.

BOOTED BY ROTHE

Fitzgerald decided to boycott the convention because he was practically booted out of the 14th District convention last week by Nicholas Rothe, the district chairman and a CIO attorney.

Scholle had invited Fitzgerald to enter the inner councils on condition that Rothe receive the next Detroit judicial appointment from Williams and that Gibson be nominated for secretary of state.

Scholle had offered to give Fitzgerald, attorney for the Teamsters Union, a minority of the delegates to the State convention. He added that, if Rothe should be appointed to one of the courts, former Councilman George Edwards would become attorney for the CIO.

But at the last minute Scholle withdrew all peace terms, and the CIO took charge of all district conventions except that in the 16th.

[From the Detroit News of September 28, 1950]

WILLIAMS OUT TO HALT FEUD—VISITS COUNTY TRYING TO HEAL PARTY RIFT

(By William R. Muller)

Governor Williams is trying personally to smother Wayne County party feuds, with the Democratic State convention in Grand Rapids but 2 days away.

In an early effort to bring warring Wayne factions together before the convention, he went in person to the Wayne County Building late Wednesday.

He was escorted by Representative LOUIS C. RABAUT, fighting for reelection in the 14th Congressional District, where the Democratic feud is boiling. He met with Register of Deeds Bernard J. Youngblood and Dr. Samuel B. Milton, a county coroner.

Other Democratic county officials sent representatives to the meeting. Under Sheriff William C. Ryan attended for Sheriff Andrew C. Baird.

LOCAL FRONT PERILED

The theme of the meeting was the campaign threat poised over local county officials and Democratic Congressmen by the split in the party over control of convention delegates.

National Committeeman George S. Fitzgerald, appearing in court on the third floor of the county building, was apprised of Williams' conference but did not attend. Earlier Fitzgerald had announced he would shun the Grand Rapids convention because of treatment accorded Democratic regulars attempting to attend local congressional district caucuses as delegates.

Fitzgerald said the convention would be a CIO affair.

Williams conferred with Democratic nominees and their representatives for more than an hour and left without comment.

WOMAN LEADER SPLITS

Even as he was enroute home, a fresh party outbreak occurred. Mrs. Nellie Riley, State president of the Eleanor Roosevelt League of Michigan, announced she would attend a League meeting in Grand Rapids Friday but would not stay for the Democratic convention.

A veteran party worker, she is a former 13th Congressional District vice chairman and was a 1948 delegate to the Democratic National Convention.

She charged that party regulars were excluded from congressional district meetings where CIO-ADA delegates to the State convention were named.

"Socialists," she said, "were in complete control of the Democratic Party machinery. Mothers and housewives in Michigan cannot afford to let the State go socialistic."

DISPUTE OVER GAVEL

The county meeting quickly followed Fitzgerald's announcement that he would not go to the State convention. He said "the chairman presided with a baseball bat."

Nicholas Rothe, 14th District Democratic chairman, said the gavel he used at the meeting last week was not a baseball bat but "one of a pair of drumsticks bought for a kid's drum."

Fitzgerald stuck by his description. So did John McElroy, personnel director of the Wayne County Highway Commission, unsuccessful candidate for chairman against Rothe.

"It looked like a sawed-off bat to me," said McElroy, "but it might have been a kid's drumstick—for one of Paul Bunyan's kids."

[From the Detroit Free Press of September 29, 1950]

DEMOCRAT SPLIT NARROWS, BUT FRICTION REMAINS ON PARLEY EVE—SEPARATE CAMPS STILL OPERATING

(By Hub M. George)

Peace moves led by Governor Williams to quell a Wayne County Democratic uprising made uncertain progress on the eve of the Grand Rapids State convention.

Democratic segments regarded as vital to campaign success still planned to sit out this convention at home.

The friction grew out of turbulent congressional district caucuses last week in which hundreds of certified delegates were excluded.

Most important development was a decision by party strategists to set up headquarters for Williams and Representative LOUIS RABAUT in the 14th district separate from the district committee ruled by Chairman Nicholas J. Rothe.

It was Rothe's iron-fisted steamrollering of the 14th district caucus that caused National Committeeman George S. Fitzgerald and a bloc of nearly 90 old-line delegates to walk out.

The action followed the exclusion of another bloc of nearly 100 delegates by what Fitzgerald described as "goon-squad strong-arm methods."

The national committeeman has said he will have no part of a State convention growing from such roots.

"They've done everything but hang Thomas Jefferson in effigy," Fitzgerald said.

Registrar of Deeds Bernard J. Youngblood, in whose office Williams met with the "county building crowd," denied that county officers are at odds with the party's leadership.

He said the meeting was prompted by RABAUT'S fear that existing frictions might complicate his own election chances.

"We discussed the necessity of extra effort in the 14th, in view of disputes there, and agreed that the Governor, RABAUT, and county officials would join efforts to get out the full Democratic vote," Youngblood explained.

"Williams for Governor" and "RABAUT for Congress" special teams will be set up and two or more headquarters will be opened.

"We are in no way attempting to circumvent or supersede the regular congressional organization."

In Lansing, Governor Williams concurred in Youngblood's explanation and said the separate teams are "merely supplementary." He said that he will continue to cooperate fully with Chairman Rothe's setup.

Other spokesmen explained, however, that no provision is being made for National Committeeman Fitzgerald in the "twin-pronged" machinery.

Fitzgerald, months ago, began organizing Williams Democratic Clubs when relations were strained between himself and former Democratic Chairman Hicks Griffiths.

It may be that Democrats will have four separate agencies operating in the 14th.

County Chairman Ernest J. Lacey, who also is 15th District chairman, corrected one error. Paul Shafer, an elected delegate excluded from the 15th District caucus, accepted a place on the Grand Rapids slate when he proved that he had filed an authentic and correct delegate petition.

With renomination of Attorney General Stephen J. Roth conceded and Banking Commissioner Maurice Eveland likely to get the treasurer nomination, only two places appear open.

Securities Commissioner Phil J. Hart and John W. Gibson, former Assistant Secretary of Labor, have been mentioned for secretary of State. However, Gibson may agree to accept the auditor general nomination.

[From the Detroit News of September 29, 1950]

PARTY SPLIT GROWS WIDER—DELEGATE ROW BARED AS DEMOCRATS MEET

(By William R. Muller)

This is the day Governor Williams hoped Democrats would stop fighting among themselves and start helping him pick a team to fight Republicans.

But feuds broke out anew as the 1,243 delegates to the Democratic State nominating convention—603 of them from Detroit—converged on Grand Rapids.

A telegram challenging the right of certain delegates from the 13th District to attend the convention—bearing the return address of UAW-CIO division—roused Democratic National Committeeman George S. Fitzgerald again.

There was talk of opposition to a second nomination for Attorney General Stephen J. Roth.

GIBSON MENTIONED

A report circulated in Detroit that John W. Gibson, former Assistant United States Secretary of Labor, viewed as a likely candidate for secretary of state, would leave the field to Philip A. Hart, corporations and securities commissioner.

The CIO–Americans for Democratic Action coalition within the party criticized Roth for failure to lend support to its fight to bar challenged delegates from district conventions.

As it was being voiced, Fitzgerald displayed a telegram from Mrs. Lillian Hatcher, secretary of the 13th District Democratic committee. It was sent to an elected delegate warning him he should appear for a hearing or submit a written denial before the district Democratic executive board concerning charges that he ran on an illegal nominating petition.

"A clear application of the communistic technic of controlling a public meeting by eliminating the opposition and replacing it with friendly tools," said Fitzgerald.

SHE GIVES ANSWER

Mrs. Hatcher's telegram gave a return address of 5701 Second Avenue. That is the Fair Practices and Antidiscrimination Department of the UAW. Mrs. Hatcher is a UAW representative.

"The telegram summoned those elected on fraudulent petitions to appear before our district credentials committee Wednesday night," explained Mrs. Hatcher.

"Three of those who appeared were cleared.

"We sent out 48 notices. Many did not answer. Some were dead. Some never lived in the city. Others did not live in the proper precincts."

The difficulties were piled on top of the 14th District Democratic insurrection which Williams attempted to quell with a statement Thursday. He said "special" efforts would be made to get out the vote there "in view of hostile attempts to magnify and exploit the party disputes in that district.

FITZGERALD STAYS AWAY

Fitzgerald and his followers were shunning the convention, which will be held Saturday. Party councils in Pantlind Hotel rooms will decide the ticket tonight.

The ticket most often discussed as a probability by Williams' supporters includes Roth, Hart, Mrs. Margaret Price, of Ann Arbor, for auditor general, and Maurice E. Eveland, State banking commissioner, for treasurer.

There was no indication here that the CIO-ADA coalition would insist on Gibson in place of Hart. Gibson is a former CIO organizer.

[From the book The CIO and the Democratic Party]

VI MICHIGAN: PAC ENTERS A STATE PARTY

Rockford was a fairly simple case. The PAC of a single industrial union council entered the structure of a county Democratic committee and obtained a voice in party decisions as part of a coalition. But could a similar internal relationship be established at the vastly more complex state level? How? What effect would it have on the party? Under what circumstances could it be accomplished?

The Michigan State PAC in 1950 was an important member of a coalition in control of the Michigan State Central Democratic Committee. This is a study of the relationship of these two groups and of how they functioned in 1948 and 1950 to elect their candidate, Mennen Williams, governor of a traditionally Republican State (see fig. 4).

PAC ENTERS THE MICHIGAN STATE DEMOCRATIC PARTY

In Michigan, as in Ohio, the Democratic Party is controlled by two bodies, a State Democratic convention, held in the fall of even years and the spring of odd years, and a Democratic State committee, composed of 4 members from each of Michigan's 17 congressional districts. The State committee handles party business between conventions. Since 1948 both the State convention and the State committee have been under the control of a liberal coalition composed of the Michigan Democratic Club, reform Democrats, certain minority groups, PAC, and part of the A. F. of L. In the 1950 convention this liberal coalition claimed over 750 of the 1,243 delegates, about 486 of whom were CIO members. The 68 members of the State committee in 1950 were all from the liberal coalition, and 20 of them were CIO members. The story of how this liberal coalition came to power in the State Democratic Party is so dramatic that it merits a chronological description.

The formation of the liberal coalition: Republican Michigan had no permanent Democratic organization at all until early in the Roosevelt era, when a State highway commissioner, Murray Van Wagoner, formed a tight little patronage machine which eventually elected him Governor. But, weakened by civil-service reform, this machine collapsed in 1942, and party control passed to a small clique of old-guard Democrats with a patronage outlook. Under old-guard leadership, party precinct activity declined in the 1940's; party slates were not filled; the party exchequer ran a deficit; and Democratic candidates got little campaign help. Critics claimed with disgust that the clique did not really want to elect a Democratic Governor because he might interfere with their control of Federal patronage. Neither the platform of the State party nor the activity of the party in the State legislature reflected the New Deal orientation of the National Democatic Party.

This State party developed some dissatisfied factions. One of these might be called the Reform Democrats, a few liberal party workers who strongly disapproved of the way the party conducted its functions and the associations it was developing. Another group referred to itself as the Michigan Democratic Club, an issue-oriented group of depression-bred New Dealers who found the State party quite out of tune with the national party platform.

Meanwhile, a State PAC was established in 1944 as a committee of the State CIO Industrial Union Council. It dabbled unsuccessfully in third-party politics with the Michigan Commonwealth Federation. In 1945 and 1946 it developed its own independent political organization, usually supplementing Democrats. After a severe electoral defeat in 1946, PAC was in the mood for suggestions.

The leaders of the reform Democrats and the Michigan Democratic Club provided the tip. One evening early in 1947 they invited the president of the State CIO council to join them at the home of Hicks Griffiths, an active Michigan Democrat. In the course of the conversation, they convinced him that the objectives of all three groups were reasonably compatible and that their combined resources could control the party. This meeting became the birthplace of a liberal coalition which determined to enter the State Democratic Party and seize control from the old-guard Democrats.

PAC leaders had to convert CIO members to this form of political action, however, before they could pursue it. This took more than a year of internal CIO maneuvering. PAC leaders dwelt on the futility of third parties and the accusation of prolabor Congressman DINGELL that PAC was "indulging in the luxury of nonpartisanship at a time when a clique of 50 was getting control of the Michigan party." They pointed out that labor was not large enough to spread its assets between two political parties and that nonpartisan labor usually found itself endorsing Democrats it had had no voice in selecting. They assured skeptics, "We are not accepting the Democratic Party in Michigan as it now is. Our purpose in going into it is to line up with its liberal element and remold the party into a progressive force" (Michigan CIO News, March 17, 1948).

On March 13, 1948, a State PAC conference in Lansing rewarded their efforts in the following declaration of policy:

"Progressives and liberals within the Democratic Party have often been outnumbered by conservative and reactionary elements. The PAC is unanimous in its opinion that the best way of supporting liberalism within the Democratic Party, to conform to national CIO policy, and to serve the best interests of Michigan labor, is to join the Democratic Party.

"It is our objective in adopting this policy to remold the Democratic Party into a real liberal and progressive political party which can be subscribed to by members of the CIO and other liberals.

"We, therefore, advise CIO members to become active precinct, ward, county, and congressional district workers and attempt to become delegates to Democratic conventions" (ibid.).

Walter Reuther gave his approval, and every State CIO convention since has reaffirmed this stand.

Building the coalition: The first problem of the coalition was to build up its political resources. This involved bringing other compatible groups into the coalition. Part of the A. F. of L., the Brotherhood of Railway Trainmen, and important Polish and Negro political groups agreed to give partisan support. Some nonpartisan groups, like Americans for Democratic Action, the League of Women Voters, and a few liberal church groups, supported the new coalition, though they remained outside the party. The teamsters union and various Irish, Greek, and Italian political groups in Detroit lined up with the old guard Democrats against the liberal coalition.

Labor, reform, and Michigan Democratic groups had to strengthen themselves individually for partisan activity. The State PAC explained its objectives and trained its workers in specific techniques of partisan political action. It held innumerable conventions, PAC conferences, local union meetings, and classes. It started to raise funds. It sought to convince or control its own doubting Thomases, some of whom regarded partisan activity as dangerously radical, others who saw it as the megalomania of a few union bureaucrats, and still others who felt it to be a betrayal of the revolution.

Meanwhile, other members of the coalition strengthened their own interest groups. Reform Democrats in a few places conducted their own revolutions and took over several county party organizations. Hicks Griffiths of the Michigan Democratic Club spent months traveling through Michigan, starting Democratic groups. His wife laid the basis for an organization of Democratic women. Mennen Williams, in his 1948 campaign for governor, visited small rural communities, not to turn out a big Democratic vote from these Republican strongholds, but to strengthen and liberalize Democratic organizations.

A second problem was to keep the coalition together. One common bond was discontent with the old-guard party. Another bond was agreement on a liberal legislative program, including progressive taxation, civil rights, public housing, improved social security, and workmen's compensation. These points of agreement do not by any means indicate that the interest groups found themselves in complete harmony. Michigan Democratic Club leaders accused PAC leaders of being arrogant, politically naive, and all too ready to shirk routine precinct work. It was hard for Michigan Democratic Club workers to see PAC workers paid for political work which they had to give voluntarily. PAC, on the other hand, found that it had to provide a good share of the money and manpower and yet eclipse itself modestly behind the coalition. It had to make concessions for the sake of unity, even when it

was strong enough to enforce its demands. Each group suspected the other of secret deals. But such conflicts were kept under control at frequent caucuses. Coalition members presented a common front to the Old-Guard groups.

The final problem was to settle on a specific program of political action. The coalition decided to elect enough precinct captains at the bottom to control district and State party conventions. Old Guard Democrats were so lax in manning precincts and party conventions that this was a realistic possibility. But the plan required a tremendous amount of hard work, finding and training precinct candidates, raising funds, contacting interest groups, settling internal differences, campaigning, and poll watching.

Primaries and party conventions of 1948: Each interest group in the coalition found and trained its own precinct candidates. Wayne County PAC, for example asked all its union stewards and officers to run. PAC estimates that, of the 1,240 persons who filed for the 1,748 precincts in Wayne County in 1948, about 1,000 were from liberal interest groups. Seven hundred and twenty of them were elected.

The Old Guard was not expecting this challenge in the precincts. It failed to run sufficient precinct delegates to maintain control. At 5 of the 6 Wayne County district Democratic conventions which met shortly after the primaries, liberals easily captured control from the Old Guard. Coalition chairmen were elected for all the Wayne County districts except the 13th. Several other county parties also went liberal. State convention delegates were selected at these district and county conventions. Wayne County districts naturally selected liberal delegates, and this populous county happened to hold a majority vote at the State convention.

The 1948 State convention was about twice as large as in previous years. A PAC official estimated that the liberal coalition mustered two-thirds of its votes. One informed Democrat claimed that PAC had majorities in 4 of the 17 district convention delegations and was an important element in 2 others. PAC leaders admit that they had a good proportion of the total delegates, but probably less than half. Clearly, PAC formed the largest single group within the coalition.

The coalition captures the State committee: Since the State Democratic committee is not elected at fall conventions, a member of the Old Guard, John Franco, continued as State party chairman. War raged between liberal and old guard members on the committee.

Liberal members called a 1949 spring party convention for February 5, and old guard members ordered it for February 25. Sparks flew. Franco tried to remove Griffiths, who was the obvious liberal contender for the State chairmanship, from the State committee. He claimed he would be happy if the liberals held their illegal convention, saying, "Then we would be able to weed out the Socialist element of the Democratic Party." Liberals retorted that Franco's report of party contributions was $9,000 short and that he had paid a 45-percent commission to his brother's firm for raising funds.

The liberal coalition proceeded to hold its State convention on February 5, with 1,243 delegates, far more than the old guard could round up. Griffiths, leader of the Michigan Democratic Club, was easily elected State chairman. Sixty-eight liberals were elected to the State committee, of whom CIO claimed twenty. PAC showed its muscle at this convention. The New York Times of February 6, 1949, complained that Scholle, rather than the Governor, was real head of the convention. Scholle, director of the State CIO, responded: "Although CIO members constitute a substantial portion of the Democratic Party delegations, they do not operate as a unit." (Michigan CIO News, February 9, 1949.)

The Old Guard insisted that they would hold another convention up until 2 hours before it was supposed to convene on February 25. Then Franco capitulated lamely, saying he would have certified the February 5 convention, "if the opposition had given him a vote of gratitude."

The 1950 primaries: The liberal coalition thus found in 1948 that it could attain a position of leadership in the State convention and State committee by entering its members as precinct delegates. But could it hold this position in succeeding primaries when the old guard and other interest groups had become aware of this method of attack?

In February 1950, an attorney for the teamsters' union started an old-guard caucus known as the Truman Democratic Club of Michigan. Its object was to recapture control from the liberal coalition.

The coalition operated in 1950 much as it had in 1948, filing about 1,000 petitions for precinct captains in Wayne County, 821 of these petitions being from CIO members. But imagine the surprise of the liberals to discover that 3,598 persons had filed for precinct jobs in 1950 compared to the 1,240 who had filed in 1948. Such precinct competition was unheard of in Detroit. Obviously, the Old Guard had been busy rounding up precinct workers, and coalition control was in jeopardy.

The liberals examined Old Guard precinct petitions carefully and noticed some strange things. The signatures were very similar to those appearing on 1946 petitions, and the same handwriting appeared at regular intervals. The coalition concluded that the petitions must have been forged by a few men sitting around a table and copying old petitions. They therefore checked about 800 petitions by writing to the signatories. Some of their letters were returned marked deceased or moved. Other persons gave them affidavits that their names had been forged.

Early in August the liberal State chairman asked the Wayne County election board to disqualify these questionable petitions. But the board declared that it had no legal right to check the authenticity of signatures, nor the qualifications of candidates. Liberals then turned to the courts, which might have considered these as cases of personal injury to the persons whose names had been forged. Instead, a county court judge ruled that this was a political controversy which should be settled by the State party convention. This decision was small comfort to the coalition. By the time the State convention met, precinct captains running on forged petitions would have been elected at the primary, and the Old Guard would again be in control of the State convention.

"Blood on the pavements": Interest in the 1950 Wayne County primaries ran unusually high. The county reported 222,804 Democratic primary votes for Governor, as compared with 81,796 in 1946.

The liberals concluded that, since they could not prevent precinct captains from running on questionable petitions, they would prevent those who won from being seated at the district conventions, where party officers were to be elected. To this end the coalition equipped Wayne County district conventions with bouncers; a liberal bouncer from the 15th district told the author that he was equipped with 6 men, 20 clubs, and 2 pistols, but was not called upon to use them.

Evidently PAC did not have complete faith in its bouncers. Unknown to other members of the coalition, it made a deal with the Teamsters whereby the latter would receive CIO support for its chairmen in the 1st, 15th, and 16th districts and the CIO would receive Teamster support for its chairmen in the 13th, 14th, and 17th districts.

District conventions were held on the evening of September 19. The newspaper public was regaled next morning with stories of the 14th district chairman, a liberal, who "presided with a baseball bat." George Fitzgerald, of the Old Guard, walked out of one district convention, telling newspapermen that he had "just watched socialism take over the Democratic Party by Communist processes." A delegate to the 17th district convention whose petition was questioned was carried outside and proceeded to make a radio platter entitled "Blood on the Pavements." Actually, the challenged delegates were given the choice of defending their petitions before the district convention or of leaving. Most of them left. The coalition won all the six Wayne County district chairmanships except the 16th.

The 13th district convention illustrates what happened to the Teamster-PAC deal. Since this district had 256 precincts, 129 precinct captains were required for a majority. The primaries turned up 90 known liberal precinct captains, 75 of whom were CIO members, and at least 16 teamsters. The teamsters had agreed to support a PAC chairman in return for 4 seats on the 15-man district executive board. PAC therefore did not question petitions in this district, and the teamsters and old-guard Democrats were seated. The first vote was for district chairman, and the 16 teamsters violated their agreement by voting for the old guard rather than for the liberal candidates. PAC was incensed. Fortunately, the coalition had enough votes to elect a liberal chairman by a small margin. PAC immediately dropped its half of the teamster deal, and the coalition proceeded to elect all the district party officers and 100 delegates to the State party convention. PAC's first move after the election of officers was to throw out the 16 teamsters and 32 old-guard members on the basis of fraudulent petitions.

The 1950 State Democratic convention: Most of the old guard, defeated at the district conventions, decided to boycott the State party convention. George Fitzgerald announced that he refused to attend a convention, to delegates to which had been picked with "storm troopers guarding the doors and the chairman presiding with a baseball bat." (Detroit News, September 27, 1950.) Mrs. Nellie Riley, a former Democratic national convention delegate, warned her sex: "Socialists are in complete charge of the Democratic Party machinery. Mothers and housewives in Michigan cannot afford to let the State go socialistic." (Detroit News, September 28, 1950.)

Shortly thereafter, most of the old guard interest groups turned to the Republicans. They formed the Democrats for Kelly Club (Kelly was the Republican candidate for governor). The leader of this club said: "Leaders who have turned control of our party over to nonpartisans with Socialist backgrounds and others of their ilk, cannot expect true Democrats to be complacent. I know of hundreds of good Democrats who feel the Democratic label is being used to advance ideologies to which we cannot and will not, subscribe." (Detroit Free Press, October 11, 1950.) The State CIO president, Scholle, was evidently encountering completely different Democrats. He claimed: "The overwhelming majority of the regular Democrats have welcomed us into the party with open arms. They find no difficulty in working with union members on a wholesome and cooperative basis." (Michigan CIO News, March 3, 1949.)

With the exodus of the old guard, the Detroit Times called the 1950 State Democratic convention on September 28, 1950, "the quietest in years." Of the 1,243 convention delegates, the coalition had at least 950, about 486 of whom were CIO members. Twenty Old Guard members tried to caucus, and one delegate questioned the district conventions, but neither caused much disturbance.

The liberal coalition, with PAC as its strongest member, thus weathered its second election as a controlling bloc in the Michigan State Democratic Convention and Committee.

THE COALITION AND INTERNAL PARTY DECISIONS

Unlike the Ohio PAC, the Michigan PAC thus shared a position of direct internal control over the State Democratic convention and committee. From this position, what influence could it exert on the internal decisions of the party? How did the internal life of the party change when the liberal coalition came into power?

Selection of candidates: In Michigan, legislative and judicial officers are nominated at a direct primary, but a number of State and county executive officers are nominated at party conventions. From its internal position the coalition had noticeable influence on both primary and convention nominations.

At conventions, liberal candidates were predetermined at caucuses of coalition leaders and were approved like clockwork. The lively "horse trading" of Old Guard conventions disappeared. Old Guard elements deplored this limitation on their operations; so did some liberal precinct delegates, who wanted more direct voice in return for their precinct work. PAC leaders claimed they used their influence in the caucus as follows: If two liberals were contending for nominations, PAC did not take sides. But it supported liberals as against conservatives. Sometimes, in the interest of party unity, it did not oppose conservatives; but it always fought an antilabor contender.

The coalition also carried weight in preprimary maneuvers. Its chief contribution was an effort to fill the primary slates. In 1946 eight State senators and 16 State representative districts failed to run Democrats. In 1950, under the liberal coalition, Democrats ran in all but 1 senatorial and 3 representative districts. Even though they had little hope of electoral success, the coalition made an effort to run "sacrificial goats" in strongly Republican areas because of their value as a nucleus for Democratic organization.

Theoretically, interest groups operate separately in running primary candidates. Actually, the standards of indorsement for issue-oriented members of the coalition were so similar that these groups made an effort not to run against one another. Though primary cooperation was not so highly developed as in the party regular system in Chicago, PAC claimed that it would make no indorsement in a contest between liberals. At general elections PAC stated flatly that it would not indorse an antilabor Democrat or a Republican of any kind.

The result of this policy has been more liberal Democratic primary contenders, especially in Wayne County.

The State Democratic platform: One of the most striking changes in the function of the Michigan State Democratic Party under the liberal coalition is in the content, creation, and use of the State party platform.

Both the phraseology and the content of the 1948 and 1950 Michigan Democratic platforms indicated that the party, under the liberal-issue oriented-interest groups, aimed its appeal at a particular segment of Michigan voters. It did not attempt to please everyone, as the previous patronage-oriented party had done. The State Democratic Party platform stated: "For this record of indifference and hostility to labor's interests the Republican Party stands condemned. The Democratic Party believes that the prosperity of the whole State depends on the health, security, and dignity of the working man" (Michigan CIO News, October 5, 1950, p. 4.) Furthermore, the platform stood for specific legislative items which patronage interest groups had considered too controverisal: a corporation profits tax, improved social security, a fair employment practices act, workers' education, and public housing. PAC's hand in this platform can be seen easily by comparing the platform with the State PAC legislative program. This platform, like the selection of candidates, was actually determined at informal caucuses of coalition leaders. Ratification by the State convention was assured.

Perhaps the most significant change regarding the State platform, however, was its use. Platforms of 1944 and 1946 State conventions played little part in the actual selection of candidates, campaign issues, and legislative battles. Liberal caucuses, on the other hand, did evaluate potential candidates on these issues. Williams used platform issues continuously in his campaign. These issues were stressed in his inaugural address in 1949 and in his first address to his Republican-dominated State legislature. In his first term he conducted sharp legislative battles on workmen's compensation, discrimination in the State militia, workers' education, old-age benefits, and public housing.

The Michigan party platform thus adopted a specific social orientation and became more binding, not because of any theoretical desire for "responsible" parties but because it had become a power medium for specific issue-oriented social groupings.

Electing party officers: The influence of PAC and the liberal coalition in electing precinct captains, district officers, and State conventions and committees has already been has already been described. The coalition elected enough precinct captains in Wayne County to control 4 of its 5 district conventions and a majority of the State convention.

Expanding party organization: Under the Old Guard, party organization in the State rural districts had been practically nonexistent. The Michigan Democratic Club set out to remedy this situation. Griffiths founded liberal Democratic groups; Williams visited them in the course of his campaign. These small county Democratic organizations were encouraged to run candidates, even with little hope of success, as a nucleus for party organization.

Even in urban areas the Old Guard had let basic Democratic organization slip. In 1946 no Democrat ran for over half the precincts in Wayne County, whereas 3,598 persons filed for these 1,748 places in 1950. Under the coalition, Democratic organization spread at the "grass-roots" level.

Internal party discipline: The liberal coalition ejected the incompatible Old Guard interest groups from the party by electoral means, supplemented in the 1950 district conventions by "bouncers." But what held the members of the coalition itself together? Many groups like PAC, A. F. of L., and Michigan Democrats were held by similar legislative interests. Patronage groups found that their objectives, while not exactly similar, could be obtained from the same candidates. All groups were united by a common desire to wrest control from the Old Guard.

What kept PAC from dominating this coalition? Certainly not timidity! PAC was limited by the fact that, while it had sufficient votes and money to dominate the coalition, it did not have sufficient resources to win a general election. In Michigan, as in Ohio, a liberal candidate had a far better chance of election when supported by a coalition with a traditional party name than he did with a strictly CIO label. The Michigan Democratic Club contributed liberal candidates and a statewide organization which performed as much precinct work as PAC members did. Reform Democrats provided party leaders of considerable political experience, like Niel Staebler, the 1950 State party chairman. These nonlabor members of the coalition proved more resourceful than PAC in contacting and reconciling compatible interest groups. They were even instrumental in reconciling compatible interest elements in the A. F. of L. Since PAC needed help to defeat the well-intrenched Republicans, it was forced to broaden the coalition by compromise rather than narrow it by domination.

Distributing patronage: PAC claimed it could get along without routine patronage jobs. It could pay PAC workers from union treasuries for time lost from work for political duties without the risk of losing them to the county court house, and few workers wanted to give up factory pay and seniority for the insecurity of political jobs, anyway. But PAC and other issue-oriented groups evinced considerable interest in policy-making jobs. PAC did not hesitate to bring pressure for sympathetic appointees to the Michigan Unemployment Compensation Commission, the State department of labor, and the public service commission. These, it felt, directly affected labor. When it became apparent that Governor Williams might appoint Vandenberg's successor to the Senate, all the coalition groups felt their interests were at stake and fought the matter out at liberal caucuses.

Michigan Democratic and reform groups, however, admitted that routine patronage was of great use to them in building party organization. The Wayne County Democratic chairman felt that until he had more money at his disposal he would have to use patronage as an incentive. Griffiths, of the Michigan Democratic Club, claimed he found patronage useful in bringing Polish, Negro, and Italian groups into line. Party-interest groups, like the ethnic groups just mentioned, found their chief party interest in patronage. Presumably more such patronage-oriented groups will enter the party if it becomes successful at county and city levels.

But patronage also had a way of creating trouble. District party chairmen asked that all patronage be channeled through them, for example. PAC, however, flatly rejected the idea of having its appointee for the Michigan Unemployment Compensation Commission subject to the approval of a district party chairman. PAC won this controversy.

In summary, PAC did not cease to exist as a distinct interest group when it entered the Michigan party. It merely entered a new sphere of political action. It could still be seen jockeying for candidates, platform planks, offices, and patronage inside the coalition. But neither did PAC capture the Democratic Party. It had to share control with other interest groups inside the coalition in order to stay in power.

THE COALITION CAMPAIGNS FOR WILLIAMS

The influence of the coalition was clearly displayed in Williams' second campaign for governor. His election in 1948 was not surprising. Democrats had held the governor's chair in presidential years with few exceptions since the depression. But his reelection even by a narrow margin, in 1950 was unusual. Democratic governors had not been reelected since the Bull Moose days of 1912. How did the liberal coalition handle Williams' 1950 campaign? What part did PAC play?

Fund raising: Since both the State PAC and the State Democratic Party were campaigning for the entire State-wide Democratic slate in 1950, it is difficult to disentangle the expense of Williams' campaign from the others. Party and PAC sources indicate that total party and direct contributions to statewide Democratic candidates amounted to $328,519.68 and that CIO unions contributed about $211,550 or 64 percent of this (table 4). The coalition thus relied on PAC as its chief benefactor. Michigan Democratic, Reform, Polish, and Negro groups did not have large resources, and the party's orientation precluded support from wealthy business groups.

CIO gave all but $6,000 of its contribution directly to candidates rather than to the State committee. The unions also made most of their contribution in the form of election-day workers and supplies rather than money. This enabled PAC to control the use of its money directly and to direct it toward developing its own political workers and orienting its own members. CIO thus used its funds not only to elect Democratic

candidates but also to strengthen its position inside the liberal coalition.

Publicity and precinct work: The liberal coalition built precinct contacts in order to enter the Democratic Party. The same organization proved invaluable in campaigning.

The party conducted what it called a "grassroots" campaign. It could not depend on the commercial mass media for support, any more than it had in Ohio. The 53 daily papers in Michigan were all Republican. Only 25 of the 350 weekly papers were Democratic. The Auto Worker, a United Automobile Workers publication, was the largest of these. Radio stations also had Republican leanings.

TABLE 4.—*Source and disposition of Michigan Democratic Party and candidate campaign funds, 1950*

CONTRIBUTION TO THE STATE DEMOCRATIC COMMITTEE [1]

Source:	
Jefferson-Jackson Day dinner	$12,168.67
Williams Campaign Committee	9,534.66
Teamsters union	9,223.53
UAW-CIO	5,000.00
USA-CIO	1,000.00
Staebler	1,000.00
Other	65,749.38
Total	103,676.24
Disposition:	
National Democratic Committee	35,317.67
Michigan Democratic Campaigns	62,969.68
Balance on account	5,388.89
Total	103,676.24

CONTRIBUTIONS DIRECTLY TO STATEWIDE DEMOCRATIC CANDIDATES [2]

Source:	
Michigan CIO unions	$200,000.00
National CIO-PAC	5,550.00
Nonunion sources	60,000.00
Total	265,550.00
Disposition: Statewide Democratic candidates	265,550.00
Total	265,550.00

[1] Report of Democratic State committee chairman to the Michigan secretary of state (Detroit Free Press, November 29, 1950).

[2] Niel Staebler, chairman, Democratic State committee, interview, December 20, 1950. Tilford Dudley, assistant director, National CIO-PAC, telephone conversation, January 9, 1951.

Democrats therefore relied on the doorstep contacts of their precinct workers, on neighborhood teas, local square dances, and ward rallies. These were good devices for a group which suffered in the press but had a personable and hard-working candidate. Such a campaign both used and strengthened precinct organization.

In urban areas PAC played an important part in Democratic precinct campaign work. It loaned staff members ("coordinators") to act as full-time campaign executives for Wayne County district Democratic Parties. PAC precinct workers were asked to contact all Democrats in their neighborhoods, not just CIO members.

Use of interest groups: Another interesting feature of the coalition's 1950 campaign for governor was its use of interest groups. The Michigan campaign committee, unlike the Ferguson committee, deliberately concealed its interest groups. It had no special campaign committees and no labor representatives on the general campaign committee. Precinct workers approached all voters alike with the same broad coalition program. PAC precinct workers identified themselves, even to CIO members, simply as Democrats. When reporters called PAC for campaign news, they were referred to party headquarters. This was a hard role for a virile young interest group like PAC, which was footing bills, contributing precinct workers, and anxious to justify itself to its membership. But it was sophisticated politics even in Detroit, where "captured by the CIO" was often, as in Ohio, a political scareword. Unable to locate the CIO, Republicans concentrated on the Americans for Democratic Action (ADA), whose small membership still retained an exposed external position. In an open letter to the voters of Michigan, Kelly, Republican candidate for governor, said:

"What else do we have? We have a strange thing called ADA—I call it a 'thing' because I don't believe there is any other way to describe it. There has never been anything like it in the history of this country. It seems to be a collection of people who don't want to belong to any honest American political party, and who usually end up in their political thinking pretty close to whatever the Communist and Socialist party lines may be. The ADA, you will find, is simply another strange splinter group whose leaders are hungry for power." (Detroit Free Press, November 3, 1950.)

But, though the Williams campaign concealed its interest groups, it had a definite social orientation. While Republicans denounced the liberal coalition as tools of the Kremlin, Democrats denounced Republicans as tools of the National Association of Manufacturers. Campaign publicity might have sounded like class warfare to Marx, but the fact was that the candidate for governor was heir to the Mennen shaving-cream fortune and the State Democratic committee chairman was president of an oil company.

Election-day work: Unfortunately, Michigan has not been blessed with complete integrity in the conduct of elections. For some years politicians have been aware that everything was not always in order at the polls. In February 1948, the Michigan Senate Subcommittee on Privileges and Elections studied senatorial races in 12 counties and reported irregularities. The coalition recalled this when Williams lost by a narrow margin, and they demanded a recount. Michigan voters were incredulous at the errors discovered. Some tellers had forgotten to count straight Democratic ballots entirely. Others had inadvertently counted the yellow oleomargarine referendum vote for Kelly. A vote canvass, completed on November 27, gave Williams a 1,154-vote edge. The Republicans then demanded a second recount on December 4, but called it off when Williams' lead reached 4,119 and after 3,400 of the 4,355 precincts in the State had been recounted.

The recount was expensive for both sides, and PAC helped foot the bill of the coalition. The liberals thus performed a campaign function untried by the Old Guard Democrats. They helped police an election.

In summary, PAC actively campaigned under the Democratic label. Thus in Michigan, where organized labor actually played a significant role inside the State Democratic Party, the average voter was scarcely aware of it. In Ohio, where organized labor had very little influence inside the party, many voters feared that PAC had captured the Democratic organization.

ADVANTAGES AND LIMITATIONS OF AN INTERNAL PARTY RELATIONSHIP

From an internal position and with the aid of the liberal coalition, PAC was able to strengthen the party. Under the coalition the party took steps to fill its precincts, its slates, its conventions, and its campaign coffers. Thus strengthened, the party was able to reelect a Democratic governor in 1950 under rather difficult circumstances. If it had retained its external position, PAC would have had to supplement a party even weaker than the party in Ohio.

PAC was in a position, second, not only to strengthen the party but to liberalize it. So long as the Old Guard controlled the party, PAC usually had to select its candidates from a "lesser of two evils." As member of a controlling coalition, however, it was able to use its internal influence to see that liberals ran in the primaries and were selected at conventions. It was in a position not only to enter liberal planks in the party platform but to see that they were taken seriously. It could eject conservative interest groups from the party and use patronage to strengthen the coalition. Instead of selecting between two hostile parties, PAC could help make one party a better vehicle for its own ideas.

Third, as part of the Democratic Party, PAC received support from other interest groups, which might not have cooperated in third-party or independent activity. The Michigan Democratic Club provided leadership. The ethnic groups carried votes in urban areas. Without such resources, PAC might not have been able to attain a share of control in the party, and it certainly would not have been able to elect a governor.

Fourth, whereas, in Ohio, PAC was exposed to public opinion as a special interest group because of its separate precinct organization and marked literature, in Michigan, PAC was hidden behind a broad party organization and a traditional party name. A Republican like Taft could scarcely have crucified Williams as a "labor candidate." Williams was a Democrat. His labor connections were not apparent to the average voter. Nor could Taft have capitalized on the idea that PAC had captured the Democratic Party. The average citizen did not concern himself with district and State party conventions, and the interest-group composition of these bodies was not widely known.

But an internal position presented problems as well as advantages to PAC. In the first place, it required considerable political resources. In Ohio, PAC contributed heavily to one candidate in one campaign. In Michigan, PAC had to subsidize the party and a number of campaigns. Internal party activity was costly to PAC not only in money but in work. PAC had to locate and train hundreds of precinct workers, not just to supplement the party here and there but actually to carry party responsibility the year around. Successful internal activity also required a steady bloc of CIO votes. It is no easy matter to keep workers (or most average citizens) politically alert.

Second, PAC faced the necessity of compromise. Concessions to patronage, Reform, Michigan Democratic, or A. F. of L. groups brought PAC under censure from some CIO members, who claimed their political organization had betrayed them or had been captured by the party. On the other hand, an uncompromising position would have lost PAC allies whose support was essential to control the party or win a general election. PAC's compromises had to be pragmatic, in terms of the balance of power at the moment. It could seldom take an ideal position.

In the third place, PAC faced the problem of maintaining the loyalty of its workers and members. Would the average CIO member remember PAC if he were approached only by Democratic precinct captains? How would CIO members who were Republican react to Democratic partisianship? Would PAC workers follow PAC directives, once in party office, or would they be captured by other interests? In 1948 and 1950, PAC successfully maintained its internal identity by dint of PAC training conferences, training sessions, caucuses, and idealism. Many, though by no means all, CIO members who attended Democratic conventions voted with PAC.

Fourth, could PAC trust its allies? PAC itself was not above a deal with the teamsters, doublecrossing other members of the coalition. Other coalition groups faced similar temptations to leave PAC out of new controlling party coalitions.

And, finally, entering the Democratic Party did not automatically assure PAC of its ultimate objective—the election of sympathetic

legislators. Michigan was strongly Republican except in its large urban areas. With considerable effort the coalition was able to elect a governor in an off-year, but his legislature was overwhelmingly Republican and could easily override his veto. An internal party position simply meant that PAC faced the general election with the support, rather than the hostility, of other Democratic interest groups.

WHY DID PAC ENTER THE PARTY IN MICHIGAN?

Why did PAC in Michigan adopt an internal relationship to the Democratic Party at a time when the Ohio PAC was building an independent political organization, even down to the wards and precincts?

The election district: In Ohio, PAC would have had to capture a number of county parties in order to obtain control of the State convention or committee. In Michigan the liberal coalition had to capture just one—Wayne County. This county contains Detroit and 37 percent of the people in the State. But Wayne County has an even higher proportion of the State's Democrats. Sixty-six percent of the Democratic votes for Governor in the 1948 primary were cast in the five congressional districts of Wayne County. A coalition which controlled Wayne County was, therefore, in a position to control the State Democratic convention.

Fortunately for PAC, CIO membership was also highly concentrated in this strategic voting area. Four hundred thousand of CIO's 700,000 Michigan members voted in Wayne County. By political activity in one county where the CIO was strong, PAC could obtain a share of control in the Michigan State Democratic Party.

Election practices: In Wayne County, PAC could enter the Democratic Party by electing precinct captains rather than ward leaders—a much less formidable task. The votes of these precinct captains actually controlled district conventions and the selection of State convention delegates. Michigan precinct captains were up for election every 2 years.

The Michigan PAC could thus enter the party at the precinct level, whereas the Chicago PAC could not.

Voting behavior: The Democratic primary vote in Michigan in the mid-1940's was low. In 1947 the coalition could count on nominating a governor with 100,000 votes, a figure which seemed within the range of possibility for PAC with Michigan Democratic Club and Reform group support. The primary vote also indicated easy access to the party hierarchy through the precincts.

The Detroit Times (Sept. 17, 1950) described Michigan's general election voting behavior as follows: "Michigan has never been blessed with a strong opposition party. For three quarters of a century prior to 1932 it was a stand-pat Republican State. Since 1932 it has been a maverick; Democrats grabbing control in presidential years, and disorganized Republicans stumbling to recover in by-election years" (p. 30).

In 1932, 1936, and 1940, with Roosevelt heading the ticket, Michigan voters put Democrats in the governor's chair. The off-years, 1934, 1938, and 1942, has regularly produced Republican governors. But evidently the Democrats relied more on depression psychology than on basic party organization. With the coming of war prosperity, Democratic governors lost by 219,522 votes in 1944 and by 359,338 votes in 1946. This large difference between the Republican and Democratic vote in the mid-1940's indicated that PAC would have difficulty establishing a balance-of-power relationship. But the high Democratic vote during the depression indicated that Michigan might have a liberal vote untapped by the Old Guard Democratic Party. The liberal coalition counted on this vote in estimating that it might revive the Democratic Party. For this reason, Michigan's general election vote favored an internal, rather than an external, balance-of-power position.

Third-party activity has been a temptation to many Michigan CIO members. But third parties have never shown impressive returns on Michigan election sheets, with the exception of the Bull Moose party in 1912 and the La Follette Progressives in 1924. Father Coughlin's Social Justice Party reached a peak of 75,795 in 1936; Wallace got 46,515 in 1948; Socialists never rallied more than their maximum of 39,205 votes in 1932. A successful third party is difficult to build in Michigan. It faces the adamant opposition of the press and a Republican party which can turn out 934,000 votes for governor. PAC did not have sufficient votes to make a third party a practicable method of electing a governor in 1950.

The low primary vote, the difficulty of balancing power, potential New Deal sentiment, and the poor showing of third parties, all pointed to an internal method of political action in Michigan. A coalition could enter the weak Democratic party through the primaries and make it a vehicle which might appeal to the potential liberal vote, without being placed in the exposed position of a third party or a supplemental interest group.

Compatible interest groups: What interest groups were potentially compatible with PAC's program? What form of political action did they favor? With their combined resources, what forms of political action could liberal groups successfully underwrite? These factors had a bearing on the form of political action that PAC could adopt.

Some A. F. of L. unions, like the Teamsters, had already attempted internal Democratic Party activity but felt their objectives to be more compatible with the Old Guard than with the liberal coalition. The more liberal segment of the A. F. of L., however, at the instigation of the Michigan Democratic and reform groups, agreed to give partisan support to the liberal coalition. The A. F. of L. was not so active politically as the CIO was, but PAC could count on some A. F. of L. support for partisan activity.

The Americans for Democratic Action, especially in Wayne County, was a small but active interest group. Though they refused to adopt a partisan method of political action, they agreed to support Williams and contributed considerable political work in 1948. A number of ADA members, like Williams himself, who became converted to the partisan approach, left ADA and joined the Michigan Democratic Club.

The support of Michigan Democratic Club and reform Democrats was essential to the success of the liberal coalition. Their objectives were similar to, or at least not incompatible with, those of PAC. It is doubtful, however, whether PAC could have obtained their support for external or third-party political action. They were already committed to a partisan approach.

Especially in Detroit, the Democratic Party has obtained steadily increasing support from Negro, Polish, Italian, and low-income groupings. Polish and Italian and, to a lesser extent, Negro communities had well-organized political interest groups with patronage objectives in 1950. Like the Michigan Democratic Club, these groups adopted a partisan relationship to the Democratic Party. Hicks Griffiths approached these groups in 1948 and obtained the support of important Negro and Italian politicians for the liberal coalition. The political attachment of the Polish group wavered between Old Guard and liberal factions. It is doubtful whether these interest groups would have contributed their resources to anything but partisan activity.

Democratic Party structure: The Michigan party was controlled from the precinct level; hence its battlements could be scaled by electing precinct captains.

District and county party chairmen were not in a position of absolute control, as in Steubenville. They were supplemented by an executive board of 15 members, which had more authority than the rubber-stamp body in Jefferson County. Since power could be distributed among party officers, coalition government was possible. The relationship of PAC to Michigan Democratic Club and Reform Democrats was not that of lord and vassals; party control could be shared.

Party composition: Michigan old-guard Democrats had not built a formidable machine with broad interest-group contacts, like the party in Chicago. Their ranks were decimated by patronage factions and the disaffection of Michigan Democratic and reform groups.

As a result, party functions declined. Precints and slates were not filled, factions were not disciplined, campaigning was weak. As in Rockford, the party was thus open to capture by a more active and disciplined coalition able to find and elect precinct captains and select and campaign for candidates.

PAC objectives: The Michigan PAC, like the four others studied here, accepted national CIO legislative objectives. In addition, the State CIO council approved specific State legislative objectives and made endorsements on the basis of these objectives.

Like Abner and Allen, however, Michigan PAC leaders were thinking of more than a few legislative concessions. They had a vision of parties and governmental bodies in which labor had an actual share of control. Existing parties, both under the control of nonlabor groups, looked to them like tweedle-dum and tweedle-dee.

The Michigan PAC nearly had a civil war over whether labor could obtain this share of political control by entering an old party or starting a new one. The third-party idea was by no means a monopoly of CIO's left wing. Even while deciding to enter the Democratic Party, the Michigan PAC left the third-party alternative open with the statement: "*Resolved*, That a thorough and objective study be made of the results of this [partisan] policy in both primary and general elections in Michigan, with the understanding that if this program has been unsuccessful that Michigan CIO then recommend to the National CIO convention which meets in November 1948, that action be taken to unite the AFL Railway Brotherhoods, and other progressive groups for the formation of a new political party based upon a progressive political program and independent of existing political parties." (Michigan CIO News, June 23, 1948, p. 2.)

PAC structure: In 1950 the State PAC had 150 to 200 members representing county industrial union councils, CIO international unions, and State CIO and international union staff. This committee met quarterly to elect officers, determine policy, endorse statewide candidates, and coordinate the political work of local unions and councils. Its members carried this policy back to their local groups.

As is common with such large committees, however, PAC policy was thought out by an executive board. The State PAC executive board consisted of about 15 members: 9 from the United Automobile Workers and 1 each from Steel, Chemical, Amalgamated Clothing, and Utility Workers Unions. All regional directors or international union presidents in the State were also included. This board met about once a month. Actually, however, its main work was performed by about five of its most active members, located in Detroit. This was the core of PAC leadership.

For its executive work, the State PAC had a staff consisting of a director, his assistants, 5 or 6 field workers, an education staff, a newspaper staff, and clerical help. Political action formed a major part of their work. Since the president of the State CIO council, its chief executive, the chairman of PAC, and the CIO regional director were one and the same man, August Scholle, he was in an unusually strong position to direct political-action policy. He personally favored internal rather than third-party activity.

While the State PAC accepted the legislative program and presidential endorsements of the national CIO, its relationship to the national body was not close. The State PAC did not consult with its national office as to the form of political action it should take, nor did it keep the national body informed of its activities. Thus Michigan felt freer to experiment with partisan activity than did Ohio, which adopted a supplemental party relationship more in common with national PAC practice.

Under the State PAC were the PAC's of county and city industrial union councils. They coordinated and promoted CIO political activity in their areas but had to stay in line with State and National PAC policy on pain of disciplinary action. The State PAC was the center of power in this hierarchy. It was thus able to develop sufficient consistency of action to enter the Democratic Party on a statewide basis.

Composition of PAC: The average CIO member in Michigan, as in other communities, felt his union was necessary but did not hesitate to gripe about its political and economic demands upon him. Immediate CIO legislative objectives sounded good to him, but did not arouse him to great excitement. Like his neighbors, he required considerable political education before he could be induced to undertake any form of political action.

Michigan's secondary leadership seemed to have somewhat more political experience and enthusiasm than Ohio's, owing perhaps to previous United Automobile Workers' excursions into the field of political action and internal UAW politics. Their very awareness of alternative political objectives and methods, however, made factionalism a problem.

The bitterest factions arose over the issue of leftwing or rightwing control. The rightwing won firm control of the State CIO Council in 1946. But the leftwing continued in control of the Wayne County Council until 1948, when the national CIO took disciplinary measures to bring it into line on the Wallace third-party issue. Since Reuther's victory over the Thomas-Addes faction of the UAW and the expulsion of leftwing unions from the CIO, the rightwing has been assured of control of the PAC in Michigan. But the conflict resulted in the rather centralized and disciplined rtructure just described.

The greatest 1950 factional differences centered around the question of third-party versus internal-party political action. This question was not permanently settled, and rumblings of discontent were not uncommon within PAC.

What were the political abilities and preferences of the PAC leaders in Michigan? August Scholle was State PAC director. He was militant, aggressive, and ruthless against opposition. His experience inside major political parties may have been more limited than that of some coalition group leaders, but he was well versed in the techniques of acquiring and holding power within the rough and tumble of the labor movement. He lacked Willard Allen's informal, genial, personal leadership, and he relied on authority, formal appearances, statements, and strategy to maintain control of his turbulent hierarchy. He held the reins tight. With his own restless membership in mind, he did not hesitate to make sharp demands of the party in return for PAC support. The coalition did not find him an easy teammate. He was personally convinced of the effectiveness of partisan activity and was largely responsible for building and maintaining it.

PAC thus had top and secondary leadership with sufficient experience and control to attempt partisan political action, and its membership was still in the stage of responding more readily to Democratic than to third-party appeals.

SUMMARY

In Michigan, PAC formed a liberal coalition with the Michigan Democratic Club, Reform Democrats, A. F. of L., and a few patronage interest groups. By entering precinct captains in the primaries, especially in Wayne County, the coalition was able to control a number of district Democratic conventions and send a majority of delegates to the Democratic State convention. From this position the liberal coalition was able to determine the composition of the Democratic State executive committee. PAC was the strongest single interest group in the coalition.

The coalition was able to bring marked changes into the life of the Michigan Democratic Party. It filled Democratic primary and convention slates. It entered liberal planks in the State Democratic platform and made the platform more binding. It governed the selection of party officers. It ejected the conservative Old Guard. It used its influence to appoint liberals to policy-determining patronage jobs and used routine patronage to strengthen its coalition. PAC's hand was observable in all these changes.

The coalition also had new ideas about campaigning and footed more than half the bill. Liberal Democratic campaigns relied on precinct work rather than on large-scale publicity. Special interest groups were well hidden behind a general Democratic campaign committee. For the first time the Democratic Party challenged a Statewide election and won a governor.

This internal position had obvious advantages for PAC. Instead of attempting to deal with a weak and hostile party, it helped create an active and friendly body. PAC's assets were supplemented by those of other compatible groups which might not have followed PAC into more independent activity. PAC was not left exposed before the newspapers. But an internal position also presented problems. It was costly in money, work, and votes, and it required compromises. PAC ran the risk of capture by other party groups or of being left out of new party coalitions. And, finally, a position on the Democratic ballot by no means insured a liberal candidate of actual election.

A third party was impractical as a means of electing Michigan's governor in 1950. Liberals were concentrated in a few urban areas, and their interest groups were already involved in a partisan approach. CIO members did not show themselves capable of a large independent vote, and their Republican opponents were strong. A supplementary or balance-of-power relationship also seemed unsatisfactory. The Republicans were strong, and both parties were hostile. PAC leaders wanted more than a "lesser of two evils." But the Democratic Party was weak in the precincts and the primary and was made vulnerable by Michigan election law. Liberal groups were willing to cooperate in a partisan move. PAC was strong enough and disciplined enough to think in Statewide terms. In 1948 and again in 1950 it was therefore able to share party control. A coalition, with PAC as an important member, found that it was able to capture the State Democratic Party.

Mr. McCORMACK. Mr. Speaker, of course, the question of personal privilege was not anticipated by the Members, but under the circumstances I think I should have the right to express my views and I ask unanimous consent to address the House for 10 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentlemen from Massachusetts?

There was no objection.

Mr. McCORMACK. Mr. Speaker, most of the utterings of the gentleman from Michigan were entirely irrelevant to the main matter he was supposed to discuss. As far as communism is concerned, years before anybody ever heard from the gentleman from Michigan [Mr. HOFFMAN], a Member of this House by the name of McCORMACK was fighting them and fighting them practically alone. Nineteen years ago I was chairman of a special committee that investigated communism, and nazism and fascism, and my special committee also investigated bigotry.

Let me remind the gentleman that I am the author of the Foreign Agents Registration Act; and also to remind the gentleman that the first recommendation to this body ever made to make it a crime for anyone "to knowingly or wilfully advocate the overthrow of Government by force and violence," now a part of the Smith Act, was made by the McCormack special subcommittee; also giving the Army and Navy the power to control communistic activities that could go on prior to 1935 without anyone being able to stop Communist activities in camps and navy yards, was recommended by my subcommittee and put through under my leadership. I did not hear the gentleman from Michigan [Mr. HOFFMAN] in those years supporting me when I could not get a hearing on the bill before the Committee on the Judiciary on the bill making it a crime for anyone "to knowingly or wilfully advocate the overthrow of Government by force and violence" because it violated State rights. Can you imagine that? It is now the Smith law. I led the fight. I had to wait 4 years before that bill came before the House in order to get it passed.

So far as communism is concerned, why for many years I have been constantly fighting it and my record speaks for itself; but in those years I was practically alone. When I warned of the potential danger of communism, when I was being fought by powerful people in certain activities in this country outside of the Government and in powerful positions in Government, I had very few voices supporting me.

Now, let us get down to the facts. Here is a newspaper heading: "Sift Charge CIO Seized Democratic Rule."

Here is another headline: "State Democrats Face April Probe."

Suppose a Democratic House had said: "State Republicans Face April Probe," do you think that would be right? I do not care whether it is Republican or Democrat. You have the power now yourself. We did not abuse it when we were in control. Just put the shoe on the other foot.

Coming to the Committee on Government Operations, it has absolutely no jurisdiction over a matter of this kind. As the best evidence of the argument today in indirectly approaching it by investigating expenses on the part of some officials of the Federal Government, I have here copy of a letter dated March 25 sent by the gentleman from Michigan [Mr. HOFFMAN] to the gentleman from Illinois [Mr. DAWSON], the ranking Democratic member of the committee. Here is what he said only a few days ago:

Among other things, this committee will endeavor to ascertain whether physical force was used to obtain control of several con-

gressional district political conventions which sent delegates to the State convention, which in turn had a voice in electing members of national political conventions.

Another purpose is to ascertain whether an amendment of the Corrupt Practices Act is either advisable or necessary, in order that regular lawful party procedure might be continued—whether such conventions which affect national elections might be controlled through the use of force.

The Corrupt Practices Act does not come under the jurisdiction of the Committee on Government Operations. If it comes under any committee it would be the Committee on House Administration and legislation relating to it could come under the jurisdiction of the Committee on the Judiciary.

Now the gentleman says that the charge that it was purely partisan was "without foundation in fact." Well I have in my hand here the Detroit News of March 21. Right down here it says in part:

A witness at the Detroit hearings will probably be Representative CHARLES G. OAKMAN, Detroit Republican, now representing the 17th District. OAKMAN said he was anxious that the public know what went on at the 1950 Delegate Convention of the Democratic Party in Detroit—

And mark these words what this paper says. I do not know whether the gentleman said it or not, and if he says he did not, I will accept his word—mark these words—

and this was the first opportunity of a Republican administration to make an investigation.

Is that a justification? Now if that is correct, and I have a right to draw an inference that the newspaper men quoted it correctly, then, that the charge is partisan, is certainly justified.

Now we are entitled to say many things outside of this House that we cannot say on the floor of the House because of the rules of the House, and yet it might be the truth what we said outside of the House. With reference to my statement that it was "a disgraceful abuse of power," I did not say or intend that my dear friend from Michigan, or convey that he was "disgraceful." Why, if anyone said to me on the floor of the House or outside of this House that the gentleman from Michigan [Mr. HOFFMAN], was disgraceful, I would resent it and I would defend him, and I would defend the gentleman because I have a minimum high regard for him.

Mr. HOFFMAN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. Always.

Mr. HOFFMAN of Michigan. I just call attention of the House, after words expressing some sort of appreciation of the gentleman from Michigan, the gentleman then said it was a minimum.

Mr. McCORMACK. No, no, I said "minimum high regard" and very few have even that for my friend. I am still one of the few Members of the House that have a liking for him.

Mr. HOFFMAN of Michigan. I thank the gentleman for that compliment. There may be more than you think.

Mr. McCORMACK. I hope there are, because I am a kind-hearted fellow. I want to think well and good of all of my fellow men, and I want all of my fellow men to think well of others, and to think there are more than a few that have a minimum high regard for my dear friend.

Mr. HOFFMAN of Michigan. I thank the gentleman. Let me call attention to this, as strange as it may seem to you.

Mr. McCORMACK. Strange as it may seem? You are one of my strange things.

Mr. HOFFMAN of Michigan. And difficult as it may be for you to give credence to it, I never made any statement to the press. I never saw those papers until you waved one of them over in the committee hearing. I have not read one of them—but will do so at my earliest convenience.

Mr. McCORMACK. The fact remains that somebody spoke to the press. I did not. That is a fact. Somebody did the speaking.

So, I guess we have had a good time. Probably it is best to let the matter rest. My friend is giving it a lot of fine advertising, more than I really deserve and really expected. My friend unconsciously and unintentionally has helped the Democratic Party in Michigan rather than hurt the Democratic Party. Now let me say to my friend, as chairman of the committee; I do not know much; I have only been here 25 years, but I know very little. I am trying to learn every day, but I know one thing, it is the easiest thing in the world to get along with those who serve in this House, whether Democratic or Republican, if you protect their rights. Might I suggest to my friend, as chairman, protect not only the rights of the Republican members of the Committee on Government Operations but also protect the rights of the minority members. And, let me say, when I was majority leader I always emphasized protecting the rights of the minority, and so has the gentleman from Indiana [Mr. HALLECK]. He realizes that above all he must protect the rights of the minority, and fall over in doing so. And the chairman of the committee has the same responsibility, because the chairman of the committee is the leader of his party in committee, and he is supposed to do the same thing; to be very careful. We never had a meeting of the full committee that I was asked about the House Administration Committee and expenses for our committee. I served on a subcommittee of which the gentleman from Michigan [Mr. HOFFMAN] is chairman. Our little subcommittee has not met. If the Republicans on the subcommittee have met, we Democrats have not been invited. At least invite us. Get your votes together but go through the formality of complying with the legislative rules and procedure and, might I say, with decency. The gentleman and I and the Democratic members of the committee will get along well if first he does not invade the rights of the chairman of his own subcommittee—he had better do a little about that; that is not a Democratic matter—and above all, if he will just show the elements of decent consideration, what a chairman should do for the members of a committee, both Republicans and Democrats.

Mr. OAKMAN. Mr. Speaker, will the gentleman yield? The gentleman from Massachusetts mentioned my name, and I would just like to make a remark for the RECORD, if he will yield.

The SPEAKER pro tempore. The time of the gentleman from Massachusetts has expired, although he can ask unanimous consent to proceed for another minute.

Mr. McCORMACK. I would be glad to, Mr. Speaker.

The SPEAKER pro tempore. Without objection, the gentleman from Massachusetts may proceed for 1 additional minute.

There was no objection.

Mr. OAKMAN. The gentleman from Massachusetts mentioned my name in conjunction with this.

Mr. McCORMACK. No, I quoted from a newspaper.

Mr. OAKMAN. Very good sir, I am happy to tell the gentleman and the other Members of this House that I am the Congressman who did go to Mr. HOFFMAN as the only Republican from Wayne County, but I assure the gentleman that it was not as a Republican that I went to Mr. HOFFMAN; it was as an American. I have had dozens and dozens of complaints, all from Democrats in my district in Wayne County, not from the Republicans. I show you a book called, "The CIO and the Democratic Party."

Mr. McCORMACK. Does the gentleman want me to get 5 minutes for him? I will ask for that if he wants to make a speech.

Mr. OAKMAN. It is the Democrats in my district and not the Republicans who are seeking the reformation.

Mr. McCORMACK. It is beautiful to see a Republican Congressman going to a Republican chairman to investigate a Democratic convention. I am glad to see that my friend is acting as an American and not as a Republican, but we have a right to our own views on that question.

The SPEAKER pro tempore. The time of the gentleman from Massachusetts has again expired.

SUBMERGED LANDS BILL

Mr. ALLEN of Illinois. Mr. Speaker, I call up House Resolution 193 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 4198) to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, and to provide for the use and control of said lands and resources and the resources of the outer Continental Shelf, and all points of order against said bill are hereby waived. After general debate, which shall be confined to the bill, and shall continue not to exceed 4 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report

the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. ALLEN of Illinois. Mr. Speaker, I yield 30 minutes to the gentleman from Mississippi [Mr. COLMER], and I now yield myself such time as I may require.

Mr. Speaker, this resolution makes in order H. R. 4198, a bill to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands.

It is an open rule, providing for 4 hours of debate, after which it will be read for amendments under the 5-minute rule. Under the rule, points of order are waived because it is probable that the question of appropriation in a legislative bill is involved. I refer you to page 6, beginning on line 9.

This legislation merely restores to the States the accepted law of the land prior to the Supreme Court's decision in the California case which, by a 4-to-3 decision, robbed the States of their sovereign rights.

The Judiciary Committees of both the House and the other body have had over the years many hearings on the subject. Always the committees have held in favor of the States. We must not forget that for over 160 years in our Nation's history that the States had unchallenged ownership.

The Supreme Court's decision applies to all the 48 States. Particularly does it apply to the 18 coastal States and the 8 States bordering on the Great Lakes. For instance, the great city of Chicago has filled in many square miles on the Michigan Lake front. As of this moment, the question of true titles to these lands may be in question.

While it is true that some are opposed to this bill, it is my understanding there is not any objection to the passing of this rule.

Mr. COLMER. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, as the gentleman from Illinois, the chairman of the committee, just explained, this is an open rule providing for 4 hours of general debate, which together with the 1 hour provided on the rule makes 5 hours of general debate, after which the bill will be read for amendment under the 5-minute rule.

Mr. Speaker, this question has been a controversial one now for the past decade and a half. For years and years, it was generally understood that the various States of the Union exercised the right of ownership and control over the sea bottoms according to their historic bounds. About 1935, some question was raised about that matter of ownership of these tidal lands by the then Secretary of the Interior, Mr. Ickes, although he had on a previous occasion, as I understand it, recognized the rights of the States to these tidewater subsoils. Subsequently the Supreme Court decided much to the surprise of many constitutional lawyers that the right to that soil belonged to the Federal Government and not to the States. This House on two occasions since that time passed a bill by overwhelming majority reasserting the right and title to these lands in the States. Naturally, coming from a State whose citizens pride themselves on the theory of States rights, I subscribe to the general theory enunciated here in the philosophy of this legislation of States' rights. Of course, no one could discuss this all-comprehensive legislation in such a limited time as we have here. In passing, I want to say that we want to give as much time as possible to the opposition to this bill on the rule, as I am sure it will be given in the general discussion of the bill.

But, generally speaking, there are more than three States involved in this matter; even though the public seems to have been given a contrary impression. Not only are California, Texas, and Florida involved, but all States with coastal borders are concerned with this legislation. In fact, all States are interested because of the far-reaching implications of the Supreme Court decision.

There are two questions involved. The question of the traditional or historic boundaries of the States, and the question of the Continental Shelf. I might mention before I leave that subject that with the exception, as I understand this legislation—and if I am in error, of course someone will correct me subsequently in the debate—but under this legislation only three States, California, Texas, and Florida—there may be others who claim—but, as I understand the testimony before the committee, it was the three States of California, Texas, and Florida which claimed more than 3 miles from the shore as their historical boundaries.

The SPEAKER. The time of the gentleman from Mississippi has expired.

Mr. COLMER. Mr. Speaker, I yield myself 4 additional minutes.

Mr. DONDERO. Mr. Speaker, will the gentleman yield?

Mr. COLMER. I yield to the gentleman from Michigan.

Mr. DONDERO. I was just about to say how easy it would be to write a line in this bill to include all of the Lake States that have coast lines, but not on the ocean.

Mr. COLMER. I hope the gentleman will develop that under general debate. I think the gentleman will find that possibly that has already been done.

Now Texas comes in with its claim of more than 3 miles, because Texas came into the Union under a different status than the other States of the Union, which I do not have time to develop, but which will be developed during the debate.

Mr. Speaker, I want to call attention particularly of the chairman of the committee and of the chairman of the subcommittee and the members of the committee generally to one phase of this matter that gives me considerable concern. That is the question of the comprehensive language used in the definition of what constitutes "natural resources." On page 3 we find that term. I shall not take the time to read it, but under the definition of "natural resources" the States would be given control and the right to the fish, shrimp, oysters, clams, crabs, lobsters, et cetera. That raises a very serious question in my mind, as one who has been very much interested in that subject. Fish, shrimp and so forth are migratory. They are not fixed, in the sense that minerals are.

For instance, take the case of shrimp. Recently a large school of shrimp not heretofore discovered was found off the coast of Florida. Those shrimp moved gradually across the Gulf of Mexico, across the States of Florida, Alabama, Mississippi, Louisiana, and Texas and now are somewhere off the coast of Mexico. Fishing fleets from Virginia to Mexico converged upon those shrimp without interference or limitation of State boundaries. This was as it should be. Otherwise the harvest would have been impossible. Migratory fish and shrimp do not recognize State boundaries.

Mr. Speaker, as a matter of fact the practice engaged in by some States in the matter of regulating the taking of fish and other marine life is clearly unlawful and violative of the Privilege and Immunities clause of the United States Constitution. The United States Supreme Court in a fairly recent decision in the case of *Toomer* v. *Witsell* (334 U. S. 385) held that unreasonable and discriminatory regulations, licenses or fees could not be imposed or required by one State against the citizens of a different State in the taking of such marine life, to wit, shrimp. And I should like to call the attention of the learned committee members to the fact that this decision was made by the Supreme Court subsequent to the famous case in which the Court ruled in favor of the Federal Government and against the States in the so-called tidelands case. I might add that subsequent to the case just cited—the South Carolina case—the same United States Supreme Court made a similar decision in a case involving Texas and Louisiana, also involving the taking of shrimp.

At the proper time in the consideration of this legislation—and I wish I had more time to develop it—I am going to offer an amendment to try to clarify that situation and I hope I may have the sympathetic cooperation of the committee.

Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Speaker, I think the gentleman from Mississippi very rightly points out a glaring defect of this bill, one of many; and I hope those defects will be made manifest as the debate progresses. I cannot see how shrimp, crabs, lobsters, and all manner and kin of fish can be deemed a resource or a part of the resources of a State. They are migratory, and that subsection (d) on page 3 is going to get the States involved in all manner and kinds of difficulties, all manner and kinds of claims and counterclaims, and what have you; so I think a suitable amendment would be very welcome in that regard.

Mr. NICHOLSON. Mr. Speaker, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Massachusetts.

Mr. NICHOLSON. I understood the gentleman to say that clams, quahaugs, and so forth, are migratory. They are attached to the land and planted there.

Mr. CELLER. I did not say "clams"; I meant some of the other marine animals or marine life that are mentioned

in the bill. However, I am opposed to this legislation in toto; I have been opposed to it from the very beginning.

This is an attempt to erase Supreme Court decisions, and I can assure you that whatever we do here with reference to this particular bill will be purely abortive. I can say that from my knowledge of the law; and a reading of the decisions of the Supreme Court in the California case and in the Texas case, in the Louisiana case, leaves no doubt that this bill, if passed, will be declared illegal. The terms of the instant bill are no different in principle than the terms of the proposals passed upon by the Court. All we do will prove to be abortive, for the Supreme Court has stated in effect that the United States has no title whatsoever in these marginal lands and offshore lands seaward from low-water mark or in the minerals underneath. This bill purports to quitclaim to certain States these offshore lands and the minerals thereunder. I ask you how we can alienate that which we do not have, that which we do not own? Congress cannot quitclaim for the Government. The Government has naught to give a quitclaim. I say our action will be purely abortive. The Supreme Court will reaffirm the general principle that the Federal Government does not have title. Using legal verbiage the Court said in the Louisiana case, that as to these marginal lands off shore the Federal Government has "paramount rights"—that is, it has "imperium," that is, sovereignty. That is what is meant by "paramount rights" over the offshore lands. "Sovereignty" involves right, national defense, right of waging war, right to conduct foreign relations, make treaties, and so forth. The Federal Government cannot yield to the States any privileges or land or anything under the lands that interfere with that "sovereignty." Ceding any land seaward from the low-water mark would mean ceding some of the Government's sovereignty. This Congress cannot do.

Significantly the Court in the Louisiana case said:

> Although dominium (legal title) and imperium (sovereignty) are normally separable and separate, this is an instance where property interests are so subordinated to the rights of sovereignty as to follow sovereignty.

Thus legal title merges into sovereignty and becomes part of it.

The Federal Government must have sovereign rights on the seacoast; it must have sovereign rights over the termini of the various coastal States for purposes of defense and for the conduct of international relations, and so forth. This bill decidedly nullifies those sovereign rights of the Nation.

When officials of the Government appeared before our committee they were in hopeless discord. There was no agreement. Signals got crossed. Arguments made by the administration's high officials were all tangled up. Three departments of the Government could not agree. The Secretary of the Interior, Mr. McKay, came before us and said we should "quitclaim" seaward to the traditional borders of the States; that is, the Federal Government should quitclaim these lands to the coastal States. But along came the Attorney General, Mr. Brownell, a very astute and distinguished lawyer who knows the score, who knows the intricate legalities of the situation, and said, "Do not quitclaim." He undoubtedly had in mind the decisions of the Supreme Court which said that the Federal Government had no title, therefore, could not quitclaim what it did not have. Then Mr. Brownell—as I say, a very astute lawyer—realizing that there were some very improvident campaign pledges made by certain distinguished personages tried to reconcile differences, but he got into embarrassing difficulties. He said, "Do not quitclaim. Let the Federal Government allow the States to develop."

The SPEAKER. The time of the gentleman from New York has expired.

Mr. ALLEN of Illinois. Mr. Speaker, I yield the gentleman 3 minutes.

Mr. CELLER. Mr. Speaker, finally the distinguished Attorney General said: "Draw a line between that which belongs to the States, and that which belongs to the Federal Government." He was rather naive in making that statement, because every member of the committee objected and said it would take until kingdom come to draw any sort of line of that kind. So that tack was discarded.

Then along came the State Department, and it said, in effect: "You were all wrong. Do not quitclaim. Do not allow development. Draw no line. If you attempt to give this territory and the rights thereunder to the States or allow development, you will involve us in all kinds of international entanglements." Whom are we to follow? The State Department, the Department of Justice, or the Interior Department? We cannot follow all three. They are in emphatic disaccord.

In particular, incidentally, the State Department, in its opposition, had in mind what happened recently when the Russians fired upon one of our planes that got nowhere near the 3-mile limit of Russian territory. Yet the Kremlin claimed the territory or sea over which the plane was flying. The Department had in mind what happened comparatively recently when our shrimp boats went down off the coast of Mexico and sailed allegedly within the 9-mile limit of Mexican territorial waters and got into trouble.

Just see what has occurred since we started this kind of legislation. Our minority report, which I hope you will read, indicates how various nations are now extending their boundaries away out to what is known as the Continental Shelf. The list includes Mexico, Panama, Chile, Peru, Argentina, and other Pan American countries. We started it all. Other nations taking their cue from the proposed legislation proceeded to extend their boundaries seaward clear to the Continental Shelf. One hardly blames them but see the complications that will arise from all these boundary extensions. Small wonder the State Department expresses alarm.

See what would ensue if France and England extended their boundaries in the English Channel as cavalierly as we would permit Texas and other coastal States to expand their limits by this legislation. We invite the States to extend their boundaries willy-nilly. I may be disputed on this, but I think I am right. There is an invitation, for example, to the States to go not only beyond 3 miles, the traditional 3 miles; but even to go beyond the marginal sea of 10½ miles, and clear out to the Continental Shelf—60 miles or 100 miles.

Section 4 in effect says that any claims of States as to seaward boundaries to any degree are not prejudiced by the legislation. This is the language used in part in section 4:

> Any claim heretofore or hereafter asserted either by constitutional provision, statute, or otherwise, indicating the intent of a State so to extend its boundaries is hereby approved and confirmed, without prejudice to its claim, if any it has, that its boundaries extend beyond that line—

The 3-mile limit.

These words will encourage States to extend their boundaries. Here is an engraved invitation to the coastal States to expand seaward—clear to the edge of the ocean shelf.

Up in Alaska the Continental Shelf extends 600 miles. If and when Alaska becomes a State it could extend its lines deep into the seas. What would Russia do? What is France going to do? What is England going to do? What are other countries going to do? They are all going to extend their territories way, way out, and they are going to get in each other's way and create incalculable turmoil and harm.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. ALLEN of Illinois. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. HILLINGS].

Mr. HILLINGS. Mr. Speaker, I find myself in considerable disagreement with the comments of the distinguished gentleman from New York [Mr. CELLER]. Later on in the course of debate I know that we are going to answer some of the points raised in the course of his remarks. At this time I would like to bring to the attention of the House a quotation of some paragraphs from a speech by the now President of the United States which was delivered in New Orleans on October 13, 1952, in which the position of President Eisenhower was made clear. That position has been reiterated in recent press conferences at the White House. I do so because the comment was made by the gentleman from New York that the present administration is confused as to what its position is on this issue. He said:

> The attack on the tidelands is only a part of the effort of the administration to amass more power and local responsibility.
>
> So, let me be clear in my position on the tidelands and all submerged lands and resources beneath inland and offshore waters which lie within historic State boundaries. As I have said before, my views are in line with my party's platform. I favor the recognition of clear legal title to these lands in each of the 48 States.
>
> This has been my position since 1948, long before I was persuaded to go into politics.
>
> State titles in these so-called tidelands areas stand clouded today.
>
> The Supreme Court has declared in very recent years that there are certain paramount Federal rights in these areas. But the court expressly recognized the right of Congress to deal with the matters of ownership and title.

Twice by substantial majorities, both Houses of Congress have voted to recognize the traditional concept of State ownership of these submerged areas. Twice these acts of Congress have been vetoed by the President.

I would approve such acts of Congress.

State ownership of the lands and resources beneath inland and offshore navigable waters is a long-recognized concept. It has not weakened America or impaired the orderly development of such resources. The States have administered the development of such resources in these areas from the beginning. And let me point out that this development has been carried on by State officials without scandal, fraud, or corruption.

The policy of the Washington power-mongers is a policy of grab. I wonder how far a consistent pursuit of this policy would take us. If they take the Louisiana, Texas, and California tidelands, then what about the Great Lakes? They have been held to be open sea. A good part of Chicago has been built on lands once submerged by Lake Michigan.

What of the inland lakes, rivers, and streams in Oklahoma, Iowa, Illinois, and Kansas?

What about the iron ore under the navigable waters of Minnesota and the coal under the waters of Pennsylvania, West Virginia, and other States?

What of the fisheries in Florida; what of the kelp in Maine; what of the real estate built on soil reclaimed from the once-submerged areas in New York and Massachusetts?

The Washington power grabbers say, "Oh, we haven't tried to move in on any of those other States."

My answer is they didn't move in on you in Louisiana until the submerged lands became valuable.

So I repeat for the benefit of my opponents who have gone out of their way to misrepresent my views: I favor the recognition of these ancient property rights of the States in submerged lands.

Here are my reasons:

First, I deplore and I will always resist Federal encroachment upon rights and affairs of the States.

Second, I am gravely concerned over the threat to the States inherent in the growth of this power-hungry movement.

Third, the resources of these submerged areas, though still owned by the States, will be available for America's defense in time of national emergency.

Fourth, the orderly development of these resources under the States need not interfere with any valid Federal function.

Fifth, I believe the law twice passed by Congress which would recognize these State titles is in keeping with basic principles of honest dealing and fair play. These things are important—they are vital in Government as well as private dealings.

That was the statement of the President in his speech in New Orleans. Just a few weeks ago in a press conference he repeated his position in answer to a question which was put to him as to where he stood on this question. The question was:

Would you still say you favor restoring full ownership in the States within historic boundaries?

The President asked:

Within historic boundaries? Yes, sir.

The President said:

Which doesn't mean, of course, that the Federal Government doesn't perform certain functions in that region—security, smuggling—they do that. But up to the historic boundaries, that is State property as far as he was concerned.

This statement was contained in the New York Herald-Tribune of March 6.

I am convinced that the administration and the President of the United States are very much in favor of legislation to restore State ownership of the resources in the area within historical State boundaries.

Mr. FEIGHAN. Mr. Speaker, will the gentleman yield?

Mr. HILLINGS. I yield to the gentleman from Ohio.

Mr. FEIGHAN. May I ask the gentleman from California if the excerpts from the speech of the President in Louisiana were made before the President stated that he had not read the Supreme Court decision?

Mr. HILLINGS. I do not know, but I know this, that the President has consistently felt, as he indicated in his remarks in New Orleans and as indicated in his press conference, that despite the Supreme Court decision this Congress can still act to properly determine the title to these lands in question.

Mr. ALLEN of Illinois. Mr. Speaker, I yield such time as he may desire to the gentleman from Utah [Mr. DAWSON].

Mr. DAWSON of Utah. Mr. Speaker, I favor retention by the Federal Government of the rights to revenue from the development of natural resources on the public domain until such time as a complete resurvey of these rights—including a survey of public domain in inland States—can be made. I am against piecemeal quitclaiming of these revenue rights, particularly by a Federal Government that is heavily in debt to rich sovereign States which, to their credit, are not.

In taking this stand, I want to dissassociate myself from many of the tactics used by proponents of continued Federal ownership. These arguments include such canards as giving the lands to the oil lobbies, and so forth. I also feel that the attempt to tie up the so-called tidelands issue with Federal-aid-to-education legislation is misleading. It is sufficient, I feel, to point out to the people the financial plight of the Federal Government as it now stands. We should not have to buy their support for our stand by promising a new, and in this instance a popular, Federal spending program.

We are asked here to decide a matter of equity—and this question has two phases. Continued Federal ownership of the submerged lands without remedial legislation would, I am convinced, unduly penalize those persons who have in good faith spent time and money exploring and developing this great national resource under State lease. Without remedial legislation—should we defeat this measure—several johnny-come-lately Federal leaseholders would benefit at the expense of the legitimate developers and at the expense of the Nation as a whole. This I do not favor. This question of equity, however, can be settled by proper legislation, recognizing the legitimate rights of those who have operated under State leases. But we do not, we do not, have to protect their equity at the expense of the equity of all of the taxpayers in the Nation who now have, and until this measure is signed into law will continue to have, a right to their share of any revenue that accrues to the Nation from this vast oil resource.

Here, we have the second question of equity. We are asked by this bill to give up to the citizens of 3 States at the expense of the citizens of the remaining 45 States their equity in the revenue developed from this natural resource.

To the extent of 10 percent of this revenue—all of the States of the Union are involved. Under present policy of Federal ownership, 10 percent of royalty and rental revenue from oil development on the submerged lands would go into the General Treasury, where it is available for debt reduction, tax reduction, or for any program that the Congress in its wisdom decides upon.

Another 37½ percent of this revenue—if Federal ownership is retained—would be allocated to the inshore States, just as 37½ percent of the revenue from lands on public domain is now allocated to those States in which the domain lies. This I feel is a just allocation to the rich States of Louisiana, California, and Texas.

The remaining 52½ percent goes into the Bureau of Reclamation fund where it is used to help public-domain States develop their resources in the interest of the Nation. California, Texas, and Louisiana participate in these benefits—as does Utah, where 73 percent of the land area is under Federal dominion. This is the present method by which the citizens of the Nation share in wealth nationally owned and privately developed. I do not see why an exception should be made in the case of the residents of any three States. There should be no exceptions. If there is to be a shift in the distribution of revenues from Federal domain—all States and the citizens of all States should be treated equitably.

It appears to me indefensible for Congress to protect the equity of the good-faith developers of submerged oil lands by adopting a law that kicks the equity of the majority of the people of the Nation in these lands out the window.

Mr. ALLEN of Illinois. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. MEADER].

Mr. MEADER. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. MEADER. Mr. Speaker, I am not going to discuss the merits of this bill. My views are briefly stated on the last page of the committee report. The reason I have asked for this time is that I sought to incorporate in my separate views on this legislation certain information which I had obtained concerning the international law aspects of this legislation.

I pointed out in my minority views in the report that there was no witness appearing before the Committee on the Judiciary of the House this year, at least, to discuss the international-law aspect of this legislation.

I wish to point out briefly that the definition of territorial waters which has been a matter of international law and the completely new field of international law dealing with the Continental Shelf seaward from the territorial waters are fields of great importance in international affairs and in international law.

Because of that gap in the information before the House Committee on the Judiciary—and I might say that no representative of the State Department was requested to appear before that committee, although the State Department did appear before the Senate committee considering similar legislation—I requested a colleague of mine, Professor William Bishop, professor of international law at the University of Michigan Law School, to brief me on the international-law aspects of this legislation. I wrote him on March 16, 1953, and received a reply from him on March 24, 1953, to which he attached a paper he gave before the Inter-American Bar Association at its sixth conference in Detroit, Mich., on May 19, 1949, entitled "The Exercise of Jurisdiction for Special Purposes in High Seas Areas on the Outer Limit of Territorial Waters."

It seems to me it is extremely important that the Members of the House should at least be aware of the problems with regard to the international-law aspects of this legislation before we vote on it. I assure you that the principles here involved are far reaching. My purpose today is to make this information available to the Members of the House early enough in the consideration of this legislation that they may, if they care to, familiarize themselves with the principles involved.

Mr. Speaker, I ask unanimous consent to incorporate my letter to Professor Bishop, and his reply to me, together with a paper accompanying it at this point.

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

There was no objection.

(The matter referred to is as follows:)

MARCH 16, 1953.

Prof. WILLIAM BISHOP,
University of Michigan Law School,
Ann Arbor, Mich.

DEAR BILL: As you know, the House Judiciary Committee now has before it legislation dealing with the transfer of submerged lands to the States. This is now before a subcommittee of the House Judiciary Committee, but will shortly come before the Full Committee of which, as you probably know, I am a member.

When similar legislation was before the 82d Congress I voted against the transfer from the Federal Government to the States on the general grounds that Congress should not set itself up as a super supreme court to reverse judicial decisions which in its judgment were erroneous. Nor should it make donations of national wealth belonging to all the people of the United States to the citizens of just a few States.

I read the Supreme Court's decisions in the Texas-California and Louisiana cases, and it seemed clear to me that those cases held that rights, sovereignty, power, dominion, title, property or what have you, were in the Federal Government rather than in the States adjacent to the submerged lands. Although the reasoning did not appear too clear and the holdings were somewhat vague, I regarded these decisions as a final adjudication of property rights based upon consideration of principles of Constitutional and international law.

During the hearing in the current Congress, it struck me that we are dealing in a field which does not have a great deal of clearly established principles and precedents. Although the interest is concentrated on minerals under the submerged lands, there might be consideration concerning the waters above those lands and control of the air above the waters. I would be very much interested in knowing what landmarks have been established in international law that would shed some light on proper thinking with respect to submerged lands legislation. If you have ideas on the subject or can refer me to discussions which in your opinion contain sound reasoning, I think it would be helpful in my thinking in arriving at a sound conclusion, or in anything I may say concerning the present submerged-lands legislation.

I am enclosing excerpts containing the statements I made during the last Congress on this subject and would appreciate your criticism and comments.

Sincerely yours,

GEORGE MEADER,
Member of Congress.

UNIVERSITY OF MICHIGAN LAW SCHOOL,
Ann Arbor, March 24, 1953.

Hon. GEORGE MEADER,
House of Representatives,
Washington, D. C.

DEAR GEORGE: This is in response to your good letter of March 16, 1953, asking for my views on the international law aspects of the pending legislation having to do with the transfer to the States of the submerged lands.

I am happy to say that I am in general accord with the position which you take in your letter, as well as with the statements which you made on the floor of the House on July 30, 1951, and May 15, 1952, and in your press release of March 4, 1953.

My own feeling is that in *United States* v. *California* (332 U. S. 19 (1947)) and *United States* v. *Louisiana* (339 U. S. 699 (1950)), the Supreme Court came to a conclusion with which I could not agree in view of its departure therein from the long line of Supreme Court cases beginning with *Pollard's Lessee* v. *Hagan* (3 How. 212 (U. S. 1845)). I believe that the Supreme Court decision in *United States* v. *Texas* (339 U. S. 707 (1950)) was definitely erroneous, in view of the arrangements between the United States and the Republic of Texas pursuant to which the latter was to retain its public lands when it became a State in the Union. Indeed, I even took a small part on the Texas side of the latter litigation, concurring in the conclusions of the joint memorandum dated July 14, 1950, and filed with the Supreme Court in support of the petition for rehearing. [As you may be aware, that memorandum, and various articles about the special situation in *United States* v. *Texas*, are conveniently published in Third Baylor Law Review 115, 319 (winter issue, 1951).] But, although I do not feel that these cases were correctly decided, I share your doubts as to the Congress setting itself up as a body to reverse the Supreme Court, and as to the wisdom of turning over to certain States what the Supreme Court has found to be the property (or something approaching property) of the Nation.

Turning to your specific inquiries relating to the international law aspects of this question of submerged coastal lands, I would urge first that it does not appear to make any difference with respect to our international law rights or international law duties, whether as a purely domestic or intranational matter the ownership, control, paramount rights, or what have you, with respect to these submerged coastal lands belongs to the several State governments or to the Federal Government, or were even owned in fee simple by private individuals. Political control, sovereignty, territorial authority, or whatever term one may use to describe the powers of the United States over its territory when viewed from the international law standpoint, clearly does not require that the national government have ownership in the private-law sense of all of the property within that territory. From the international law standpoint, I suppose no one would doubt that the United States has just the same sovereignty or territorial authority over my own small house and lot in Ann Arbor, or over the State-owned campus of the university, as it does over the United States post-office downtown which is owned by the United States. Ownership by the United States Government is not a a prerequisite to sovereignty or territorial authority, while indeed United States Government ownership of property in foreign countries (such as military cemeteries) does not carry with it sovereignty or territorial authority over such pieces of property. So far as I can see it, it makes no difference whether the property concerned is a house and lot, or the subsoil of the sea; ownership is one thing, and territorial sovereignty is another, and loss of one does not mean loss of the other.

Secondly, although from the standpoint of international law or international relations it would appear to make no difference whether the States or the Federal Government have property (or property-like) rights in the submerged coastal lands, yet it does seem to me very important that any action which Congress may see fit to take with respect to the domestic question of title to such lands should not be in terms inconsistent with the international position which the United States has taken, or wishes to take, as a nation in its relations with foreign countries. It is here that considerations of international law really do come into play in this matter, and I would suggest that it may be very difficult to have any action taken by Congress in this field which may not have undesirable repercussions upon our international controversies with other countries. As I see it, the proposed submerged-lands legislation may give rise to such international complications and with respect to the extent of territorial waters, and with respect to the nature and scope of rights which may lawfully be claimed by a nation regarding its continental shelf and the superjacent waters.

Unintended consequences may result from what the proposed legislation will do in drawing a boundary line (whether 3 marine miles, or 9 marine miles) between those lands transferred or returned to the States and lying inside such limit, and the lands remaining under Federal ownership or paramount control because they lie outside that limit. Here the trouble is that in any such legislation we must make a formal selection of some particular limit, which other countries will then be prone to consider an official statement by the United States of the limit of territorial waters. It may be possible to guard in part against undesirable consequences by appropriate disclaimer of any intention to deal with the limit of territorial waters. As I see it, if we make the limit 3 nautical miles along our entire coast, that would be no more than repeating our usual stand that the maximum breadth of territorial waters is 3 marine miles; and I suppose we have said that often enough so that no real additional embarrassment would result from saying it again, even if at some time within the next few years we might as a nation wish to change our minds and to advocate a broader belt of marginal seas in view of some of the inadequacies of the 3-mile limit. However, I understand that (except off California) the really important deposits of oil lie outside the 3-mile limit, and strong pressures are likely to give the States more than just the seabed and subsoil within 3 miles. Furthermore, in the case of Texas, pressures will be very strong indeed to draw the line at least as far from shore as 9 marine

miles (approximately 10½ statute miles), and this with considerable justification. I believe it can be shown that Texas as an independent republic, like Mexico before and since the independence of Texas, claimed as her own territorial waters 9 miles rather than 3; and I don't think that at the time of the annexation of Texas in 1845 customary international law on that point had developed to the point where it was internationally unlawful for a nation to claim 9 miles. [You will remember, for example, that the Treaty of Guadalupe Hidalgo of 1848 between the United States and Mexico, ending the Mexican War, provided that the boundary between the United States and Mexico "shall commence in the Gulf of Mexico, three leagues from land, opposite the mouth of the Rio Grande."] Now if we do in an act of Congress choose the 9-mile limit off Texas, I'm afraid that we will give great encouragement to various other nations that currently insist on claiming as their own territorial waters a belt of 5 or 6 or 9 or 12 nautical miles off their shores. Mexico, in particular, has frequently interfered with American shrimpers and other fishing vessels operating more than 3 but less than 9 nautical miles off the Mexican coast, and in dealing with such actions the United States has insisted that 3 nautical miles was the outer limit of Mexican territorial waters. According to the press, we are now trying to get the release of a number of shrimping vessels held by Mexican authorities at Campeche. It is well known that our shrimp fishermen in the Gulf of Mexico, and our California and Oregon tuna fishermen in the Pacific, find it highly desirable, if not essential, to engage in fishing operations not far outside the 3-mile limit off Mexico and countries to the south. I believe that any legislation enacted by Congress at the present time which might indicate United States approval of a 9-mile claim by Texas, and thus impliedly of that by Mexico as her predecessor-in-title, would jeopardize the chances of our Department of State in working out any satisfactory solution with Mexico regarding the status of our fishermen operating near the Mexican coasts. On this point I fully concur in the statement of Jack B. Tate, Deputy Legal Adviser of the Department of State, as reported in the press.

Please do not understand me to be saying that I believe that under contemporary international law the 3-mile limit is so well established as to be clearly binding against a nation, like Mexico or Norway, that has always claimed more than 3 miles. I don't think that the International Court of Justice would today hold that Mexico violates international law in maintaining its claim to 9 nautical miles and in enforcing it against vessels and nationals of the United States. Although the United States and Great Britain, and generally the nations with large seagoing tonnage which wishes to operate close to other nations' shores, have maintained that 3 miles was the international law limit, it seems to me significant that in the so-called liquor treaties concluded by the United States between 1924 and 1930 it was only Great Britain, Germany, Panama, the Netherlands, Cuba, and Japan whom we could get to agree on 3 miles as the proper limits of territorial waters; while in our treaties concluded with Sweden, Norway, Denmark, Italy, France, Belgium, Spain, Greece, Chile, and Poland, it was necessary to substitute the provision that the parties respectively retain their rights and claims, without prejudice by reason of this agreement, with respect to the extent of their territorial jurisdiction. During the League of Nations Conference for the Codification of International Law, convened at The Hague in 1930, it appeared that Canada, China, Denmark, Greece, India, Iran, Japan, the Netherlands, South Africa, United Kingdom, and the United States all advocated the 3-mile limit; while 3 miles plus an additional contiguous zone was supported by Belgium, Chile, Egypt, Estonia, France, Germany, and Poland. At the Conference Finland, Iceland, Norway, and Sweden proposed 4 marine miles, Finland and Norway favoring an additional contiguous zone. Brazil, Colombia, Italy, Rumania, Spain, Uruguay, and Yugoslavia favored 6 nautical miles, as did Cuba, Latvia, and Turkey if a further contiguous zone was added. Portugal sought 12 miles. (On this, see I Hackworth, Digest of International Law, 628–630.) According to data gathered in 1951 by S. W. Boggs, a geographical expert of the Department of State, and published in his article, National Claims in Adjacent Seas, 61 Geographical Review 185 (1951), 3 nautical miles was regarded as the proper limit of territorial waters by Australia, Belgium, Burma, Canada, Ceylon, China, Costa Rica, Cuba, Dominican Republic, Germany, India, Indonesia, Ireland, Israel, Japan, Korea, Liberia, Netherlands, New Zealand, Rumania, South Africa, Thailand, and the United Kingdom. He classifies as claiming 3 miles plus contiguous zones for special purposes, Argentina, Brazil, Cambodia, Chile, Denmark, Ecuador, El Salvador, France, Laos, Nicaragua, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Turkey, the United States, Venezuela, and Vietnam. He lists 4 miles as claimed by Finland, Iceland, Norway, and Sweden (all within contiguous zones also), and perhaps as the Danish claim. Uruguay is given as claiming 5 miles; while Bulgaria, Haiti, and Saudi Arabia are classed as claiming 6, and 6 miles plus a further contiguous zone is listed for Egypt, Greece, Honduras, Iran, Italy, Lebanon, Spain, Syria, and Yugoslavia. According to Dr. Boggs, Mexico claims 9 miles, and Colombia, Guatemala, and the Soviet Union claim 12 miles. (The Soviet claims to 12 miles have been much in mind of late, while it can be seen from I Hackworth, Digest of International Law, 634–636, that such Russian claims antedate the 1917 revolution.) With this lineup of nations for and against the 3-mile limit, I think it very doubtful whether the United States could persuade the International Court of Justice today that the Mexican claim of 9 miles, or even the Soviet claim of 12 miles, clearly violates customary international law. But the point I am trying to make is that any action by the Congress which lends support to the 9-mile view through its treatment of submerged lands off Texas, would seem to put our negotiators in a much poorer position, giving encouragement and support to the Mexican contention that they can seize our shrimpers and tuna boats between 3 and 9 marine miles off Mexico, and perhaps even to the Soviet contention that our vessels and planes must not approach within 12 marine miles of Soviet shores without express permission. If Congress wants to take this risk, I would submit that it should only be after a full understanding of the complications involved.

The other sphere in which the proposed legislation might run into international law difficulties for the United States would be that of control over the Continental Shelf and waters above it, which lie clearly outside of what is claimed as territorial waters. Here we are dealing with a new and rapidly evolving concept in international law, which received its first official impetus from the two Truman proclamations of September 28, 1945, dealing respectively with the resources of the Continental Shelf and with coastal fisheries. On this subject you may find of interest the enclosed mimeographed copy of a talk which I gave to the Inter-American Bar Association at its Detroit meeting in 1949. Incidentally, I believe no confidence is violated when I say that as an Assistant to the legal adviser of the Department of State I played some part in connection with the 1945 proclamations, and that to the best of my recollection the main themes of my talk before the Inter-American Bar Association are in harmony with the thinking current in the Department of State at the time these proclamations were issued.

In that talk I was trying to point out the thinking behind, and the justifications for, the policy of the United States expressed in the proclamations; and I was also trying to show that the action taken by various Latin American countries (to some extent Mexico, but especially Peru, Chile, Costa Rica, and Argentina), in asserting that both the resources of the Continental Shelf, and all the water above, were part of their territory and completely subject to their control save for a right akin to that of innocent passage through admitted territorial waters, went way beyond anything the United States had done or advocated. So far as the seabed and subsoil are concerned, most of the Latin American Republics, the Persian Gulf countries, and a few others such as Pakistan and Philippines, have taken action asserting authority over oil and other resources of the Continental Shelf. I think there has been no serious protest by any foreign government so far as that is concerned, and I see no real violation of international law in such claims to the seabed and subsoil (whether asserted in terms of "sovereignty," "ownership," etc., as in some countries, or in the more cautious words of "appertaining to" and "subject to its control and jurisdiction" used in the United States Continental Shelf proclamation). On the other hand, once the claims begin to include the right to control fishing and the waters themselves which are above the Continental Shelf, and to assimilate those waters to ordinary territorial waters even though they may extend 200 miles from shore rather than 3 or 9 or 12, we get to the point where the freedom of the seas is seriously interfered with, and where justification in present day international law cannot be found, unless the assertion of control is narrowly limited (as in the United States coastal fisheries proclamation, which is limited to substantially developed fisheries and which brings the state of the fishing vessels in on a par with the coastal State in the regulating and controlling). You will recall that the United States and Great Britain are both reported to have protested strongly to the assertions of jurisdiction over seabed and superjacent waters by Chile, Peru, and Argentina. I am happy to see that the United Nations International Law Commission, in trying to draw up articles relating to the Continental Shelf and related topics, follows quite closely the position of the United States (you will find those articles appended to the mimeographed version of my talk).

Thus here, again, we have a difference of opinion between the United States and various Latin American countries regarding control over the Continental Shelf and superjacent waters. I would urge that any congressional action which might lay claim to the Continental Shelf beyond the three—or nine—mile limit, and refer to it as property of the Federal Government, should be carefully scrutinized to avoid inadvertant support to Latin American contentions which the United States regards as violating international law. At the present stage of technology and actual exploitation of oil, no one is too much concerned if under claims to the Continental Shelf by the coastal State a foreigner is prevented from drilling for oil or taking minerals without the permission of the coastal State. I see no harm likely to result from any actions or statements which might reiterate the coastal States' rights over resources of the seabed and subsoil of the Continental Shelf, even if Congress were to use terms expressive of ownership or sovereignty rather than the more cautious language of the 1945 proclamation. On the other hand, Americans have long fished—and want to keep on fishing—not very far out on the high seas from the coasts of foreign countries—both Newfoundland and the Republics to the south—and if we do anything

to encourage the idea that the coastal State can control fishing on the Continental Shelf without the State of the fishing vessels having an equal say in the regulation and control of such fishing outside narrowly defined territorial waters, then I think we'll be acting directly contrary to our own United States interests. I am sure that you will perceive in the 1945 proclamation on coastal fisheries the attempt to safeguard fishing for salmon and halibut off Alaska and British Columbia—the latter, in particular, under a most successful conservation treaty with Canada—and at the same time avoid being cut out of our share in laying down any controls by the coastal nations over fishing by our vessels off Mexico and countries to the south, or off Newfoundland and the other northeastern fisheries. If Congress is going to adopt any legislation with respect to the submerged coastal lands, I hope that great care will be used to avoid hurting the United States position or aiding that of Mexico, Peru, Costa Rica, etc., in dealing with fisheries on the Continental Shelf but outside territorial waters. Indeed, in the present formative stage of international law with respect to the Continental Shelf and to fishing controls in contiguous zones of the high seas, I would submit that greater care may be necessary in this field than with respect to the line limiting territorial waters.

I fear that the foregoing may set forth my ideas at greater length than you will want, but I hope they may be of some use to you. Insofar as articles, etc., are concerned, I believe that most of my views are expressed in the enclosed talk before the Inter-American Bar Association. On the international law aspects of the Continental Shelf, the fullest published treatment seems to be in M. W. Mouton, The Continental Shelf (1952), a book in English by a Dutch naval officer which won the Grotius prize in 1952. Much briefer, but perhaps useful as a general introduction, I would recommend on the Continental Shelf an article by Richard Young, Legal Status of Submarine Areas Beneath the High Seas, 45th American Journal International Law, 225 (April 1951); and on coastal fisheries Charles Selak, Recent Developments in High Seas Fisheries Jurisdiction Under the Presidential Proclamation of 1945, 44 ibid., 670 (October 1950). There is a full bibliography in Mouton's book.

Hoping that this may be of some value to you, and with best personal wishes,

Sincerely yours,

BILL,

William W. Bishop, Jr.,
Professor of Law.

THE EXERCISE OF JURISDICTION FOR SPECIAL PURPOSES IN HIGH SEAS AREAS BEYOND THE OUTER LIMIT OF TERRITORIAL WATERS (E. G., CONSERVATION, ETC.)

(Paper prepared by William W. Bishop, Jr., professor of law, University of Michigan Law School, Inter-American Bar Association, sixth conference, Detroit, May 1949)

COMMITTEE X, THEME 2, TERRITORIAL WATERS AND OCEAN FISHERIES

I have been asked to discuss the exercise by a nation of jurisdiction for special purposes in contiguous zones of the high seas lying beyond the outer limits of territorial waters. I shall not attempt to touch upon one aspect of this problem which is of major interest to federations, like the United States, where great concern arises over the domestic constitutional issue whether the central Government, or those of the several States, should exercise such jurisdiction. Furthermore, my topic differs from that of the breadth of territorial waters. The exercise of jurisdiction in contiguous zones of the high seas becomes necessary in view of the inadequacy under modern conditions of any reasonable breadth of territorial waters; whatever we may regard as the breadth of marginal sea now accepted under international law, there are occasions and purposes for which jurisdiction must be exercised farther out from shore. This differs from an attempt to declare such areas territorial waters subject to the full sovereignty of the coastal state.

The efforts of the League of Nations toward codification of the law of territorial waters, culminating in the failure to achieve agreement at the Hague Codification Conference of 1930, points to the present unsettled condition of international law on this subject.[1] The replies of the various governments and their views at the conference showed agreement that a state has sovereignty over a belt of sea around its coast (subject to the rights of innocent passage and refuge in distress), but no agreement as to the breadth of this belt. No state disputed that territorial waters extend at least 3 nautical miles from shore, but many insisted upon 4 or 6 miles, while others requested 12, or in 1 or 2 cases 15 or 18 miles. Quite a number favored, in principle, a contiguous zone on the high seas, outside territorial waters, in which the coastal state might exercise jurisdiction for certain purposes. A majority of states taking part in the 1930 conference refused to recognize 3 miles as the outer limit of territorial waters prescribed by international law. Equally noteworthy, there was no disposition on the part of more than 2 or 3 to insist upon a breadth greater than 6 nautical miles as the limit of the territorial waters under the sovereignty of a state. No claim was made to more than 18 miles. Having in mind the work at The Hague, one may say that international law permits the exercise of full sovereignty over a belt of territorial waters extending from shore at least 3 nautical miles, but not more than 12 (more likely 6); and that many favor an adjacent zone or zones in which jurisdiction may be exercised for special purposes, although such zones would remain part of the high seas rather than becoming territorial waters.

This notion of a contiguous zone is nothing new. Almost as early as the attempts to fix upon the breadth of the marginal sea, we find jurisdiction asserted for defense purposes and for the prevention of smuggling, over areas outside those claimed as territory. The British Hovering Acts of 1736 and 1784, and the United States statute of 1790, declared jurisdiction for customs purposes as extending out four leagues.[2] Similar legislation may be found in many countries.[3] In the case of the other American Republics, it appears that jurisdiction for customs purposes is exercised beyond territorial waters, out to 12 miles by Argentina, Chile, Ecuador, Mexico, El Salvador, and Venezuela.[4] Such jurisdiction to prevent smuggling, over a reasonable extent of the high seas outside a state's territorial waters, appears to have become accepted in international practice. As Chief Justice Marshall stated in *Church* v. *Hubbart* (2 Cr. U. S. 187 234 (1804): "its (a nation's) power to secure itself from injury may certainly be exercised beyond the limits of its territory. * * * Any attempt to violate the laws made to protect this right, is an injury to itself which it may prevent, and it has a right to use the means necessary for its prevention. These means do not appear to be limited within any certain marked boundaries, which remain the same at all times and in all situations. If they are such as unnecessarily to vex and harass foreign lawful commerce, foreign nations will resist their exercise. If they are such as are reasonable and necessary to secure their laws from violation, they will be submitted to."

During the regime of prohibition in the United States, it became necessary to specify by treaty the distance from shore within which authorities might search and seize foreign vessels smuggling alcoholic liquor. Sixteen of these "Liquor treaties" were concluded between 1924 and 1930, under which it was agreed that the United States might exercise control for their purpose within one hour's sailing distance from shore.[5] These were not regarded as extending territorial waters but as recognizing the right to take action upon the high seas necessary for enforcement of the laws prohibiting importation of liquor. Likewise, in 1925 the 11 Baltic states concluded a convention to prevent smuggling liquors, under which 12 miles was accepted as a permissible limit for enforcement measures.[6]

In 1935 the United States Antismuggling Act (49 Stat. 517) provided that in case vessels of countries which had no liquor treaties with the United States were hovering off the coast, under Presidential action customs-enforcement areas might be established extending not more than 100 miles from the place where the vessel was hovering.[7] No indication has been found of objection by any other government to action taken by the United States under this 1935 statute, though jurisdiction may be exercised as far as 62 nautical miles from shore.

Security and defense form another sphere in which modern conditions necessitate control over high seas areas well beyond territorial waters. Although the original attempt to define the limit of territorial waters by cannon shot (deemed equal during the 18th century to 3 nautical miles) was intimately connected with the safety of neutral coastal states from the action of belligerent vessels, during the 19th century there was little disposition to increase the extent of territorial waters as weapons improved. Even during the war of 1914–18, to say nothing of World War II, the range of modern projectiles greatly exceeded the most extensive claims to territorial waters. Modern naval guns, rockets, aircraft, greatly complicate the problem of protection of the shore against damage consequent upon belligerent action at sea. It became generally recognized that for purposes of self-defense action might be taken on the high seas, but this vague general principle did not attain precision. During the war of 1914–18, Argentina, Brazil, Chile, Colombia, Ecuador, and Peru supported the idea of a declaration by the American Republics that belligerents must refrain from hostile acts near the coasts of the Americas or interfering with the normal maritime routes between the American Republics; but no such action was taken.[8]

Upon the outbreak of World War II, the Foreign Ministers of the American Republics adopted the Declaration of Panama,[9] in which they declared that—

"As a measure of continental self-protection, the American Republics, so long as they maintain their neutrality, are as of inherent right entitled to have those waters adjacent to the American Continent, which they regard as of primary concern and direct utility in their relations, free from the commission of any hostile act by any non-American belligerent."

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[1] League of Nations documents C. 74 M. 39, 1929. V; 1930. V. 7; 1930. V. 9; 1930. V. 16; reprinted in part in 24 A. J. I. L. supp. 25, 169, See also I Hackworth's Digest 691ff.; Reeves, 24 A. J. I. L. 486; Gidel, Droit international public de la mer (1934), vol. 3, passim.

[2] See W. E. Masterson, Jurisdiction in Marginal Seas (1929).

[3] Gidel, op. cit., 361ff.

[4] Gidel, op. cit. 120–122; S. A. Riesenfeld, Protection of Coastal Fisheries under International Law (1942) 231–246.

[5] See I Hackworth's Digest 674–679.

[6] 42 League of Nations Treaty Series 75.

[7] See I Hackworth's Digest 664–667; Jessup, 31 AJIL 101; hearings before House Committee on Ways and Means on H. R. 5496, 74th Cong., 1st sess.

[8] Cf. 1914 Foreign Relations Supplement, 435 ff.

[9] One Department of State Bulletin 331; 34 AJIL, supplement 17.

Such waters were defined so as to extend several hundred miles from shore. Although on several occasions belligerent actions took place within this security zone, and although in response to protests from the American Republics, Great Britain, France, and Germany each declared that it did not recognize any basis in international law for this security zone,[10] the Declaration exemplifies a common agreement by our American Republics that they must and should assert their authority for this purpose over areas far in excess of what they would claim as territorial waters. Similarly, article IV of the Inter-American Treaty of Reciprocal Assistance, signed at Rio de Janeiro September 2, 1947, lays down boundaries of a region containing extensive areas of the high seas within which the parties to the treaty are obligated to assist in meeting armed attacks.

Despite disagreements as to details, we may perhaps say that fairly general recognition has been accorded the lawfulness of exercise of jurisdiction outside territorial waters for defense purposes and to prevent evasions of customs laws. Somewhat similar practices, though less extensive, have been recognized for quarantine and other sanitary measures. Of greater interest, however, is the assertion of jurisdiction for the conservation and utilization of products of the sea and seabed. Just as in the case of enforcement of customs laws or defense during maritime hostilities, it became evident that modern means of exploiting fisheries and mineral resources of the seabed necessitated the exercise of control farther from shore than it was necessary or desirable to have sovereignty for all purposes. The tremendously increased need for the food and mineral resources of the ocean resulting from World War II, the discovery of petroleum in shallow waters beyond the territorial sea and the development of equipment and methods for oil wells drilled in the bottom of the sea, the development of the factory ship and other technological advances in fishing which threaten extermination to certain fisheries, the extensive Japanese fishing activities carried on or proposed off the west coast of the Americas, and the proven success of such fisheries conservation regimes as that for Pacific halibut by the United States and Canada, or the Behring Sea fur seals since 1911, were factors which brought to the fore between 1925 and 1945 the problem of jurisdiction for the utilization and conservation of resources of the sea and seabed. It became necessary to consider how legitimate interests of the coastal state and of other states might best be protected, how such resources might be prudently utilized for today's needs and conserved for tomorrow, without violation of international law. Having in mind the consensus of states expressed at The Hague in 1930, it will be seen that any attempt to meet this problem by unilateral extension of territorial waters would meet great opposition if the extension were far enough to be effective. Furthermore, even if the extension of territorial waters might have gone far enough, and have been accepted by international law, such a step would have entailed numerous unwanted consequences, such as responsibility to other states for what happens in such waters to the injury of those states or their nationals. On the other hand, experience has shown the great delays and difficulties of getting international agreements among substantially all the countries of the world for a change in international law; the delay could not be risked. Though many urged extension of territorial waters as the only method, most of what was wanted could be obtained, without violation of international law and without the unwanted concomitants, through the assertion of jurisdiction for specified purposes over areas which remained high seas—just as had been done in the past for defense purposes and to prevent smuggling. Let us see how this might be, and was done.

In this development of jurisdiction over high seas areas for conservation and utilization of resources, so far a development confined to the Western Hemisphere, the United States took the lead. In President Truman's proclamations of September 28, 1945,[11] a clear distinction was made between jurisdiction over the resources of the seabed and subsoil, and over the fishery resources of the sea. The proclamation relating to the subsoil and seabed recited that "it is the view of the Government of the United States that the exercise of jurisdiction over the natural resources of the subsoil and seabed of the Continental Shelf by the contiguous Nation is reasonable and just, since the effectiveness of measures to utilize or conserve these resources would be contingent upon cooperation and protection from the shore, since the Continental Shelf may be regarded as an extension of the land mass of the coastal Nation and thus naturally appurtenant to it, since these resources frequently form a seaward extension of a pool or deposit lying within the territory, and since self-protection compels the coastal Nation to keep close watch over activities off its shores which are of the nature necessary for utilization of these resources."

The operative portion read:

"Having in mind the urgency of conserving and prudently utilizing its natural resources, the Government of the United States regards the natural resources of the subsoil and seabed of the Continental Shelf beneath the high seas but contiguous to the coasts of the United States as appertaining to the United States, subject to its jurisdiction and control. In cases where the Continental Shelf extends to the shores of another state, or is shared with an adjacent state, the boundary shall be determined by the United States and the state concerned in accordance with equitable principles. The character as high seas of the waters above the Continental Shelf and the right to their free and unimpeded navigation are in no way thus affected."

An accompanying White House press release defined the Continental Shelf as "submerged land which is contiguous to the continent and which is covered by no more than 100 fathoms (600 feet) of water." [12]

This proclamation appears to result from the great need for additional mineral resources (especially petroleum), known to exist under the ocean on the Continental Shelf, where with modern technological progress their utilization is already practicable or will soon become so. Utilization and development, however, cannot proceed with assurance in the absence of some recognized jurisdiction. There is a natural reluctance to make the necessary investments, installing the expensive structures and machinery required for underwater mines or oil wells, until there is a reasonable assurance of title to the products and of governmental protection. Recognized jurisdiction is also required in the interest of conservation and prudent utilization.

No oil wells, mines, or similar installations are understood to be presently operated by foreign enterprises off the coasts of the United States or other countries, except under agreement with the coastal state. Herein the factual situation differs greatly from that of fisheries; for centuries, and in many parts of the world, vessels have fished off foreign shores. In the case of undersea mineral resources no actual operations off foreign coasts would be jeopardized by the assertion of such jurisdiction and control.

Furthermore, it has long been admitted that under international law a state may acquire by occupation and contiguity rights to land beneath the high seas, provided that freedom of navigation is not thereby impaired.[13] For many years, in some cases for centuries, claims have been asserted to the control and exclusive exploitation of such sedentary fisheries as oysters, pearls, chanks, or sponges, on the bed of the high seas off Ceylon, India, Bahrein, Ireland, Tunis, Australia, and elsewhere. These claims appear to have become established by acquiescence and to be acknowledged by other states. The rationale of the open sea being free and forever excluded from occupation is that it forms an international highway connecting distant lands and securing freedom of communications and commerce between states separated by the sea; there is no reason for extending this concept to the seabed or subsoil.

Where the Continental Shelf is shared with an adjacent state (e. g., in the Gulf of Mexico), or extends across the high seas to a foreign country (e. g., Russia across Behring Strait), the determination as to which resources fall to each is left for the future. As it appears that for some time to come installations will be comparatively near shore and that there will be little practical need for delimitation, this may be left to the future when a fair and wise solution can be worked out in the light of actual needs.

President Truman's coastal fisheries proclamation refers to the need for protection and for "improving the jurisdictional basis for conservation measures and international cooperation," calling attention to the "urgent need to protect coastal fishery resources from destructive exploitation, having due regard to conditions peculiar to each region and situation and to the special rights and equities of the coastal state and of any other state which may be established a legitimate interest therein." It continues:

"In view of the pressing need for conservation and protection of fishery resources, the Government of the United States regards it as proper to establish conservation zones in those areas of the high seas contiguous to the coasts of the United States wherein fishing activities have been or in the future may be developed and maintained on a substantial scale. Where such activities have been or shall hereafter be developed and maintained by its nationals alone, the United States regards it as proper to establish explicitly bounded conservation zones in which fishing activities shall be subject to the regulation and control of the United States. Where such activities have been or shall hereafter be legitimately developed and maintained jointly by nationals of the United States and nationals of other states, explicitly bounded conservation zones may be established under agreements between the United States and such other states; and all fishing activities in such zones shall be subject to regulation and control as provided in such agreements. The right of any state to establish conservation zones off its shores in accordance with the above principles is conceded, provided that corresponding recognition is given to any fishing interests of nationals of the United States which may exist in such areas. The character as high seas of the areas in which such conservation zones are established and the right to their free and unimpeded navigation are in no way thus affected."

This is no attempt to extend territorial waters, but an exercise of jurisdiction solely to regulate and control fishing in conservation zones which remain part of the high

[10] See VII Hackworth's Digest 702–709; 3 Hyde, International Law (rev. ed. 1945) 2348–2352.

[11] 59 U. S. Stat. L. 884, 885; 40 AJIL Supp. 45, 46. Sea comments by E. Allen, 21 Wash. Law Rev. 1; Bingham, 40 AJIL 173; Borchard, ibid. 53; Vallat, 23 Brit. Y. B. Int. Law 333.

[12] 13 Dept. of State Bulletin 484.

[13] I Opperheim's International Law, secs. 287bb, 287c; Hurst 1923–23 British Yearbook of International Law 34.

seas. This proclamation is not in terms of the Continental Shelf nor limited by the depth of water. It is confined to areas in which, when jurisdiction may be exercised, fishing activities have been developed and maintained on a substantial scale; thus dealing with practical problems of real fisheries and excluding areas in which no conservation needs have arisen. It is based on the concept that the state or states concerned in each fishery should be the ones to regulate and control that fishery. If, in such an area, vessels of the coastal state have been the only ones to fish, the coastal state is the proper one to do the regulating. In areas where vessels of some other state have also fished, that state should join with the coastal state in determining how the fishery should be controlled. Thus, in the region off Alaska and Canada where the United States and Canada have built up the Pacific halibut fisheries, fishermen of each nation fishing in the high seas off the other's shores as well as off their own, the two states by joint agreement may establish and enforce conservation regulations, which must be followed by anybody fishing in such areas, even if he be from a third state. By the very terms of this proclamation, the United States indicated that it would gladly recognize the establishment of similar conservation zones by other countries, but only where similar protection is accorded interests of United States nationals who may have fished off the shores of such countries. Not propinquity alone, but propinquity plus established fishing activities, form the basis for the jurisdiction asserted by the United States or acknowledged by it in this proclamation.

It has become clear that new methods in fishing, utilizing the factory ship, newer types of vessels and technical devices, modern refrigeration facilities, and the like, contribute to intensified exploitation over wide areas, and have already seriously endangered certain fisheries. Experience with conservation controls has shown that careful regulation may permit an increasing yield from fisheries without endangering the maintenance of the stock. Equity and justice require that natural resources which have been built up by systematic conservation and self-denying restricted utilization, together with the industries based upon them, be protected from destructive exploitation by interests which have not contributed to their growth and development. It has likewise become apparent that fisheries differ markedly in the species, abundance, and other characteristics, from area to area, and that conservation measures must be diversified and adapted to conditions peculiar to each region. Regulatory arrangements for a particular fishing area or region can best be made among the states whose continued use of or relative proximity to the affected resources gives them both the interest and the intimate knowledge necessary for wise and effective control. Such conservation measures cannot achieve full success unless they are made applicable to all persons and vessels of whatsoever nationality engaged in fishing in the area.

The fisheries proclamation appears to be based upon the premise that reasonable and just bases for the exercise of jurisdiction over the fisheries of an area of the high seas off the coasts of a state may be found in the following factors: (a) proximity to that coast; (b) development and maintenance of well-established fishing activities on a substantial scale by a state's nationals; (c) the absence in that area of any well-established fishing activities on the part of nationals of states other than those seeking to exercise such authority; and (d) the existence of established conservation practices, or the need for such practices, in relation to fisheries of the area in question.

Upon consideration of the more important high seas fisheries of the Americas, it is evident that in each fishery only a limited number of countries, often only 1 or 2, have any real or considerable interest. In case the states having a real interest in each fishery, by reason of contiguity or substantial participation, agree upon and establish a regime of conservation and regulatory control for that fishery, it should have a good chance for success, and other states would seem to have no valid reason to object to the measures taken by the states primarily concerned. If and when the nationals of such other state shall have taken part on a substantial scale in such a fishery, then the time becomes ripe for their government to join in the control. One feature of this United States policy likely to win support, is its recognition of the rights of all states having any real concern in each concrete situation. Acquired rights and established activities are safeguarded. In the absence of oil wells or mines on the Continental Shelf off another state's shores, except under agreement with the coastal state, the question does not arise practically for mineral resources. In the case of fisheries, all interests built up by hard work over a period of years receive protection; in the establishment of conservation regimes those who have built up a fishing industry through their toil share with the coastal state. At the same time, merely theoretical privileges, to engage in a fishery at some future time, are not allowed to stand in the way of real conservation needs. Under the United States policy, Canada is accorded the right to join with the United States in the regulation of the halibut fisheries off Alaska in which Canadians have participated, while the United States maintains its right to share with Mexico and other good neighbors to the south in the regulation of the tuna fisheries in high-seas areas off their coasts in which United States vessels have played so important a part. But in cases like these the joint efforts of the United States and Canada for the protection of halibut, or of Mexico and the United States for the conservation and utilization of tuna, need not be obstructed by the inability of these parties actually concerned, to obtain universal acquiescence in the conservation regime by states like Norway or Switzerland, whose vessels have never attempted to fish in the areas affected. From the theoretical standpoint, a change in international law may require worldwide agreement of nations; from the practical standpoint, conservation needs cannot be made to await the approval of states having no real interest in the particular fishing activities to be regulated. It may be suggested that this attitude is in accord with Professor Brierly's suggestion that the future development of international law is likely to be facilitated more through the working out of fair and just solutions for particular situations, acceptable to the parties concerned, than through efforts to reach agreement on uniform general rules of worldwide application.[14]

No extension of territorial waters is envisaged in the United States proclamation, but rather the establishment of conservation zones in areas of the high seas which retain their legal character as such. The freedom of their use for navigation and other purposes aside from fishing remains unaffected. These measures looking solely to the conservation and economic utilization of marine resources are not to be regarded as in conflict with the general principles and underlying postulates of international law—however much one might question unilateral attempts to subject an extended area of the sea to sovereignty as territorial waters.

[14] Brierly, 7 Nordisk Tiddskrift for International Ret, Acta Juris Gentium 3 (1936).

The President of Mexico issued a declaration on October 29, 1945, referring to the mineral and fisheries resources of the Continental Shelf and waters off Mexico, and to the necessity of protecting them from immoderate and exhaustive exploitation; for these reasons, "The Government of the Republic recovers all the Continental Shelf or platform adjacent to its coastline and each and every natural resource, known or unknown, found therein, and is moving toward that vigilance, use and control in the zones of fisheries protection necessary to the conservation of such a source of well-being." The Continental Shelf was defined as the area less than 200 meters deep. It added that this "does not imply that the Government of Mexico intends to fail to recognize legitimate rights of third parties on a basis of reciprocity or that the Government of Mexico intends to affect legitimate rights of free navigation on the high seas since the only thing it seeks is the conservation of these resources for the national, the continental and world well-being." [15] Proposed amendments of pertinent articles of the Mexican Constitution are understood to be pending in Congress.

By a presidential decree of October 11, 1946, Argentina declared that "the Argentine epicontinental sea and Continental Shelf are subject to the sovereign power of the nation," although "for purposes of free navigation, the character of the waters * * * remains unaffected." This decree stated that the United States and Mexico had "issued declarations asserting the sovereignty of each of the two countries over the respective peripheral epicontinental seas and continental shelves," and that "implicitly accepted in modern international law" is the doctrine that "conditional recognition is accorded to the right of every nation to consider as national territory" the surrounding sea and Continental Shelf.[16]

Press reports indicate that on May 1, 1947, the Nicaraguan Congress extended national sovereignty over the Continental Shelf, out to 200 meters depth; and documents are not available.[17] *

A declaration by the President of Chile on June 23, 1947, asserted that the United States, Mexico, and Argentina had proclaimed categorically the sovereignty of those states over the Continental Shelf adjacent to their coasts, and over the adjacent sea throughout the extent necessary in order to preserve for those states the ownership of the natural resources therein." It added that, "the international consensus recognizes in each country the right to consider as its national territory all the extent of the epicontinental sea and the adjacent Continental Shelf." Consequently, the Chilean Government confirms and proclaims national sovereignty over all the Continental Shelf adjacent to the continental and island coasts of the national territory, whatsoever may be the depth, thus protecting all the natural resources that exist above the said Shelf, in it, and beneath it, known or which may be discovered. Furthermore, Chile "confirms and proclaims national sovereignty over all the waters adjacent to its coasts, whatever may be their depth, to the full extent necessary to reserve, protect, conserve, and make use of the resources and natural wealth of any sort which may exist above such seas, in them, or beneath them, placing under Government supervision especially the fishing and marine-hunting industries." The zones of protection are to extend to 200 nautical miles

[15] El Nacional (Mexico), October 30, 1945.

[16] Boletin Oficial de la Republica Argentina, December 5, 1946; English translation 41 AJIL supp. 11.

[17] New York Times, May 2, 1947.

* The Nicaraguan Constitution of 1948, art. 2, provides that Nicaraguan territory "includes * * * the Continental Shelves."

from the coast. Finally, the declaration states that it "does not disregard similar rights of other states on the basis of reciprocity nor the rights of free navigation on the high seas."[18]

On August 1, 1947, a Peruvian presidential decree, very similar in wording to the Chilean, declared "national sovereignty and jurisdiction" over the Continental or Insular Shelf, regardless of depth, and "over the sea adjacent to the coasts * * * to the full distance necessary to reserve, protect, conserve, and utilize the resources" thereof. A 200-nautical-mile limit was set, and the decree states that it "does not affect the right of free navigation of ships of all nations, according to international law."[19] A Costa Rican decree-law of July 27, 1948 follows a pattern very close to that of Chile.[20]

These actions of the six Latin American Republics all differ from that of the United States, in that they assert sovereignty over the Continental Shelf, and in their claims to the sea itself.[21] None expressly recognize the right of other states, whose nationals have fished in the areas concerned, to have any voice in the control of the fisheries affected. At least the Argentine, Chilean, Peruvian, and Costa Rican action seem to be assertions of sovereignty over wide areas of high seas as territorial waters, with merely an acknowledgment of the right of free navigation somewhat reminiscent of the right of innocent passage through ordinary territorial waters. Although apparently the more cautious Mexican declaration may not be clear as to what "legitimate rights of third parties" are to be recognized by Mexico "on a basis of reciprocity," this may be presumed to make provision for any other states whose vessels have engaged in legitimate fishing operations in the high-seas areas sought to be subjected to Mexican control. On the other hand, it would appear from their wording that the Chilean and Costa Rican provisos recognize merely the similar rights of other states to assert control over waters off their own shores, and that these two states (like Peru, whose decree has no such proviso) take no account of existing interests of other nations resulting from the building up and maintenance of a fishing industry on the high seas well off the coast. In the Argentine, Chilean, Peruvian and Costa Rican documents the references to the assertion by the United States of sovereignty over the epicontinental sea would suggest a misapprehension of the purport and effect of President Truman's proclamations. These documents also indicate greater confidence than appears justified, as to the acceptance in international law of claims of sovereignty over wide areas of the high seas.

How far do these several efforts to assert jurisdiction or even sovereignty over the Continental Shelf and wide areas of the high seas appear to be in conformity with international law? What reception may they expect? The United States proclamations, at least—perhaps also the Mexican—are restricted to the assertion of a jurisdiction resembling that already acknowledged as proper for customs and defense purposes. This method of achieving the desired result of conservation and controlled utilization of resources conforms much more closely to generally accepted international law and practice than would those actions which might be construed as unilateral attempts to assert full sovereignty over wide areas of the high seas—practically equivalent to an extension of territorial waters far beyond anything likely to be considered as in conformity with international law. (It can hardly be contended that the present failure to agree whether 3, 4, 6, or 12 miles is the limit of territorial waters means that a state may with impunity set 100 or 200 miles as its limit.) Actual controversies are far more likely to arise from the more recent decrees and declarations than from those of the United States. By acknowledging the equal right of any state whose nationals have fished on a substantial scale off the coast to join with the coastal state in regulating the fisheries, the United States policy is well designed to prevent controversies from arising, since the only states in any good position to argue that their real interests have been treated unfairly are precisely the ones who join in taking action. Finally, it may be predicted that the exercise of jurisdiction through measures clearly designed for conservation and optimum utilization of resources makes a far stronger appeal to the sense of right and justice upon which law is founded than would any use of this jurisdiction for purposes less clearly necessary for the common good of all states concerned.

In conclusion, may I suggest that these several efforts to deal with jurisdictional problems of the Continental Shelf and the conservation of high seas fisheries off the coast should be carefully examined to understand their legal bases and philosophy; and add that, on the basis of such examination, it would appear that the method followed in the United States Proclamations of 1945 combines success in achieving the desired degree and type of control, with freedom from the objectionable features of an assertion of full territorial sovereignty. A surgeon's knife may succeed in cutting out the tumor with less pain and damage to sound flesh than would a hatchet. I would, therefore, propose that this committee resolve—

"That careful consideration be given in the American Republics, especially in those which have not yet taken action to extend their jurisdiction over the Continental Shelf or offshore fisheries, to the legal theory and bases of the various methods by which the desired results may be obtained;

"That, insofar as possible, existing actions be construed, and new actions be framed, so as to afford the necessary protection and control, without violation of international law and without interference with the fair and reasonable expectations of other states;

"That, consequently, the legal method followed for this purpose be that of exercising jurisdiction for conservation purposes in areas which remain contiguous zones of the high seas, with full cooperation between the coastal state and other states concerned in those situations where one state's enterprises have been conducted on the high seas off the coasts of another state."

NOTE.—This resolution was adopted by the Sixth Conference. In Decree 449, December 17, 1946, regulating the shark fishery, the President of Panama laid down rules for foreign vessels, Art. 3 providing that "The national jurisdiction for the purposes of fishing in general in the territorial waters of the Republic extends to all the area included above the seabed of the Continental Shelf." In decree 96 of January 30, 1950, the President and Council of Ministers of Honduras declared that "the sovereignty of Honduras extends to the submarine platform of the national territory (continental and insular) and the waters which cover it, whatsoever may be the depth at which it is found and the distance which it comprises." No extent is specified for the Pacific, but 200 marine miles is laid down for the Atlantic.

With respect to action claiming control over the sea bed and subsoil, and primarily petroleum therein, by Saudi Arabia, Bahrein, Kuwait, the Trucial Sheikhdoms, Bahamas and Jamaica, see Richard Young, 43 American Journal of International Law 530 and 790 (1949).

In an article in 44 American Journal of International Law 670 (October 1950), C. Selak quotes American notes of July 2, 1948 to Chile, Peru, and Argentine, in which the United States said: "the United States Government notes that the principles underlying the Chilean Declaration differ in large measure from those of the United States Proclamations and appears to be at variance with the generally accepted principles of international law. In these respects, the United States Government notes in particular that (1) the Chilean Declaration confirms and proclaims the national sovereignty of Chile over the Continental Shelf and over the seas adjacent to the coast of Chile outside the generally accepted limits of territorial waters, and (2) the declaration fails, with respect to fishing, to accord appropriate and adequate recognition to the rights and interests of the United States in the high seas off the coast of Chile. In view of these considerations, the United States Government * * * reserves the rights and interests of the United States so far as concerns any effect of the declaration of June 25, 1947, or of any measures designed to carry that declaration into execution."

English texts of the Continental Shelf documents are in United States Naval War College, International Law Documents, 1948-49, p. 182. See further M. W. Mouton, The Continental Shelf (1952): Young, "Legal Status of Submarine Areas Beneath the High Seas," 45 American Journal of International Law 225 (1951); Lauterpacht, "Sovereignty Over Submarine Areas," 1950 Brit. Y. D. I. L. 376; Holland, "Juridical Status of the Continental Shelf," 30 Tex. L. Rev. 586 (1952). It appears that Continental Shelf claims have also been made by Brazil, Guatemala, Salvador, Pakistan, Philippines, Bahamas, Jamaica, British Honduras, and Iceland (fisheries only).

The 1951 report of the U. N. International Law Commission contains these draft articles (45 American Journal of International Law, Supp. 139):

"ARTICLE 1. As here used, the term 'Continental Shelf' refers to the seabed and subsoil of the submarine areas contiguous to the coast, but outside the area of territorial waters, where the depth of the superjacent waters admits of the exploitation of the natural resources of the seabed and subsoil.

"ART. 2. The Continental Shelf is subject to the exercise by the coastal state of control and jurisdiction for the purpose of exploring it and exploiting its natural resources.

"ART. 3. The exercise by a coastal state of control and jurisdiction over the Continental Shelf does not affect the legal status of the superjacent waters as high seas.

"ART. 6. (1) The exploration of the Continental Shelf and the exploitation of its natural resources must not result in substantial interference with navigation or fishing. Due notice must be given of any installations constructed, and due means of warning of the presence of such installations must be maintained.

"(2) Such installations shall not have the status of islands for the purposes of delimiting territorial waters, but to reasonable distances safety zones may be established around such installations, where the measures necessary for their protection may be taken."

"ART. 7. Two or more States to whose territories the same Continental Shelf is contiguous should establish boundaries in this area of the Continental Shelf by agreement. Failing agreement, the parties are under the obligation to have the boundaries fixed by arbitration."

Accompanying articles on "related subjects" provide:

"ARTICLE 1. States whose nationals are engaged in fishing in any area of the high seas may regulate and control fishing activities in such area for the purpose of preserving its resources from extermination. If the nationals of several states are thus engaged in

[18] El Mercurio (Santiago), June 29,1947.

[19] El Comercio (Lima), August 11, 1947; 7 Revista peruana de derecho international 301.

[20] La Gaceta (Costa Rica), July 29, 1948.

[21] See Richard Young, 41 AJIL 849.

an area, such measures shall be taken by those states in concert; if the nationals of only one state are thus engaged in a given area, that state may take such measures in the area. If any part of an area is situated within 100 miles of the territorial waters of a coastal state, that state is entitled to take part on an equal footing, in any system of regulation, even though its nationals do not carry on fishing in the area. In no circumstances, however, may an area be closed to nationals of other states wishing to engage in fishing activities.

"ART. 3. The regulation of sedentary fisheries may be undertaken by a state in areas of the high seas contiguous to its territorial waters, where such fisheries have long been maintained and conducted by nationals of that state, provided that nonnationals are permitted to participate in the fishing activities on an equal footing with nationals. Such regulation will, however, not affect the general status of the areas as high seas.

"ART. 4. On the high seas adjacent to its territorial waters, a coastal state may exercise the control necessary to prevent the infringement, within its territory, or territorial waters, of its customs, fiscal or sanitary regulations. Such control may not be exercised more than 12 miles from the coast."

Mr. COLMER. Mr. Speaker, by request I ask unanimous consent that the gentleman from New York [Mr. FINE] may extend his remarks at this point.

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

There was no objection.

Mr. FINE. Mr. Speaker, I am in full accord with the minority report on the legislation now being considered. No one can deny that the object of this bill, H. R. 4198, is to deed to a few States the vast natural resources, which are rightfully the property of all the people of the Nation. The reports are clear and concise in posting adequate warning of the consequences of giving statutory approval to a dangerous precedent which will serve as an opening wedge for the acquisition by a few States of other nationally owned and controlled resources, vital to the health, wealth, and preservation of our Nation, as a whole. I can see no reason whatever which can ever justify the surrender.

If the bill is passed giving the tidelands oil to the States, the loss to the American people will be staggering. Geologists, soil experts and petroleum explorers have assured us that the oil reserves have an estimated value of $40 billion.

The so-called tidelands question is one of the most controversial issues to come before the House in recent years. It does not really deal with the tidelands at all, but with "land" to the seaward of the low water mark, which is always covered by water. It is actually not land at all, but part of the ocean floor, and should more properly be referred to as "submerged" or "offshore" land.

The tidelands have been the subject of much confusion and misunderstanding not all of it unintentional. Before making their decision, the Members of the House should recognize fully the issues involved.

In 1947 and again in 1950, the Supreme Court declared that the Federal Government possessed "paramount interest in and full dominion and power over" the submerged lands. By these decisions, the Court found that the adjoining States do not and never did own the offshore lands, but that the rights to these lands belong to the people of all 48 States. There is no appeal from a decision of the Supreme Court; it is our final legal authority. The submerged lands unquestionably belong to all our people, not to just a few.

The pending bill cannot confirm the title of the States to the submerged coastal lands as it proposes to do, because the States never had any title. It simply makes an outright gift to a few States of submerged lands which are Federal property.

Propaganda about a Federal grab of State property is ridiculous. The Federal Government can hardly be accused of grabbing something it already had. The only grab involved is by those States which have claimed title to the Federal oil reserves and collected royalties on oil withdrawn from them.

There is no more justification for giving the offshore oil lands to those States bordering them than there would be to expect the States bordering the oceans to pay the entire cost of the Navy and the Coast Guard.

If this bill is passed, other special interests will make similar demands. If Congress gives away the submerged oil lands today, we may expect to be approached tomorrow by a swarm of profiteers, greedy for the national forests and the public lands. The end result might well be a raid on our natural resources far greater than the Teapot Dome scandal of the twenties. Nor is the thought a mere figment of the imagination. Already proponents of this bill have suggested that along with the submerged land other national resources belonging to the people shall be taken away.

Many advocates of tidelands legislation have based their stand on the principle of States rights, and claimed that it has nothing to do with the oil reserves involved. Undoubtedly there are sincere men among them. But the compelling force which has brought this bill before the House is not the principle of States rights, but the oil reserves which have an estimated value of $40 billion or more. This was clearly demonstrated when Attorney General Brownell recommended that the Federal Government retain title to the submerged lands, giving the States only the right to develop the oil reserves.

Passage of the tidelands bill would not end the dispute over submerged lands—it would merely begin a new chapter. When Congress overrules a Supreme Court decision by a legislative act, it is inviting a court battle. Plans have already been announced to challenge the constitutionality of the pending bill if it becomes law.

Furthermore, the legislation, if enacted, might well involve us in international disputes. Undersecretary of State Thruston B. Morton declared that provisions of granting territory to some States outside the 3-mile limit "would directly conflict with international law as the United States conceives it."

Mr. Speaker, the offshore oil lands are far too valuable to be given away recklessly to a special-interest group. The vast oil reserves they contain may be vital to our future defense needs.

I see nothing in the majority report that was not thoroughly considered and debated when this question came before the House in the 81st and 82d sessions of the Congress. The situation has not changed. The legislation was not then enacted into law. Why now? Let us guard our sacred trust and preserve all national resources for the benefit of all.

Mr. Speaker, I am opposed to the enactment of this legislation and hope for its defeat.

Mr. COLMER. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. FEIGHAN].

Mr. FEIGHAN. Mr. Speaker, I am very strongly opposed to the granting of this rule because I am strenuously opposed to the passage of the bill. In the first instance, I wish to take a second to make remarks pertaining to the statement made by Mr. Eisenhower before the November election, which was read by the gentleman from California [Mr. HILLINGS]. Mr. Eisenhower's statement just adds confusion to this problem, because in the Government's brief before the United States Supreme Court, and in the Court's decisions and in their decree, it is made clear that there was no issue involved regarding inland waters, streams, navigable waters, bays, or rivers. So that the only question which was considered involved the submerged lands that extend seaward from the low-water mark and outside of inland waters.

I am opposed to this because—first, if passed, it would be a giveaway. I say that and I base my judgment on the Supreme Court decisions. They say very clearly that States do not own the submerged lands—to use the exact words—"The State of California has no title thereto or property interest therein,"—The Supreme Court findings was the same in the cases of Louisiana and Texas. They said secondly that the United States has paramount right and full dominion of the lands in the marginal belt. They also stated and I will try to develop this when I have more time, that the Federal Government has dominium and imperium which means jurisdiction and control as an incident to its external, national sovereignty. So the States have no interest or title or proprietary interest. Therefore, this bill would give to the States what the Supreme Court said the States do not own. Now the States would get, for nothing, without any consideration, that to which they have no right. Therefore, it is very clearly a giveaway.

It is distressing to me, when we talk about waste in Government, and when I understand that the President says he wants to prevent any waste, that this Congress should even consider giving away to several States, without any consideration, our national heritage which the Supreme Court says belongs to all 48 States; and which geologists estimate at a minimum to be worth $40 billion and up. Why we should give that national heritage away to several States and deprive the remaining of the 48 States of their proportionate share, I cannot understand.

If that is not waste in Government, it certainly is something beyond my comprehension.

The Federal Government since 1793, when the Secretary of State, Thomas Jefferson, wrote to the British and the French Ministers, during the war between England and France, has held to the policy enunciated then that we recognize the 3-mile limit in international law, and no more and no less. The State Department is concerned at the present time that we, in Congress, endeavor to extend this 3-mile limit because of international complications. The fact is after the Executive order of 1945, when the President then stated that he wanted to take complete jurisdiction over the submerged lands out to the end of the Continental Shelf, several other countries immediately made claims to extend their boundaries. I certainly would not vote to deprive my constituents of their pro rata share of our national heritage, to which they are entitled under the decisions of the Supreme Court. Do not be confused by many of these statements about prior claims of various States, as to their historic boundaries and other boundaries, because those claims were brought to the attention of the Supreme Court on three different occasions, in the California case, the Texas case, and the Louisiana case. Every argument that has been suggested has already been presented to the Court on those three occasions, and the Court rendered its decision.

The SPEAKER pro tempore. The time of the gentleman from Ohio [Mr. FEIGHAN] has expired.

Mr. COLMER. Mr. Speaker, I yield the balance of the time to the gentleman from Texas, member of the Rules Committee [Mr. LYLE].

The SPEAKER pro tempore. The gentleman from Texas is recognized for 11 minutes.

Mr. LYLE. Mr. Speaker, the bill H. R. 4198, the subject of this resolution, will pass the House with a substantial majority. For that I am very pleased. It has had a long, weary, and rather discouraging journey over the past few years. It has been bounced from the White House to the courts and to the Congress, and even the most patient must be weary.

At this time I would like to express my very deep gratitude to those who have spent so much thought and so much time on this issue, who have no personal or State interest in it, such as the gentleman from Pennsylvania, Judge GRAHAM; the chairman of the committee [Mr. REED]; and the present occupant of the chair, the gentleman from Indiana [Mr. HALLECK]; the distinguished gentleman from Illinois [Mr. ALLEN]; the distinguished gentleman from Michigan [Mr. HOFFMAN]. I am one of those who like Mr. HOFFMAN very much.

It is not difficult for those of us from Texas, Louisiana, and California, and from other States on the coast, to look with favor upon this legislation. It has been difficult, in the face of the unprecedented barrage of misinformation and propaganda, for many of those outside of the coastal States to take the intelligent, legal, historic, and sound position that they have taken. And to all of those from inland States who have been helpful in resolving this issue I express gratitude.

I would be negligent if I were unmindful of the great contribution to this legislation made by the former distinguished Speaker, the gentleman from Texas [Mr. RAYBURN], who, perhaps, as no other man in this body, has been the inspiration which has kept this legislation forcibly and rightfully before us.

Mr. Speaker, the passage of this legislation can but for the moment dispel the disquieting, discouraging philosophy which took heart and grew in the wake of the Supreme Court's phraseology and holding in the California, Texas, and Louisiana cases.

Mr. FEIGHAN. Mr. Speaker, will the gentleman yield?

Mr. LYLE. Just for a moment.

Mr. FEIGHAN. There is no confusion in this decree by the Supreme Court.

Mr. LYLE. Will the gentleman permit me to finish my statement?

Mr. FEIGHAN. "The State of California has no title thereto or interest therein." That is absolutely clear and plain to me.

Mr. LYLE. A moment ago the gentleman from New York, the able gentleman who can think of many reasons to support what he likes or to oppose whatever he does not like—he is a very able advocate—spoke about the present Attorney General of the United States and his mixed-up conception of this legislation. I suggest that it is quite understandable that the Attorney General gets mixed up, because at times he gets on one brown shoe and one black shoe. So it would not be unusual for him to get disturbed about an issue like this. Nevertheless, he did get around to where he is in a better and sounder position than the gentleman from New York.

Mr. CELLER. Mr. Speaker, will the gentleman yield?

Mr. LYLE. I yield briefly to the gentleman from New York.

Mr. CELLER. I have the highest regard for Mr. Brownell, who is a very able and distinguished lawyer.

Mr. LYLE. I, too, have a very high regard for him.

Mr. HILLINGS. Mr. Speaker, will the gentleman yield?

Mr. LYLE. I yield to the gentleman from California.

Mr. HILLINGS. With reference to the Attorney General's position on this issue, I think one of the difficulties that the present Attorney General had when he first appeared before the committee was that he was receiving some faulty advice from some of the aides in the Department of Justice that he inherited, aides who had consistently opposed State ownership in the past, but I think something is being done now to remedy that situation.

Mr. LYLE. Mr. Speaker, here is one of the disturbing things about this matter. The Supreme Court's opinion was a majority opinion by a minority of the Court. The Court prefaced its finding by saying "the question of who owned the bed of the sea only became of great potential importance when oil was discovered there." The Court then denied State ownership with this confusing declaration:

> The Federal Government, rather than the State, has paramount rights in and power over that belt, an incident to which is full dominion over the resources of the soil under that water area, including oil.

I do not know what that means and I think no one else does.

A little later they used strange, disturbing, and unusual language when they said "that property rights must then be so subordinated to political rights as in substance to coalesce and to unite in the national sovereignty. Today," they said, "the controversy is over oil. Tomorrow it may be over some other substance or mineral, or possibly the bed of the ocean itself." I suggest that it may be over your own State waters, or over your lakes, your own rivers.

I am displeased and concerned about the language used by the Court and the converts it has attracted. I do not propose to discuss the legal aspect of this controversy. It has been well and brilliantly placed before the Congress many times. Mr. Justice Reed and Mr. Justice Frankfurter, seldom thought to be reactionary, have most ably and in very few words presented what to me is unassailable legal logic in their dissenting opinions in the California case.

Mr. JOHNSON. Mr. Speaker, will the gentleman yield?

Mr. LYLE. I yield.

Mr. JOHNSON. I have read the opinion of the Supreme Court several times. I have had a little to do with the tidelands problem and with other interior-water problems where navigation rights were abandoned. In my opinion, the Supreme Court decision practically placed the problem in the lap of Congress. It almost uses that exact language, that Congress must decide what shall be done; and, since for a hundred years, by implication at least, these titles have been recognized as being in the States we are being asked to solve the problem now by giving back to the States property that was once theirs.

Mr. LYLE. That is correct.

All of the arguments of the opponents of this legislation are based upon the assumption that the Federal Government is the powerful entity and that the States but serve it in a minor role. Those who favor this legislation are firm in their belief that the Federal Government is but an agency to serve the States in its delegated capacity. The Federal Government was the creature of the States, born with restrictions. It was intended, I believe, to be the strength of the many, strength for the many, but never a strength to take over the many.

Those who oppose this legislation, consciously or unconsciously, remove the restrictions of this creature which we call the Federal Government and give it strength to rule its keepers. Under their philosophy the keeper becomes the kept. It is discouraging to me that we must fight ourselves to maintain that which we all fight for, that is the American way. This bill is in the American tradition, it is in keeping with the basic principles of the sovereignty of the States. Since the beginning of this Union, however, there have been those who disliked that system, who believed that all the power ought to be gobbled up by this hungry and thirsty creature, the Federal Government.

This House can do no better, in my opinion, than to firmly and strongly for-

tify the position of those who believe in the true, the basic American form of government. This bill ought to have the overwhelming, the encouraging support of all of the Members of this body. It ought to quiet not only the title to the lands involved, it should also quiet the philosophy that brought the dispute to life.

Mr. ALLEN of Illinois. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. SCOTT].

Mr. SCOTT. Mr. Speaker, I have just been giving some thought to the reference which appears in the minority report alleging that submerged lands and possibly other national areas may be given away. I think that ought to be clarified. I do not understand that anything is being given away by this bill; as I understand, the question is whether or not the States, the separate sovereign units, are to receive jurisdiction, control, right of ownership, whatever the various Members prefer to call it who have spoken here, or whether the Federal Government is to exercise the right of control over what is to happen over those lands. My point is simply this: We are no more giving away to some imaginary beneficiary any rights which belong either to the people of the several States or Federal Government than we were when the Federal Government on other occasions has made cession of national park lands or of other lands for other uses by the Federal Government to individual States; nor are we any more giving it away than when in any other resource is determined by court or Congress to belong to a State or to the Federal Government, as the case may be.

We are determining to assure the right to the Federal Government and the States, respectively, to exercise dominium, imperium, ownership, or control, as their interest may be legislatively established. We are devising here a means whereby the separate rights of the States and of the Federal Government may be determined, and in that connection I want to say finally—and then I will be glad to yield——

Mr. CELLER. Mr. Speaker, will the gentleman yield?

Mr. SCOTT. In just a moment I will yield.

I would like to point out, and I am sure it has been done before, that on the basis of the productivity of these submerged lands it is estimated by competent persons, 90 percent of the land's productivity is being retained in the Federal Government, 10 percent is being determined to belong by virtue of usage, treaty, and by actual ownership to the States, or to certain enumerated States.

Mr. CELLER. Mr. Speaker, will the gentleman yield?

Mr. SCOTT. I yield to the gentleman from New York.

Mr. CELLER. I want to state to the distinguished gentleman that we are not restoring what the States had originally. The States never had title to this territory and the Supreme Court used this language in the California case:

> The State of California has no title thereto or property interest therein.

So we are not taking away anything that the States had. We are attempting by this bill to give to the States something which they never had before and are not entitled to.

Mr. SCOTT. The opinion of the Supreme Court is not necessarily the final answer for all time in this country, as the gentleman knows. If this Congress has the legislative power to do something to effect the respective rights of the Federal and State Governments it should not hesitate to exercise that power, and at the proper time, then the Supreme Court may be called upon to say what it thinks about our later exertion of the legislative authority.

Mr. FEIGHAN. Mr. Speaker, will the gentleman yield?

Mr. SCOTT. I yield.

Mr. FEIGHAN. Under the decision of the Supreme Court, when they held that the Federal Government has a paramount interest and control over these submerged lands as an incident to their external sovereignty, the problem was raised then, and it also hovers in the mind of the Attorney General that that is something that is an inalienable attribute of sovereignty, and therefore the Congress cannot give it away.

Mr. SCOTT. I understand the gentleman's point and I will say that there was a powerful and, in my opinion, valid dissent. I do not think the entire question has by any means been determined, and certainly, if this Congress shall act again then, of course, the question may not be finally determined unless and until the Supreme Court acts again also.

Mr. ALLEN of Illinois. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts [Mr. NICHOLSON].

Mr. NICHOLSON. Mr. Speaker, I dislike to get up and take this time, but it is difficult to get it when the Committee of the Whole House is working; so, coming from Massachusetts, I find I ought to say a little something.

The gentleman from New York has just stated that we never did own it and yet, in 1630, we got a charter from King James that gave us all of Massachusetts and three miles out to sea, and we had that three miles out to sea and have had it ever since, and no one has said aye, yes or no to us. If this decision of the Supreme Court stands then we will have to change at least about 200 laws on the books in Massachusetts, put there by the great and general court.

Mr. HAYS of Ohio. Mr. Speaker, will the gentleman yield?

Mr. NICHOLSON. I yield to the gentleman from Ohio.

Mr. HAYS of Ohio. Well, did not that charter you got from King James also give you jurisdiction to the Pacific Ocean at the same time?

Mr. NICHOLSON. Well, it gave us as far west as they knew about. I do not think they knew anything about Ohio up to that particular time.

Now, Mr. Speaker, I would like to know where the Supreme Court gets the idea that the Federal Government has paramount rights. We 13 colonies sat down and drew up a Constitution, and in that Constitution we specified exactly what powers and rights the Federal Government had, and that is all they did have, and what they did not was reserved to the States and people in those States. So, we have gone along since 1630 in Massachusetts knowing and believing that this land and property was ours. Well, the gentleman from Ohio gets up and says the Court says that the inland waters do not come under its jurisdiction; it is only down to low tide.

Mr. FEIGHAN. And that position agrees with the Supreme Court in the three cases: Louisiana, Texas and California.

Mr. NICHOLSON. The Supreme Court has not decided what inland waters were. Low tide, if you live on the seashore, is about up to your front porch, so the Federal Government takes jurisdiction right from your front door and you cannot say aye, yes or no. Now, we have been taxing the people of Massachusetts for years for territory that the towns got from grants to plant shell fish, and so forth. We passed laws, and no State in the Union can come in and drag for flounders in a hundred mile square area, here, there and everywhere in Massachusetts waters. Well, under that decision, the first thing you know we have lost all of those things and the Federal Government takes them.

Mr. McDONOUGH. Mr. Speaker, will the gentleman yield?

Mr .NICHOLSON. I yield to the gentleman from California.

Mr. McDONOUGH. Is not the gentleman stating the fundamental principle that the States existed before the United States, and that all the authority the United States has came from the federation of the States?

Mr. NICHOLSON. That is exactly what I was trying to convey.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. NICHOLSON. I yield to the gentleman from Illinois.

Mr. YATES. That very point was considered by the Supreme Court of the United States in all three of its decisions and it came to the conclusion that the lands beneath the ocean do not belong to the States.

Mr. NICHOLSON. What does the gentleman say about 50 other decisions the United States Supreme Court has made on this matter?

Mr. YATES. Up to the time the Supreme Court considered the so-called tidelands cases there was not one case, not one case, that dealt with this question. The other cases dealt with the question of the inland waters. I challenge anybody to show me one case to the contrary.

Mr. NICHOLSON. Of course, the gentleman does not know what inland waters are.

Mr. YATES. The Supreme Court has decided that.

Mr. NICHOLSON. What does the Supreme Court say? They say that inland waters are low tide, which includes all of the land.

Mr. YATES. I suggest that the gentleman read the decisions of the Supreme Court to find out what they said.

Mr. NICHOLSON. I do not think the reading of the decisions of the Supreme Court we have had in the last couple of decades coincides with the opinions I have of the Constitution. You do not have to be a lawyer to sit down and read

what the Constitution says the Federal Government's power is in this country. The Government of the United States is in the hands of the people and not the Government.

Mr. FEIGHAN. Mr. Speaker, will the gentleman yield?

Mr. NICHOLSON. I yield to the gentleman from Ohio.

Mr. FEIGHAN. The gentleman has just hit the crux of this situation. That power is in the people. As far as the colonial States were concerned, they got their grants from the Crown, and they were retained in the Crown. Under the Declaration of Independence the sovereignty that was in the Crown was transferred to the united Colonies. They had that sovereignty even before 1789, when they wrote the Constitution.

Mr. NICHOLSON. I would like to have the gentleman read some of the writings of the men who sat in the Constitutional Convention and other statements in the early history of this country. There was one thing they did not want to do in the Constitutional Convention, and that was make a strong central government. They wanted to reserve all the powers to themselves, because they already had had one sovereign and they did not want another.

May I say to the gentleman that I hope no Members will vote on this bill because of the money they will get from the submerged lands. I would not care if they got a billion dollars down in Texas or California or Louisiana, but I am not going to sell out Massachusetts or an inch of the land that we own and have owned since 1630.

Mr. ALLEN of Illinois. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. JAVITS].

Mr. JAVITS. Mr. Speaker, I call the attention of the House to the faet that three Members on this side of the aisle in minority views have made the following brief conclusion which seems very persuasive to me:

> Barring serious questions of constitutionality, Congress has the power to surrender all or part of the Federal rights to this property. We do not believe, however, that Congress should exercise that power. To do so amounts to a windfall to a few States at the expense of the others. It is a position to which we cannot conscientiously give support.

Mr. Speaker, neither can I conscientiously support this measure for the reasons stated.

I point out one other thing: This issue is not what it always has been. The cold war is hotter than ever and we are in a hot war in Korea. The Federal Government now clearly has these enormous reserves of oil by virtue of the decisions of the Supreme Court. They can be best utilized for the strategic security of the United States in the hands of the Federal Government. I think that security consideration so pertinent today dictates that this House ought now under present circumstances to turn down this bill and the proposal to turn these great national resources under the tidelands over, in effect, to a few great States.

Mr. ALLEN of Illinois. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. BENDER].

Mr. BENDER. Mr. Speaker, I think we decided this issue at the last election. Now let us vote.

Mr. ALLEN of Illinois. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. HAYS of Ohio. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. [After counting.] Two hundred and nineteen Members are present, a quorum.

So the resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. REED of Illinois. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 4198) to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, and to provide for the use and control of said lands and resources and the resources of the outer Continental Shelf.

The SPEAKER. The question is on the motion offered by the gentleman from Illinois [Mr. REED].

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H. R. 4198, with Mr. CURTIS of Nebraska in the chair.

The Clerk read the title of the bill.

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

Mr. GRAHAM. Mr. Chairman, I yield 23 minutes to the distinguished chairman of our committee, the gentleman from Illinios [Mr. REED].

Mr. REED of Illinios. Mr. Chairman, I am certain that in the course of the debate other members will discuss fully and most capably the specific problems involved in this legislation as well as their legal aspects. Therefore it is my purpose to touch only upon its constitutional aspect.

Without question there is, in my judgment, a vital need for the enactment of the Graham bill, H. R. 4198, which I have the honor and privilege to report to this body. While some members of the Committee on the Judiciary do not agree with the majority of the committee, we are, I am sure, unanimous in our conclusion that the development of our submerged lands will be of tremendous assistance in solving the oil shortage that is facing our country at the present time.

No one questions the potentiality of the resources located in these areas, but since the decisions of the Supreme Court in the California, Louisiana, and Texas cases, exploration and development have come to almost a complete halt. No new wells are being brought in nor are they being sought.

This intolerable situation is further complicated by the fact—and this is admitted by everyone—that there is no statutory authority for any Federal agency or office whereby these areas may be administered, leases issued, and production set in motion.

Congress and only the Congress can establish such authority by legislation. It is our responsibility to take—here and now—the necessary steps to terminate this stalemate. The passage of this bill in my judgment is a proper and equitable solution of the present jurisdictional uncertainity and will be in the best interests of the States and the Federal Government.

It is my firm conviction that the Graham bill should be enacted out of a sense of justice and honesty. For over one hundred and fifty years it was the considered opinion of the best legal minds that these submerged lands now under consideration belonged to the States. That opinion was predicated upon unambiguous decisions of the Supreme Court.

Likewise, there were the confirmatory actions of the Federal Government itself that it did not think that it had title to the lands in question. History is replete with examples of the Federal Government acquiring parcels of land from the various States under conveyances of title from the States to the Federal Government. Why was this done if title was in the Federal Government?

Even as recent as 1933, the then Secretary of the Interior stated that the States were the owners of the lands beneath the marginal sea. When oil was discovered off the coast of California he refused applications for leases in those lands on the specific and sole ground that that those lands belonged to California who was the sole authority for leases.

Then in 1947 came the decision of the Supreme Court in the California case. The doctrine of paramount right enunciated in that decree has been described by many adjectives but I think that the phrase employed by the American Bar Association in its resolution on this subject has the best description from the standpoint of accuracy and connotation. That resolution referred to this doctrine as "the new concept."

It is not my intent to attempt at this time to analyze or to discuss in detail the rationale of that decision nor of those in the two subsequent cases. I cannot however refrain from mentioning, in all propriety, the lack of unanimity in those decisions and the divergent views therein expressed.

Since the Court has rendered its decision it is, under our system of government, the law of the land, regardless of whether we agree or disagree with its reasoning. But also under our form of government we, members of the legislative branch, have the right, the duty, and the responsibility to make the law, unhampered by the courts, the Executive, or the States, and restricted only by the Constitution itself.

As I read the decision of the California case I find in the majority opinion a direct invitation from the Court to the Congress to take action in this matter with due consideration for the rights of the State involved.

I am firmly convinced that a fundamental decision of policy must be made in this field and such a decision can be

made only in the halls of Congress, not in the judicial branch and not in the executive.

Such action is immediately vital in the interest of national defense; it is legally desirable to determine jurisdiction in our dual form of government and it is morally necessary in the interest of justice.

I believe this bill should be enacted at this time. Its provisions, in my judgment, contain the best possible solution to the problem. I am satisfied as to its constitutionality.

When the Supreme Court rendered the opinions in each of the three recent submerged lands cases it held that the States did not have title to these submerged lands in the marginal sea; but at the same time it carefully refrained from specifically stating that title was in the United States. This was emphasized when the Court struck from the proposed decree in the California case the words "of proprietorship." The Court did say in the California case that the Federal Government and not the State "has paramount rights in and power over that belt, an incident to which is full dominion over the resources of the soil under that water, including oil."

Such language leads to the question, "To whom does the land belong?" Clearly, not to the State; it is subject to the paramount rights of the Federal Government an incident of which is dominion over the land. While that concept may not be title as it is generally known in the law of real property, it seems to mean that the Federal Government has rights of possession, of enjoyment, and other similar rights that make up what we understand to be ownership. The source of such rights is the paramount rights of the Federal Government. They originate therein and flow from that sovereignty.

These lands therefore must belong to the Federal Government. They are possessed of it. Therefore they come within the scope of article IV, section 3, clause 2, of the Constitution which reads as follows:

> The Congress shall have the power to dispose of and make all needful rules and regulations respecting territory and other property belonging to the United States.

Note carefully the words, "other property belonging to the United States." Surely, no one hesitates to say that these submerged lands are property and that they do belong to the United States.

If there is anyone who might so hesitate, permit me to read from that very same majority decision in the California case wherein Justice Black said:

> We cannot and do not assume that Congress, which has constitutional control over Government property, will execute its power in such a way as to bring about injustices to States, their subdivisions, or persons acting pursuant to their permissions.

That language is definitely an unambiguous statement by the High Court that these lands are Government property and under the constitutional control of Congress.

That language is a direct invitation to Congress to enact a law such as the Graham bill—which will do justice to the States.

Justice Black in that same opinion had this to say about the constitutional power of Congress under article IV, section 3, clause 2:

> We have said that the constitutional power of Congress in this respect is without limitation. (*United States* v. *San Francisco* (310 U. S. 16, 29–30).) Thus neither the courts nor the executive agencies could proceed contrary to an act of Congress in this congressional area of national power.

Congress then and only Congress can act on these submerged lands in the marginal sea.

There is nothing in the bill now under consideration that does not conform to these pronouncements of the Supreme Court on the power of the Congress to make the disposition that even the Court itself asked for when it uttered the doctrine of paramount rights in these lands.

I recollect that during the hearings that were held on this legislation the question was raised as to whether or not the enactment of this bill would alienate the sovereignty of the United States and thus be unconstitutional.

I have no fears on that point. To dispose of these lands according to the provisions of this bill cannot in my judgment be construed as any possible alienation of the national sovereignty.

The power given to our Federal Government was delegated under the Constitution by the States and under the Bill of Rights all powers not specifically delegated to the Federal Government under its provisions are reserved to the States. I recognize that when the national sovereign functions in its constitutional capacity with regards to other nations as distinguished from the States which are members of the Union, there is another form of sovereignty which it possesses. I refer to its external sovereignty and distinguished from its limited sovereignty when dealing with the member States.

The external sovereignty of the Federal Government that is involved in the problem are its rights and responsibilities to exercise its power to protect the security from attack on its coastline—national defense—its power to conduct foreign affairs; its control of navigation.

Those rights and responsibilities are the sole source of the Federal Government's control over these marginal seas and the lands beneath them.

Are any of these rights and powers even compromised, let alone alienated, by this bill? You know they are not.

In the first instance, all powers disposed of in this bill are those that States have exercised in the territorial seas for years with the approval of the Supreme Court. Coastal States have long exercised their police power in these waters. Of course, no one questions the paramount right of the Federal Government to supersede the power of the State in such areas when it exercises its constitutional powers any more than when it so exercises them within the State boundaries inland. But only Congress can impose that paramount power, and so long as it does not do so and there is no conflict, the State is free to exercise its police power in those waters.

In the California opinion of Justice Black, the case of *Skiriotes* v. *Florida* (313 U. S. 69, 75) was referred to in the following language:

> Through Mr. Chief Justice Hughes we said: "It is also clear that Florida has an interest in the proper maintenance of the sponge fishery and that the (State) statute so far as applied to conduct within the territorial waters of Florida, in the absence of conflicting Federal legislation, is within the police power of the State."

In *Toomer* v. *Witsell* (334 U. S. 385, 393 (1947)), Mr. Chief Justice Vinson, in the majority opinion, said:

> In the Court below, *United States* v. *California* (332 U. S. 19 (1947)) was relied upon for this proposition. Here appellants seem to concede, and correctly so, that such is neither the holding nor the implication of that case; for in deciding that the United States, where it asserted its claim, had paramount rights in the 3-mile belt, the Court pointedly quoted and supplied emphasis to a statement in *Skiriotes* v. *Florida* (313 U. S. 69, 75 (1941)).

He then quoted the statement which I had quoted in the same case.

Here we have the Supreme Court stating that States may exercise their police power in territorial waters so long as there is no conflict with Federal powers extended therein by an act of the Congress.

If those who think that under the doctrine of paramount right there can be no exercise of any power by a State in these waters without a concomitant alienation or surrender of the national sovereignty, let them ponder on those decisions.

These legal principles were recognized by the very same bench at the very same time that principle of paramount right was enunciated. They have been affirmed by the same Court since.

If the State is permitted to take over these lands for the purpose of developing and extracting oil therein, and if the constitutional powers of the Federal Government are specifically reserved unto itself upon condition that nothing in the grant of powers to the State can in any way infringe upon those Federal powers, there can be no possible conflict, no surrender of the right to control navigation, the right of national defense and the right to conduct foreign affairs.

For years, in these very territorial waters in which State police powers have been exercised, those Federal rights of external sovereignty have and do exist concurrently. Moreover, in these same waters there is recognized those international rights of innocent passage and of refuge in distress.

Not a single sentence in this bill raises any conflict between these sovereign rights. Therefore, there can be no alienation of Federal sovereignty.

The supporters of the argument that this legislation is unconstitutional because it alienates Federal sovereignty should read its provision more closely. As I understand this bill, even such an eventuality is provided for and proper safeguards provided to protect its validity.

That is clearly indicated in the manner in which the powers and the nature of those powers are bestowed upon the

States. Under a very definite and elaborate separability clause such an unexpected, and in my judgment unwarranted, ruling that any one of the provisions should be held invalid, the remainder of them would be protected.

I repeat that while I am confident that the bill in its entirely is constitutional, I agree with the subcommittee that an ounce of prevention is worth a pound of cure.

There are also some who express alarm and apprehension with regard to title III of this bill. That is the title which deals with the outer Continental Shelf beyond the boundaries of the States. I have heard it said that we are entering into an international field that has never been undertaken before.

Let me assuage the anxiety of such persons.

First, I believe that there must be some declaration in this measure to make effective the Presidential proclamation over this area. I fear that a failure to do that when we are dealing with the very same contiguous area within State boundaries might prejudice our position at some future date, should the United States become involved in a dispute with another nation over this area.

Moreover, many countries throughout the world have been and are continuing to proclaim their jurisdiction over the Continental Shelf. In most instances they go further than the very careful wording in this bill and in many cases they extend over a greater area.

This bill states that the seabed and suboil of the outer shelf appertains to the United States and is under her jurisdiction and control including the resources therein. Thus we do not claim the superjacent waters and we affirm the freedom of the waters above these lands. We seek this limited jurisdiction for the sole purpose of extracting the minerals.

Such a claim in the outer Continental Shelf is not novel. There have been instances of such action many years old. Lands beneath the high seas have been proclaimed to be under the exclusive control of a nation for exploitation of such things as oysters, pearls, sponges on the beds of those seas off such countries as India, Australia, Tunis, Ireland, and others.

Here in the United States, we, in the past, have extended our jurisdiction beyond our territorial waters for various specific purposes, such as customs enforcement which dates back to almost our birth as a nation; the prohibition enforcement extended seaward beyond our boundary and today, our defensive sea areas often go beyond territorial waters.

I have no qualms as to the effects of this bill in that regard, but I have a very decided fear that the failure to do so will eventually penalize our country at some future date.

But far more important to me—though I yield to no one in my concern for the national interest—is the restoration in the States of those lands which I am, and always will be, certain lawfully and rightfully belonged to them. In confirming that belief by the enactment of this bill we will have taken one of the most impressive steps ever taken by any Congress to enhance the prestige and integrity of our Federal Government in the minds of all our fellow citizens.

I make that statement in all sincerity and with all the fervor of my conviction in it. In enacting this bill we the Congress will not only terminate this wasteful, bitter controversy, we will not only properly and fairly dispose of natural resources and lands in accordance with principles of justice and equity, we will recognize the rights of the States and thereby restore their confidence in the integrity of our Federal Government but, most of all, we will be restoring the traditional philosophy of the American way of life in national affairs.

Mr. HAYS of Ohio. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. HAYS of Ohio. Mr. Chairman, the Government of the United States has a traditional policy of protesting claims made by other nations to areas of the marginal sea extending beyond 3 miles from the low water mark. The basic reason for not recognizing claims extending beyond 3 miles has been that the United States as a great naval, air, and maritime power must maintain freedom of the high seas and the air lanes which pass above it.

The Soviet Union today claims a strip of territortial sea extending 12 miles from its shores. Mexico claims a boundary extending 9 miles from its shore line. Ecuador claims exclusive fishing rights within 15 miles of its coast and Iran claims 6 miles into the strategic Persian Gulf. The dangers inherent in these extensive claims are most evident in the recent claim by Chile to complete national sovereignty over 200 miles of the adjacent sea.

Any extension of our boundaries beyond the 3-mile limit would undermine our traditional policy of maintaining the freedom of the high seas. Assistant Secretary of State, Thruston B. Morton, in a letter of March 4, 1953, to Chairman HUGH BUTLER, of the Senate Committee on Interior and Insular Affairs, stated:

> Likewise, if this Government were to abandon its position on the 3-mile limit, it would perforce abandon any ground for protest against claims of foreign states to greater breadths of territorial waters. Such a result would be unfortunate at a time when a substantial number of foreign states exhibit a clear propensity to break down the restraints imposed by the principle of freedom of the seas by seeking extensions of their sovereignty over considerable areas of their adjacent seas. A change of position regarding the 3-mile limit on the part of this Government is very likely, as past experience in related fields establishes, to be seized upon by other states as justification or excuse for broader and even extravagant claims over their adjacent seas. Hence a realistic appraisal of the situation would seem to indicate that this Government should adhere to the 3-mile limit until such time as it is determined that the interests of the Nation as a whole would be better served by a change or modification of policy.

A. UNITED STATES CANNOT PROTECT ANY STATE CLAIM BEYOND 3 MILES

As stated in the report of special master, in the case of United States against California, October term, 1952:

> The exterior limits of the marginal belt * * * involves a question of the territorial jurisdiction of the United States as against foreign nations, i. e., a question of external sovereignty.

It is inconceivable that a single State taking unilateral action through its legislature to extend its seaward boundaries beyond the traditional 3-mile limit could bind the Government of the United States in its dealings with foreign nations. The interests of any single State in matters of foreign relations must not take precedence over the interests of the Nation as a whole.

It is clear that the territorial waters boundary of a State and the Nation are indivisible. Mr. Jack Tate, testifying on behalf of the Department of State, stated before the Senate Committee on Interior and Insular Affairs on March 3, 1953, that—

> In international relations, the territorial claims of the States and of the Nation are indivisible. The claims of the States cannot exceed those of the Nation.

It cannot be argued that this legislation would only affect territorial water claims of a small portion of the United States entire coastline. If Congress takes legislative action to recognize extensions of territorial waters beyond the 3-mile limit off the coast of one State, it is more than certain that every coastal State will advance similar claims and petition the Congress to recognize these claims.

Specific provisions of Senate Joint Resolution 13 were attacked by the Department of State when it said:

> It is the view of the Department, therefore, that the proposed legislation should not support claims of the States to seaward boundaries in excess of those traditionally claimed by the Nation, i. e., 3 miles from the low-water mark on the coast. This is without reference to the question whether coastal States have, or should have, rights in the subsoil and seabed beyond the limits of territorial waters.

The use of any specific terminology such as "historic boundaries" or "boundaries at the time the State entered the Union" will only confuse and complicate the continuance of a uniform and sound policy of territorial water claims the United States supports with regard to foreign nations. In the first place, it is not at all clear what validity there is in so-called historical boundaries advocated by the States of Texas, Florida, and Louisiana. The determination of these claims would involve years of litigation. Secondly, it is perfectly obvious that many coastal States may advance historical claims on the basis of their colonial charters, early State statutes or constitutions. Where these claims would lead us no one can tell.

B. HISTORICAL UNITED STATES CLAIM HAS BEEN 3 MILES

In 1793, the then Secretary of State, Mr. Thomas Jefferson, wrote to the British Minister that—

> The character of our coast, remarkable in considerable parts of it for admitting no

vessels of size to pass near the shores, would entitle us, in reason, to as broad a margin of protected navigation as any nation whatever. Reserving, however, the ultimate extent of this for future deliberation, the President gives instructions to the officers acting under his authority to consider those heretofore given them as restrained for the present to the distance of one sea league or three geographical miles from the seashore. (Jefferson, Secretary of State, to Hammond, British Minister, Nov. 8, 1793.)

In 1875, Secretary of State Hamilton Fish wrote the British Minister in Washington that—

We have always understood and asserted that, pursuant to public law, no nation can rightfully claim jurisdiction at sea beyond a marine league from its coast.

Secretary of State Bayard wrote to Secretary of the Treasury Manning on May 28, 1886, stating:

We may therefore regard it as settled that, so far as concerns the eastern coast of North America, the position of this Department has uniformly been that the sovereignty of the shore does not, so far as territorial authority is concerned, extend beyond three miles from low-water mark.

In reply to a letter from Senator Connally, of Texas, Mr. James V. Webb, then Under Secretary of State, answered the Senator's questions on the extent of United States claims to territorial waters by quoting from the Supreme Court of the United States in the case of *Cunard S. S. Co.* v. *Mellon* (262 U. S. 100), to illustrate the Department's position:

It now is settled in the United States and recognized elsewhere that the territory subject to its jurisdiction includes the land areas under its dominion and control, the ports, harbors, bays and other enclosed arms of the sea along its coast and a marginal belt of the sea extending from the coast line outward a marine league or three geographic miles.

The most recent declaration of this firm and unwavering policy came in the letter to Senator BUTLER—opinion cited—when the Department of State replied:

Pursuant to its policy of freedom of the seas, this Government has always supported the concept that the sovereignty of coastal states in seas adjacent to their coasts (as well as the lands beneath such waters and the air space above them) was limited to a belt of waters 3 miles width, and has vigorously objected to claims of other states to broader limits.

The decision of the International Court of Justice in the Norwegian Fisheries case—United Kingdom against Norway, December 18, 1951—has not changed the position of United States. This case was decided on very special grounds, and was interpreted by Mr. Jack Tate, legal advisor of the Department of State, in his testimony as follows:

Mr. TATE. * * * The Norwegian Fisheries case has caused a great deal of discussion as to what it stands for. The northern coast of Norway that was involved in that case is a very cut-up coast. It is jagged, with little islands and rocks all over. It is what is known as the Skajaergaard.

The Court in the Norwegian Fisheries case sustained the claims of Norway. It did it, as I read the case on three grounds: (1) The nature of the coasts; (2) the historical claims of Norway, acquiesced in by other countries; and (3) the economic interests of the coastal states. On that basis it justified the claims of Norway.

I am not sure how far that case goes in its applicability to other situations that are not comparable with the Norwegian situation. I do not know of any part of the coast of the United States that is comparable to that section of the Norwegian coast known as the Skajaergaard. Possibly part of the southern coast of Alaska and the Aleutians might fit into that same sort of situation.

The historical situation is different as far as this country is concerned, and of course the economic situation varies. The Court did say in that case that the 10-mile rule was not firmly established as international law in such a way as to prevent its application to Norway under these circumstances. I cannot myself say that the 10-mile rule that has been adhered to by this country is required by international law. It certainly is not prohibited by international law.

C. FREEDOM OF HIGH SEAS HAS BEEN UNITED STATES POLICY

There is no question that the United States has traditionally been a firm advocate of freedom of the high seas. Any policy change which would place the United States in a position of limiting free access to wide expanses of the high sea would be most detrimental to our national interests. Not only would this action lead to the closing of water and air routes now open to our naval and air defense craft, it would seriously hamper our fishing industry and commercial-maritime activity.

In 1952 the Department of State called together an ad hoc Interdepartmental Committee on Foreign Waters to assess the benefits and detriments which might result from the extension of broad claims to the territorial sea off the coast of the United States. This committee was composed of representatives of the Departments of Defense, State, Justice, Interior and Commerce. It is more than evident from the letters and records of this committee that any extension of territorial waters would be most detrimental to United States interests. A letter from the Secretary of the Navy to the Secretary of State, June 20, 1952, on this subject sets forth several areas which are now open to United States naval vessels which might be closed if the United States waivers from its traditional policy of a 3-mile limitation on territorial waters.

The effects which might accrue to the fishing industry are detailed in another section of this report.

Recent incidents involving the shooting down of American aircraft off the coasts of the Soviet Union or Soviet occupied territories, indicate the importance of maintaining the doctrine of freedom of the high seas and the airspace above them. The United States will be in no position to protest further such incidents, or press past protests if the policy of our Government should now be changed.

D. 1945 PRESIDENTIAL PROCLAMATION CAREFULLY LIMITS UNITED STATES CLAIMS TO THE CONTINENTAL SHELF

The 1945 Presidential proclamation setting forth the policy of the United States with respect to the natural resources of the subsoil and seabed of the Continental Shelf was carefully phrased so as to avoid any confusion that might arise concerning the intent of the Government of the United States to change its policy with regard to the freedom of the seas.

The United States considers the natural resources of the subsoil and the sea bed of the Continental Shelf contiguous to the coasts of the United States to be subject to its jurisdiction and control.

The character as high seas of the waters above the Continental Shelf and the right to their free and unimpeded navigation are in no way thus affected (ibid.).

Several other nations have followed the policy of the United States with regard to the Continental Shelf adjacent to their coasts, but in a number of instances have failed to limit their claims to the subsoil and sea bed, but rather extended jurisdiction over the seas to the edge of the Continental Shelf. A summary of these claims is included in the article National Claims in Adjacent Seas, by S. W. Boggs.

Any attempt to extend the boundaries of the United States or any of its constituent States to the edge of the Continental Shelf would result in the most serious problems involving the freedom of the seas. The careful wording of the 1945 Presidential proclamation has protected the interests of the United States to date, deviations from this would not be acceptable.

The State of Texas claimed that it had full and complete ownership over the waters of the Gulf of Mexico, includes all lands that are covered by said waters from the shoreline to the farthermost edge of the Continental Shelf. This action was taken by the legislature of the State of Texas in 1941 and 1947—act of May 16, 1941, May 23, 1947. The recognition of such an extravagant claim by the Congress would not only involve the United States in serious problems with other nations but would place the State of Texas in a position of dictating to the Federal Government matters which are clearly outside the Constitutional jurisdiction of the State of Texas. For as in the California opinion (332 U. S. at 35) the court stated:

Whatever any nation does in the open sea, which detracts from its common usefulness to nations, or which another nation may charge detracts from it, is a question for consideration among nations as such, and not their separate governmental units. What this Government does, or even what the States do, anywhere in the ocean, is a subject upon which the Nation may enter into and assume treaty or similar intentional obligations.

The Supreme Court in the decree in the Texas case (340 U. S. 900) settled this issue by stating:

The United States of America is now, and has been at all times pertinent hereto, possessed of paramount rights in, and full dominion and power over, the lands, minerals, and other things underlying the Gulf of Mexico, lying seaward of the ordinary low-water mark on the coast of Texas, and outside of the inland waters, extending seaward to the outer edge of the Continental Shelf and bounded in the east and southwest, respectively, by the eastern boundary of the State of Texas and the boundary between the United States and Mexico. The State of Texas has no title thereto or property interest therein.

Mr. CELLER. Mr. Chairman, I yield 10 minutes to the gentleman from Louisiana [Mr. WILLIS].

Mr. WILLIS. Mr. Chairman, I have been assigned the task of giving you a broad outline of the pending bill, H. R. 4198.

I want to discuss with you briefly and in a nontechnical way what the bill does, why it is before us, and the need for the legislation.

Perhaps I should begin with a definition of terms. You will hear a great deal during general debate today, first about the historic boundaries and second about the outer continental shelf of the States. Let me explain what these terms mean.

Each State was admitted into the Union by an act of Congress, and each State adopted a constitution which was approved by the Congress. The act of Congress and the first Constitution defined the boundaries of each State in the first instance. In some cases treaties were involved. Thus the Louisiana Territory was retroceded or reconveyed by Spain to France in 1803, and then France, in turn, transferred the Louisiana Territory to the United States. Thereafter, Louisiana was admitted into the Union as a State under an act of Congress of 1812, and the first Constitution of Louisiana, of 1812, was approved by the Congress. Both Spain and France exerted influence over and claimed, owned, and controlled a marginal belt as part of the Louisiana Territory, as shown by maps then used and still in existence.

Obviously, we must resort to all of such ancient documents in order to determine the true and actual historic boundaries of each State, and as a practical matter, that is exactly what this bill permits and accomplishes. I do not know of any better criteria for the establishment of the boundaries of the States than a historic approach.

And what about the outer Continental Shelf?

Measured in geological time, our continent once stretched out farther into the ocean than it does today. Stated differently, the outer edge of the continental mass has become covered with the waters of the ocean. The proof is that if you waded out into the ocean, so to speak, you would find that the depth increases gradually until you reached a depth of 100 fathoms or 600 feet. At that point you would encounter a very sudden, sharp and precipitous drop to the very bottom of the ocean. The drop occurs rather uniformly at a depth of 100 fathoms or 600 feet, and upon reaching that point you would realize that you had arrived at the end of the original continental mass or the edge of the Continental Shelf.

Keeping these definitions in mind, the bill H. R. 4198 does two things.

First, it restores to the States complete title to the submerged lands up to the limit of their historic boundaries.

Second, it proves that beyond that point and up to the end of the Continental Shelf the submerged lands appertain to the United States.

Vicious propaganda has led some people to believe that this bill applies only to California, Texas and Louisiana. That, of course, is completely false. The bill applies to all the coastal States and will benefit all of the States of the Union.

Thus, it has been estimated that nine-tenths of the areas covered by this bill will go to the United States, while only one-tenth will go to all of the coastal States. Specifically, the experts who testified before our committee have estimated that 26,000 square miles will go to all of the coastal States, while 237,000 square miles are located in the Continental Shelf beyond historic State boundaries and will go to the United States Government.

Stated in another way, if the minerals were deposited uniformly from the shores to the edge of the Continental Shelf, nine-tenths of the oil would go to the Federal Government and only one-tenth would go to the coastal States. As a matter of fact, however, the percentage in favor of the States is much smaller, for the simple reason that most of the mineral deposits are located in the Continental Shelf outside of and beyond the historic boundaries of the Coastal States.

Now why is this legislation before us today? Here is the reason.

You know that possession is nine points of the law. Prior to 1935, the States enjoyed open, peaceable and exclusive possesion of the submerged lands within their historic boundaries. Up until that time, all the lawyers, the courts, the laymen and everyone in general understood that the States had title to these submerged lands.

Even Mr. Ickes, the Secretary of the Interior, thought so. He not only thought so, he said so. He not only said so, he expressed his opinion in writing. Someone had applied for a Federal lease covering submerged lands off the coast of California. On December 22, 1933, Mr. Ickes turned him down in writing. In his letter, Mr. Ickes reviewed the court decisions and said that under the uniform jurisprudence the so-called tidelands belonged to California and not to the United States. Here is what he said:

> The foregoing is a statement of the settled law and therefore, no rights can be granted to you either under the Leasing Act of February 25, 1920, or under any other public-land law.

Mr. Ickes was absolutely correct. He could have cited fifty-two Supreme Court decisions in support of his position. He could have quoted the considered opinions of Chief Justice Taney, Mr. Justice Field, Mr. Justice Holmes, Mr. Justice Brandeis, Chief Justice Taft, Chief Justice Hughes, and forty-six other eminent Justices of the Supreme Court.

Yes, Mr. Ickes could have pointed out that all the departments and agencies of the Federal Government had always recognized the title of the States. He even could have said that the Federal Government had actually leased and bought and paid for some of the tidelands from the States, and he could have concluded that in law, in good conscience, in moral and in equity the United States could not and should never question the title of the States.

But then what happened? Oil was discovered in the marginal seas. Visions of wealth and power can play tricks on minds and consciences of men. So Mr. Ickes and Harry Hopkins and others changed their minds. And we all know the sordid end of the story.

In the suits against California, Texas, and Louisiana the Supreme Court reversed all the mass of legal precedents and jurisprudence which had accumulated since the very foundation of our Republic. The Court, as presently constituted, held that the States do not have title to the submerged lands within their historic boundaries. But—and here is the catch—the Court did not hold that the Federal Government owns or has title to these areas. It only decided that the Federal Government has paramount power and dominion over the tidelands.

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

Mr. CELLER. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. GRAHAM. Mr. Chairman, I yield the gentleman 2 additional minutes.

The CHAIRMAN. The gentleman is recognized for 5 additional minutes.

Mr. WILLIS. But what does "paramount power and dominion" mean? Nobody seems to know exactly. One thing is certain, and it is that legislation is necessary to straighten out the matter so far as mineral developments are concerned. The former Attorney General and the former Solicitor of the Department of the Interior, and the present Attorney General and the present Solicitor of the Department of the Interior all agree on this. They agree and all of the members of the Judiciary Committee agree that no department or agency of the Federal Government has any authority under any existing law to develop the tidelands.

In the meantime, we need oil. We need it now. We need it at home and we need it for national defense and security.

Did you know that we are an importer of oil? We import crude oil and petroleum products every day of the year. We import crude oil and petroleum products from Mexico, Columbia, Venezuela, Iraq, Saudi Arabia, and elsewhere. My information is that we import on an average of 1 million barrels per month.

Therefore, it is imperative that we enact legislation to authorize the development of the submerged lands both as a matter of law and as a matter of economic necessity. The proposition is not whether legislation should be adopted, because everyone agrees that we should act. The only question is what sort of legislation should be enacted.

In the past, this body has acted twice on this subject, and I am confident that it will act again today in a fair and equitable manner. In the Committee of the Whole we will propose an amendment to restore language which appeared in the committee print, but which does not now appear in the bill, H. R. 4198. A discussion of this and other possible amendments will be made in due time during the course of the enactment of this most important legislation.

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

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

Mr. WILLIS. I yield to the gentleman from Kentucky.

Mr. PERKINS. I would like to have the gentleman answer this question. Let us assume that the Supreme Court of the United States had held that Louisiana had title to these lands: I want you to explain to this Committee, in case of a controversy how Louisiana could defend that title. In law, when you own title you can defend it. How could Louisiana defend it in the case I mention?

Mr. WILLIS. That is very easy. You said, "Should the Supreme Court so decide." That is exactly what we say they should have done, that is what had been the situation for 150 years. How could we defend our title if it is recognized? If you have title and possession, you can defend easily in any lawsuit known to the common law.

Mr. PERKINS. Let us take the shrimp boat case that occurred just a few days ago off the coast of Louisiana. Our State Department was able to get those parties released on the basis of the 3-mile limit. What could the State of Texas or Louisiana have done in an instance of that kind?

Mr. WILLIS. The gentleman is obviously opposed to the bill, and he wants to confuse oil with shrimp. I do not think that is very enlightening to the debate here, nor does it add to the principle. However, I do not yield further for that line of questioning. I yield to the gentleman from Louisiana [Mr. BOGGS].

Mr. BOGGS. I thank the gentleman for yielding.

Mr. Chairman, I want to congratulate the gentleman from Louisiana on the splendid job he has done in connection with this legislation. The gentleman is an able lawyer, and I think he has as fine a grasp of the paramount constitutional issue involved here as any Member of this body. I know the gentleman's time is limited and I am probably interrupting the sequence of his discussion, but I wonder if the gentleman has time whether he will discuss for a moment the importance of the taxing power on the areas found on the Continental Shelf.

Mr. WILLIS. I should be delighted to if the gentleman would procure me 2 additional minutes; I would welcome the opportunity.

Mr. BOGGS. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for 2 additional minutes.

The CHAIRMAN. The time is under the control of the gentleman from New York and the gentleman from Pennsylvania.

Mr. WILLIS. I am glad the gentleman has brought up that subject and I am quite sure it will be discussed later on, probably when the bill is read for amendment. The taxing power and the administration of our civil and criminal jurisdictions are both important for this reason: These areas—I am talking about the areas seaward and particularly beyond the historic boundaries but within the Continental Shelf—must be subjected to the jurisdiction of some authority, criminal and civil. You do not have any Federal jurisdiction over the administration of the common law offenses. True it is that we have limited criminal jurisdiction in the Federal courts but that is only when we pass a bill such as an income bill and attach thereto a penalty and then you can go into Federal court, but you cannot go to Federal courts to punish the crimes of murder, arson, or other common-law crimes; there is no jurisdiction. The "police power" referred to in this bill means the application of the civil and criminals laws of the States, and all the body of laws that pertain to persons and corporations.

In connection with the taxing power, the proposal to tax here in this bill is not a tax against the United States of America; it is a tax against the oil companies and lessees; against the production of oil or against the severing of that oil from the soil. There are no greater industries that use and abuse our highways more than the oil companies; they use our highways and they abuse our highways; and they use our bridges and tear up our bridges. The folks who will be hired and employed in these areas on the Continental Shelf will go to school in Louisiana, they will reside in Louisiana. If they are to be given the protection of our laws they should be taxed just the same as inland persons are taxed now. So it must be understood that this taxing power is not a tax against the Federal Government at all; it is the application of a uniform tax against severance of natural resources from the soil applying both inland and offshore, and under our Constitution the severance taxes are used for road building, for bridge repair and building, and for education.

Mr. BOGGS. Mr. Chairman, will the gentleman yield for a question?

Mr. WILLIS. I yield.

Mr. BOGGS. Is it not a fact that in legislation heretofore passed, that power along with participation in the royalties has been included in the so-called Walters bill?

Mr. WILLIS. There is no question about that. The House resolved this issue twice before by substantial votes. It has never been questioned.

Mr. GRAHAM. Mr. Chairman, I yield to the distinguished gentlewoman from Michigan [Miss THOMPSON] 5 minutes.

Miss THOMPSON of Michigan. Mr. Chairman, the submerged-lands bill has been before the Congress rather regularly over a period of about 15 years and has been hashed and rehashed over and over again. Thousands of pages of testimony have been taken and some 30 or 40 hearings by both Houses have been held, but to date no final decision has been made.

Members of this 83d Congress have dropped 40 bills into the hopper so far in an effort to determine a fundamental question of national policy involving the ownership of, and the production of, minerals from the offshore submerged lands of the United States.

The Supreme Court of the United States in litigation involving the States of California, Texas, and Louisiana, has heretofore held, on three occasions, that the Federal Government has a paramount interest in all of the so-called Continental Shelf. But that Court also recognized in its opinion the right of Congress to determine, as a matter of policy, rather than as a matter of law, whether or not continued Federal control is for our best interest. In view of our present world-wide crises, and the increasing need for petroleum in our own defense program, we, of the committee, many of our colleagues, and members of the Cabinet believe that our Nation's interests would best be served by restoring to the various States the coastal offshore lands to the historical boundaries of the respective States.

I have had a considerable amount of mail from my district opposing the present legislation on the grounds that, if passed, it would take funds away from the public schools. I should like to submit this to you in its proper light. All the submerged land revenues in the State of Texas have been devoted to public education for more than 30 years. All, or part, of such revenues are devoted to education in most of the other States where income is from other public lands. The latest available total of all revenues received by Texas, Louisiana, and California to date, from oil and gas leases, and royalties, is $77,292,000. This has meant a great deal to public education and other State functions in those States. But, if the revenue to those States was to be divided among the 48 States, it would mean only $1,610,000 per State. Even if that figure should become greater in the future, it is doubtful if any of the States would be willing to surrender to the Federal Government the title to its own submerged lands for one-forty-eighth part of the total revenues received from all the States through Federal ownership and management. At present, total Federal aid to schools is in the billions.

The Federal Government today owns 24 percent of all the land in the United States, and none of the revenues therefrom are being earmarked for education. Grants of this Federally owned land direct to the States would enable them to be self-sustaining, and to retain control of their educational systems.

We have much Government-owned land in my district, but you may be very sure that the advocates of Federal control, because of their intrest in the centralization of property and power in a national soverign rather than the support of public education, will not concede such a program. The Federal aid to education plan is merely an attempt to gain support of Federal control of submerged lands now being used by the States in support of their own systems of public education.

Incidentally, in our great State of Michigan, we have over 25 million acres of submerged lands and 1,500 miles of shoreline. Michigan is currently receiving royalties from leases covering oil, gas, sand and gravel. This legislation requires your careful and conscientious study.

Mr. GRAHAM. Mr. Chairman, will the gentlewoman yield?

Miss THOMPSON of Michigan. I yield to the gentleman from Pennsylvania.

Mr. GRAHAM. As chairman of Subcommittee No. 1, may I thank the gentlewoman for her attendance at our meetings. She has been faithful; she has never missed a meeting and she has contributed much of her time and effort. Mr. Chairman, I greatly appreciate it.

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

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

Mr. CELLER. I yield to the gentleman from Illinois.

Mr. YATES. The gentleman from Louisiana [Mr. WILLIS] attempted to discuss the tax that had been placed by the State of Louisiana beyond the historical boundaries of the State. Will the gentleman state whether the power to tax is or is not an aspect of the sovereignty of either the State or the Federal Government and whether in his opinion it is constitutional for one of the Gulf States to impose such a tax?

Mr. CELLER. I believe the provisions for taxation that are found on page 12 and the provisions for police powers granted to each of the coastal States are, to say the least, impracticable, unthinkable, and unconstitutional. This is an attempt to allow one State to tax property beyond its boundaries. This would permit Louisiana and Texas to tax all companies that are operating on the Continental Shelf far beyond their boundaries. Now I cannot conceive how we would embrace such a proposal. If we could do that with reference to the coastal States, namely, that they can effectuate the imposition and collection of taxes on property not in their own States, then New York, for example, could tax corporations and properties in the State of Illinois and the State of Indiana. To my mind that is ridiculous. Frankly, it is just stuff and nonsense and I cannot conceive how we could swallow such a thing; yet it is in the bill.

I want to say to my distinguished chairman, the gentleman from Illinois [Mr. REED] for whom I have affectionate regard—and I do not like to oppose him and offer contrary opinions—that the gist of this whole matter is in a very brief quotation which I will read from the Louisiana case as decided by the Supreme Court:

> If, as we held in California's case, the 3-mile belt is in the domain of the Nation rather than that of the separate States, it follows a fortiori that the ocean beyond that limit also is. The ocean seaward of the marginal belt is perhaps ever more directly related to the national defense, the conduct of foreign affairs, and world commerce than is the marginal sea. Certainly it is not less so. So far as the issues presented here are concerned, Louisiana's enlargement of her boundary emphasizes the strength of the claim of the United States to this part of the ocean and the resources of the soil under that area including oil.

To my mind, that is decisive of this whole proposition, namely, that all of this mineral wealth seaward from low-water mark is within the domain—that is the word used by the Supreme Court—of the United States Government. The Supreme Court is not going to eat up these words; the Supreme Court is going to follow that decision; it is not going to jump to a different conclusion.

In a sense, I might use an old Turkish proverb which is as follows: Who takes the donkey up to the roof must bring him down again. In other words, what we are doing here is just bringing the donkey up to the roof, and we must bring him right down here again. The Supreme Court will stand by those three decisions, paramount among which was the decision from which I just read.

Now, either we do have confidence in the State Department or we do not have confidence in the State Department. We either must have faith in Mr. Dulles, Secretary of State, or we do not have faith in Mr. Dulles, Secretary of State. Those who are in favor of this bill apparently have no faith whatsoever in the Secretary of State, who conducts our foreign affairs. He has sent representatives to those having jurisdiction over this legislation, indicating opposition to this bill, and the opposition is in the following.

The Deputy Legal Adviser to Secretary Dulles, Jack B. Tate, said:

> The Department is concerned with such provisions of proposed legislation as would recognize or permit the extension of the seaward boundaries of certain States—

He had in mind Florida and Texas—

> beyond the 3-mile limit.
>
> If the Nation should recognize the extension of the boundaries of any State beyond the 3-mile limit, its identification with the broad claim would force abandonment of its traditional position (that 3 seaward miles is the breadth of the territorial limit of any country.)

Then we have another important piece of evidence, as to what the State Department is thinking. This is the statement of Thruston B. Morton, Assistant Secretary of State. He declared that such recognition proposed in quitclaim bills on oil-rich offshore lands, "may moreover precipitate developments in international practice to which this Government, in the national interest, is clearly opposed." Mr. Morton also said, "A number of foreign states are at present showing a clear propensity to extend their sovereignty over considerable areas of their seas." This restricts the freedom of the sea and the freedom of sea has been and is a cornerstone of the United States policy because it is a maritime and naval power.

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

Mr. CELLER. I yield to the gentleman from New York.

Mr. DONOVAN. I notice the gentleman's argument is directed toward the part of the bed of the ocean beyond the 3-mile limit, that is, at this point, but something else is bothering me, and that is about that part of the tidelands that is inside the 3-mile limit.

Mr. CELLER. I can ease the gentleman's mind on that score. The Supreme Court has stated in no uncertain language that the domain of the Federal Government extends from low-water mark seaward.

Mr. DONOVAN. Now, this is the question: If the Federal Government has paramount title to the lands under the sea within the 3-mile limit, what would happen to the sand and gravel business off the coast of the State of New York if the Federal Government suddenly decided that those sand people had no right to dig the sand out without paying money to the Federal Government?

Mr. CELLER. I never knew the gentleman's constituents had sand and gravel interests in and around New York.

Mr. DONOVAN. The gentleman does know that they dig sand and gravel out of the tidelands around New York, does he not?

Mr. CELLER. Perhaps. I do not know.

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

Mr. CELLER. I yield to the gentleman from Illinois.

Mr. YATES. Is not the tidelands oil area specifically between the low- and high-water marks of the ocean? Is not the gentleman in error when he speaks of the tidelands out to the 3-mile limit?

Mr. CELLER. Yes. There is no attempt on the part of those who oppose this bill to say that they are taking anything from the States that are called tidelands. Beween low-water mark and high-water mark is proverbially called tidelands. This bill is called the tidelands bill. That is a misnomer. The bill has nothing whatsoever to do with the so-called tidelands. This bill has to do with the lands seaward from the low-water mark outside of tidelands. So that the sand and gravel interests can take all they want out of the shores anywhere between the low-water mark and the high-water mark, provided they own or lease or have rights in the adjoining uplands adjoining the tidelands.

Mr. YATES. Is it not an additional fact that the sand and gravel business is probably conducted on inland waters which belong to the State of New York?

Mr. CELLER. Quite so. There may be some activities elsewhere. I do not know.

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

Mr. CELLER. I yield to the gentleman from Louisiana.

Mr. BOGGS. I understood the question of the gentleman's colleague from New York to involve what the gentleman called the tidelands area, beyond the low-water mark. What is the gentleman's answer to his question?

Mr. CELLER. I presume the contractors in New York can get all the sand and gravel they want in the tidelands between the low-water mark and the high-water mark.

Mr. BOGGS. He referred to other lands. What is the gentleman's answer to that question?

Mr. CELLER. He may refer to other lands, but as to other lands the contractors taking out sand and gravel might have to get permission from the Government.

Mr. BOGGS. That is your answer?

Mr. CELLER. Yes.

Furthermore, it is well to know the value of this national heritage of oil which is being given to the various coastal States. The inland States, I think, would be interested in the value of these lands, and in the value of the minerals underneath these lands. The minority report contains some very interesting figures with regard to that, and you will find those figures on page 115 of the general report, the second

page of the minority report. The proven reserves total $1,230,000,000. The potential reserves out to the Continental Shelf of those three States, California, Texas and Louisiana, go up as high as $42,265,000,000. A rather tidy sum. Certainly we cannot hand that wealth to three States without greatest objection and remonstrance.

Here is an interesting table outlining these petroleum resources by barrels and dollars:

Estimated value of United States offshore oil resources

PROVEN RESERVES

	Quantity (barrels)	Value ($2.50 per barrel)
Inside 3-mile limit:		
California	156,345,000	390,862,500
Texas	15,000,000	37,500,000
Louisiana	107,000,000	267,500,000
Total	278,345,000	695,862,500
Continental Shelf, outside 3-mile limit:		
California	0	0
Texas	0	0
Louisiana	214,000,000	535,000,000
Total	214,000,000	535,000,000

POTENTIAL RESERVES

Inside 3-mile limit:		
California	[1] 1,100,000,000	2,750,000,000
Texas	[2] 400,000,000	1,000,000,000
Texas	[1] [1,200,000,000]	[3,000,000,000]
Louisiana	250,000,000	625,000,000
Total	[3] 1,750,000,000	4,375,000,000
Continental Shelf (total):		
California	2,156,000,000	5,390,862,500
Texas	9,000,000,000	22,500,000,000
Louisiana	4,000,000,000	10,000,000,000
Total	15,156,000,000	37,890,000,000

[1] Inside 3-league limit.
[2] Inside 3-mile limit.
[3] Totals exclude data in brackets.

NOTE.—Reserves from U. S. Geological Survey estimates. Value calculated at approximate current crude-oil prices.

This is only the beginning, may I say to the members of this committee. The raid will not stop with the quitclaiming of this offshore oil to the States. The arguments are going to run this way: If it is logical to turn over wealth under marginal seas, then it is just as logical to turn over wealth under Federally owned land to the inland States. The distinguished Senator from Wyoming, Senator HUNT, has a bill which is pending in the Senate to give the States the minerals under Federal lands. The Senator points out that the United States Government got $153 million in royalties from oil under Federal land in his State in 20 years. He wants those future royalties for the State of Wyoming. The western sheep and cattle growers are now casting a longing eye upon public forest and grazing land. Chairman Butler of the Senate Interior Committee threw out the first hint when during the course of hearings, he remarked, "I would like to say here that when the tidelands question is settled, there are plans for introduction of a bill which will make the same theory applicable to the public land now held by the Federal Government within the State." I can readily see that if California can get this oil, why should not the State of Washington get something and exploit the timberlands and the water and the minerals. There is the famous Rainier National Park. While it is not an oil bonanza like that under the marginal seas, that national park could be converted to hard, cold cash for that State.

If marginal seas belong to Texas why cannot the lakes of Jackson Hole—now protected as a monument—be tapped by Wyoming for hydroelectric power and other industrial purposes?

What about Mount Hood National Forest in Oregon? It just sits there, like a picture postcard to be stared at. Why not saw it down—log it off and make some money for Oregon and lumber groups out of it?

Let me read you significantly, part of an article from the New Leader:

The opening gun in the campaign to weaken the Forest Service was fired by Lawrence F. Lee, president of the United States Chamber of Commerce, in a speech before the National Lumber Manufacturers' Association shortly after election.

Remember that is the National Lumber Manufacturers' Association.

Mr. Lee proposed that a study be made by Congress by departments, of the Federal real estate inventory, to the end that all property, which in the public interest is best adapted to private ownership, be offered for sale as soon as possible and thus be placed on the tax rolls and in productive use by private enterprise.

Mr. Lee entitled his speech "A Way Back To Land Freedom," but it was really a program for despoiling public property and turning over assets now owned by all the people to a privileged few. It is up to Americans to keep close watch on their property, whether it be multipurpose dams (which former GE president Charles E. Wilson wants the Government to sell to private enterprise), grazing lands, forest lands, or other valuable resources. The land grabbers have many stratagems and numerous complaisant Congressmen at their beck and call. We must keep a wary eye on them and mobilize all our political strength if we are to thwart their schemes.

Well, it has gotten so far that in the New York State Legislature recently, someone suggested selling West Point. Think of it. A legislator said it could be sold for $20 million to a boys' private prep school. Also I understand, but I am not sure about this, that the attorney general from Kentucky—I hope the Representative from the State of Kentucky will let me know whether this is so or not—that the attorney general of that State even began to size up his State's possible claim to the gold ingots buried in Fort Knox.

Apparently the raid is on. This is the season for plunder.

In South Dakota a wealthy promoter of carnivals and medicine shows negotiated at Pierre, the capital of the State, for exclusive rights to charge admission for viewing the carved heads of Lincoln, Washington, Jefferson, and Teddy Roosevelt at Mount Rushmore.

Well, Mr. Chairman, apparently they are going to put everything that Uncle Sam has of value on the auction block, and they are going to sell everything to the highest bidder. This is the season for easy pickings. I would not be surprised that somebody will come forward with a proposal that we auction off the Post Office Department to the highest bidder.

This offshore-mineral-deposits legislation has surely started some queer shenanigans.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. GRAHAM. Mr. Chairman, I yield 4 minutes to the gentleman from Georgia [Mr. FORRESTER] for the purpose of asking a question.

Will the gentleman state his question?

Mr. FORRESTER. Mr. Chairman, I want to ask the gentleman to refer to page 15 of H. R. 2948 as considered by the full committee last week, and I call the gentleman's attention particularly to the language on that page reading:

Provided, however, That within 90 days from the effective date hereof (1) the lessee shall pay to the State or its grantee issuing such lease all rents, royalties, and other sums payable between June 5, 1950, and the effective date hereof, under such lease and the laws of the State issuing or whose grantee issued such lease, except such rents, royalties, and other sums as have been paid to the State, its grantee, the Secretary of the Interior or the Treasurer of the United States and not refunded to the lessee.

The above quotations are on page 15, beginning with the word "provided," that word being the last word on line 12, and the above quoted language beginning with that word "provided" continues through line 20 and includes the language on line 21, stopping with the semicolon after the word "lessee."

The above quoted language appears in the bill, H. R. 4198, now pending before us, on page 7 beginning with the word "provided," on line 13 and ending with the semicolon after the word "lessee" on line 22.

The gentleman will recall that in our committee meeting I called attention to the committee that the Coastal Petroleum Co., Inc., was the lessee under two leases from the board of trustees of the Florida Internal Improvement Fund, under which leases the Coastal Petroleum Co., Inc., was given the right to explore and extract oil from the tidelands along the Gulf Coast of Florida; that in view of the then pending tidelands cases, a provision was inserted in the leases allowing the Coastal Petroleum Co., Inc., an abatement in rentals to the extent that the areas under those leases might be adversely affected by the United States Supreme Court's decision in those cases; and on December 20, 1949, the trustees of the Florida Internal Improvement Fund passed a resolution abating the rentals on areas which had, in fact, been adversely affected by the decisions of the said Supreme Court in the tidelands cases; and that on March 7, 1950, the trustees of the Florida Internal Improvement Fund adopted a motion crediting rentals paid on such areas by the said Coastal Petroleum Co., Inc., before the passage of the resolution just described, to future rentals on other lands which had not been adversely affected by those decisions.

The gentleman will further recall that I asked our committee if the language I have quoted above would endanger any abatements made to lessees by the States? And that, was the above quoted

language in any way authorized to override any such abatements, for the reason that if it did so authorize that I wanted to offer an amendment to provide that "any rents, royalties, and other sums as have been abated by any State, or its grantee, or otherwise dealt with any existing agreements between any State, or its grantee and the lessee, was and is excepted." I ask the gentleman if he recalls that it was agreed by the committee that no such amendment was necessary, and that under the terms and provisions of the present bill that any and all abatements or rents and royalties heretofore made by any of the States to any lessee would be binding, and that such abatement proceedings would firmly stand as against any provisions in this bill, and that the provisions in this bill apply only to rents and royalties as might be due and which have not been abated or released from payment by the contracting State by and through its proper agents or authorities, and that this bill will be so construed?

I ask the gentleman if it was not the intention of the committee, by the language quoted above, to simply provide that any such payments provided in any contracts by the States and any lessee, which have not been modified or abated by the State heretofore, are the ones that the committee was legislating upon.

Mr. GRAHAM. The answer to the question is, "Yes."

Mr. FORRESTER. I appreciate that.

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

Mr. RILEY. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. RILEY. Mr. Chairman, I am in favor of the passage of this bill. I have uniformly supported similar measures which have been before this body during my service here.

All of us agree that some kind of action on this subject is necessary. The only question is as to the kind of bill we should pass. The hands of the States are tied because of the decisions of the Supreme Court in the California, Louisiana, and Texas cases. The hands of the Federal Government are tied because of the absence of authority to develop, or lease for development, the resources in the lands confiscated on its behalf by the Supreme Court. The issue should be settled so that the lands in question might be developed without further confusion and strife.

In the beginning the Federal Government owned no land. Such land as it owns has been acquired primarily by purchase or by grants from the States.

At the conclusion of the Revolution, each of the Original Thirteen States became the absolute owner of all lands beneath the tidal and navigable waters within its boundaries, except such portions, if any, as had previously been granted out by the former sovereign. These lands were not surrendered to the Federal Government by the Constitution or otherwise. Had any doubt existed, and none did until recently, the 10th amendment should have set it at rest. The 10th amendment was thought to be the answer to the widespread fear, prevalent at the time of its adoption, that the Federal Government might attempt to exercise powers which had not been granted to it. Recent developments have shown that those fears were not groundless.

That the Federal Government is a government of delegated powers is too well established to require comment. And I submit as incapable of being successfully attacked the following proposition: That since the sovereign powers enjoyed by the Federal Government were derived from the States and expressly limited by the 10th amendment, its sovereign rights can rise no higher and can have no greater effect than those powers which were delegated to it.

Prior to 1937 no one questioned that the lands under consideration were owned by the States. The Original Thirteen States owned their submerged lands by virtue of the titles acquired at the end of the Revolution. That the States subsequently admitted into the Union were admitted on an equal footing has been held by the Supreme Court in cases too numerous to mention.

For more than 150 years prior to the California case, the States had been in possession of and had been using these lands in good faith. I am informed that, prior to the decision in that case, there were 53 other Supreme Court decisions and 244 decisions by State and Federal courts which held that the States owned all lands beneath the navigable waters within their territorial jurisdiction, whether inland or seaward. On the strength of this authority, the States have in good faith encouraged and regulated the development of the natural resources found in the seas and lands lying thereunder within their boundaries. They have granted permission or leases for the construction of piers, docks, and other shore structures and for the filling in and reclamation of submerged lands. During all these decades in which the States exercised all the rights of sovereignty over these lands, no doubt was expressed as to the fact that the States owned these areas just as completely and just as surely as they did inland properties. It was only upon the discovery that valuable oil deposits were contained in these lands that the Federal Government showed any interest in claiming them.

That it was the settled law of the land that the lands now in controversy belonged to the States is further borne out by the fact that numerous grants of submerged lands outside of inland waters have been made by the States to the Federal Government. Would the Federal Government have gone through the steps necessary to accept a conveyance of land from a State if it had not believed that the land was owned by the State?

Since this controversy arose, much propaganda has been circulated to the effect that only a few States are affected. That is not true. The principle involved in the decisions which this bill will correct affects the sovereign interest of every State in the Union. I am told that, though various interpretations of the tidelands cases have been made, the vast majority of the lawyers of this country agree that these decisions cast a definite cloud upon title to vast areas of lands under the inland waters within the boundaries of all the States. And I have heard grave doubts expressed by my friends from the Middle West as to the title to lands under and lands reclaimed from the Great Lakes.

Though my own State of South Carolina has no commercial oil fields, it is vitally interested in the question involved. In South Carolina we have 461 square miles of submerged lands under inland waters and 561 square miles of submerged lands under the marginal seas. Structures erected into the ocean as well as the mineral deposits under the waters are affected by the decisions in the tidelands cases. In 1948, the Supreme Court ruled, in the case of Toomer against Witsell (334 U. S. 385), that the power of South Carolina to regulate fishing in the marginal-sea area within its boundaries could be exercised only in the absence of a conflicting Federal claim. The basis of this holding was the decision in the California case.

The fishing industry is already important in my State and offers promise of becoming a great industry. But the power of the State to regulate it is at present at the mercy of the Federal Government.

I might add, in discussing my State's interest in this subject, that the attorney general of South Carolina was one of the 45 attorneys general who filed briefs amicuse curiae in the California case to support California's defense and to oppose the assertions of power made by the Federal Government.

The issue before us today is not one of oil, though there are those who would have us believe that. The issue goes much further than oil. The Court's opinions are certainly not limited to oil. The problem before us is as broad as the Court's decisions and the intentions, present or future, of the Federal departments.

If the Federal Government can take oil lands in coastal States, it can do so in inland States. If it can take oil, it can take any other resource. There is no limit to the potential areas of exploitation which have been opened up for the Federal Government by the decisions in the tidelands cases. To say that this possibility is far-fetched is no answer. It is no more far-fetched than the claims made and upheld in the California, Louisiana, and Texas cases. Nor is it sufficient to answer by saying that Federal officials have expressly denied the intention of exerting any further claims. If one Attorney General can justify the position of the Government in regard to the tidelands on the ground that the question had not previously been raised, may not another Attorney General make the same justification in filing a test case involving inland waters? The fact that the Federal Government has not as yet advanced such a claim is certainly no protection to the States. Under the holding in the California case, officers of one administration can no more legally waive the rights of the Federal Government to other lands or resources other than oil by disclaiming any interest therein than could their predecessors in

office legally waive the Federal Government's paramount rights over the oil by ruling that the submerged lands belonged to the States.

As I understand the decision of the Supreme Court in the California case, it was based on two grounds: First, the responsibility of the United States for the conduct of foreign affairs; and, second, its responsibility for national defense and the need of oil therefor. The Court assumed that the natural resources in these lands and waters might be vital to the national defense and that they might become involved in international negotiations conducted by the Federal Government with other nations.

I fail to see how national representation in foreign affairs implies national ownership. The Federal Government represents the whole Nation in international affairs, but that does not require that the Federal Government must own everything entering into such affairs.

Nor am I able to see how the Federal Government's responsibility to protect the shores can give it rights heretofore identified with the ownership of those shores. It does not follow that because the Federal Government is empowered to maintain a navy and to provide for the national defense it can appropriate to itself property owned either by States or individuals. If certain properties are essential for governmental use in the exercise of these powers, the Government may acquire them under its power of eminent domain. But this involves due process of law and the payment of just compensation as required by the fifth amendment. The mere existence of need, no matter how great, can never justify a circumvention of the fifth amendment.

Justice Frankfurter in his dissent in the California case said:

> The needs of defense and foreign affairs alone cannot transfer ownership of an ocean bed from a State to the Federal Government any more than they could transfer iron ore under uplands from State to Federal ownership. National responsibility is no greater in respect to the marginal sea than it is toward every other particle of American territory.

Justice Reed in his dissent in the same case said:

> This ownership in California would not interfere in any way with the need or rights of the United States in war or peace. The power of the United States is plenary over these underseas lands precisely as it is over every river, farm, mine, and factory of the Nation.

If the principle established in the tidelands cases is permitted to stand unchallenged, the Federal Government can, with the aid of an overzealous Supreme Court, invade and appropriate unto itself property almost without limitation as well as powers and rights historically and by the Constitution reserved to and exercised by the States.

In arriving at its decision in the California case, the Supreme Court evaded all its prior jurisprudence on the subject of tidal ownership by each State for its sovereign people and its often repeated decisions that the Original Thirteen States absolutely owned all their navigable waters and the soils under them for the common use of the sovereign people of each State, subject only to the rights surrendered by the Constitution to the Federal Government, and that all States subsequently admitted to the Union succeeded to the same ownership and rights of sovereignty. No State has denied the power of the Federal Government over the navigable waters of the Nation that exists by virtue of its powers to regulate interstate and foreign commerce and to provide for the national defense. But the existence of these powers of the Federal Government is not inconsistent with State ownership of the lands below the navigable waters and should not be used as a basis for changing the original ownership of these lands from the States to the Federal Government.

The issue before us today has been clouded by the interjection of Federal aid to education as a rallying post around which to gather opposition to the bill. The desirability of such aid for schools is itself a controversial issue upon which so far as I know, the Congress has never affirmatively expressed itself. But even if we assume the nobility and the desirability of Federal aid to education, it has no place in the solution of this problem.

The issue before us is a fundamental one of States rights and of basic principles. The principle established by the tidelands decisions is far reaching and transcends all questions as to the value of oil or other properties involved.

Our duty in my opinion is clear. We must do what is right as the light of history has shown us what is right. We must counteract this step which has been taken toward nationalization of our resources and further centralization of power in our Federal Government. We must show the Nation that Congress still has sufficient power, as the Constitution intended, to remedy errors by the courts and the executive branch when the results are such as to circumvent, ignore, or run roughshod over the Constitution and when the results are such as to bring about substantial injustices such as were brought about by the tidelands decisions. We must affirm for all time the unwritten law under which we have operated for so many years. A proper regard for States rights and for property rights requires that this bill be passed.

Mr. CELLER. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. WILSON].

Mr. GRAHAM. Mr. Chairman, I yield the gentleman 10 additional minutes.

The CHAIRMAN. The gentleman from Texas [Mr. WILSON] is recognized for 20 minutes.

Mr. WILSON of Texas. Mr. Chairman, for 15 or 16 years now we have heard much talk and argument about the so-called tidelands bill. "Tidelands," of course, is a misnomer, for as previously stated, it refers only to that strip of land between the low and high water marks. Why, except for the sake of brevity, the bill is called the tidelands bill, I do not know. There has been more propaganda, more untruths, and more misstatements made about this and other bills on the subject than I think have ever been made about any legislation pending before this Congress at least since I have been here, and this is the seventh year I have been here.

I heard a man on television a few days ago—he was a Member of the other body—say that there were some several trillions of dollars involved in these tidelands. That is a figment of somebody's imagination. Nobody knows how much oil is beneath the sea beyond the boundaries of the States; nobody could possibly know how much oil is under the Continental Shelf or the outer Continental Shelf. Geologists and others have said that they estimated, based upon the showings in the salt dome formations that have been explored, that there is somewhere between twenty and forty billion dollars worth of oil and gas in that territory. That is a pure guess, but I think all this talk is thrown out for one purpose, and that is to take your minds and the minds of the Members of the other body from the facts, to drive you away from the facts so that you will be laboring under the impression that you will never have to vote any more taxes if you will just get these tidelands regardless of how you get them.

There are several different groups who believe the money should be placed in the Treasury for the use and benefit of various purposes. I think this is a good bill; I think the facts will demonstrate to those of you who are open and fair-minded, the facts will demonstrate this bill to be a good bill. How anyone could make the statement that this is a giveaway, as far as the facts of many of the coastal States are concerned and many of the Great Lakes States, and be within the facts, I do not understand.

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

Mr. WILSON of Texas. I will yield later.

Texas gained its independence in 1836 by force of arms. In 1836 immediately after gaining its independence it openly and notoriously proclaimed that it owned as a part of its public domain the area 3 leagues into the Gulf of Mexico beginning at the mouth of the Rio Grande, 3 leagues from shore and ending at the border of Louisiana. Nobody ever contested that claim while it was a republic and a free nation for 10 years.

When the Federal Government, the association of States, asked Texas to become a member, and Texas wanted to become a member, the Congress adopted a resolution the words of which are very plain. I inserted these words in the CONGRESSIONAL RECORD some little time ago and will not take the time to read all of them now. But it provided that Texas should keep its public domain and would pay its debts of $10 million. Texas paid its debt of $10 million. This joint resolution adopted by the Congress, which was in effect a treaty, has been recognized since that time and was never questioned by any man until Secretary Ickes questioned the matter with respect to all the coastal States.

Many statements have been made, one by my former distinguished chairman, the gentleman from New York, that he could not understand the provision in this bill permitting the States to tax in

the outer Continental Shelf. Let me read you section 189 of the Federal Leasing Act which applies to all of the Federal domain of all of the Western States, now known as the reclamation States. I will only read the section with respect to taxes:

Nothing in this section shall be construed or held to affect the rights of the States or other local authority to exercise any rights which they may have, including the right to levy and collect taxes on improvements, the output of mines and other rights or assets of any lessee of the United States.

What will this area become if this bill is passed and finally endorsed by the President? It will become the public domain of the United States. That is, that area outside of the historical boundaries of the States will become the public domain of the United States. What is this land that we find in the reclamation States of the West? It is the public domain of the United States.

Under section 189 of the Federal Leasing Act you even give local governments, any political subdivision, the right to tax. Some member in committee asked: Why should the contiguous States have the right to tax? As you know, the families of these men who are out on these large derricks built upon steel piling—many times 100 to 150 men work out there when they drill these wells—live on the shore, they live in the abutting or contiguous States. These families use the schools, roads, fire and police departments, and have all of the prerogatives as any other citizen. Is it not just as fair for the abutting States to be allowed to assess some kind of tax, and this bill limits it to a severance or production tax, which would be a tax entirely upon the lessee after he severs the oil? Is it not just as fair to permit those abutting States to collect a little tax in order to reimburse themselves for carrying on these services which are received by these people employed to explore this area? Is it not just as fair for these States to be able to do it as it is for the western reclamation States? I cannot see the difference. If there is any difference, I cannot see it.

There has been a lot of confusion about 3 leagues, 9 nautical miles, and 10½ miles. If you will refer to your proper dictionaries, you will see that a league is 3½ land miles, and the 9 nautical miles, which is referred to by nautical people, is also 10½ miles. So what appears to be confusing is only the use of different terms describing the same area.

As was stated by the gentleman from Louisiana [Mr. WILLIS], this bill deals with the inner Continental Shelf which is out to the historical boundaries of the several States, and contrary to what many of the opponents of this bill say when they try to lead you to believe that this is just a steal on the part of Texas, Louisiana, and California, they forget about all the other States as was stated this morning by the gentleman from Massachusetts [Mr. NICHOLSON]. Their claim, the claim of the State of Massachusetts, predates any claim Texas has. I think he is entirely right when he says he would not give up 1 inch of the territory of Massachusetts for any amount of money, and that is the way we feel in Texas. You are not giving us anything in this bill. We have owned this property since before 1836 and we obtained it by right of arms. We gained it when we gained our independence and asserted a claim to it. What did the Federal Government do 2 years after 1846 when Texas came into the Union except enter into an international treaty with Mexico. With regard to the boundary between this country at the border of Texas, after Texas became a State, in the Treaty of Guadalupe Hidalgo, these words are used. This treaty was entered into in 1848 between the Federal Government and the Government of Mexico:

The boundary line between the two Republics shall commence in the Gulf of Mexico 3 leagues from land opposite the mouth of the Rio Grande River, otherwise called Rio Grande del Norte, or opposite the mouth of its deepest branch, if it should have more than one branch emptying directly into the sea.

They recognized in 1948, 2 years after Texas became a State of the Union, that 3 leagues was also the starting point of the boundary between Mexico and the United States. That, of course, shows that the joint resolution adopted by Congress in bringing Texas into the Union also recognized the boundary at the same point.

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

Mr. WILSON of Texas. I yield to the gentleman from Kentucky.

Mr. PERKINS. I can understand the gentleman's claim concerning the State of Texas but I would like for you to tell this Committee from what source and when did the Thirteen Original Colonies obtain title to the marginal sea, the 3-mile limit from the low-water mark seaward?

Mr. WILSON of Texas. The gentleman was here when the gentleman from Massachusetts [Mr. NICHOLSON] gave his answer; was he not?

Mr. PERKINS. The gentleman from Massachusetts did not touch on that point.

Mr. WILSON of Texas. I ask the gentleman to consult the Members here from those States.

Mr. PERKINS. Well, I want to know. They do not have any title at all.

Mr. WILSON of Texas. Now, it is very important that this matter be settled once and for all. It is important not only to Texas, Louisiana, and California, but every State in the Union, every coastal State and every Great Lakes State, and it is important also that the inland States have this bill passed, not that they will get anything out of the coastal part of it, but that the inland waters and their lake beds and their river bottoms be settled for all time to come. It is important that this area, which is rich in oil and other minerals, many of which minerals we may not even know exist, be developed and developed at the earliest possible moment.

As was stated by Chairman REED, development in his area is now practically at a standstill. As a matter of fact, Texas was enjoined June 5, 1950, from accepting any further money. This bill ratifies and confirms the leases that have been made by the various States to this area within their boundaries, also ratifies those leases entered into on the outer continental shelf. These oil companies at their own peril will not continue to develop this area until they know who is supposed to own it and who they can get title from. You cannot blame them.

There are many costal States, not just Texas, California, and Louisiana. We talk about the police power. Some Members seem to be very afraid of the police power. The police power is only that power that flows from constituted society in an effort to protect itself by its civil and criminal laws. Do you think there is any danger in permitting an abutting State contiguous to this territory to enforce its criminal laws and protect the public interest in that area?

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

Mr. WILSON of Texas. I yield to the gentleman from Louisiana.

Mr. WILLIS. Is it not so that according to the very provisions of this bill the police and even the taxing power provision will prevail only as long as Congress does not invade the field, and that could be changed later?

Mr. WILSON of Texas. That is absolutely true.

Mr. WILLIS. The purpose is a continuity of the applicable local laws, the conservation laws, and so forth.

Mr. WILSON of Texas. That is absolutely true.

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

Mr. WILSON of Texas. I yield to the gentleman from Illinois.

Mr. YATES. What is an abutting State? Suppose in this continental shelf beyond the political boundaries of the State you have a crew drilling for oil. As I understand the bill and the statement the gentleman has previously made, the contiguous State would be enabled to pass a severance tax applicable to that oil. Could not any State on the Gulf claim to be a contiguous State for the purpose of passing a severance tax, and who would determine that question?

Mr. WILSON of Texas. The line would be drawn, provided the coastline was in a circle. A point 10½ or 3 miles from the coastline can always be established. There is no trouble about that. The courts will have to establish where the lines are.

Mr. YATES. But suppose this is a point 15, 20, or 25 miles out?

Mr. WILSON of Texas. Extend the line straight on out to the end of the continental shelf.

Mr. YATES. Which State would have the power and which State would determine it?

Mr. WILSON of Texas. The abutting State would have the power if the line were extended.

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

Mr. WILSON of Texas. I yield to the gentleman from California.

Mr. HILLINGS. Is it not true that the bill actually provides the line would be drawn by the Secretary of the Inte-

rior? That meets the objection just raised.

Mr. WILSON of Texas. That is right.

This bill, or a bill with language very similar, has been passed twice by this House by an overwhelming majority. The last time I believe the vote was 265 to 109. Before that I think this bill passed by a much larger majority. Both Houses of the Congress have always recognized the importance of this legislation to the country, internationally as well as nationally. It is important to protect its natural resources; and, by the way, let me get to that.

Many of the States, some States, at least, including Louisiana and Texas—I am not certain about California—have laws to prevent waste. They have conservation laws to prohibit any man even on his own private property from destroying this national resource, from abusing drainage, and from abusing letting off the pressure under the ground that brings the oil to the surface. It is absolutely essential that conservation laws cover this territory, otherwise a few drillers would dissipate that great natural resource which we need so badly, and which we can always use in this country in case of war or in peace.

Just imagine 10½ miles off the coast of Texas in the Gulf, where 1 man has a lease and can drill down, let us say, five or six thousand feet—I am not familiar exactly with the depth of these wells.

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

Mr. GRAHAM. Mr. Chairman, I yield 3 additional minutes to the gentleman from Texas.

Mr. WILSON of Texas. Suppose that one oil company had a lease out to the State line, 10½ miles, presuming that title 1 and title 2 pass, where the conservation laws apply and where the Railroad Commission of the State of Texas, who have very fairly but firmly enforced all conservation laws, provides that any operator can only draw 25 or 30 barrels a day off of each well. Suppose that the Federal Government should go out there and start a leasing program, and lease a thousand acres of that land, and a man right outside the State boundary would drill a well into the same salt dome, and he could stand there and draw 25,000 barrels a day if there was that much pressure, bringing the oil out; he could drain that pool in a very few months or weeks and destroy all the interest in the rest of the salt dome notwithstanding that he might be right on the edge of it, and the main part of it lie within the State boundaries. I asked Secretary McKay when he was before the committee if he thought, in view of the fact that the Federal Government has no conservation laws, that it was not absolutely imperative, and would it not be proper for the State conservation laws to apply in this area until the Congress has an opportunity to pass laws governing it, and he said, "Yes." I asked him also if he would have any objection to police powers and taxing powers on a purely temporary basis until the Federal Government preempted the field by legislation, and he said he would not. You will find that in the hearings on this bill.

Mr. Chairman, this is a long and complicated bill, and I have only been able to discuss very small parts of this entire matter as some of the other Members have done, but in view of the fact that it has been passed twice by the House by overwhelming majorities, and because the bill is not substantially changed except that it does cut out 37½ percent to be reserved by the States under the Walter bill, I feel the bill should pass.

Mr. THOMPSON of Texas. Mr. Chairman, will the gentleman yield?

Mr. WILSON of Texas. I yield.

Mr. THOMPSON of Texas. The gentleman knows I am a layman and not a lawyer. But suppose I came to you as my family lawyer and told you that I had occupied a piece of property and had been in peaceful possession of it with no adverse claim made against me for 20, 30, or 50 years. Would you tell me I had good title to it?

Mr. WILSON of Texas. I certainly would. That is if you had occupied it intentionally and openly and notoriously and had it fenced for 10 years, but you would not even have to have a fence if it were 25 years. All States have statutes of limitations in cases of that kind.

Mr. THOMPSON of Texas. This is not fenced, that is true. But then you would tell me that if someone else moved in on me, you would take the case into the courts and defend my title to the land?

Mr. WILSON of Texas. I certainly would.

Mr. THOMPSON of Texas. And if you took it to the Supreme Court, I venture to say you would tell me that they would also sustain my title?

Mr. WILSON of Texas. I certainly think they would.

Mr. THOMPSON of Texas. This question is not put as a smart-aleck question, but why then does the Supreme Court of the United States deny the State of Texas the same right and privilege that they would grant me as an individual citizen.

Mr. WILSON of Texas. That is what I would like to know. I believe the Supreme Court was wrong in the Tidelands case.

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

Mr. THOMPSON of Texas. Mr. Chairman, I ask unanimous consent to extend my remarks at this point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. THOMPSON of Texas. Mr. Chairman, the sentiments which I would like to leave with the Committee are those of a layman and one who is fully cognizant that on the Committee there are many able and experienced lawyers.

Texas held undisputed title to the so-called tidelands out to the traditional three-league boundary ever since Texas became a State, until the Federal Government stepped in with an adverse claim less than 10 years ago. By its claim the Government undertook to set aside a principle which I have always known as squatters' rights. These rights vary somewhat in different States, but in general if an individual has used and occupied a piece of property for some 10 years and if there have been no adverse claims in the meantime, he has a good title to such property. If the position of the Federal Government is finally sustained in this case, it would seem to me that it would render doubtful any title claimed under squatters' rights.

I have often noted in the course of the tidelands controversy in recent years that Texas is represented as trying to grab something that does not belong to it. The Texas position, of course, is that the grab came the other way. Texas had held peaceful possession for many years and continued to do so until the Federal Government asserted its claim.

Certainly the Texas position differs from that of any other State. The agreement with the Federal Government when Texas became a State is perfectly valid and has never been violated by the State. Under the present circumstances and without the passage of the legislation presently being considered, it is the Federal Government which has violated the contract. The opportunity is before your committee to direct that this contract be observed just as a lawyer would insist in any court in the land that a contract between individuals be carried out in accordance with its terms.

Mr. GRAHAM. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from New York [Mr. KEATING].

Mr. KEATING. Mr. Chairman, on page 122 are some minority views of three members of the now majority, in which we differ with the committee report and point out that we are opposed to the provisions of the bill insofar as they grant to the States the area between the low-water mark and the outer edge of the so-called marginal belt or the historic State boundary. We believe this to be a windfall to a few States at the expense of all the States.

We do favor the provisions of the bill which confirm in the Federal Government the so-called outer Continental Shelf, except in one important respect, and it is to that I want to address myself briefly.

I am not under any misapprehension about the likely outcome of this debate in view of the forceful point made by my good friend and colleague from Texas [Mr. WILSON] that this bill has already been passed several times with margin to spare. If it is to pass, however, that is all the more reason for us to be sure that its provisions are sound.

It seems to me it is fraught with dangerous possibilities for the States to have the right to tax property which is held to belong to the United States as is provided on page 12 of this bill. I propose at the appropriate time to offer an amendment to provide expressly that this power shall not be vested in the States, and affirmatively that State taxation laws shall not apply in the areas of the outer Continental Shelf. With all due regard for the opinion of our able Secretary of the Interior as related here by the gentleman from Texas, I feel certain, as a lawyer and legislator, that we should not include this State power in this bill. It would be a precedent which this Congress should never adopt. Nor

is the objection to it cured, in my judgment, by a provision that it shall apply only until the Congress gets ready to do something different. Now is the time when we are legislating on this bill. Now is the time we should say or refuse to say that the abutting States shall have this taxing power.

I ask unanimous consent, Mr. Chairman, that at this point in the RECORD I may be permitted to include the text of a proposed amendment which I shall offer when we are reading the bill, in order that the Members may be informed regarding the position which I have outlined.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KEATING. The text of this amendment is to strike out the paragraph on page 12 beginning with line 9 through line 24 and insert in lieu thereof the following:

> Except to the extent that they are inconsistent with applicable Federal laws now in effect or hereafter enacted, or such regulations as the Secretary may adopt, the laws of each coastal State which so provides shall be applicable to that portion of the outer Continental Shelf which would be within the area of the State if its boundaries were extended seaward to the outer margin of the outer Continental Shelf, and the Secretary shall determine and publish lines defining each such area of State jurisdiction: *Provided, however,* That State taxation laws shall not apply in such areas of the outer Continental Shelf. The Secretary shall reimburse the abutting States in the amount of the reasonable costs of the administration of such laws.

Mr. CELLER. Mr. Chairman, I yield 10 minutes to the gentleman from Minnesota [Mr. MCCARTHY].

Mr. MCCARTHY. Mr. Speaker, I think there is a rather interesting contradiction manifest here today. Mary Pickford out on the steps of the Capitol has just launched a program to raise some 3 or 4 billion dollars through bond sales, while we here in the House are in the act of giving away billions of dollars of public property. At least, if we stand by the decision of the Supreme Court it is entirely fair to say that we are giving this area to the States that are asking for it.

I would like to quote a statement which should be considered in contrast with the statement of President Eisenhower, which was read some time ago. This statement was made on June 16, 1952.

He was referring to an earlier statement he had made on the tidelands question. On June 16, Candidate Eisenhower said:

> I did not know that there was a great struggle going on and I found out later that there was a Supreme Court decision on it, and I am one who obeys the Supreme Court.

One can obey the Supreme Court I assume and still support this legislation, but if one is going to obey the Supreme Court I think he should acknowledge that that decision of the Court to the effect that the States have no title in the submerged lands should stand, and we should then go on to decide whether or not we want to grant title, whether or not we want to give away, if you call it that, this land, this oil, and these minerals to the various States.

I see my friend from Massachusetts [Mr. NICHOLSON] is here. Earlier today, I was somewhat surprised to hear him indirectly attack the Supreme Court urging that Congress should override the Supreme Court.

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

Mr. MCCARTHY. The Supreme Court is one of our great American institutions. Many Members of this House who apparently are supporting this legislation thought the Supreme Court was a great institution when it overrode the President's order by which he attempted to take over the steel industry of this country. This is the same court that made that decision.

I now yield to the gentleman from Massachusetts.

Mr. NICHOLSON. The gentleman misunderstood me.

Mr. MCCARTHY. I hope I did.

Mr. NICHOLSON. I recognize the Supreme Court as one of the three coordinate branches of Government in this country, but I do not have to fall in love with those who compose its membership at a particular time or make certain decisions that have been handed down.

Mr. MCCARTHY. I think the gentleman will have to accept more than one decision, though.

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

Mr. MCCARTHY. Not at this point; I will later.

If we hold that the legal title here is really vested in the Federal Government, then we must establish other grounds upon which to grant title to the States. It has been argued that we should do so in equity. The gentleman from Texas said he did not want charity, so I suppose we should not give it to them in charity.

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

Mr. MCCARTHY. I yield.

Mr. PERKINS. I presume the gentleman from Minnesota also heard the gentleman from Texas, Mr. WILSON, make the statement that there had been a lot of propaganda about the other States, other than Texas, California, and Louisiana. I will ask the gentleman if it is not a fact that this purported claim resulted from the interest of these three States alone?

Mr. MCCARTHY. I think that is right.

I now yield to the gentleman from Louisiana.

Mr. BOGGS. The gentleman recognizes, I am sure, that even if the gentleman accepts the Supreme Court decision in these cases that Congress would still have to legislate; is not that a fact?

Mr. MCCARTHY. Yes; I accept that.

Mr. BOGGS. Does the gentleman deny the right of Congress to interpret or even to override a Supreme Court decision?

Mr. MCCARTHY. No; I do not think so; I have not denied that. But I do think it is dangerous to say that we should not pay attention to the Supreme Court decisions and that we should appeal to the Judiciary Committee or to the Committee on Insular Affairs for a reversal of the decisions.

Mr. BOGGS. The gentleman knows that Congress has legislated many times.

Mr. MCCARTHY. I accept that to an extent, but the Supreme Court decision in this case was not based on statutory authority; throughout it was based on constitutional authority and upon the basis of traditional and historical arguments and treaties.

Mr. BOGGS. Mr. Chairman, will the gentleman yield further?

Mr. MCCARTHY. I cannot yield further. I have given more of my time now than I can spare.

If we can assume that the proponents of this bill accept the decisions of the Court to the effect that the coastal States do not have title and ownership of the lands beneath the marginal seas, the question to be debated and settled then is this, of whether for reasons of equity, or of charity, or for pragmatic reasons, such as the more rapid, or more orderly development of these resources, or in consideration of international relations and possible international conflicts, title to these lands should be granted to the States bordering on the seas, or whether title to these lands shall remain with the Federal Government.

The Supreme Court holds that the oil and other minerals in the submerged lands belong and have always belonged to the United States. The States thus appear to have no sound legal title. Can they claim title on the basis of the ordinary extra legal claims to ownership, or occupancy, control, and development, or adverse possession? The advocates of this transfer argue that a court of equity would settle the question promptly in favor of the person who had held possession of the land in good faith for over 100 years. They fail to prove this contention.

The case in equity is not much better than the case for legal claim. The States of the Union have not defended or assumed responsbility for this area.

First. They have not entered into international disputes or international agreements regarding it. They would not have been recognized by other nations if they had attempted such negotiations. Second. They have not even claimed title until recently. The commonly accepted definition of public lands both by the Republic of Texas and by the United States excluded the submerged lands of the marginal sea from the general term "public lands"—see brief for the United States in support of motion for judgment, United States against State of Texas, October term 1949, pages 22–34. The debates and correspondence relative to the question of the payment of public debt of Texas when admission to the Union was under consideration, show that all parties considered the vacant and unappropriated lands to be the equivalent of public lands. For example, when a special committee of the Texas constitutional convention appointed to inquire into the amount of appropriated and unappropriated domain in Texas and the value of such lands with a view to payment of the Texas debt reported it did not list in its report submerged lands of the marginal sea.

Debates in the Texas constitutional convention clearly showed also that the

"vacant and unappropriated lands" were lands for occupancy, or else waste lands and mountain ranges. There is no mention of submerged lands, or areas within the marginal seas. Until recent years the Commissioner of the Texas General Land Office did not include lands under the Gulf in accounting for the disposition of the public domain. The report of 1880, for example, showed the total domain of the State as 172,604,160 acres, comprising 151,811,390 acres already granted or reserved for specified purpose, 1,722,880 acres of bays and 19 million plus acres subject to location. The 1936 report estimated the total area at 170,936,080 acres, comprising 165,852,244 acres surveyed, granted or reserved, 1,500,000 acres unsurveyed in coastal areas, river beds, and vacancies, less loss due to conflicts estimated at 3,500,000 acres. Neither tabulation included lands below low water mark in the Gulf. In the 1941 report the Commissioner gave 170,926,000 acres as total area of the State, and the total area to the three league limit as 172,687,000 acres of which 3,250,000 were in submerged lands. This appears to be the first inclusion of the Gulf lands in any itemization of the State's public domain. This is a very recent expansion of the definition of "vacant and unappropriated lands."

Third. To what extent have the coastal States developed the submerged lands in the Continental Shelf. Unquestionably there has been some development of resources. The value of such development and the extent of operations has been very limited and insufficient as a basis for a claim in equity. It would be comparable to claiming a section of the national forests because one had picked blue berries in it without being molested, or hauled out a load or two of gravel. The fact that one had picked the blue berries would scarcely establish claim to the timber stand in the area, or to minerals beneath the ground. When California, then Louisiana and Texas, through their lessees went out into the marginal sea and appropriated for their own use and benefit mineral resources to which the Supreme Court has ruled they had no claim, they did not ask or obtain permission from Congress, or any other Federal agency. After the Senate in 1937 passed a resolution authorizing the Attorney General of the United States to assert and maintain the title of the United States to the oil in the submerged lands they did not stop, and even after the decision in the California case in 1947 Texas at least continued to make leases, and obtained the sum of approximately $8,300,000 in bonuses and began the collection of rentals for leased areas. Even after the 1950 decision Texas and Louisiana have continued to make collections.

If existing leases are ratified and confirmed as was contemplated under the provisions of Senate Joint Resolution 20 which was considered last year, and as is provided for in the Anderson bill, the claims in equity on the part of the State for their contribution to the development of the oil resources in the Continental Shelf will be more than adequately repaid. They are being allowed to keep the many millions they have obtained from natural resources which the Supreme Court has held belong to the Federal Government.

As a matter of fact the oil companies and engineers can probably make a better case on these grounds to ownership than can the State of Texas, and the coastal States. They risked funds, they provided the men and materials. If they had come from New Jersey could Texas have disputed their claims or halted their work and by what power? On the other hand, the Federal Government, since the United States was established, has claimed sovereignty over the seas adjacent to the United States, and since the Executive proclamation of September 1945, issued by President Truman, has claimed on behalf of the United States control over mineral resources of submerged lands under the sea off the shores of the United States to the edge of the Continental Shelf. The Federal Government has assumed responsibility for the defense of the coasts from the beginning of the Nation.

At the time of negotiations between Texas and the United States for annexation of Texas, that Republic was eager to obtain the protection of the United States forces in defending its territory from attack from the Indians and from the Republic of Mexico. The 3-league claim of Texas, prior to annexation was never recognized as having the same force as the 3-mile understanding accepted then, and since the 3-mile limit was determined by the fact that early cannon could fire no more than 3 miles. The Texas cannons apparently were three times more powerful.

Diplomatic correspondence resulting from the signing of the Treaty of Guadalupe Hidalgo shows clearly the concern of other nations over the boundary provisions. A major contention of those supporting the special claim of Texas to a marginal seabelt extending 3 leagues into the Gulf of Mexico has been that this claim was recognized in the Treaty of Guadalupe Hidalgo between the United States and Mexico and ratified after the admission of Texas in 1845. Article V of the treaty contains this clause:

> The boundary line between the two Republics shall commence in the Gulf of Mexico, 3 leagues from land, opposite the mouth of the Rio Grande, otherwise called Rio Bravo del Norte, or opposite the mouth of its deepest branch, if it should have more than one branch emptying directly into the sea (5 Miller Treaties 213).

This treaty established a line between the United States and Mexico at only one point on the coast. Maps of the time show no signs of a seaward boundary off the coast of the United States and Mexico. This was simply an extension of a boundary point at one point on the coast. Where the boundary line was located on the west coast it was drawn only to the coast and not extended 3 leagues into the sea. Article V says specifically with regard to the boundary "thence across the Rio Colorado, following the division between upper and lower California, to the Pacific Ocean."

The text of article V of the treaty and memorandums, and letters passed between the United States and Mexican officials charged with the actual plotting of the line indicate their concern only with the line extending from the mouth of the Rio Grande, not its extension across the Gulf, or its determination on the west coast. Moreover, for over 100 years the United States Department of State has consistently interpreted the Treaty of Guadalupe Hidalgo as not establishing the international seaward boundary off the coasts of Mexico and Texas.

A letter to Senator Connally, on December 30, 1949, contains this statement:

> Accordingly, this United States Government claims and asserts the extent of territorial waters in the Gulf of Mexico and elsewhere along its coasts of three marine miles. It does not recognize any claim other than its own as binding on the relations of the United States with foreign nations. It does not, therefore, recognize the Texas claim of 3 leagues as binding for international purposes and does not recognize the Texas claim as binding upon Mexico or the nationals of Mexico.

Excerpts of earlier diplomatic correspondence bear out this explanation.

Mr. Buchanan to Mr. Crompton, August 19, 1848:

> In answer, I have to state that the stipulation in the treaty can only affect the rights of Mexico and the United States. If for their mutual convenience it has been deemed proper to enter into such an arrangement, third parties can have no just use of complaint. The Government of the United States never intended by this stipulation to question the rights which Great Britain, or any other power may possess under the law of nations.

On September 3, 1863, Secretary of State affirmed the same interpretation.

On January 22, 1875, Mr. Fish to Sir E. Thornton:

> We have always understood and asserted that pursuant to public law no nation can rightfully claim jurisdiction at sea beyond a marine league from its coast. * * * In respect to the provision in the Treaty with Mexico, it may be remarked that it was probably suggested by the passage in the act of Congress referred to "12-mile customs rule" and designed for the same purpose, that of preventing smuggling.

On June 3, 1936, Mr. De L. Boal to Senor General Hay, said this:

> That portion of article V of the treaty of 1848 which the Mexican Foreign Office quotes relates only to the boundary line at a given point and furnishes no authority for Mexico to claim generally that its territorial waters extend 9 miles from the coast. * * * Presumably it is true as indicated by a note sent by this Department to the British Minister of January 22, 1875, that the arrangement thus made between the United States and Mexico with respect to the Gulf of Mexico was designed to prevent smuggling in the particular area covered by the arrangement. * * * To say that because the United States agreed that in one area, so far as the United States was concerned, Mexican territorial waters extended 3 leagues from land, therefore Mexico was entitled to claim such an extent of territorial waters adjacent to her entire coastline is a deduction which the terms of article V of the treaty of 1848 do not warrant.

The convention of 1838 between the United States and the Republic of Texas establishing the northern boundary did not extend the boundary 3 leagues into the Gulf of Mexico.

In 1838 the United States and the newly forced Republic of Texas entered

into a convention to establish a boundary line betwen the two Republics. This convention is especially important in analyzing the true intent of article V of the Treaty of Guadalupe Hidalgo since its represents a boundary line with the independent Republic of Texas terminating at the mouth of a navigable river at the time the Republic of Texas claimed extent of territorial waters 3 leagues into the gulf.

The convention provided for the appointment of Commissioners to "proceed to run and mark that portion of the said boundary which extends from the mouth of the Sabine, where that river enters the Gulf of Mexico, to the Red River"—Eighth Statute, page 511. The Joint Commission was formed and actually began running the line from the mouth of the Sabine River, and not 3 leagues from the mouth into the gulf.

> On the 21st we proceeded to the entrance of the Sabine River into the Gulf of Mexico, and then, in virtue of our respective powers, and in conformity to the provisions of the convention between the two countries * * * we established the point of begining of the boundary between the United States and the Republic of Texas at a mound on the western bank of the junction of the river Sabine with the sea. (S. Doc. 199, 27th Cong., 2d sess., p. 59.)

Thus a boundary line was agreed to between the two republics beginning at the mouth of a river emptying into the Gulf of Mexico at a time when Texas claimed territorial water extending three leagues into the gulf. No mention was made of a line extending three leagues into the sea between the two republics, and the boundary commission took no notice of such a line.

This is certainly added evidence that the line at the mouth of the Rio Grande extending three leagues into the gulf established by the Treaty of Guadalupe Hidalgo was drawn for other purposes than establishing the extent of territorial waters off the State of Texas and Mexico. The equity and justice pleas seems to have little substance.

Denying any valid claim in equity shall we then grant title to the coastal States in charity? We have in the past given small parcels of the public domain to States. In most cases they were of little value. It is estimated that there are at least 2.5 billion barrels of oil within the off-shore historic boundaries claimed by California, Louisiana, and Florida, alone. Surveys indicate a minimum of 15 million barrels of oil in the Continental Shelf surrounding the United States, plus natural gas valued at $10 billion. At $4.50 per barrel, the value of the petroleum claimed by the three States would come to approximately $11 billion. The value of oil estimated to exist in the Continental Shelf amounts at this price to approximately 67.5 billion. To grant title to such wealth would seem to go somewhat beyond the bounds of ordinary charity. Especially since the Nation as a whole owes a public debt of nearly $300 billion. Of course, not this whole amount would come into the national Treasury, but royalties of 8 to 10 billion would likely be received from oil developments alone.

The Supreme Court has held that the coastal States do not have any legal titled or claim to the lands beneath the marginal sea. Equity and justice clearly do not demand transfer of title to the States, but rather call for restitution to the Federal Government for encroachment and depletion of minerals which the Supreme Court has ruled are owned by the Federal Government. It is difficult to make a case for a charitable grant. In any case the proponents have insisted that they are not asking for charity.

Having lost their case on these three counts, the proponents might still argue that title should be given to them for practical reasons. Would Federal control impede or lessen the development of these resources? Impossible to prove. Development will be under lease to private oil companies in any case. States do not have a very good record of orderly development of depleting resources, or of sound conservation practices. Threat of legal action against coastal States has already been made by other States. Such litigation would prolong and further delay development.

International relations will not be simplified, but complicated. The proponents of this legislation in criticizing the Supreme Court have seized on the phrase "international domain" and contend that it means that beyond the low-water mark the rights of the international community rather than those of the United States prevail. Obviously, this was not the intent of the Court. What was clearly meant was that once the low-water mark is passed the Federal Government holds paramount rights, derived historically from international law and agreement. The Federal Government has never appealed to State claims seaward in settling international disputes in the waters adjacent to the United States.

It should be remembered that the United States proclamation of 1945, whereby we claim title to the edge of the marginal shelf has never been recognized by international agreement, although most other nations have now made similar claims. There is a special problem in the case of Alaska, for example, which has a continental shelf which is also the Continental Shelf of Siberia. Certainly if our Continental Shelf had been invaded or encroached upon before or after 1945 we would not have based our defense of it upon seaward claims of California if the event had occurred off the coast of California, or upon Texas claims, had it occurred in the Gulf.

States do not have a claim which is good in law, in justice, in equity, or in charity. They cannot make an argument for the greater practicality of State development. On the other hand the Federal Government does have a legal claim established in three Supreme Court decisions. In justice and equity the Federal Government has a sound case. It appears that more immediate and orderly development of the Continental Shelf is likely to occur under Federal jurisdiction and control, and that this development can take place without endangering national defense or international relations. For these varied and compelling reasons the quitclaim legislation should be rejected.

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

Mr. McCARTHY. I yield to the gentleman from Illinois.

Mr. YATES. Is this not a claim of squatter sovereignty?

Mr. McCARTHY. I do not know what kind of squatter sovereignty a State might exercise in the marginal sea, but I do not think that any good or provisional or conditional title to the lands beneath the marginal sea has been established by the States.

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

Mr. McCARTHY. I yield to the gentleman from Texas.

Mr. POAGE. The gentleman has stated that the State Department has said that the United States was not ready to defend any boundaries beyond 3 miles. Will the gentleman reconcile that with the provisions of article V of the Treaty of Guadalupe Hidalgo, which is the treaty which fixed the boundary between the United States and Mexico and which fixes that boundary starting at a point 3 leagues seaward from the mouth of the Rio Grande River?

Mr. McCARTHY. Yes; I will be glad to do so.

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

Mr. CELLER. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. McCARTHY. Mr. Chairman, Mr. Buchanan, in an official note to England August 19, 1848, with regard to this question, stated:

> In answer, I have to state that the stipulation in the treaty can only affect the rights of Mexico and the United States. If for their mutual convenience it has been deemed proper to enter into such an arrangement, third parties can have no just use of complaint. The Government of the United States never intended by this stipulation to question the rights which Great Britain, or any other power, may possess under the law of nations.

Here is another statement in 1936 from the United States to Mexico:

> That portion of article V of the treaty of 1848 which the Mexican Foreign Office quotes relates only to the boundary line at a given point and furnishes no authority for Mexico to claim generally that its territorial waters extend 9 miles from the coast. * * * Presumably it is true as indicated by a note sent this Department to the British Minister of January 22, 1875, that the arrangement thus made between the United States and Mexico with respect to the Gulf of Mexico was designed to prevent smuggling in the particular area covered by the arrangement. * * * To say that because the United States agreed that in one area, so far as the United States was concerned, Mexican territorial waters extended 3 leagues from land, therefore Mexico was entitled to claim such an extent of territorial waters adjacent to her entire coastline, is a deduction which the terms of article V of the treaty of 1848 do not warrant.

Mr. GRAHAM. Mr. Chairman, I yield 8 minutes to the gentleman from North Dakota [Mr. BURDICK].

Mr. BURDICK. Mr. Chairman, if it was in my power or my understanding of the Constitution and the laws of the country to do something for my brothers from Texas, I would be glad to do it. They started my State; they brought cattle up from the South, and after we were

run down at the heels a while and got in trouble, they started bringing oil machines up there, and they are up there now. If I could bring my mind in line with what they would like to have me do, I would do it. But, as I see the situation, you are asking the Government to give you something the Government does not own. They say Texas came into the Union on an equal footing with other States. Well, she now claims 10½ miles, 3 leagues. That was her boundary when she was a Republic. But, if she came in on an equal footing with the rest of the States, she came in on an equal footing and there was no State and there is no State today that came into this Union with a 3-mile limit. There is no decision of the Supreme Court of the United States today indicating that the Government of the United States owns any of the land from the low-water mark seaward.

Mr. WILSON of Texas. Mr. Chairman, will the gentleman yield?

Mr. BURDICK. Surely I will yield.

Mr. WILSON of Texas. We, in Texas, appreciate the gentleman's remarks about trying to do something for us.

Mr. BURDICK. I am sure you do.

Mr. WILSON of Texas. The gentleman is a lawyer——

Mr. BURDICK. Yes, and a good one.

Mr. WILSON of Texas. And recognizes, of course, that a specific statement in a contract overrides a general statement; does he not?

Mr. BURDICK. Yes.

Mr. WILSON of Texas. Is that the gentleman's understanding of the general law?

Mr. BURDICK. I will give you an example. Amos and Andy were fighting over a contract, and Amos said, "You are stuck now." Andy says "How so?" Amos said, "This contract sticks you, because in the big letters you are given something but in the little letters it takes it all away."

Mr. WILSON of Texas. The language pertaining to equal footing, which is the last paragraph in this treaty, reads: The general term "equal footing" is superseded, we say, by this specific language:

> Second, said State when admitted into the Union, after ceding to the United States all public edifices, fortifications, barracks, forts, and harbors, navy and navy yards, docks, magazines, arms, armaments, and all other property and means pertaining to the public defense belonging to said Republic of Texas shall retain all the public funds, debts, taxes, and dues of every kind which may belong to or be due and owing said Republic; and shall also retain all the vacant and unappropriated lands lying within its limits, to be applied to the payment of the debts and liabilities of said Republic of Texas; and the residue of said lands, after discharging said debts and liabilities of said Republic of Texas; and the residue of said lands, after discharging said debts and liabilities, to be disposed of as said State may direct.

Mr. BURDICK. Mr. Chairman, that is the longest question that was ever asked me.

Mr. WILSON of Texas. Now, does the gentleman think that those specific words in a contract, which you would enter into or which this Congress would enter into with a new State coming into the Union, should override the general term of "equal footing"?

Mr. BURDICK. Well, I would say this, that the Government would have no power to grant one State an advantage over any other State that is already a member of the Union.

Mr. WILSON of Texas. Does the gentleman understand that Texas was a republic?

Mr. BURDICK. Yes.

Mr. WILSON of Texas. It was not a territory bought by the United States; it was an independent republic and made a contract by its Congress and its President with the President and the Congress of the United States.

Mr. BURDICK. It came in as a State; that is, it gave up its rights as a republic and came in as a State.

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

Mr. BURDICK. I yield to the gentleman from Illinois.

Mr. YATES. With respect to the question of the unappropriated lands, I hardly think that in the year the joint resolution was passed the term "unappropriated lands" was meant to include the lands underneath the sea.

Mr. WILSON of Texas. It is public lands.

Mr. BURDICK. Let us get this established right here first, then we will argue from that point on. Is there any decision by the Supreme Court of the United States giving the Government title to any land beyond low-water mark?

Mr. WILSON of Texas. Not the Federal Government.

Mr. BURDICK. Then it follows that the Government could not give away something it did not have.

Mr. WILSON of Texas. This is a quitclaim deed as opposed to a warranty. This bill does not give a warranty deed to anything. It says if the Government has any interest in these historic boundaries they quitclaimed them to the States. This is not a general warranty deed.

Mr. BURDICK. I think under the circumstances you would be willing to take any kind of a deed.

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

Mr. BURDICK. I yield to the gentleman from Louisiana.

Mr. WILLIS. I think "quitclaim" is used in a technical sense here. What we seek is to have the Federal Government quit claiming our land. It is ours. It was ours in the first place, so the bill says. They should quit claiming it if they do not have any title.

Mr. BURDICK. Has any decision of the Supreme Court ever come to your attention claiming that Massachusetts, Rhode Island, or any other State along the Atlantic seaboard owned any of the land beyond the low-water mark? Has any such decision come to light?

Mr. WILLIS. There is a decision involving the State of Illinois or one of the Great Lakes States recognizing title way out into the Great Lakes up to the boundary between the United States and Canada. The rule was, where did the Supreme Court get that jurisdiction? It quoted prior cases to sustain the proposition that there was no difference between the open sea and the fresh water in the lakes. So I say, yes, there are many, many decisions on that point.

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

Mr. BURDICK. I yield to the gentleman from Ohio.

Mr. FEIGHAN. May I bring to the attention of the gentleman from Louisiana [Mr. WILLIS] and others that the case of the Illinois Central Railroad against the State of Illinois was strictly an inland water matter, and it did not pertain at all to submerged land seaward from the low-water mark.

Mr. WILSON of Texas. If the gentleman will yield further, the reason there was no Supreme Court decision on that matter before that time was that until Mr. Ickes nobody ever questioned the States' title to the 3 miles or 10½ miles.

Mr. BURDICK. Nobody ever thought the States owned it, either.

Mr. WILSON of Texas. There are plenty of decisions that held the States did own it, some 52 of them.

Mr. BURDICK. I asked for one case showing that the Government owned the land beyond the low-water mark.

Mr. WILSON of Texas. There are 52 decisions.

Mr. BURDICK. Not one.

Mr. YATES. There is no decision that states that. The 52 decisions relate to the inland waters.

Mr. BURDICK. What I am afraid of is that you are going to get into international trouble giving away land you do not own. When you get out into the Continental Shelf where it extends out 200 miles—I believe that is what you wanted last year, the Continental Shelf—just the moment you start doing business on the Continental Shelf you are getting into international situations.

Mr. CELLER. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia [Mr. SMITH].

Mr. SMITH of Virginia. Mr. Chairman, I am one of those who has always voted for the tidelands bill. I do not know that my State has any vital, immediate interest in the subject so my vote has been based upon what I thought was the rightness of the situation. I agree that the States are entitled to their historic boundaries, extending out 3 miles, and I agree that the State of Texas by reason of the treaty under which it entered the Union is entitled to its 3 leagues. But, I am disturbed about another question which, unless it is answered to my satisfaction, I am afraid will prevent me and a few other Members who have no special interest in this matter, from voting for this bill on its final passage. That is the question of taxation by the States of federally owned property between the 3-mile limit and the end of the Continental Shelf. I cannot see any reason for that. I have great respect and admiration for my friend, the gentleman from Texas, FRANK WILSON, and I listened to his argument. I want to tell him I was not convinced. I do not believe we have any right to say to a State that they can tax the Government on federally owned property. I think that clause ought to come out of this bill, and some of us are going to be placed in a position of not being able to vote for the bill unless it does come out. That troubles me very, very much. I wish it were out of the bill.

Mr. WILSON of Texas. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Virginia. If the gentleman will get me some more time because there are 1 or 2 other things here that I want to discuss.

Mr. GRAHAM. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. WILSON of Texas. Did the gentleman hear me read section 189 of the Federal Leasing Act with regard to lands in the Western States, where the Government owns the land?

Mr. SMITH of Virginia. Yes; I listened to the gentleman very carefully and very attentively because I have great respect for his opinion.

Mr. WILSON of Texas. Does that not have any weight with the gentleman at all?

Mr. SMITH of Virginia. No, I differ with him. I think it is different when the land is in the State itself. This is actually outside the State in the tidelands, and it is outside of the States' traditional boundaries. I do not think we should be permitting the States to tax that which belongs to the Federal Government.

Mr. WILSON of Texas. Does not the gentleman think that this outer Continental Shelf will become part of the public domain of the United States, if this bill passes with title 3 in it?

Mr. SMITH of Virginia. I will answer that. I think it will become part of the public domain as far as our sovereignty will permit us to do so and to hold it, but I do not think that for that reason it becomes part of the public domain of any State that might be adjacent to it. That is where I differ with the gentleman. I differ with him on the ground that what is outside of the 3-mile limit is not in the State and never was in the State, and therefore, that is different from granting rights within the State itself. As my friend the gentleman from Texas knows, I regret very much to differ with him, but I do; and I do not believe I can go along with this bill with that provision in it.

Then there is another provision that I was going to ask the gentleman to explain as to just what it means. That is the provision in section 9 (g) on page 17. The language is as follows:

(g) The provisions of sections 17, 17(b), 28, 30, 30 (a), 30 (b), 32, 36, and 39 of the Mineral Leasing Act to the extent that such provisions are not inconsistent with the terms of this act, are made applicable to lands leased or subject to lease by the Secretary under title III of this act.

The report does not explain what that means. What does it do?

Mr. WILSON of Texas. That only affects the mechanical part of it, the Federal Leasing Act, so as to permit the Department of the Interior or the Secretary to do certain things.

Mr. SMITH of Virginia. It does not give the States any jurisdiction outside of the 3-mile limit, or 3 leagues, as the case may be?

Mr. WILSON of Texas. None whatsoever. It delegates authority to the Secretary of Interior entirely.

Mr. SMITH of Virginia. There is one other question about this bill which I think we ought to take care of. Much to my regret, it looks like Hawaii will soon become a State of the Union. As you all know, it consists of a great many islands scattered all over the Pacific Ocean. I think there should be a provision in this bill that would exclude from its operation any State that may be hereafter admitted to the Union, because I do not know what we are getting into. There are about a thousand miles of stretches of ocean in the Pacific that would come under the provisions of this act, unless you exclude it. It seems to me if you are going to make Hawaii a State, we might leave that out of this bill and work on that a little later, because you will get yourselves involved in all sorts of things if you undertake to make this bill apply to the State of Hawaii.

Mr. WILSON of Texas. I had not up to this time thought about the provisions of this bill applying to any future State. I would not have any objection to putting in such an amendment.

Mr. SMITH of Virginia. It says that any State that came in after the first 13 States.

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

Mr. SMITH of Virginia. I yield to the gentleman from New York.

Mr. CELLER. What about the possibilitiy of Alaska coming into the Union? Would that not be the same?

Mr. SMITH of Virginia. I think so. We do not know what problems will arise in the future. We should deal with the present and not with the future.

Mr. CELLER. We state that the continental survey off the coast of Alaska extends something like 600 miles.

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

Mr. SMITH of Virginia. I yield to the gentleman from California.

Mr. HILLINGS. Is it not true that the bill provides that any future State would only be able to exert its sovereignty and ownership up to 3 miles? It is limited to that.

Mr. SMITH of Virginia. That may be, but what is that 3 miles going to consist of when you begin to consider it around a series of coral reefs? I do not see the point of putting Hawaii in here. I think it would be the part of wisdom to leave it out.

Mr. JONAS of Illinois. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Virginia. I yield.

Mr. JONAS of Illinois. Would the gentleman be willing to revert again to the question he raised on the right of the States to tax? I am highly in accord with his position. I am not going to support this bill if that provision remains in it. Of course I understand one swallow does not make a summer and so one vote will not determine what will become of this bill, but if that provision remains in this bill I shall not vote for the bill. I think the gentleman is on safe, wise, and solid ground. I think that is one of the serious defects of this bill.

Mr. SMITH of Virginia. I think the gentleman expresses the sentiment of a great many Members in this House who have no particular interest in this bill except to do what is right and fair to both the States and the Federal Government.

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

Mr. GRAHAM. Mr. Chairman, I yield 15 minutes to the gentleman from California [Mr. HILLINGS].

Mr. HILLINGS. Mr. Chairman, we have come to the point in the debate where virtually all of the chief arguments on both sides of this important question have been profoundly advanced, and there is probably not much that I can add in the form of new matter, because of the extensive debate we have had so far. I think it might be helpful to the committee at this time if I should endeavor to summarize some of the arguments that have been advanced against the legislation by its opponents, and endeavor to summarize some of the answers to those arguments which have been made previously in the debate.

Of course, there has been the argument used over and over again by the opponents of the measure which says that the Supreme Court has already spoken on this question, and therefore there can be no further action, because final action has already been taken by the Supreme Court as far as the submerged lands in question are concerned.

It has been pointed out in the previous debate that if action should be taken by the House on this subject, it might well be ruled unconstitutional by the Supreme Court, and that is advanced as a reason why the legislation should not be approved. Then it has been said that the Federal Government cannot give away something it does not own. Of course, the phrase "give away" has been constantly used in the debate.

The second argument that has been used quite extensively is that only three States of the Union are involved, and if we approve this legislation, we are going to be benefiting three States at the expense of the other States of the Union.

Then, too, it has been said that the present administration's position on this issue has been confused. One previous speaker in the course of the debate said that the administration was "all fouled up," insofar as its position on this issue was concerned. Then, too, it has been argued that if we disapprove this legislation and accept the questionable position of the Supreme Court on this whole issue that there is no need for any State to fear that its inland waters might not be jeopardized in the future. We are told that there is absolutely no concern there whatsoever so that is given as a reason why there is no particular need for serious consideration of the present legislation.

Then, too, the argument has been very strongly put to the committee that if we should approve this legislation we might seriously harm our national defense program, because if we allow the States and their lessees to deplete the natural resources in the submerged coastal areas that might hurt our national defense program, and that this legislation could possibly result in that effect.

Then, finally, an argument has been advanced perhaps not so much in the debate today as it has been in the press and the discussions outside these Halls in recent weeks, the argument that if we approve this legislation to restore State ownership in the submerged lands it

means that the States of the Union will then begin to claim ownership rights in the so-called public lands within those States.

Mr. Chairman, that is a rather brief and off-the-cuff summary of some of the points which have been raised by the opponents of the bill so far. Now, very briefly, I would like to try to answer some of those arguments by summarizing some of the answers which have already been advanced this afternoon.

Certainly as to the first argument, the fact that the Supreme Court has spoken means that there should be no action by the Congress, the gentleman from Illinois, the distinguished chairman of the Committee on the Judiciary [Mr. REED], has given a most effective answer, a very scholarly discussion not only of this bill but of all the constitutional aspects of the submerged-lands legislation. I think it is worth repeating at this time that the Supreme Court of the United States in its decisions on this question urged legislation by the Congress to meet this particular problem.

Mr. FEIGHAN. Mr. Chairman, will the gentleman yield on this particular subject?

Mr. HILLINGS. Not now; I will yield later. The Court said that Congress had the power to restore and confirm State ownership of the submerged lands. I want to quote specifically its decision in the California case. The Court said this:

> Article IV, section 3, clause 2 of the Constitution vests in the Congress power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States. We have said that the constitutional power of Congress in this respect is without limitation. (*United States* v. *San Francisco* (310 U. S. 16).) Thus neither the courts nor the executive agencies may proceed contrary to an act of Congress in this congressional area of national power.

Certainly that is an effective answer to the argument that Congress cannot act.

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

Mr. HILLINGS. Not at this point.

Mr. FEIGHAN. I think the gentleman is getting an incorrect interpretation of what that law means.

The CHAIRMAN. The gentleman declines to yield.

Mr. HILLINGS. I decline to yield at this time. I will try to yield later.

It has been pointed out earlier by the gentleman from Illinois [Mr. REED] that for over a hundred years the decisions of the Court have consistently maintained that the States had the rights of ownership in the submerged lands adjoining the coast. It has been pointed out, too, that those decisions were recognized by the Federal Government, even by the Secretary of the Interior, Mr. Ickes, until the magic discovery of oil brought about a change in the attitude of the Federal Government. This change resulted in the desire of certain people in Washington to use Federal power to take away from the States the submerged lands they had, to put the rich resources in those lands under the Federal Government's control and ownership.

The argument has been made that the United States has no title to that land and therefore it cannot quitclaim it to the States. I would like to quote again from another Supreme Court decision, the case of *Cunard S. S. Co.* v. *Mellon* (262 U. S. 122), in which decision the Court said:

> It is now settled in the United States and recognized elsewhere that the territory subject to its jurisdiction includes the land areas under its dominion and control, the ports, harbors, bays, and other enclosed arms of the sea along its coast and a marginal belt of the sea extending from the coastline outward a marine league, or 3 geographic miles.

The Court in this case used the word "territory." It did not say that the United States Government actually owned the lands, but certainly it used the word "territory." If we refer back to article IV of the Constitution of the United States where the word "territory" is again used we will be given a clear understanding of what "territory" actually means because article IV of the Constitution says that the Congress shall have the power to dispose of or to make rules and regulations respecting territory or other property belonging to the United States. So, even if we concede, which I do not say we necessarily do, but even if we concede, the fact that the Supreme Court did not say the Federal Government had ownership in the submerged land, that would not prevent the Federal Government from quitclaiming or giving up title to the land. By its previous decision, the Supreme Court said that territory of the Federal Government includes all land under its jurisdiction and control.

Then there is the argument that only three States would benefit. It has been pointed out previously that actually there are many more than three States which make up the coastal area of the United States. It has been pointed out, too, that under this legislation nine-tenths of the submerged lands in question would go to the United States Government and one-tenth of the area in question would actually go to the various States. The Federal Government would have something like 237,000 miles, which would include the actual resources therein, and the States would only have something like 26,000 miles—that is, the individual States making up the coastal areas. Of course, when we think of the inland areas, when we think of the Great Lakes, the fisheries in Maine, in Florida, and all of the other areas of this country where we have inland waters certainly every single State of the Union is interested in and is directly concerned with this important legislation.

Then there is the basic question of the sovereignty of the States involved in this entire legislation; so, certainly, all 48 States are directly concerned.

There has also been the argument that the administration's position has been confused on this question. Earlier in the debate I pointed out the President's position. His position has been very strong; it has been repeated several times in the last few weeks at press conferences and elsewhere. I do not think that the administration is confused at all. It was an important plank in the President's campaign that the States would have returned to them title to all submerged lands and resources beneath inland and offshore waters which lie within historic State boundaries.

President Eisenhower in his own words made that very clear, and I would like to quote from a speech he made on the subject. These are President Eisenhower's words in New Orleans on October 13, 1952:

> The attack on the tidelands is only a part of the effort of the administration to amass more power and local responsibility.
>
> So, let me be clear in my position on the tidelands and all submerged lands and resources beneath inland and offshore waters which lie within historic State boundaries. As I have said before, my views are in line with my party's platform. I favor the recognition of clear legal title to these lands in each of the 48 States.
>
> This has been my position since 1948, long before I was persuaded to go into politics.

I do not think there is any question about the President's position. But regardless of the President's position, regardless of the political situation, there has probably been no piece of major legislation before the Congress for a long while which has been so bipartisan in nature. The attorneys general and the Governors of the overwhelming majority States of the Union, both Democratic and Republican, have backed this legislation consistently. The record is clear on the subject and the statements made in the hearings will bear that out. It is bipartisan legislation if ever we had bipartisan legislation.

Now, considerable has been said about the inland States if we allow the Federal Government to assert ownership and control over submerged coastal lands. That argument, of course, does not stand up. It has been used time and time again by people in the Federal Government just before they have gone ahead and attempted to assert ownership and control. For example, in the 1948 campaign Mr. Truman, as a candidate for President, and the Attorney General of that day, Tom Clark, told the people of Texas that they had nothing to fear despite the California decision if Mr. Truman and his administration were returned to office. Yet in December of 1948, a month after the election returns were in, the Federal Government began the cases against Louisiana and Texas despite the previous position it took in which it said: "You have nothing to fear in Texas and Louisiana."

Remember too that in the celebrated Fallbrook case the Federal Government used the paramount rights theory to assert rights of ownership in an inland stream in California. And the opponents of this bill say that there are no threats being made to our inland waters.

So, I do not think we can take that chance, because the previous record shows that the Federal Government has on other occasions gone ahead to assert claim of ownership against various States, despite what it said earlier. In February 1952 a Federal attack was made on the submerged lands off the coast of the State of Washington, and there is no indication that such a situation might not be repeated in the future.

Then there is the argument that State ownership of the submerged lands within the historical boundaries would harm the national defense program. That simply is not true. During the last war, World

War II, the States developed their natural resources, oil and other resources, and I never heard anyone criticize that operation by the States. I never heard anyone say that because the States developed those resources, our defense effort was harmed in any way. Certainly, the States have a right to develop them, and if they do, it means that we will eliminate much of the red tape that goes on when Federal bureaucracy takes control.

Then the final argument that has been advanced, if the legislation is approved, the States will then want to assert ownership and control over the public lands in the various States. I think there is a very definite distinction between submerged lands which are under consideration in this legislation and the so-called public lands. In the case of the submerged lands we are in this legislation restoring State ownership, ownership which had been in the States for over 100 years until the Supreme Court decision of 1947. This legislation would restore ownership which had heretofore been recognized. In the case of public lands it had never been recognized that there was any State ownership in those lands, and I am certain any claim any State might have of ownership to any public lands could not stand up on the basis of this legislation, and certainly this legislation would not give any precedent for such a claim.

Those are some of the answers to the questions raised, Mr. Chairman. This legislation means a great deal to my State of California and a great deal to all of the States. The revenue would mean more parks, harbors, playgrounds, schools, and improved beaches for all the people. It would benefit, of course, the people in all the States, but the important question, of course, is that this legislation will reaffirm and strengthen our republican form of government, the form of government that recognizes authority and sovereignty in the States themselves. I recall not long ago listening to an address by Dean Manion of Notre Dame University in which he pointed out why this country had prevented Federal dictatorship because of our system of sovereignty in the individual States. That is the great question before us. The rights of our States would be strengthened by the passage of this legislation.

Mr. CELLER. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio [Mr. FEIGHAN].

Mr. FEIGHAN. Mr. Chairman, I think, in the first instance, we should face the fact that the Supreme Court is the Court of last resort of our Government, and when they make their decision that is the law of the land. As President Eisenhower said, he will obey the Supreme Court.

The Supreme Court very definitely and clearly in the California, the Texas and the Louisiana cases has settled this question. The exact wording in the California case, in the decree, is as follows:

> The United States of America is now, and has been at all times pertinent hereto, possessed of paramount rights in, and full dominion and power over, the lands, minerals, and other things underlying the Pacific Ocean lying seaward of the ordinary low-water mark on the coast of California, and outside of the inland waters, extending seaward 3 nautical miles and bounded on the north and south, respectively, by the northern and southern boundaries of the State of California. The State of California has no title thereto or property interest therein.

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

Mr. FEIGHAN. I yield to the gentleman from Kentucky.

Mr. PERKINS. May I ask the gentleman whether or not a similar decree was entered in the Texas and Louisiana cases?

Mr. FEIGHAN. Yes. The Supreme Court said that the United States has paramount rights and full dominion of the lands in the belt. Now, the Supreme Court having said that the Federal Government has paramount rights, dominion, and power over the submerged lands, and that the States have no title or interest therein, we are asked to appropriate to these various States off whose shores mineral deposits may be found in submerged lands that which the Supreme Court said does not belong to those States and does belong to the Federal Government.

You talk about a giveaway. If this bill passes it will give to those various States adjoining whose shores there are submerged lands running seaward from the lower-water mark, all right, title, and interest in these submerged lands, and we are to do that without getting any consideration therefor.

It seems very plain to me that since the Supreme Court says that the States have no title or interest in the submerged lands, and we turn these submerged lands over to the States without any consideration, it certainly is giving them away to the States.

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

Mr. FEIGHAN. I yield to the gentleman from California.

Mr. HOSMER. Is not the creation of title in an area where there is no previous title, as the gentleman says the submerged lands area is, an exercise of the power of sovereignty? In other words, had not the British sovereign exercised his inchoate internal and external sovereignty by a positive act, there would never have been created private title within the British Empire nor within the colonies nor within the United States of America. Therefore, in this act by this Congress we are not giving away any title, we are not vesting any title, we are merely acting within the power of our sovereignty to establish a title where none existed before.

Mr. FEIGHAN. I disagree with that line of logic, if there is any in it. Because the land here involved is under the ocean, the high seas of the world, title and rights there depend on international law and not merely on the law of the adjacent sovereign country. Every nation as a sovereign has the right, which has been established in international law, to control submerged lands 3 miles from the low-water mark. That is the so-called 3-mile international belt. There has never been any question since 1793 that the United States has adhered to the recognition of that 3-mile belt.

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

Mr. FEIGHAN. I yield to the gentleman from Minnesota.

Mr. McCARTHY. I believe the gentleman should point out that the only declaration of title here was by proclamation of 1945 by President Truman, who asserted the claim of the United States to the entire Continental Shelf.

Mr. FEIGHAN. In the President's Continental Shelf proclamation of 1945 which related to the sea bed and subsoil under the high seas beyond the marginal belt, the President was careful not to assert title, but merely jurisdiction and control. This area is clearly outside of territorial waters and thus in a domain where international considerations prevail.

As to even the 3-mile belt, the paramount rights of the United States are predicated on its position as a member of the family of nations, as Justice Black said in the California case:

> The crucial question on the merits is not merely who owns the bare legal title to the lands under the marginal sea. The United States here asserts rights in two capacities transcending those of a mere property owner.

In other words, the United States has an interest there that is even more inclusive than mere legal title. In the Texas decision the Supreme Court defined dominium and imperium. Dominium they defined as ownership or proprietary rights and imperium they defined as governmental powers of regulation and control. In the Texas case, they said those two powers—imperium and dominium coalesced and here are the exact words:

> And so although diminium and imperium are normally separable and separate, this is an instance where property interests are so subordinated to the rights of sovereignty as to follow sovereignty.

We can be very definite and certain in the fact that the Supreme Court has stated the States do not own or have any title thereto or property interest in these submerged lands. Now Congress is asked by the terms of this bill to give away to the States these submerged lands which the Supreme Court, on three occasions, stated that the States had no title thereto or property interest therein.

We are asked to give them away in two ways, to give a quitclaim deed and if that does not work to delegate to the States authority to take these mineral deposits from the submerged lands.

It should be very patently clear that the Supreme Court decisions did not consider any inland waters, bays, lakes, or rivers. They considered only the submerged lands seaward from the low-water mark. Let us not be confused about inland waters. The Supreme Court on 52 different occasions has confirmed in the States all rights and privileges and title to inland waters, rivers, and bays. The Supreme Court held that the Federal Government in owning these submerged lands of the marginal sea owned them as trustee for the whole 48 States. The theory of that was set out in the United States Supreme Court case of Illinois Central Railroad against Illinois. Only in that case it involved

inland waters. That was the situation where the State Legislature of Illinois had granted by legislation to the Illinois Central Railroad the whole Chicago lakefront. The Supreme Court held that the State of Illinois owned the bed of Lake Michigan in trust for the people of the State of Illinois and that the State of Illinois could not give it away or appropriate it to any private interest or corporation. By the same token, the Supreme Court has held that the Federal Government owns these submerged lands of the marginal sea as an attribute or incident of its national external sovereignty. If this is an inseparable incident of national sovereignty, then there is a grave doubt as to whether Congress can pass this bill.

Mr. JONAS of Illinois. Mr. Chairman, will the gentleman yield?

I note that the gentleman is calling attention to the Illinois Central Railroad case, which is reported in volume 146 of the United States Supreme Court Reports. In that case, the Court said that because the Great Lakes partook of the nature of the open seas, the same rule of ownership applied to them that had been followed by the Court with reference to the ownership of lands "under tidewaters on the borders of the seas."

Mr. FEIGHAN. That is absolutely correct because tidewater means the land over which the tide ebbs and flows.

Mr. JONAS of Illinois. The gentleman is right.

Mr. FEIGHAN. So that is just another confirmation of the fact that the State owns tidelands and land underlying inland waters.

Mr. JONAS of Illinois. That does not support the distinction that my good friend, the gentleman from Ohio, is making, I am afraid, because the gentleman is standing on the ground that we are taking in the former decisions in the Supreme Court of boundaries that had to do with inland bays and waters.

Mr. FEIGHAN. I said the Supreme Court decisions in the marginal sea cases had nothing to do with that. They were specifically excluded from the decision and from the decree.

Mr. JONAS of Illinois. I have not examined the files minutely. I am going by the language of the decision as laid down by the Supreme Court. In that decision the Court took the position that the Greak Lakes were no different, when it came to the matter of marginal lands and the 3-mile boundary line, than the tidelands that were affected by the tides on the seas.

Mr. FEIGHAN. In the Illinois Central case, the Court gave no consideration whatever to the marginal sea or to land underlying the open ocean. It related the ownership of land underlying the waters of the Great Lakes to the rule of ownership which applies to tidelands along the shore of the sea.

Mr. JONAS of Illinois. I am told there was a special master appointed to look into this matter, so we probably do not agree.

Mr. FEIGHAN. Yes. That is out in California. That is to determine the question of what is inland waters and what are waters seaward from the low-water mark.

Mr. JONAS of Illinois. And that becomes a question of fact. But if the gentleman will bear with me 1 minute, I understood the gentleman to take the position this morning, in one of his questions, that regardless of what the Congress does there is no inherent power to disturb a decision of the Supreme Court, because the Court has said that the title is paramount. Regardless of what the Supreme Court does, the Congress cannot disturb any mandate of the Supreme Court?

Mr. FEIGHAN. No.

Mr. JONAS of Illinois. That is not your position?

Mr. FEIGHAN. My position is that in view of the language of the Supreme Court, saying that the Federal Government has this dominion and power by virtue of its external sovereignty—it is quite possible that the United States Congress cannot, under article IV, give it away or appropriate it, by the same token that the State Legislature of Illinois could not give away the bed along Lake Michigan, because it held it in trust for the people of Illinois. By the same reasoning, these submerged lands seaward of the low-water mark are held in trust by the Federal Government for all the people.

Mr. JONAS of Illinois. I get the gentleman's point. It is somewhat conjectural. But the gentleman says the Congress could not disturb what the Supreme Court has ruled?

Mr. FEIGHAN. I am raising that constitutional question.

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

Mr. FEIGHAN. I yield to the gentleman from Illinois.

Mr. YATES. It is entirely possible, on reading those decisions, that we cannot act in this case under the strict interpretation of the Constitution, because of the use by the Supreme Court of the term, "Imperium and dominium."

Mr. JONAS of Illinois. Will the gentleman yield again?

The CHAIRMAN. The time of the gentleman has expired.

Mr. CELLER. I yield the gentleman 2 additional minutes.

Mr. GRAHAM. I yield the gentleman 2 additional minutes.

Mr. JONAS of Illinois. Do I understand the gentleman to say in his question that the Congress of the United States cannot disturb a law or decree or edict that has been entered by the United States Supreme Court? In other words, they say, "we are paramount or supreme," and that fixes the basis upon which we can legislate?

Mr. YATES. Has the gentleman ever heard of the necessity of a constitutional amendment? The Court might hold this unconstitutional.

Mr. JONAS of Illinois. One guess is as good as another.

Mr. FEIGHAN. May I just bring this to your attention: If the Supreme Court should decide—which they have not—that the ownership of the Federal Government in these submerged lands was merely a proprietary right, just as the Federal Government owns a chattel, then very definitely the Congress can, under article IV, dispose of it, appropriate it, or do what they wish. But I raise the constitutional question. If all we are dealing with is a mere fee-simple title, there is no question that the Congress can dispose of it without consideration. If, on the other hand, the United States holds its interest in the bed of the marginal seas, as an attribute of national sovereignty, it is subject to the argument that it is an inseparable attribute of national sovereignty. If this is so, I believe that the Supreme Court would hold that it is unconstitutional for Congress to give it away.

Mr. JONAS of Illinois. I think that the McGuire bill, which we passed in the last session to cure some of the shortcomings in previous legislation which the Supreme Court had pointed out was missing, is analogous to the situation here. I do not hold that the Supreme Court can by transposing words from their text create a situation where it takes from the Congress of the United States the power ever to legislate to cure or modify such a situation; I do not agree with that.

Mr. FEIGHAN. Under the tripartite system of government, the Supreme Court is that branch of the Government vested with the power to interpret our laws.

Preceding speakers stated that the Supreme Court looked to Congress for action. That is correct. What the Court was talking about was action by Congress to recognize the equities of those who have made investments in the development of the marginal seas in the past, under a mistaken assumption as to who owned the land. It was also contemplated that Congress would authorize the future development of the oil and gas deposits in these lands.

For the purposes of national security we need oil. Everyone will agree with that and under the Federal Leasing Act or under any other Federal statute there is no authority given by Congress to anyone to draw oil out of these submerged lands.

It is within the power of Congress to determine how those mineral deposits are to be withdrawn from the submerged lands.

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

Mr. FEIGHAN. I yield.

Mr. RODINO. Mr. Chairman, will the if the gentleman is not right in his concern as to the constitutionality of this issue here, for if I interpret the testimony of the Attorney General in the hearings before the Judiciary Committee he himself stated on page 220 of the hearings that instead of granting a blanket quitclaim title to the lands it would be better to grant all the rights that they need to develop the natural resources. He himself recognized the fact that a grave constitutional issue is involved here and, therefore, does not see the urgency of granting a blanket quitclaim title. I would like to point out further that one of the former Members whom we all loved here, the late Samuel Hobbs, a Representative from Alabama, who was a student of constitutional law and a scholar on this issue——

Mr. FEIGHAN. Exactly, but if the gentleman is going to read that I wish he would do it in his own time.

Mr. RODINO. All right.

Mr. FEIGHAN. I agree with the gentleman that the Attorney General's statement before the committee reflects a genuine apprehension as to the constitutionality of a proposal such as that contained in this bill.

With reference to the police power I think we should understand that these States do have police power, regulatory powers, out to the 3-mile limit, but in none of the Supreme Court decisions has that police power ever been interpreted as the State owning any portion of the submerged lands. In other words, a State can give a license to people to go out and fish but they do not have to own the submerged land over which that fishing is conducted.

I have introduced House Joint Resolution 126, which would provide that the Federal Government will manage and control the drilling of oil within the 3-mile limit. Thirty-seven and one-half percent of the royalties shall go to the State off whose shores these submerged lands lie, the remaining 62½ percent to be held in a special fund in the Treasury to be used during the present national emergency for such developments essential to the national defense as Congress may determine. After the national emergency is passed such money is to be used exclusively as grants-in-aid of primary, secondary, and higher education.

I have prepared a section by section analysis of my resolution, House Joint Resolution 126, which I shall offer as a substitute to H. R. 1498. My analysis follows:

1. The whereas clauses are concerned primarily (1) with the increased need throughout the Nation for expanded school facilities of all types, (2) with the concept that public lands should be dedicated to creating an educated citizenry, (3) with the fact that leases on submerged lands of the Continental Shelf have already been issued by certain coastal States under claim of ownership, (4) with the holding of the Supreme Court that the United States has paramount rights in, and full dominion over the submerged lands of the Continental Shelf, and (5) with the present need, in view of the national emergency, to continue without interruption the development of the oil and gas deposits in the submerged land of the Continental Shelf.

2. The first section provides that all money received under the resolution except the 37½ percent paid the States as provided in section 8, shall be held in a special fund in the Treasury to be used during the present national emergency for such developments essential to the national defense and security as Congress may determine. After the national emergency is past, such money is to be used exclusively as grants-in-aid of primary, secondary, and higher education.

3. The second section creates a National Advisory Council to be composed of persons experienced in the fields of education and public administration, and requires such Council to submit by February 1, 1955, a plan for the fair allocation of these grants-in-aid of education.

4. The third section provides that every State or political subdivision or grantee thereof which has issued any mineral leases covering submerged lands on the Continental Shelf must file with the Attorney General before December 31, 1953, a statement of all moneys or other things of value received since January 1, 1940, from or on account of such grant or lease. The Attorney General shall submit all such statements to Congress not later than February 1, 1954.

The purpose of this section is to furnish to Congress a background of information on the previous experience of the States with these leases.

5. Section 4 provides in effect that certain good-faith leases issued by the States to private operators are accorded Federal recognition provided they meet certain standards which are set forth in detail. Several of the conditions are that all royalties and other payments shall be made to the Secretary of the Interior, that all such leases require a minimum 12½-percent royalty, and that there must be a 5-year time limit on the lease.

Subsection (b) provides that the holder of a lease who meets the conditions may continue to maintain such lease and conduct operations under it in accordance with its provisions, and further provides that only after notice and hearing can such a leaseholder be deprived of this right.

Subsection (c) provides that the Secretary shall exercise all the control vested in the previous lessor by law or provision of lease.

Subsection (d) provides that permission granted to maintain a lease is not a waiver of any claim of the United States against the lessor or lessee which arose prior to the effective date of the resolution.

6. Section 5 provides that the Secretary of the Interior may after receiving the approval of the Attorney General disclaim all interests of the United States in tidelands or submerged lands beneath navigable inland waters except those tidelands or submerged lands beneath inland waters which belong to or are held in trust by the United States.

The purpose of this section is to point up that the United States does not claim any interest in the true tidelands or the land under inland navigable waters.

7. Section 6 provides that if there is a controversy between the United States and a State as to whether or not lands are submerged lands beneath navigable inland waters, the Secretary of the Interior with the concurrence of the Attorney General has power to negotiate agreements with the State and other interested parties respecting operations under existing leases, (including payment of any moneys) and the issuance of new leases pending the settlement of the controversy. It also provides that payments made under any such agreement are made in compliance with the provisions of paragraph (4) of subsection (a) of section 4. It furthere provides that if the lands in controversy are determined to be submerged lands of the Continental Shelf (with paramount rights therefor in the United States), all of the provisions of section 4 must be complied with in order that leases on such land be valid.

8. Section 7 provides for the granting on the basis of competitive bidding of new mineral leases by the Secretary of the Interior on submerged lands of the Continental Shelf not already covered by valid leases. The States do not participate in the granting of these leases. Such a lease may cover an area of whatever size the Secretary may determine, shall be for 5 years and as long thereafter as oil and gas may be produced therefrom, shall require the payment of a royalty of at least 12½ percent and shall contain such other provisions as the Secretary may have prescribed. All moneys paid under such leases shall be disposed of as provided in the first section of the resolution.

Subsection (d) provides that the issuance of a lease for submerged land or the refusal to certify the United States does not claim any interest in submerged land shall not prejudice the ultimate settlement of the question of whether such land lies beneath navigable inland waters.

9. Section 8 provides that 37½ percent of all moneys received with respect to operations under leases of any type in submerged coastal lands shall be paid within 90 days after the end of each fiscal year by the Secretary of the Treasury to the State within whose seaward boundary such submerged lands lie. The seaward boundary is defined as a line 3 miles distant from the points at which the paramount rights of the Federal Government in the submerged lands begin. The moneys received pursuant to any agreement pending the settlement of a controversy over the status of submerged lands are excepted from the provisions of this section.

If the United States takes and receives in kind any royalty, the value of such royalty shall be deemed to be the prevailing market price of such royalty at the time and place of production, and 37½ percent of such value shall be paid to the State entitled thereto. This means that if the United States accepts oil instead of money, 37½ percent of the market value of such oil is to be paid to the State which is entitled to it.

10. Section 9 provides for the issuance by the Secretary of whatever regulations he deems advisable to carry out this resolution.

11. Section 10 provides for the withdrawal by the President of any of the unleased submerged lands in the interests of national security whenever he may deem it necessary. The United States is granted the right of first refusal to all oil and gas produced from such lands in time of war or when the President shall so prescribe. It further provides that all leases issued or authorized under the resolution shall contain provisions for suspension or termination of these leases in the event of war and for the payment of just compensation to the lessee in question.

12. Section 11 provides that any rights acquired under the laws of the United States in lands covered by this resolution shall not be affected by reason of the passage of this resolution, but shall be governed by the laws of the United States in effect at the time such rights have been acquired. The determination, however, of the applicability or effect of the laws under which such rights were acquired shall not be affected by anything contained in this resolution.

13. Section 12 is a definition section. It defines the term "submerged lands of the Continental Shelf" as lands under the sea, outside the low-water mark on the coast of the United States, outside the inland waters, and seaward to the outer edge of the Continental Shelf.

The term "seaward boundary of a State" means a line 3 miles distant from the low-water mark of the tides.

The term "mineral lease" means any form of authorization for the exploration, development, or production of oil, gas, or other minerals.

The term "tidelands" means lands regularly covered and uncovered by the ebb and flow of the tides.

The term "Secretary" means the Secretary of the Interior.

Mr. GRAHAM. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. RADWAN].

Mr. RADWAN. Mr. Chairman, I am satisfied that the legislation now before us and in its present form is illegal, so that whatever we do here in the House of Representatives will be purely abortive. I am satisfied that the Supreme Court, whatever its makeup may be in the future, will decide that the legislation in its present form is unconstitutional. So I am going to let the Supreme Court be the final judge.

I am also opposed to legislation of this kind in any form. To me it just does not make sense, unless, of course, I lived in the State of Texas, the State of Louisiana, or the State of California. We have a national debt at the present time that is in the vicinity of $260 billion. I cannot understand the wisdom of giving away any assets that the Federal Gov-

ernment now has when we have a national debt of $260 billion. What banker in your community would be willing to lend money to a businessman who divested himself of assets without any consideration in return when the particular assets involved would approach the debt against his business? Such transfer of assets without consideration in return would be considered an "act of bankruptcy." I do not think that I was elected a Member of Congress, a Federal trustee, to give away something that belongs to all the people, especially after adjudication by the Supreme Court, which decided that these oil and mineral resources belong to all people of the 48 States.

Mr. BROOKS of Louisiana. Mr. Chairman, will the gentleman yield?

Mr. RADWAN. I yield for a question.

Mr. BROOKS of Louisiana. I look at this matter a little differently than the gentleman in two respects. I do not measure the value of the assets so much. I measure it in terms of what is right and wrong. I think the value of these assets have been terribly overrated. I made up my mind some time ago that the actual intrinsic value was terrifically inflated, that it was nothing like we hear over the radio and read in the press. But regardless of that, I make up my mind on the premise of whether it is right or wrong, then I do not worry. If the gentleman feels it is absolutely and palpably illegal for us to act, then the gentleman has nothing to worry about. If we are right I am going to do my duty and the gentleman is, too, I am sure, but the gentleman takes the position that the Supreme Court is going to knock this bill out. If so, why not let it go through and permit the Supreme Court to take care of the matter?

Mr. RADWAN. I stated at the opening of my remarks that the legislation now before us will be declared unconstitutional by the Supreme Court if we enact this bill into law. I also stated that I will oppose this give-away legislation in any form.

Mr. BROOKS of Louisiana. Does not the gentleman feels that the value of the assets has been terrifically overrated?

Mr. RADWAN. I do not. I do not think the public has been sufficiently awakened as to the tremendous value involved. We are not dealing with peanuts here; we are dealing with a great and valuable Federal asset.

Mr. BROOKS of Louisiana. We are dealing with unknown conditions, too. We have no way of knowing what there is underneath the sea.

Mr. RADWAN. The gentleman is absolutely correct that we are dealing with some unknown conditions in the present case and I am not going to take a chance on giving away anything that might approach the value of our national debt. I am not taking any chance on that with my vote.

I would also like to make clear at this time that what I have to say is directed only to a piece of legislation which is before us, as well as to similar legislation which may come before the Congress. I have no reference to any personalities which may be involved.

Let us see just how much of a giveaway it is. The property now belongs to the Federal Government. I do not say so but the "law" has said so. What is the "law" in this case? It is the Constitution of the United States as interpreted by decisions of the Supreme Court.

Now comes an attempt to erase an adjudication of the Supreme Court. Both sides have had their day in Court. The losing side in the decision does not like it. It lost its case and now with might seeks to reverse right.

My party, the Republican Party, has always championed sound policies of conservation, especially so since the Republican administration of President Theodore Roosevelt. As a matter of fact, President Eisenhower, in his State of the Union message, cited the Teddy Roosevelt policies on conservation as a model to follow. Also, in his message, President Eisenhower acknowledged that it was President Theodore Roosevelt who had "awakened the Nation to the problem of conservation." As both an American and a Republican, I intend to stay awake. President Eisenhower goes on to say, "This calls for a strong Federal program in the field of resources development."

If ever in our history it has been important to exercise judicious wisdom with respect to our nationally owned natural resources, that time is now.

This refers with particular force to oil. Oil is one of the most strategic substances in the political economy of our times. Large quantities of oil are needed for the military and economic build-up of the free world. In the event of all-out war, oil could spell the difference between victory and defeat. Oil may be essential for our survival.

These considerations make the world distribution of known oil deposits a key factor in our national as well as our international planning. The most important of these deposits are in the United States and the Caribbean-Gulf of Mexico area, the Persian Gulf, and around the Black and Caspian Seas.

If the Middle East oil were cut off from our allies tomorrow, we could not now fill the gap without crippling our own economy. Therefore, it is imperative that we have emergency oil reserves quickly expandable into actual production.

There has been some attempt here to quote President Eisenhower on his position with respect to the tidelands since he has been inaugurated President. But I also know that at one of his press conferences, the President said he was opposed to the dropping of any revenue until there was other revenue to replace it. If this is the case, I am wondering what is to replace the millions of dollars the Federal Government is now receiving if this revenue goes to the coastal States. Estimates of what this oil and other submerged resources are worth range from $40 billion to $250 billion, almost the size of our national debt. Why then should we not use this money for the purpose of making some payment on our national debt? Such allocation of the royalties from these resources could well get us off to a good start in establishing a debt retirement program. Or, perhaps wisdom might dictate that this source of revenue should go into the Federal Treasury for general purposes of government. But it should not be given away for nothing.

I do not think that the great architects of our Constitution ever intended that the provision, vesting in Congress the right to dispose of property, gives us the right to "give away" without consideration in return.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. CELLER. Mr. Chairman, I yield 10 minutes to the gentleman from Georgia [Mr. FORRESTER].

Mr. FORRESTER. Mr. Chairman, I did not intend to speak upon this issue. As a matter of fact, I have only returned from a week end down in Georgia. However, there are certain issues that are raised here on the floor today that impel me to make some observations.

First, I want to say to this Committee that in my personal opinion this is the best bill that has been brought out for action before this House. I am in accord with the general policy in this bill, and I expect to support this bill. I do want to compliment the gentleman from Virginia [Mr. SMITH] on his timely observation. I think the gentleman is correct, and if he introduces that amendment I expect to support that amendment.

Here are some of the things I want to talk to you about. I just simply cannot go along with the argument here that the Supreme Court is inviolate. Now, my friends, if that is true, the thing that we should do, we just ought to resign and go on home. I do not agree that the Supreme Court is inviolate. As a matter of fact, I have disagreed with that Court many times, and I am going to be up here in the well and I am going to ask you to help me disagree with them. As a matter of fact, if it is disrespect to disagree with that Court I do not know of any one who disagrees more than that Court does with itself, because they hold one thing today and another thing tomorrow. I say that they have stricken down, by decision after decision, firmly entrenched principles in our jurisprudence, and they have not even grounded their change of sentiment by giving us any reasons therefor. I am in good company, too, with the position I take. Two committees of this House and two committees of the Senate, by the overwhelming votes by the Senate and the House on two occasions, have approved that the historical boundaries belong to the respective States. Now, in addition to that, the American Bar Association, a very respectable organization in my book, says that they have no right to take this property without just compensation. I seem to recall something in the Constitution of the United States that says that. In addition, as I understand, the Attorneys General Association and every attorney general has said that we are on solid grounds. Now, talking about overruling this Supreme Court: In the Texas case 4 said no to Texas and 3 said yes to Texas. Well, I am not willing for 1 man to say to Texas that you cannot come to Congress.

Now, another thing in this issue. When it was passed in the House and

Senate last year, just one man, Mr. Truman, said "No," but you know I am going to fall back on an old argument now that I have heard many times, getting down to brass tacks. I was just wondering about the gentleman from Ohio saying that we have got to stand on what the Supreme Court says. As I remember it, we had a War Between the States because they did not accept a Supreme Court decision.

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

Mr. FORRESTER. I yield to the gentleman from Ohio.

Mr. FEIGHAN. Does not the gentleman agree with me that what the Supreme Court decides is the law of the land? They said that the States have no title or interest in the submerged lands and yet Congress is trying to give it away.

Mr. FORRESTER. I think they were talking about paramount rights and I do not like that because I do not know what it means; I do not know what paramount rights and inherent rights mean. I have never been able to find them in my law book.

Some of them have charged us with waste. No one can by my vote show that I was wasteful. But I will tell you this: The historical boundaries down there in Georgia belong to Georgia, and I am not going to settle for any 15 percent of the education, or anything else. I will never be satisfied with less than 100 percent. There is no oil down there, but if they are going to take the oil we do not have they are going to take the little fish and the little shrimp and the oysters and the clams and the crabs we do have.

Last year on the other floor when there was a representative of the Justice Department present I said to him, "I want to ask you a question as one lawyer to another. You will concede there is no such thing as proscribing against a State or a Government?" He said, "Yes, sir." I said, "All right. If that be true, is it not true as a matter of law that lands that have been filled in, where people have bought lots and subdivisions and built homes, and given mortgages of their own, and so forth, thinking they had title, would not that land belong to the Government under your contention?" All he would ever say was, "We never would contend for that."

I said to him, "I am not asking what you would contend for, because I don't know what your successor would contend for, but I am asking you just to answer that question as a matter of law." He did not answer it.

Talking about waste, our Government is the worst waster I ever heard of.

Another thing, I remember about Teapot Dome. I want to compliment our Republican brethren and the President of the United States. Maybe he does not want a repetition of something like that.

But I will tell you this: The historical limits belong to Georgia, and I do not want to give them away. You other States, if you do not want to give yours away, I can understand your viewpoint, and I am with you gentlemen every step of the way.

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

Mr. FORRESTER. I yield to the gentleman from Ohio.

Mr. FEIGHAN. I think it might be very pertinent to bring to the attention of my distinguished friend from Georgia that in the Supreme Court decision, which he seems not to understand, by his own admission——

Mr. FORRESTER. I do not think they do.

Mr. FEIGHAN. Those decisions did not have a single thing to do with any inland waters or the property or real estate of any State, Georgia or any other, that is, any property that lies inward from the low-water mark.

Mr. FORRESTER. The great trouble in Florida, in California, and so forth, is that they have filled in the sea and sold subdivisions, there are homes down there by the thousands, and people have titles and mortgages have been taken, operating on the idea that they have title. I say they are in jeopardy because there can be no proscription against the United States Government.

Mr. WILSON of Texas. Mr. Chairman, will the gentleman yield?

Mr. FORRESTER. I yield.

Mr. WILSON of Texas. We never heard of any claim by the Federal Government with regard to these historical boundaries until 1935 or 1936, did we?

Mr. FORRESTER. That is right.

Mr. WILSON of Texas. They could always lay claim to the inland waters, the beds of the rivers or lakes, or anything else, could they not?

Mr. FORRESTER. Absolutely. That is what we are trying to stop right now.

Mr. BROOKS of Louisiana. Mr. Chairman, will the gentleman yield?

Mr. FORRESTER. I yield to the gentleman from Louisiana.

Mr. BROOKS of Louisiana. When we did first hear the claim the United States might make to these marginal seas, everybody took it very lightly. It has taken a decade and a half to build up an organized propaganda, with all kinds of misinformation, and abuse, too, to build up this case to where they could respectably go before the country and say that the Federal Government owns the land down there that the States have been owning and controlling and handling for 150 years.

Mr. FORRESTER. Yes. It is against every theory.

Mr. BROOKS of Louisiana. When it first came up hardly a lawyer in the country would come forward and defend that claim, because there is no force and no logic and no support to it.

Mr. FORRESTER. There are not many lawyers now that will defend it.

Mr. GRAHAM. Mr. Chairman, I understand we have 34 minutes left, and at the moment there are no requests for time on this side.

Mr. CELLER. Mr. Chairman, I yield to the gentleman from New Jersey [Mr. RODINO] such time as he cares to use.

Mr. RODINO. Mr. Chairman, as a culmination of three decisions of the Supreme Court involving oil under submerged seaward lands bordering California, Texas, and Louisiana there is a concerted effort by those States, and by other States fearful of possible exclusion from a future opportunity to obtain control of natural resources, to obtain a quitclaim or transfer these oil resources. If this effort succeeds, it merely will be the opening wedge to a drive to accomplish the same type of transfer of all public lands, mineral resources, national forests, land-grant railroad rights-of-way, and other reserves of the Federal Government. These tremendous reserves and resources are found largely in 11 Western States where, it is admitted, they create serious problems of tax revenues and apportionment of responsibility between the Federal and respective State governments. Percentagewise, the Federal holdings of the total land areas in these 11 States are said to be as follows: Arizona, 73 percent; California, 46 percent; Colorado, 38 percent; Idaho, 64 percent; Montana, 35 percent; Nevada, 87 percent; New Mexico, 44 percent; Oregon, 53 percent; Utah, 72 percent; Washington, 35 percent; and Wyoming, 51 percent. As indicated earlier, the vast majority of the reserved lands exist in the Western States, whereas lands in the States admitted earlier are practically all privately owned and subject to taxation. It is this inequality, of course, which excites much of the criticism in the West.

The history of the public-land problem reveals that it was a focal point of dissension prior to the adoption of the Constitution in 1789. Six of the Original Thirteen Colonies had charters purporting to make the Pacific Ocean their western boundaries. New York claimed lands in what are now the States of Ohio and Kentucky by virtue of treaties with Indians comprising the Six Nations and their allies. Although there were thus 7 States claiming the western territory after the Declaration of Independence, 6 of these were by assertion of the right to succeed to the title of the English sovereign to vacant lands.

To alleviate dissatisfaction among the smaller States, New York tendered her western lands to the Continental Congress in 1790. That same year the Congress requested that other States do likewise and declared that these ceded lands should be settled and eventually formed into new States under such terms and regulations as Congress should provide. The relinquishment of these western lands did not require, of course, that vacant lands within the borders of the Thirteen States be released to the confederation government. Such lands, if extant, remained the property of these States to be sold or exploited without Federal control. In many instances the natural resources included in these lands were wastefully dissipated. In addition to Connecticut, Delaware, Georgia, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina and Virginia, Texas, Kentucky, and Tennessee succeeded largely in obtaining possession of vacant lands within their borders. It is said that no public lands can longer be identified in Illinois, Indiana, Iowa, Missouri, and Ohio. Small areas may remain in Alabama, Kansas, Louisiana, Michigan, Mississippi, Oklahoma, and Wisconsin in widely scattered and located tracts. Thus, the bulk of the Nation's remaining reserved natural re-

sources exist in the 11 Western States, noted earlier, and in the Territory of Alaska, and it is this bulk which is always involved in any effort to transfer public domain to any given State.

No one can deny that Congress has the constitutional power to divest itself of these natural resources by transferring them to the States, for the Constitution specifically says, in article IV, section 3, clause 2, that the Congress shall have power to dispose of the territory or other property belonging to the United States. This power was clearly recognized in the first tidelands case—*U. S.* v. *California* ((1947) 332 U. S. 19, 40)—wherein Mr. Justice Black, speaking for the majority, stated:

> We cannot and do not assume that Congress, which has constitutional control over Government property, will execute its powers in such way as to bring about injustices to States, their subdivisions, or persons acting pursuant to their permission.

Thus, even the decisions of the Supreme Court, holding that California, and later Louisiana and Texas, did not own the marginal belt along their coast, and deciding that the Federal Government rather than the States has paramount rights in and power over that belt, an incident to which is full dominion of the resources underneath the water area, including oil, cannot preclude legislation by Congress under the above noted constitutional provision disposing of that property. Congress did it before in granting to the State of Wyoming a small tract of land containing oil—Public Law 887, 80th Congress; Sixty-second Statutes, page 1233—notwithstanding a prior decision of the Supreme Court fixing title to that land in the United States. See *U. S.* v. *Wyoming* ((1947) 331 U. S. 440).

Acknowledging this constitutional power of Congress to dispose of the property of the United States does not establish, necessarily, the merits of disposition. It has been said that the reserved oil deposits beneath the marginal seas constitute a huge public trust held by the Federal Government in the interest of all the people of the United States. They are enormously valuable, and there is no more impelling reason why they should be given to the bordering States than that other reserved natural resources should be given to the respective States in which they are located. It has been estimated that more than 2½ billion barrels of oil, in addition to the oil already recovered from the submerged lands under the marginal seas, may be discovered and given away by this legislation to the States of California, Louisiana, and Texas. Royalties from this oil could bring huge revenues into the Treasury and assist in reducing the national debt even under existing law. There may be other mineral resources of great value beneath these ocean beds which are said to cover an area of the Continental Shelf in the Atlantic Ocean, the Gulf of Mexico, and the Pacific Ocean approximating 185,800,000 acres. See Senate Document 139, 82d Congress, page 3, and House Report No. 695, 82d Congress, page 11. Historically, it is interesting to note, the revenues from the sale of lands in the ceded Northwest Territory were used to liquidate the national debts incurred in the American Revolution.

No intelligent person will deny that oil resources are vital to national defense, for almost every vessel and machine of the Armed Forces is either propelled by its byproducts or uses oil in some form. The disposition of these resources would seriously involve powers conferred by the Constitution of the United States on Congress to raise and support armies, to provide and maintain a navy, and to regulate commerce. A serious depletion or extinction of these oil resources and other natural resources would be a national tragedy.

As stated earlier, the transfer of these lands will merely be the opening wedge of a drive to accomplish other transfers, and in this connection mention was made of rights-of-way given to land-grant railroads. Decisions of the courts have been uniform in holding that these grants to the railroads have not been in fee simple absolute, but rather have been in the nature of easements for public use with a right of reverter to the United States in the event that the railroad abandons the right-of-way or attempts to dispose of it for use other than that originally contemplated. See Forty-fourth American Jurisprudence, Railroads, section 97, citing *Rio Grande Western Ry. Co.* v. *Stringham* ((1915) 239 U. S. 44). These grants are subject to further legislative action on the part of the Congress—*City of Reno* v. *Southern Pacific Co. et al.* ((1920) 268 F. 751, 756). Already there is before Congress a proposal to grant parts of these rights-of-way to the railroads for disposition. Even if the rights-of-way were to be abandoned, insofar as railroad uses are concerned, their customary 200 feet of width conceivably could be of great importance for national-defense high-speed highways. This is, of course, merely one of the lesser items which must be considered. Of far greater importance are the national forests, the reserved power sites, the public grazing lands, and the mineral reserves. Capitulation to quitclaimism, whereby the United States would be persuaded to renounce blindly to States sovereignty over millions of acres of seaward lands, would lead to the ultimate destruction of all Federal conservation, public land, and public power policies and would result in the exploitation and waste of the remaining natural resources of the Nation. This would not be in the best interests of the Nation.

Mr. CELLER. Mr. Chairman, I yield to the gentleman from Illinois [Mr. O'HARA] such time as he cares to use.

Mr. O'HARA of Illinois. Mr. Chairman, if the passage of this bill, surrendering the security of the American Union to the oil barons, is forced by the administration as the price of a presidential election an angry Nation will swamp in a tidal wave of indignation the last vestige of the Republican Party. When the full purport has been felt Illinois, where the Republican Party was born, will be one of the pallbearers.

Once before Illinois accepted the challenge in the defiant cry that the State comes first and the Nation second. The people of Illinois, Mr. Speaker, have not changed in their unswerving and undivided loyalty to the Union since the days of Abraham Lincoln. Make no mistake on that score. Illinois never did, and it never will, sell out the American Union.

This bill gives to 3 or 4 States rights which conceivably can prove to be worth enough to pay off the entire national debt twice. The figure is by no means fantastic. Never has a threat so fatally paralyzing been raised against the Union.

If the arguments of the fine gentlemen of oil prevail, if the ambitions of sectionalism triumph over the devotion to the Union, if the publicized respectability of corporation lawyers serving rich clients succeeds in making a mockery of the Supreme Court of the United States, then, indeed, will the 83d Congress have written a chapter in infamy.

Does anyone think that the American people have become so craven and spineless that they will raise no outcry when someone is running away with the family treasures? Do not play the American people for suckers. Do not knock them down and strip them of their clothing and expect them to take it.

I would like to ask my Republican colleagues from Illinois what answer they will have for the people of our State when as a result of the passing of this bill every man and woman in Illinois, in addition to carrying their own heavy taxload, will be called upon to help out great big Texas. Now get this. The State of Texas not only fixes a minimum price for natural gas in the field, but also imposes a gathering tax upon such gas on the pretext of conserving the State's resources. Such regulation and taxation affects the price of gas supplied to domestic and industrial consumers at retail in the State of Illinois and other inland States. Interstate pipeline companies owning or controlling natural-gas fields are now divesting themselves of their natural-gas fields to get away from the jurisdiction of the Federal Power Commission. Please read the case of *Federal Power Commission* v. *Panhandle Eastern Pipeline Companies* (337 U. S. 498; 93 L. edition 1499).

In the bill that we have before us Texas is empowered to impose this gathering tax and extend it to the rich and unlimited fields to the Continental Shelf. That means that every man and woman in Illinois, as well as in the other States, will have to pay more for their gas, and all for the benefit of one State.

Similar manipulations to increase the cost of oil to consumers, including the United States Government, no doubt can be employed by the few States bordering upon offshore oil reserves with injury to all parts of the United States. How are my Republican colleagues going to explain it?

The counterscare that the lands on Lake Michigan and other inland bodies are in danger is knocked into a cocked hat by the facts. Please ask Henry E. Cutler, without whose legal opinion no banker in the Midwest will underwrite any municipal bond issue, what he thinks about such a silly contention. Yes, Mr. Chairman, the attorney general of Texas and the attorney general of California did try to work the scare on the city of Chicago and they got nowhere. Ask Joseph F. Grossman, special assistant corporation counsel of the city

of Chicago and one of the great authorities of the Nation on municipal and public-utilities law. Read the words of the Supreme Court of the United States in the Illinois Central case—146th United States Reports, page 387.

No, Mr. Chairman, the people of Illinois will not be scared by a bogey man into consenting to the sell out of the Union.

This bill is just that—a sell out of the American Union. It is the child of the same brain that plotted Teapot Dome. Moreover, it is a brazen sell out of the American people, north and south, east and west. It is taking us back to the days when speculators, timber and cattle barons, copper and steel kings, rode high and handsome in rugged and ruthless individualism. Then it was the public lands which we took from the people and in grants to railroads turned over to the gang of exploiters. What happened will be visited upon us again when this evil measure is enacted into law. The railroads ran the Government. They prevented for years the building of an inter-oceanic canal. They corrupted every level of government. Do the people of California want to go back to the political conditions of their State before Hiram Johnson at long last broke the strangle-hold of the railroads? Explain this bill to the common people of California, let them know that it is the cover-up of the same old hand reaching for their throats, and then try to sell them a bill of goods from the fashionable offices of corporation lawyers who have hired out to rich oil clients.

The States receiving title to tidelands oil will lease them for a pittance of royalties to the big oil companies. A small group of rugged and ruthless individuals will reap high profits. Petroleum deposits will be quickly exhausted, and the national security if war should come will go up in flames. What will the ordinary decent and honest men and women of California, Texas, and Louisiana receive? Just as much—not one whit more—than they have always been doled when exploiters held the gun. Oil can buy for hire corporation lawyers, but I do not think it can fool the common sense of the ordinary people of California, Louisiana, and Texas any more than it can make a nit-wit of the good people of Illinois.

Mr. Chairman, the American people are not buying this bill of goods. If the administration forces its passage, the American people will see to it that there is a new representation in the 84th Congress. The oil barons will discover that all that they got from the 83rd Congress was a law which the 84th Congress repealed.

It is said by those who are authorities on conservation and natural resources that the tidelands grab is merely the start of an expected raid on Federal lands. The Federal Government now owns 457,600,000 acres of land. Let the pattern be set of giving away the people's wealth and resources to States, which in turn give them away to rugged and ruthless individuals under the pretense of leases, and the jig is up. It will be the end of the great and glorious dream of the American people. What foreign nations could not do will have been accomplished from within.

Mr. Chairman, at this moment of crisis, when our destiny as an American union dedicated to the service of all the people is hanging in the balance, it is natural that I should be thinking of Theodore Roosevelt and of his great leadership in the fight of the American people to preserve our national resources for all the people against the designs of the exploiters. We stand at Armageddon.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that the gentleman from Michigan [Mr. MACHROWICZ] be given permission to extend his remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MACHROWICZ. Mr. Chairman, serious illness in my immediate family may compel me to leave Washington before a vote is taken on H. R. 4198, the so-called offshore lands bill.

I assure my colleagues that only the most compelling circumstances could prevent my casting personally a vote on this important legislation. The bill as reported by the Committee on the Judiciary is, in my opinion, clearly contrary to the best interests of our Nation. It gives away to the States our national resources, which should be retained, developed, and conserved for national purposes. The income derived should be devoted to education throughout the United States.

But the bill goes even beyond the position taken by the present administration. By quitclaiming lands beyond the 3-mile limit we would confer unprecedented and unconstitutional power upon a few States to tax production from federally owned lands out to the Continental Shelf. We would create a dangerous precedent, which might well be followed by proposals to transfer federally owned timberlands, grazing lands, and perhaps even national parks to the States for cession to private exploiters, or directly into private ownership.

I sincerely hope that the membership of the House will uphold and follow the good conservation traditions of our country by refusing to lend themselves to this dangerous, inequitable proposal to dissipate our national heritage.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that the gentleman from New York [Mr. DOLLINGER] be given permission to extend his remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DOLLINGER. Mr. Chairman, it is fantastic and incredible that Congress should consider for one moment legislating away the right and title to billions of dollars of oil reserves which all the people of our country own for the benefit of the citizens of a few States, and in particular to fatten the coffers of the oil trust. Are we to rob the youth of our Nation of the educational assistance assured them by the Federal Government since earliest colonial days? Are we going to jeopardize our national security by permitting private oil companies to gain control over our rich oil reserves, which are so vital to our defense?

I maintain that this legislative body, which represents the people of the entire Nation, has no such authority; it has no power to give away any part of our rich natural resources to any one segment of the country. Furthermore, in my opinion, the measure before us for consideration would be held unconstitutional if we commit the grievous error of passing it.

The Supreme Court, in three separate decisions, has declared that the States never did own or have any title to submerged lands and established beyond all doubt that title to oil in submerged lands off our coasts belongs to all of the people, not to just a few States. Now Congress is being asked to override and reverse the Supreme Court in a question of land titles which rightfully came before the Court and was peculiarly within its judicial determination. Should we ignore these decisions, it will constitute a serious encroachment by the legislative branch of our Government upon the judicial branch, and I am opposed to such action on our part. I hold that this so-called tidelands issue has been decided under law; the question is not properly before us now.

The past history of our Nation, from its very beginning, supports the decisions of the Supreme Court. No State right to marginal waters, as is now requested, has ever been recognized. Instead, the Federal Government has consistently claimed these seas and submerged lands. Thomas Jefferson established the claim of Federal ownership in 1793 at the time of the Louisiana Purchase; he realized that Federal control of marginal waters was vitally necessary to the defenes of our new and fast-growing country. The national policy of using revenue from public lands for educational purposes was established in colonial days, but we find that as early as 1780 Congress had to beat off attempts by the States to lay claim to public lands when they sought to further their own selfish aims at the expense of others. Former President Truman vetoed legislation similar to that before us now, and upheld the right of the Federal Government to the lands in question.

The States now demanding that Congress make them a present of from $50 billion to $250 billion in offshore oil and natural gas resources are Texas, Louisiana, and California. They are claiming that we should restore their submerged lands to them. The word "restore" is deceiving as used by them—they have never had legal title to the property in the first place, so how can we return to them what they never owned?

Testimony given by Attorney General Brownell threw a serious doubt upon the constitutionality of this legislation. To circumvent such a test, he recommended legislation which would not quitclaim title to the submerged lands but would merely grant authority which the States in question would need in order that the rich oil reserves could be appropriated for their own benefit. Oil is the objective, and we know that the oilfields which have been developed under State control are beyond historic State boundaries. The issue is not tidelands—the coastal States fighting for offshore oil are claiming title to resources which lie

beyond the tidelands; beyond the historic national 3-mile limit—out to 200 miles from the shore. Their claim is ridiculous, for only the Federal Government has the power and the right to protect such lands, and the remaining States have the right and the law on their side to disprove such claim.

Federal funds, paid into the Treasury by the people of all States, have gone toward the acquisition of land, the development of our natural resources, the protection and preservation of every part of our Nation. It follows that any benefits and profits which are derived from federally owned resources should be distributed equally among all the people. The burdens are borne by all; let the good be meted out in equal proportion. Because by accident more natural resources happen to be located in one State than in another, does not mean that all the benefits can be hogged by the State where such resources are found.

The bill before us would give States complete control of submerged lands out to their historic boundaries; it would also give the States authority to levy a tax on oil pumped from submerged lands seaward of those boundaries. The coastal States will lease these lands to private oil companies and keep all the revenues. In effect, a few coastal States will become rich at the expense of the other 45 States. It is inconceivable that in addition, we should authorize those States to tax revenues the Federal Government would get from the Continental Shelf lands beyond the 3-mile and 10½-mile limits. These lands are absolutely vulnerable to enemy attack in time of war—they will, in fact, be a major target. Who will, of necessity, protect them? The Federal Government will be compelled to do so, and the ships and planes, weapons and men will be furnished by all of us—not by the few States reaping the profits of the oil fields.

Oil is vital to our defense; without it we cannot hope for victory in war, for our military forces must have oil. The Federal Government must keep control of our oil resources, an overall protective policy must be established and adhered to. Furthermore, to force the Federal Government to pay a tax on revenues collected from resources belonging to it is unthinkable.

It is a certainty that if we give the coastal States the oil they are demanding, then the Western States will be all set to ask for our public lands. If we pass this bill, it would set a dangerous precedent for surrendering to other private interests the remaining natural resources of our country—our public lands. Then we would lose our national forests, grazing lands, and rich mineral resources. Even as the oil interests seek to grab the submerged oil lands, so the lumber and cattle interests are ready to renew their attack to gain control of our public lands. Congress must act to protect the public interest in this instance as it has in the past.

In 1787 Congress adopted ordinances which set aside every 16th section of the public lands west of the Alleghenies to establish and maintain schools. The Federal Government recognized its duty to support schools so that every child could be assured of an education. Let us look at the educational picture of today. In every State—the poor and the rich—there is a crying need for financial assistance for education. It is impossible for the States to obtain the vast sums necessary to bring the schools throughout the Nation up to the desired minimum standards. We find millions of children in inadequate school buildings; teachers are poorly trained; classes are held in makeshift classrooms, hallways, basements, and even dangerous quarters. There are double and triple shifts of school schedules, classrooms are overcrowded, teachers are overworked and underpaid. The States simply have been unable to meet the educational demands of the rapidly increasing numbers of school children; financial needs for the local and State school systems have outdistanced any sources of State funds.

Only by incurring more debts or increasing taxes can this crisis be met by the States, and to add more taxes to the heavy tax load now being carried by our people would be disastrous. The alternative would be to use the oil-reserve revenues to rebuild our school systems. The wealth we are being asked to give away to a few rightfully belongs to our children; the principle of using such revenues for educational purposes is century old. It is not our privilege as Representatives to disregard that principle or to deprive our children of the educational assistance which has always been their birthright. Furthermore, the proper education of our youth governs their economic security and their usefulness as good citizens; it is vital to the preservation of our democracy and the future of our Nation.

Our duty is clear. The offshore oil lands belong to the American people—not to a few, but to all. Let the Federal Government collect the revenues and use them to rebuild and improve our school and college systems, or to apply them to our national debt and so reduce taxes. The strength of our Nation has grown on the basis of absolute equality among the States. Let us keep that balance. Let us remember that our national resources belong to all.

Mr. CELLER. Mr. Chairman, I yield such time as he may require to the gentleman from North Carolina [Mr. JONES].

Mr. JONES of North Carolina. Mr. Chairman, during this week the House of Representatives will again pass on the momentous issue of who owns the so-called tidelands. Since about 1938, this has become one of the burning issues of the day. Few matters coming before this 83d Congress will have been discussed and debated as thoroughly as this tidelands issue. There have been volumes of testimony and debate on this great question since it was first raised back in the late thirties. It is an involved question, but the principle is indeed very definite and relatively simple. It involves a great principle of government which has been a subject of controversy since the establishment of the American Republic. That principle of government is commonly referred to as States' rights. Most people in America today give lip service to and express a belief in States' rights, but indeed many stray far afield of that great principle on many of the issues which directly affect that principle of government.

The question here is whether or not the various States of this great Union own the submerged lands within their historic boundary lines.

Mr. Chairman, I contend that the States do own these submerged lands and I am firmly of the opinion that any fair appraisal of the history of this question and all of the evidence at hand will lead to the same conclusion.

The historical background of this great issue goes back to the Revolutionary War. When our forefathers through long years of toil and struggle finally threw off the yoke of British tyranny, the Thirteen Original Colonies became free, independent and sovereign States. As such sovereign States, they became the successors to all of the proprietary rights of the Crown and parliament in, and all their dominion over, lands under tidewaters. The historic rule of the boundary line of any country extending 3 miles seaward from the low tide watermark established within the respective 13 independent and sovereign States title to the submerged lands now in question. No student of this subject will deny these facts. Then these Thirteen Original States free, independent, and sovereign as they were, decided to form a union. At that time all power and authority rested within the respective States and the people of those States. When the Union was formed, it became necessary for these various States to confer upon said union certain limited power and authority. This was done by a constitution in which that power and authority was spelled out. Some of the States fearing that down through the years, there might be some misinterpretation of this power and authority, refused to ratify that Constitution until there was written into it the first 10 amendments known as our Bill of Rights. My State of North Carolina was in this number. In an effort to assure that there would be no misunderstanding about the question of power for this new Federal Government, the 10th amendment was adopted which reads as follows:

> The powers not delegated to the United States by the Constitution nor prohibited by it to the States are reserved to the States respectively or to the people.

So these States joined the union and conferred certain limited power and authority upon it. There was neither a conveyance of property nor a relinquishment of any property. Then how did the Federal Government acquire this title?

Mr. Justice Frankfurter in his dissenting opinion in the California case said with reference to the Federal Government's contention in that case:

> Rights of ownership are here asserted—and rights of ownership are something else. Ownership implies acquisition in the various ways in which land is acquired—by conquest, by discovery and claim, by cession, by prescription, by purchase, by condemnation. When and how did the United States acquire this land?

Without a doubt, these lands remain within the ownership of the Thirteen Original States. The various other

States since admitted to the Union have the same sovereignty and jurisdiction as the Original Thirteen States and likewise became the owners of the submerged lands within their boundaries.

This doctrine was recognized by the Federal Government as well as by the States from the beginning of our Federal Republic until a few years ago. This doctrine was undisputed for more than a hundred and fifty years. The United States Supreme Court has in numerous opinions recognized this doctrine for more than 100 years. Chief Justice Taney in 1842, said:

> For when the Revolution took place the people of each State became themselves sovereign, and in that character hold the absolute right to all their navigable waters and the soils under them.

Mr. Justice Clifford in 1867, said:

> Settled rule of law in this court is, that the shores of navigable waters and the soils under the same in the original States were not granted by the Constitution to the United States, but were reserved to the several States, and that the new States since admitted have the same rights, sovereignty, and jurisdiction in that behalf as the original States possess within their respective borders. When the Revolution took place the people of each State became themselves sovereign, and in that character hold the absolute right to all their navigable waters and the soils under them.

Mr. Justice Field in 1873, said:

> All soils under the tidewaters within her limits passed to the State.

Mr. Justice Hughes said in 1935:

> The soils under tidewaters within the original States were reserved to them respectively and the States since admitted to the Union have the same sovereignty and jurisdiction in relation to such lands within their borders as the original States possessed.

So we see, Mr. Chairman, this doctrine has been recognized time after time by the Supreme Court, and was so recognized until 1947, when by a divided decision this legislative Supreme Court which we now have seized these lands by judicial fiat. Mr. Justice Black and Mr. Justice Douglas in setting forth this new paramount right or Federal theory treated with almost contempt our great doctrines of legal title and property ownership. They spoke of bare legal title and mere property ownership in such terms as to indicate that these were worn out doctrines and had no place in the new order of the day.

In view of these Supreme Court decisions the title to not only the so-called tidelands but also the lands beneath the bays, inlets, the Great Lakes, and every navigable stream in our fair land has become clouded. These decisions have left the situation so confused that it now becomes necessary for the real legislative body of America, the Congress of the United States, to declare once again where the title to these lands are vested. H. R. 4198 is in the form of a quitclaim deed to the various States for the submerged lands within their borders. We are recognizing that the Federal Government has no title to these lands, but in the event the judicial fiat of the present Supreme Court has created within the Federal Government any title, the same is hereby quitclaimed, confirmed, and established within the States of this Union. This bill confirms and establishes the title of the States to lands beneath navigable waters within the historic boundaries of the various States and provides for the use and control of the resources of the outer Continental Shelf and places the subsoil and natural resources of said outer Continental Shelf within the jurisdiction and control of the Federal Government.

Mr. Chairman, the subject has been debated within this country as few subjects have been discussed, but never in my life have I seen as much false and misleading propaganda put forth on any issue. The propagandists, both inside and outside of the Government, have led many of our people to believe that we are giving away billions of dollars worth of the resources belonging to the Federal Government. They have injected what they believe to be a very popular issue into the fight in that they desire to becloud the issue by saying that all of these billions should be earmarked and used as grants in aid to education, including primary, secondary, and higher education. This is done in an effort to aline many of our educators behind their effort to assert and maintain Federal ownership and control over these lands. I sincerely hope that those educators who have been misled will use some of their fine training and experience to get at the facts in this matter.

Let us explode some of these arguments, and show them up for what they really are. First, Mr. Chairman, as we have pointed out before, all of the history and the evidence clearly indicate that the Federal Government does not own these lands. Second, there is a principle of government involved which must be decided on the basis of right and wrong and not upon the basis of the value of the lands in question. Third, these propagandists take the estimated value of all of the oil lying underneath water on the entire outer Continental Shelf as well as all lying beneath the navigable waters within the historic boundaries of the various States. We are told by the experts that a large part of the oil reserves lie on the outer Continental Shelf which is beyond the historic boundary lines of the States, and under the terms of this bill, Mr. Chairman, those oils would belong to the Federal Government. Those who would mislead never point out these facts to the people. Fourth, that the overall figure does not take into account that it will cost literally millions upon top of millions of dollars to discover this oil and to engage upon the hazardous task of taking it from these submerged lands. Fifth, they overlook telling the people that the burden of supporting the educational institutions and schools of our country has not as yet been assumed by the Federal Government. Sixth, they fail to point out to the people of this country that under their theory, the Federal Government can assert title to all the fish, oysters, sand, minerals, and all other things not only in the so-called tidelands area in question, but also in every navigable stream of our country.

Mr. Chairman, there are also those who would becloud and befuddle the issue by raising the great question of national defense. Those of us who support this measure are just as concerned over our national defense as those who might oppose it. Everyone recognizes the power conferred upon the Federal Government in our Constitution over navigation, commerce, national defense, and international affairs. This bill does not affect any of the Federal constitutional powers of regulation and control over these matters within the historic boundaries of the various States. Under this bill, the Federal Government would have the same right with reference to these matters on these lands in question as it has over all of the lands in all of the States of this great Union. This bill gives to the Federal Government the preferred right to purchase whenever necessary for national defense all or any portion of the natural resources produced from any of these submerged lands. It expressly exempts from the operation of this bill any areas where the United States has lawfully and expressly acquired a valid title under the laws of the State where the lands are located. Those who advocate the national defense theory fail to recognize that it would necessitate the establishment of another tremendous Federal bureau to develop these lands and to secure the oil. The States have heretofore administered the matter of obtaining oil from the lands within their boundaries in a manner which has not only proved successful but which has been free of fraud and corruption. The Federal Government will do well if it can develop in an orderly fashion the vast oil reserves on the outer Continental Shelf which is recognized as the province of the Federal Government in this bill. If these great oil reserves are properly developed, they can provide for the Federal Government vast stores of oil for national defense. While at the same time, under the terms of this bill, the Federal Government can at any time when needed for national defense come in and purchase the oil developed and produced under the direction of the States. The vast outer Continental Shelf containing approximately 235,892 square miles of territory will offer to the Federal Government a colossal challenge to develop and bring into production the huge oil reserves which are contained therein. If this area is properly developed and properly handled by the Federal Government, it will bring to the Federal Treasury untold millions of dollars in revenue and will provide vast oil reserves for national defense.

In closing, Mr. Chairman, let me say that the principle contained in this bill is sound and is right. We are not by this act giving to the various States of this Union vast lands and natural resources, but rather we are merely clearing the cloud from the title which has historically been vested in States. We are merely righting a wrong which was done when the Supreme Court clouded these titles. Let me say to those who doubt the wisdom of this step, to not only read the many decisions of the Supreme Court, but also review again the teachings of Thomas Jefferson.

Mr. CELLER. Mr. Chairman, I yield such time as he may require to the gentleman from Indiana [Mr. MADDEN].

Mr. MADDEN. Mr. Chairman, 2 years ago when the so-called tidelands oil legislation was before the House, I spoke in opposition and voted against the bill. I have not changed my position in the interim and the present legislation contains almost identically the same provisions to take from the people of the United States the control and title to untold billions of our resources lying beyond the low-tide watermark in our coastal areas.

The Supreme Court of the United States has, on three different occasions, held that the various coastal States own the land underneath the ebb and flow of the tide, but that the National Government is the inherent owner of the lands beyond the low tidewater margins. The proponents of this legislation who have had charge of the newspaper and radio propaganda, emphasize the theory that the bill would give the various States rights to lands adjoining and underneath inland rivers and lakes and so forth. This contention is fallacious and in direct contradiction to the true facts. The proponents of this bill fail to emphasize that by placing the Nation's unlimited oil reserves located beyond the coastlines of the United States in the control of the various States, it would eventually cause the Federal Government to lose jurisdiction and ownership of the vast amounts of oil and gas which our Navy, Air Force, and Defense Department will, in the future, utilize for our national protection.

I have not heard it mentioned in the debate on this bill the fact that if this legislation is enacted into law, it will eventually bring about an increased cost in the price of oil and gas to the consumers in other areas throughout the Nation. Special consideration from this standpoint should be given to the effect of transfer to the States of title and jurisdiction to these submerged lands. As an example, the State of Texas not only fixes a minimum price for natural gas in the field, but also imposes a gathering tax upon such gas as a pretext of conserving the State's resources. Such regulation and taxation affects the price of gas supplied to domestic and industrial consumers which retail in the Calumet region of Indiana, the State of Indiana and all other surrounding States. Interstate pipeline companies owning or controlling natural gas fields are now divesting themselves of their natural gas fields to get away from the jurisdiction of the Federal Power Commission. This leaves the producing affiliates of the pipeline companies free to assess whatever price the traffic will bear for gas in the field. On account of this taxation-gathering tax, there is now pending before the Federal Power Commission an application for an increase in the price of natural gas to be delivered to the retail distributors in the Indiana-Chicago area. Similar manipulations to increase the cost of oil to consumers, including the United States Government, no doubt will be employed by the few States bordering on offshore oil reserves to the oil and gas consumers in all parts of the United States.

The propaganda which the oil lobbies have been using on the tideland oil legislation has been that the inland States would be deprived of title to submerged lands pertaining to rivers and lakes within or adjoining their borders. The real truth is, the enactment of the tideland oil legislation would free a few large oil producing States bordering on the Pacific Ocean and the Gulf of Mexico from interference by the United States in the exploitation of the oil resources under those waters. Several legal experts of outstanding ability have given opinions which have not been questioned that the various States title to submerged lands within their States is not in jeopardy by the so-called tideland oil legislation which we are now considering.

Twenty-seven mayors of the larger cities in the United States have issued a joint statement that the civilian and defense needs of our country require prompt exploration and development of our offshore resources and that the Nation should have the use and power to conserve these resources. Legislation is now pending in Congress which I propose to support, will keep this offshore oil for all the people of the United States for the purposes of expanding our educational resources and give the school teachers of America a greater financial return for their services in educating our children. Today in America over 4 million school children have their education impaired by reason of untrained, underpaid teachers and inadequate school buildings because the State and local taxing units cannot meet the growing cost of education. I will support the so-called oil for education amendment to this legislation which provides that these offshore oil resources of the Nation will be developed in the interest of all the people and that the Federal revenues gained therefrom should be used to help meet the urgent need for these funds to aid our schools.

H. R. 4198 is bad legislation, and will eventually be a windfall to the oil monopolies if enacted into law. Legislation of this kind if enacted into law will create a precedent and invite further raids on our natural resources. It will lead to proposals for transferring our timber land, grazing lands, wildlife refuges, and perhaps our national forests to the States for eventual exploitation.

Mr. CELLER. Mr. Chairman, I yield 13 minutes to the gentleman from Illinois [Mr. YATES].

Mr. YATES. Mr. Chairman, today the House begins its biennial consideration of the bill which its proponents have designedly named the tidelands bill. This name could not be less appropriate, for the tidelands—the land lying between the high and low water marks on the shores of the ocean—is not even involved in the dispute. Everybody admits the fact that the strip of tideland belongs to the States in which it lies. But those who favor this bill propose to give a new meaning to the term "tidelands." They say these are the lands lying seaward from shore for a distance of 3 miles—in the case of Texas and west Florida, 3 leagues. Yes; and we are even asked to accept the proposition that the entire Continental Shelf, all of its 250 miles are part of the tidelands, because this bill says the States own such lands. It does this by giving them the taxing power. This bill says their title in such lands should be confirmed.

This is not a tidelands bill. This is a bill which could with much more justice be called the giveaway bill or the tri-States mutual assistance program or even the tri-States misappropriation bill. The Supreme Court of the United States has decided, not in one case, but in three cases, that the oil lying in the submerged lands beneath the ocean belongs to all the people of the United States. This bill seeks to misappropriate that wealth for the benefit of Texas, California, and Louisiana. Talk about pouring oil on troubled waters—this bill proposes to pour the oil and mineral wealth of 48 States into the tanks of only 3.

This controversy has been marked by deception and false issues. I should like to discuss one such issue today, an issue which has been falsely injected into this debate, that State ownership of inland waters has been placed in jeopardy by the three Supreme Court decisions. The bogyman has been created that the Federal Government is going to take all inland waters—the tidelands, the lands under the rivers, harbors, bays, inlets, and all other navigable waters. Nothing is further from the truth.

Mr. Chairman, in spite of what those who favor this bill say, inland navigable waters are not involved in this controversy. Lands beneath open ocean and inland waters constitute entirely separate and different problems. The proponents of general quitclaim legislation have deliberately confused the two issues in an effort to gain the support of the 45 States which stand to gain nothing and lose much if the rights of the Federal Government in the Continental Shelf are given away to California, Texas, and Louisiana.

The propaganda supporting quitclaim legislation benefiting three coastal States has been directed especially to the States bordering the Great Lakes, to my home State of Illinois and to States such as New York, Massachusetts, and Florida which have extensive harbor and beach developments on filled land. The numerous Supreme Court decisions and statements by Federal officials specifically declaring such areas "inland waters" have been ignored or misinterpreted.

The Supreme Court has held plainly and unequivocally in at least 23 decisions between 1842 and 1935 that the respective States own the beds of all navigable inland waters, such as lakes, rivers, and bays situated within their boundaries. There has never been a single exception to this general rule of constitutional law. The United States does not and never has challenged the ruling in these decisions.

They cover a wide geographical area, from New York on the east to California on the west, from Michigan on the north

to Alabama on the south. They involve such widely diverse types of submerged lands as the beds of Raritan Bay in New Jersey, the North River in New York City, Lake Ontario in New York State, Chesapeake Bay, the Ware River in Virginia, the Mobile River in Alabama, Lake Michigan in Illinois, St. Mary's River in Michigan, the Fox River in Wisconsin, Mud Lake in Minnesota, the Mississippi River in Minnesota, in Iowa and in Illinois, the Snake River in Idaho, the Grand, Green, and Colorado Rivers in Utah, Lake Union and Lake Washington in Washington, the Columbia River in Oregon, the Sacramento River in California, and San Francisco Bay. In addition, Long Island Sound and Puget Sound have been determined by the Court to be inland waters.

As recently as 1950, the Supreme Court expressly referred to its earlier decisions on this point and reaffirmed them. In the case of *U. S.* v. *California* (332 U. S. 19), the Court held that the States are seized of "ownership of lands under inland navigable waters such as rivers, harbors, and even tidelands down to the low-water mark."

Moreover, the sense in which the Court used the term "paramount rights" in the California case was a confirmation of earlier decisions that the States have title to lands beneath inland navigable waters. The Court stated that if, as it had held in many earlier cases, the States have paramount rights in the beds of navigable inland waters, the same reasoning leads to the conclusion that the United States has paramount rights in lands beneath the open sea by virtue of the international interest and responsibilities which the Constitution entrusted to it.

The Supreme Court has twice held explicitly that the Great Lakes are inland seas and that the States bordering on them own the portions of the beds of the Great Lakes that are situated within their respective boundaries.

In the case of *Illinois Central Railway* v. *Illinois* (146 U. S. 387 (1892)), the Court held that the State of Illinois owned the bed of Lake Michigan in trust for the people of the State and that the State legislature could not make a valid conveyance of the bed of Lake Michigan to the railroad. The Court stated:

> These lakes possess all the general characteristics of open seas, except in the freshness of their waters, and in the absence of the ebb and flow of the tide.

In the case of *Massachusetts* v. *New York* (271 U. S. 65 (1926)), where a lake with an international boundary line was involved, the Court ruled that the bed of Lake Ontario lying within the boundaries of New York State belongs to the State of New York to the international boundary line.

These two cases are applicable to other States bordering the Great Lakes and indicate that each of them has clear title to the bed of that portion of the Great Lakes within its boundary.

Those who favor this bill have undertaken a national scare campaign to quell all opposition. As an example of what I mean, let me call your attention to the CONGRESSIONAL RECORD, volume 98, part 2, page 1916, and I read from the RECORD.

The junior Senator from Florida is speaking:

Mr. SMATHERS. Mr. President, I hold in my hand a reply by the attorney general of Texas to the very able Senator from Illinois which I think would call forth some four-bit words on the part of the Senator from Illinois. I read from the letter:

Your radio broadcast charging that only Texas, Louisiana, and California would benefit from pending legislation confirming State ownership of submerged lands ignores and distorts the facts.

The truth is that the State bills confirm ownership of lands beneath navigable waters within the respective boundaries to each of the 48 States, including nearly 1,000,000 acres of Lake Michigan to your own State of Illinois.

If you doubt that the Federal Government can take your Lake Michigan lands and shoreline improvements in Chicago, please read the Supreme Court case of *Illinois Central R. R. Co.* v. *Illinois* (146 U. S. 387), in which it was held that the Great Lakes are "open seas" and that your State holds title to the bed of Lake Michigan under the same rule of law that the coastal States hold title to "lands under the tidewaters on the borders of the sea."

If you lend your aid to destroying the title of the 21 coastal States you will be destroying the title of your own and neighboring Great Lakes States. The 8 Great Lakes States have more than twice as much land under the lakes as the combined 21 coastal States have within their marginal sea boundaries.

Mr. DOUGLAS. Mr. President, will the Senator from Louisiana yield?

Mr. LONG. I yield.

Mr. DOUGLAS. Mr. President, I thank the Senator from Florida for calling my attention to a letter which I have not yet received. The Senator seems to have more information about my correspondence than I possess.

But let me say to my good friend from Florida and to my good friend from Louisiana that the issue is not on inland waters, land beneath rivers, or land beneath tidewaters. All that area belongs to the States, according to decisions of the Supreme Court, and it is not proposed to take it from the States.

This colloquy shows how desperate—yes, how irresponsible—was the action of the attorney general of Texas. The Senator from Florida had a copy of the letter to Senator DOUGLAS, even before he had received the original.

As another example of the type of scare warfare being conducted by proponents of this bill, let me tell you about what happened in 1950 with respect to the filtration plant which the city of Chicago is building in Lake Michigan as a part of its water system. The city was attempting to finance the construction of the plant and was negotiating with a group of bankers to finance it. The attornel general of Texas wrote to the bankers and posed doubts about title to the land in Lake Michigan. This was done for the purpose of inducing the city to join with the State of Texas to obtain title to the submerged land off the Gulf of Mexico bordering the State of Texas. The special assistant, Mr. Joseph F. Grossman, formerly corporation counsel of the city of Chicago and now a special assistant corporation counsel, wrote the following letter in reply to the attorney for the bankers:

MARCH 29, 1950.

Mr. HENRY E. CUTLER,
Chapman and Cutler, Chicago, Ill.

DEAR SIR: Reference is made to your letter of February 14, 1950, relating to the so-called tidelands case decided by the United States Supreme Court, June 23, 1947 (*United States* v. *California* (332 U. S. 19–46; 91 L. ed. 1889)). Enclosed with your letter is copy of a statement by John D. McCall, of Dallas, Tex., to the water code committee on the subject of effect of adverse decision in tidelands case on inland water rights.

There is a general misapprehension of the nature of the case referred to. The term "Tidelands case" in my opinion is a misnomer. The case did not involve title to submerged lands under tidewaters. It involved a controversy between the United States and the State of California as to the ownership of the 3-mile belt of land under the ocean seaward of low water mark.

The realistic controversy did not involve so much the legal title to the submerged land as the right to exploit the ocean bottom for oil and other resources deemed essential to the security of the Nation. There is no inference in that opinion which denies to the States the ownership of lands covered by tidewaters, or by fresh waters in the Great Lakes, with the consequent right to use or dispose of any portion thereof, when that can be done without substantial impairment of the interest of the public in the lands and waters remaining, as that right was established in *Illinois Central Railroad* v. *Illinois* (146 U. S. 387, 435, 453).

On the contrary, the Supreme Court in its decision of June 23, 1947, distinguished that case from earlier cases holding that the States owned in trust for their people the navigable tide waters between high and low water mark and navigable inland waters. Our own research discloses that the title of the States to such waters and the underlying lands never was considered as absolute as the title to uplands intended for sale or other disposition. "It is a title held in trust for the people of the State that they may enjoy the navigation of the waters, carry on commerce over them, and have liberty of fishing therein freed from the obstruction or interference of private parties." (*Illinois Central Railroad* v. *Illinois, supra*, p. 452.)

The Secretary of the Army, as successor to the Secretary of War, acting under authority conferred by Congress, may assent to the erection of structures, such as wharves, piers, breakwaters, bridges, and dams, in navigable waters wholly within the territorial limits of a State which may interfere to a limited extent with navigation, but not without assent of the State. (*Cummings* v. *Chicago* (188 U. S. 410).)

The statement of Mr. McCall, together with other propaganda to influence Congress in the enactment of legislation is not for the purpose of "depriving the States of title to underwater land," as you say in your letter, but the propaganda is designed to free the States bordering upon the oceans and the Gulf of Mexico from interference by the United States in the exploitation of the oil resources under those waters.

We have been importuned before the attorney general of California and others to join with them in the litigation involving the so-called Tidelands case and in sponsoring legislation in Congress to confirm title in the States to submerged lands, but we have always refrained from participating in these activities in the firm belief that the title to tidelands and submerged lands in the Great Lakes, as well as the right to reclaim such lands by authority of the States and Congress or the Secretary of War, is not in jeopardy by the Tidelands case.

As to the filtration plant in Lake Michigan, we secured power by State legislation to reclaim submerged land for water-purification plants by amendment to section 49–11 of the Revised Cities and Villages Act (Laws of Illinois 1949, p. 568) and by the terms of that amendment the absolute title in fee simple to the land so reclaimed will become vested in the city of Chicago. We do not anticipate any great difficulty in securing a permit from the Secretary of the Army for such reasonable obstruction to navigation, in the public

interest, affecting only the port of Chicago and, if necessary, the Congress can authorize the erection of a filtration plant in Lake Michigan. (*Wisconsin* v. *Illinois* (278 U. S. 367; 73 L. ed. 426, 432).) However authority or consent from the United States may be obtained, it will create no problem for prospective investors in revenue bonds which may be issued by the city of Chicago for the improvement of its waterworks system since the bonds will not be a lien upon the property but will be payable solely from revenues of the waterworks system.

We appreciate receipt of your communication for our consideration, but, as you will note from this, we have given this subject considerable study for a number of years.

Very truly yours,

J. F. GROSSMAN,
Special Assistant Corporation Counsel.

Mr. Chairman, I dislike criticizing a high official of one of our great States, but his no holds barred tactics leave no alternative. The title of the State to submerged land on the lake shore of Chicago was established in the Illinois Central Railroad case, which was considered and distinguished in the so-called Tidelands cases of California, Texas, and Louisiana. The title to the "Gold Coast" on the near north side of Chicago was confirmed in riparian owners in the case of *The People* v. *Kirk* (162 III, 138), and the title of the State of Illinois and dominion over lands covered by Lake Michigan along the north shore through Lincoln Park was confirmed in the case of *Revell* v. *The People* (177 III, 468).

In the Kirk case, the Illinois Supreme Court quoted the following language from the opinion of the United States Supreme Court in the Illinois Central case:

> We hold that the same doctrine as to the dominion and sovereignty over and ownership of lands under the navigable waters of the Great Lakes applies which obtains at the common law as to the dominion and sovereignty over and ownership of lands under tidewaters on the borders of the sea, and that the lands are held by the same right in the one case as in the other and subject to the same trusts and limitations.

Mr. Chairman, the rule that applies to the State of Illinois is applicable to the ownership by other States of their inland waters. That is why the actions of those who are pushing this bill in conjuring up bogey men should be exposed for what they are—deliberate attempts to deceive the people of 45 States to give away all their right, and interest in the Federally owned oil.

Mr. Chairman, this bill is spawned and saturated in deception and delusion. Justice for all the people of this country demands its defeat.

Mr. CELLER. Mr. Chairman, I yield such time as he may desire to the gentleman from Louisiana [Mr. LONG].

Mr. LONG. Mr. Chairman, the United States Government now owns 24 percent of all the land in our mainland. This does not include the Indian reservations.

Besides owning all of this land, our Uncle Sam apparently is bent upon going into this landlord business on a whole-hog basis. Only one other government in the world is a larger landholder. That is Red Russia, which owns or controls all of the land in that Communist country where private ownership is forbidden.

Less than 25 years ago the United States Government owned 33 percent of all the land in 11 Western States. Today it owns 54 percent of it. This land pays no taxes for the support of our schools, colleges, universities, highways, and other public improvements of local and State governments.

Now, after acquiring ownership of one-quarter of this Nation's soil and a staggering number of dwelling units, the United States is trying to reach out to sea and lay claim to ownership of those areas off the shores of some of our States. The United States seeks to grab the oil and gas in these offshore areas. Who knows when this grab will be extended to fisheries, port and dock rights, beach facilities, and each and every other use related to our coastal waters?

Whither are we drifting?

Where is all of this to end?

It is a serious, a very critical situation. It constitutes a dire threat to our American system of government. What is to happen to private ownership and development under this new system? Where does it leave free enterprise which is the heart and soul of our American capitalistic system?

It is bad enough that Uncle Sam has gone into the land and housing business in a wholesale way. He at least presumably has a sound and marketable title to these possesions. In the case of the tidelands, he seeks to acquire additional possessions without any just claim to title.

I admit that the United States has paramount power and dominion over navigation, commerce, war activities, and so forth, but this does not bestow title to the soil and resources in navigable waters upon the United States nor does it destroy title, whether in States or in private owners.

Title of all States in the American Union to the soil and all resources in their navigable waters is supported by the Declaration of Independence, the Treaty of Independence with the British Crown, entered into in 1783, and several United States Supreme Court decisions.

I do not believe that anyone will dispute the proposition that if the United States does not have title to the submerged lands beneath navigable waters within the respective State boundaries, it is not entitled to them or whatever they may produce.

If we are to intelligently discuss the question of title to these submerged lands, we must look back to the original source of such title. This would, of course, stem back to the time when the original States became free and independent sovereign States under the Declaration of Independence on July 4, 1776. Then, we find that the next link in the States' chain of title to these lands was developed by the provisional treaty which was entered into by and between the original States through the Congress of the Confederation and the British Crown on November 30, 1782, in which we find the following provision:

> Article 1. His Britannic Majesty acknowledges the said United States, viz, New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, to be free, sovereign, and independent States; that he treats with them as such; and for himself, his heirs and successors, relinquishes all claims to the Government, proprietary, and territorial rights of the same, and every part thereof; and that all disputes which might arise in future on the subject of the boundaries of the said United States may be prevented, it is hereby agreed and declared, that the following are and shall be their boundaries, viz:
>
> "Article 2. * * * East by a line to be drawn along * * * the rivers that fall into the Atlantic Ocean from those which fall into the river St. Lawrence; comprehending all islands within 20 leagues of any part of the shores of the United States."

This provisional treaty was ratified by the definitive treaty on April 11, 1783, between the original States through the Congress of the Confederation of the United States.

Therefore, by both the Declaration of Independence and the treaty with the British Crown which followed the Revolution, the Original Thirteen States were free and independent sovereign States, to whom the British Crown had relinquished not only all claims to the Government, but also all proprietary and territorial rights of the same.

For the next 6 years, or until the United States Constitution was written in the 1787 Convention and ratified, finally, in 1789, the original States functioned under Articles of Confederation, article IX of which provided that:

> No State shall be deprived of territory for the benefit of the United States.

In *Harcourt* v. *Gaillord* (12 Wheat. 523 (1827)), the United States Supreme Court held:

> There was no territory within the United States that was claimed in any other right than that of some one of the Confederate States; therefore, there could be no acquisition of territory made by the United States distinct from or independent of some one of the States.

When the Constitution was written by the 1787 Convention of Delegates from the original States, they were very careful to provide that the blood-bought right of government and their proprietary and territorial rights confirmed by the treaty with the British Crown in 1783, was made the supreme law of the land by a specific provision in the United States Constitution, which the people of the original States ratified finally in 1789.

Article VI, clause 2 of the United States Constitution, provides:

> This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

In this connection, it should be pointed out that on Saturday, August 25, 1787, on motion of Mr. Madison, made in the Convention, article VIII—later made article VI by the Committee on Style and Revision—was reconsidered and, after the words "all treaties made," were inserted the words "or which shall be made," with the explanatory statement:

This insertion was meant to obviate all doubt concerning the force of treaties pre-existing, by making the words "all treaties made" to refer to them, as the words concerned would refer to future treaties (69th Cong., 1st sess., H. Doc. No. 398, at p. 618).

So it is that the 1783 Treaty of the Revolution by which the British Crown relinquished to the original States all "proprietary and territorial rights," of the British Crown became, and is now, the supreme law of the land.

The same article VI of the Constitution requires all Members of Congress, and State legislatures, and all executive and judicial officers, both of the United States and of the several States, to support this Constitution, which makes said treaty the supreme law of the land.

The Supreme Court of the United States has, on more than one occasion, interpreted and confirmed the proprietary rights thus acquired by the original States in all of the submerged lands within their boundaries. This will be clearly seen by a reading of the decision by the United States Supreme Court in the case of *Martin* v. *Waddell* cited as 16 Peters (41 U. S. 367) and also *McCready* v. *Virginia* (94 U. S. 391), both very old cases.

In the McCready case the Supreme Court had this to say:

The principle has long been settled in this Court, that each State owns the beds of all tidewaters within its jurisdiction, unless they have been granted away. In like manner, the States own the tidewaters themselves, and the fish in them, so far as they are capable of ownership while running. For this purpose the State represents its people, and the ownership is that of the people in their united sovereignty. Citing *Martin* v. *Waddell* (1842), supra. The title thus held is subject to the paramount right of navigation, the regulation of which in respect to foreign and interstate commerce has been granted to the United States. There has been, however, no such grant of power over the fisheries. These remain under the exclusive control of the State. * * * The right which the people of the State thus acquire comes not from their citizenship alone, but from their citizenship and property combined. It is, in fact, a property right, and not a mere privilege or immunity of citizenship.

THE TITLE OF NEW STATES

The title of new States admitted into the American Union since the adoption of the Constitution, to their submerged lands was recognized by our Supreme Court in 1945. In that year the Court in *Pollard* v. *Hagan* (3 How. 212), had this to say:

"By the preceding course of reasoning we have arrived at these general conclusions: First, the shores of navigable waters, and the soils under them, were not granted by the Constitution to the United States, but were reserved to the States, respectively; secondly, the new States have the same rights, sovereignty, and jurisdiction over this subject as the original States."

In this and many other cases, the United States Supreme Court has held over a period of many years that the various American States have owned their tidelands.

You might wonder—and for that matter, so do I—why the successor to this same Court in 1947 and again in 1950 upset the settled and accepted law of the land in the now famous California, Texas, and Louisiana tidelands cases. Apparently without rhyme or reason was this radical departure made from the sound and well-reasoned doctrine laid down by the jurisprudence and settled law of the land.

It can only be explained by the unfortunate trend in recent years toward a paternalistic, a centralized government.

Mr. CELLER. Mr. Chairman, I yield such time as he may desire to the gentleman from Georgia [Mr. LANHAM].

Mr. LANHAM. Mr. Chairman, this legislation should be defeated because it would give three States resources which belong to all the people.

One of the reasons why the giveaway legislation has not been more vigorously opposed in the past has been that most people have not appreciated the tremendous value of the oil and gas resources on the Continental Shelf. In fact, some supporters of the legislation have displayed an understandable interest in underestimating the great wealth that would be given away under their proposals—or in obscuring it behind a smokescreen of complicated legal disputation.

We are therefore presenting herewith some of the official figures prepared by the Department of the Interior.

Even these figures, however, are probably underestimates. The geologists who prepared them are traditionally conservative in their calculations. Their figures are minimum estimates. Further exploration and development will probably indicate that the offshore mineral resources of the Continental Shelf are still greater.

Also, the value of these resources is usually expressed in terms of current prices. The probability is that the price for both oil and gas will rise in the future—as it has in the past—and that the dollar value of these assets will therefore increase over the years.

First. Oil: The estimated potential reserves of our offshore oil resources in the Continental Shelf lying seaward of the coasts of California, Louisiana, and Texas is a little more than 15 billion barrels.

This figure can be compared with the 33.7 billion barrels of proved reserves for the upland area within the United States as a whole. It is 45 percent of the estimated proved reserves.

Both these estimates are set forth in the table entitled "Estimated Proved and Potential Petroleum Reserves," prepared by the Department of the Interior.

The table also shows the distribution of these reserves.

It can be seen that 9 billion barrels—three-fifths of the total for the Continental Shelf—are on the Continental Shelf off the shores of Texas. Louisiana comes next with 4 billion barrels, and California next with a little more than 2 billion barrels.

It can also be noted that in the case of California a slightly greater portion of the potential oil reserves in the Continental Shelf is found within than is found outside the 3-mile limit. In the case of Texas and Louisiana, the greater bulk is thought to be outside the 3-mile limit.

A special breakdown is provided for Texas, which claims an historical boundary of 3 leagues—9 nautical or 10½ statute miles—in the Gulf of Mexico. Only 400 million barrels—less than 5 percent of the Texas total of 9 billion barrels—is within the 3-mile limit. The 3-league limit includes a total of 1.2 billion barrels—thus tripling the amount found within the 3-mile limit. The largest proportion—7.8 billion barrels—is outside the "historical limit" of 3 leagues.

The table also indicates that only an extremely small portion of these reserves is as yet proved. The reason for this is that the campaign for "giveaway" legislation has again and again held up congressional action on legislation to expedite exploration and development under the auspices of the Federal Government.

It should also be kept in mind that there are probably vast oil reserves in the Continental Shelf off the coast of Alaska. The total area of the shelf off Alaska is estimated to contain 600,000 square miles, more than twice the 290,000 square miles in the Continental Shelf off the United States itself. An estimate of the United States Geological Survey, based upon the studies of L. G. Weeks for the American Association of Geologists, suggested that in the case of Alaska "the reserve estimate would be 23.6 billion barrels." This would bring the total estimate up from 15 billion barrels to 38.6 billion barrels.

The total dollar value of the oil reserves (excluding Alaska) can be shown as follows:

	Billion barrels
Landward 3-mile line	1.75
Seaward 3-mile line	13.25
Total	15.0
	Billion $ (rounded)
Landward 3-mile line	4.6
Seaward 3-mile line	34.6
Total	39.2

This tabulation is based on the conservative assumption of $2.65 per barrel. Thus, the total value of the potential oil reserves within the 3-mile limit comes to almost $5 billion. The total value outside the 3-mile limit comes to almost $35 billion.

An estimated 800 million barrels of potential reserves are to be found outside the 3-mile limit, but inside the so-called 3-league "historical boundary" of Texas. These reserves may be estimated as worth over $2 billion.

All in all, the total value of the 15 billion barrels of oil is worth just about $40 billion. This $40 billion figure is equivalent to the total Federal revenues from individuals and corporation taxes in fiscal 1951. It is greater than total budget expenditures for military services in fiscal 1952. It is almost one-fourth of the total current assets of American corporations, as reported by the Securities and Exchange Commission.

Even so, this $40 billion figure is an underestimate because it is based upon the current price of oil. No allowance is made for the normal increase in oil prices.

In a report entitled "Submerged Oil and Education" of February 20, 1953, the Public Affairs Institute makes the following estimate concerning the future price of oil:

A probable average price for the oil over the next 20 years is $4.50 a barrel. The price

of petroleum has been increasing at the rate of 7 percent annually. With the moderate estimate of 15 billion barrels the gross income would total $76,500,000,000.

In support of this estimate, it can be pointed out that over the 12-year period from 1940 to January 1953, the index of petroleum and petroleum products prices went from 50 to 117.4—an increase at the rate of 7 percent annually. If, under the pressure of increased demand, prices were to increase at the same rate anually, the price would be $4.50 within 8 years. On this assumption, the 15 billion barrels would be worth $76,500,000,000.

But these estimates do not include the 23,600,000,000 barrels of oil which are estimated to lie in the Continental Shelf off the coast of Alaska. As indicated earlier, when Alaskan reserves are included, the total estimate rises from 15 billion barrels to 38,600,000,000 barrels. At the current prices, the total offshore potential reserves would thus be worth not $40 billion, but over $102 billion.

This figure, of course, is based upon the current price. If it is assumed, however, that the price for oil over the next 20 years will average $4.50 a barrel, as estimated by the Public Affairs Institute, then the total value of the offshore oil resources, including Alaska, will amount to over $173 billion.

It should also be kept in mind that the estimates supplied by the Department of Interior are extremely conservative. Oil company experts who operate close to the scene have often come forth with what are probably much more realistic estimates. Thus a group of 18 Texas geologists and registered engineers have estimated potential oil reserves off the coast of Texas of 11 billion barrels, as contrasted with the 9 billion barrels estimated by the Department of the Interior—see Appendix for full report of Texas geologists and engineers.

Second. Gas; the estimated potential reserves of gas in the offshore lands as shown in the table entitled "Estimated Proved and Potential Petroleum Reserves," is 68,500,000,000,000 cubic feet. This is more than one-third of the proved reserves of 196,000,000,000,000 cubic feet within the land area of the United States.

The table also shows the distribution of these reserves. As with oil, the largest amount is off the coast of Texas and the smallest amount off the coast of California.

The dollar value of gas is extremely difficult to estimate. Prices vary from as low as 7 cents per 1,000 cubic feet to 25 cents per 1,000 cubic feet. Among the factors determining the price are the accessibility of the gas reserves and the extent to which the flow of gas from these reserves can be controlled.

For the purpose of simplicity, these gas reserves might be priced at an average of 15 cents per 1,000 cubic feet—the same price figure which is used in the report of the Texas geologists and engineers. This would bring the total value of the potential gas reserves in the Continental Shelf to a little more than $10 billion.

Third. Other minerals: There is no reason to believe that oil and gas are the only mineral resources in the offshore lands.

Geologists have already found sulfur in the offshore lands off the coast of Texas. The October 1952 report of the Texas geologists and engineers estimates 120 million long tons of sulfur at a price of $25 per long ton. The sulfur reserves alone would be worth more than $3 billion.

As the offshore resources are developed during the coming years, it is highly likely that other valuable minerals will also be discovered in sizable quantities.

Fourth. Potential revenues: As already indicated, the value of oil and gas resources in the offshore area can be estimated at $40 billion and $10 billion, respectively—or a total of $50 billion.

If royalties are estimated at 12½ percent, the potential revenues from these $50 billion worth of assets will be $6.25 billion.

This sum is practically equivalent to the total annual interest paid each year on the national debt.

A breakdown of these revenues is as follows:

	Estimated value	*Estimated royalties*
Landward 3-mile line	$8,000,000,000	$1,000,000,000
Seaward 3-mile line	42,000,000,000	5,250,000,000
Total	50,000,000,000	6,250,000,000

These estimates, however, are extremely conservative. They do not take into account the value of either Alaskan reserves or sulfur reserves. They assume prices no higher than the present prices. Moreover, they do not take into account the estimates contained in the October 1952 report of the Texas geologists and engineers.

A summary of the Texas report appeared in the Houston Post of Sunday, October 26, 1952. According to this group of experts:

> The submerged lands off the shore of Texas are reported to hold gas, oil, and sulfur worth an estimated $80 billion.

The names of the experts who prepared this $80 billion estimate for Texas alone appear in the Appendix.

The inclusion of any of these additional considerations would add substantially to the $6.25 billion estimate of royalties. The inclusion of all these considerations would bring estimated royalties well above $20 billion.

Fifth. Revenues already accrued: Even though the development of offshore resources has thus far proceeded at a snail's pace, substantial revenues have already accrued since the Supreme Court upheld the rights of the Federal Government in the submerged lands of the Continental Shelf.

For example, the offshore oil deposits along the California coast have produced revenues aggregating more than $47.3 million since the case against California was decided favorably to the United States in 1947.

The revenues derived from the Continental Shelf lands off Louisiana and Texas have aggregated approximately $15 million and half a million, respectively, since the cases against Louisiana and Texas were decided in 1950.

Thus, a grand total of approximately $62.8 million, derived from the submerged lands of the Continental Shelf, is awaiting disposition at the present time.

Mr. CELLER. Mr. Chairman, I yield 16 minutes to the gentleman from Kentucky [Mr. PERKINS].

LET'S RING THE SCHOOL BELLS AND NOT GIVE AWAY OFFSHORE RESOURCES

Mr. PERKINS. Mr. Chairman, soon after Congress convened, I introduced House Joint Resolution 89 which provides that the royalties from certain oil and gas properties under the open sea located off the coast of California, and under the Gulf of Mexico, off the coasts of Texas and Louisiana, extending from the low-water mark seaward shall be expended for a better educational program in all the 48 States. One of our greatest national problems today is in the field of education.

At the outset, I wish to state that I am wholeheartedly against H. R. 4198, which purports to set forth as its purpose to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, and to provide for the use and control of said lands and resources, and the resources of the outer Continental Shelf.

No legislation could have been more skillfully drawn to deceive its true purpose. The sole effect of H. R. 4198 is to nullify the decisions of the Supreme Court in the Texas, Louisiana, and California cases, and thereby attempt to give away to those States this valuable property that belongs to all the people in this country. The questions of tidelands oil is not involved, because it is conceded that the tidelands oil belongs to the States. The United States Supreme Court has continuously held to that theory, and no one disputes those rulings. That is, the lands along the seashore which are covered at high tide and exposed at low tide. The property involved here is from the low-water mark extending seaward.

We should not undertake to give away an asset, to a few States that border on the ocean, which belongs to the people of all the 48 States, notwithstanding all the window dressing and all the other superfluous statements in H. R. 4198.

I cannot think of any more appropriate way to spend the royalties from the offshore oil than for school purposes. In Kentucky today teachers' salaries range from $736 to $5,100. Our trained teachers are continuously leaving the profession. In addition to our underpaid teachers' problem and lack of facilities for our schools, it has been estimated that we need to spend more than $157 million alone for new construction in Kentucky. This must be done if we are to relieve overcrowded conditions and properly house the anticipated increased enrollments and replace obsolete buildings.

The seriousness of our educational problem was called to the attention of this Nation by Commissioner Earl J. McGrath of the United States Office of Education when he recently announced some of the results of a nationwide survey of

school building needs and the States' abilities to provide for them. The survey found among other things that there is a present need for an additional 708 million square feet of school building space for more than 9,250,000 pupils in public elementary and secondary schools. This is equivalent to more than 325,000 instruction rooms and related facilities, and the estimated cost is $10,700,000,000. Mind you, that would not, if provided, do more than relieve present overcrowding and replace obsolete facilities. That much space is needed only to replace the 170,000 classrooms that are obsolete and provide 155,000 new classrooms.

Even though through some miracle this vast number of classrooms should spring into existence, the space problem alone would be solved only for this year. That would make no provision for the future. The estimates of 1952–53 elementary and secondary school enrollment show a total of 27,533,054 pupils. Data developed in the survey indicate a public-school enrollment of more than 31 million in 1956 and a million more by 1958.

Where are these youngsters going to go to school? If every State and local school district exhausted its current legal resources through bond issues and whatever other means are currently available, the survey finds that only $5,800,000,000 could be raised. It is certain that this problem will become more and more critical year by year.

The survey I refer to definitely shows that financing practices will have to be improved and new and substantial resources for public-school construction will have to be tapped to make up the deficit of $4.9 billion to meet the minimum standards of safety for our present school systems. Additional funds will be needed to provide for the millions of new pupils we know we will have in the years ahead.

The physical needs for classrooms and buildings of course are only one aspect of the pressing problems our schools are facing and will face. I think we are all at least aware of the pressing needs for more teachers for our youngsters. These teachers are entitled to at least a living wage and the thousands of new teachers needed now and in the future mean even more funds must be found.

This is a national problem. Even those States with the most satisfactory facilities are in serious difficulties. Even there the building shortage is severe and will grow worse. All of our State and local school authorities are doing their utmost to cope with the problem. During the fiscal year 1952 the Office of Education, under the controlled materials plan of the Defense Production Act, issued permits and allocated materials supporting educational construction valued at $1,878,000,000 under a system of priority second only to defense needs. An estimated total of 49,500 elementary and secondary classrooms were completed during the year. However, this fell short by 6,500 classrooms of taking care of the actual increase of school enrollment—1,691,000 pupils—that took place within a year's time.

It is obvious that something else must be done if the children of our Nation are to have the advantages of even the basic education which Americans have traditionally considered their birthright.

Federal aid to education antedates the Constitution. I know that some Members of Congress do not want to admit it, but Federal aid to our schools has always been with us. Looking back over the records of this Congress, you will find that this body has continuously set aside public lands for this purpose as new States were admitted to the Union.

In more recent years, the Congress has enacted such beneficial legislation as the Smith-Hughes Act and the George-Barden Act, and other vocational educational enactments which directly benefited our public schools.

Even if it were true, as some contend that the Founding Fathers intended education to be a State and local responsibility, there would still be the necessity for the Federal Government to contribute to the support of the public schools today. The Nation is no longer composed of self-contained and relatively independent communities as it was in the time of our forefathers. Quite the contrary.

Today our communities are so interdependent that the welfare of the whole Nation is affected by the educational attainment of the people in every locality. Furthermore, the birth rate in this country, in general, is highest in those areas where economic conditions are poorest and educational levels are lowest.

We all know that it is a part of our American system nowadays for hundreds of thousands of people to migrate annually from those areas to other localities. The migrants take with them the results of their relatively poor schooling. It is to the interest of all that the Federal Government step in and help solve our educational problem, for it is the only agency in a position to do so.

Here at hand today is a new possible source of funds for our schools. We are considering now whether the so-called tidelands, or more exactly the submerged lands offshore, should belong to the States or to the United States. We know that essential elements of our modern civilization are to be found there, oil and natural gas. Conservative estimates tell us that the Continental Shelf adjoining our Nation's shorelines contain 15 billion barrels of oil and 68 trillion cubic feet of natural gas. Other estimates go much higher.

Royalties, rents, and bonuses to be derived from development and exploitation of these vast resources will constitute many billions of dollars. I am hopeful that these royalties will be devoted to the needs of the Nation's schools as a whole instead of giving them away to three States. If the entire income from this source could be thus directed, the bells of our schools would assuredly ring out loud and clear for many years to come.

Mr. Chairman, I sincerely hope that we will be able to do something for the schools by earmarking these royalties for educational purposes. Many of us have made pledges in the field of balancing the budget, eliminating waste, cutting taxes, making every contribution possible to ending the Korean conflict, fighting corruption, cutting nonessential Government spending, extending social security, replacing slums, combating inflation, promoting education, and promoting the welfare of agriculture.

I have commenced to wonder myself just how many of our pledges may be redeemed in the event we are successful in nullifying the Supreme Court decision and give away valuable property rights; which in all probability may easily defray our governmental operating expenses for 1 or more years, including all the money we are now spending to maintain our Army, Navy, and Air Force, the entire defense setup, and foreign aid.

The people of this country may rest assured that there will be no budget-balancing, in my opinion, if we continue to legislate against the national interest of all the people in this country. I am fearful that we are going to cripple our entire national-defense setup as long as we are confronted with world conditions as they exist today.

I cannot think of a more horrible thing from the standpoint of national defense than for us to set aside an order transferring a Nation's offshore oil deposits from the Interior to the Navy as a petroleum reserve.

As has been stated thousands of times, oil is the lifeblood of the Navy. I stated before a House committee hearing on this legislation that "the national defense of this country today from the standpoint of national interest would not permit any such gift to anyone."

I am still hopeful that this Committee will concern itself with the real issue, that we intend to keep the oil and decide how to use it best for the national interest. I have always felt that the royalties could be better used for school purposes, and to take effect at the moment the submerged lands of the Continental Shelf are withdrawn from their present status of a naval petroleum reserve.

It is to assure that the coming generations will benefit as a whole from the development of these resources that I approach the present problem of ownership, use, and incomc from submerged lands with a view to the maximum benefit to the schools.

The importance of oil to the United States cannot be overestimated. Without it a large proportion of American civilization would grind to a teeth-chattering halt. With access to an ample, nearby source the Nation can maintain its leadership in the world, it can make ready its defenses against any who may challenge its way of life. Through strength the Nation can bulwark the cause of democracy throughout the world. So much depends on this vital substance and yet we have discovered alarmingly that the United States is a net importer of oil. We are now dependent upon oil from distant lands to meet our daily needs and to fuel our defense effort.

Should world war III come, how long could we depend upon these sources from which tankers must travel thousands of miles through seas which would shortly become submarine infested? In an all out war effort modern day military needs

for oil and its products skyrocket, and we could find ourselves in a most critical situation. The net result would be that we would have to turn right around and buy back at most handsome prices something that we had already given away, if the proponents of H. R. 4198 are successful in their efforts; that is, if we had access to it at all.

There is only one answer to this question, and that is to hold on to our submerged lands and not give them away. H. R. 4198 should be defeated.

In the event this legislation is defeated, the Interior or Navy Department, I am sure, will go ahead and develop these resources. It has been estimated that under proper governmental supervision, daily production from offshore facilities within 5 years of intensive effort, could increase production to some 200,000 barrels of oil and 600 to 800 million cubic feet of gas daily. The National Petroleum Council anticipates that after that period of development, new discoveries resulting from intensive exploration will accelerate increased production at a greater rate.

The decision given in the California case clearly states that the Federal Government has paramount rights in and over the marginal belt, and incident thereto has full dominion over the resources of the soil under that water area. This, of course, included oil and gas.

To me, that is clear enough. The question has been ruled upon specifically three times, as stated above, and the decision has been the same in each instance.

We should end this controversy by defeating this give-away legislation and earmarking the funds for educational purposes to take effect when this property is withdrawn from its present status as a national petroleum reserve.

All of the States admitted to the Union since the original 13 have been admitted with the provision that they were admitted on an equal footing with those first 13. At the time the Nation was established the then Thirteen Colonies were the property of the Crown. They had no existence as international entities. All of the properties, rights, and prerogatives of a nation so far as they were concerned were possessed by the Crown of England.

Historically, any right of sovereignty has been established in international law by national action. The Thirteen Original States did not exist as a nation and assert the sovereign rights and powers of nations on their own part. It seems clear to me that the sovereign power of the National Government arises inevitably from its duty and power to regulate commerce, conduct foreign affairs, and provide for the national defense.

A state or province has no standing in international law. No nation can claim more of the open sea than what other nations concede to it. The Constitution states that the Federal Government is to conduct foreign affairs, and since this question of ownership of the marginal seas is one of foreign relations, there can be no doubt that it is one for the Federal Government.

For States to lay claim to the marginal sea even beyond the generally recognized 3-mile limit is dangerous. It would force the United States to abandon its traditional position held ever since Thomas Jefferson first asserted it in 1793 when he was Secretary of State.

I read in the Washington Evening Star the other day where the United States was protesting the seizure of American shrimp fishermen 10 miles off its coast by Mexico, who claimed the violation of its territorial waters. The Navy has long advocated the 3-mile limit. This is important in that the Navy is charged with the defense of our territorial waters.

It seems that under proposed legislation the Congress is asked to give up the right of the Federal Government, and thus those of all of the people in the Nation, to the resources of the submerged lands. We are asked to deliver them to three States. Resources that are vital to the national defense and the welfare of all the people. I say this should not be, that we should not give away this valuable property.

To those who are concerned with the rights of enterprises which are already active in the offshore areas, I believe all will agree that under whatever final disposition their equitable rights will be protected.

In conclusion on this point it may be stated, and evidence will substantiate the contention, that sovereignty over and title to the subsoil of the seabed under the maritime belt—the 3-mile limit—are vested in the littoral state by international law. It may further be stated beyond possible contravention that the United States, not the original and subsequently admitted coastal States, is the sovereign in which this land is vested. It cannot be claimed that the States reserved the sovereignty and title to this land because the States were never vested with them.

In the case of Texas, admission on an equal footing with the other States, despite its previous existence as a nation, certainly implies that it gave up any such rights upon becoming a State. The most-often-cited cases in support of the claims of the States to this land are not precedents for the simple reason they were not decided with respect to land or parties on a comparable basis. Sovereignty and title to these lands are directly connected with international relations and therefore are vested exclusively in the United States. The outward, seaward boundary of the United States need not be the same as the borders of the States contiguous to the sea.

This does not mean, however, that the States give up the rights to police such waters in regard to fishing, the criminal codes, and the like, nor does it imply in any way any claim or right to the inland waters within the States.

Mr. Chairman, it is of the utmost importance that we defeat H. R. 4198 and enact a substitute which earmarks these royalties for educational purposes. We must aid our schools in order that the school bells will continue to ring out throughout the Nation. As the Liberty Bell heralded the beginning of our great Nation, let the rising volume of the school bells, made possible by the proceeds from these great oil and gas resources, be heard throughout the world. Their ringing will be a tocsin of the new era of freedom.

Mr. Chairman, I wish to compliment the gentleman from Illinois [Mr. YATES] on his splendid analysis of the legislation before us. It is true that the tidelands, inland waterways, and Great Lakes are not any subject of this controversy. As a camouflage, the interested States would like for us to believe that the inland waterways were endangered by the decisions of the Supreme Court in the Texas, Louisiana, and California cases. But such is not the case. The Supreme Court clearly held that the tidelands and all inland waterways were the property of the respective States.

I have not been able to find out during the entire discussion today, from the proponents of this legislation, from what source the Thirteen Original Colonies obtained title to the marginal-sea area and I would like to know if the gentleman from California [Mr. HILLINGS] can give me the answer to that question.

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

Mr. PERKINS. I yield to the gentleman from California.

Mr. HILLINGS. I would like to answer the question by reading a paragraph from the report of the California Senate interim committee on tidelands which I believe sheds some light on the question:

> So firmly entrenched was this doctrine of ownership and control of the marginal seas by the time American colonization began that the colonial charters given by the King contained specific grants of wide belts of territorial waters. The colonists accepted this as a natural part of their local prerogatives. They utilized the submerged land in the same way they utilized the dry land of the North American Continent.

By the treaty of 1783 with Great Britain which ended the Revolutionary War, it was a provision of that treaty by which the Americans would have title and control of the lands under the marginal sea.

Mr. PERKINS. The gentleman well knows that the treaty with Great Britain was made by the Colonies united as a nation. Is that statement correct or not?

Mr. GRAHAM. The Constitution of the United States was not adopted until 1787.

Mr. PERKINS. Even before the Constitution was adopted, on July 4, 1776, when the Thirteen Colonies declared their independence from England, they did it as a united nation and not as 13 separate, individual colonies.

In answer to the gentleman from California, may I say that I have before me the United States Reports wherein the California case is reported. Page 31, volume 332, states:

> It stresses that the Thirteen Original Colonies did not own the marginal belt; that the Federal Government did not seriously assert its increasingly greater rights in this area until after the formation of the Union; that it has not bestowed any of these rights upon the States, but has retained them as appurtenances of national sovereignty.

And further:

> From all the wealth of material supplies, however, we cannot say that the Thirteen Original Colonies separately acquired ownership to the 3-mile belt or the soil under it.

And over on the next page:

At the time this country won its independence from England there was no settled international custom or understanding among nations that each nation owned a 3-mile water belt along its borders. Some countries, notably England, Spain, and Portugal, had, from time to time, made sweeping claims to a right of dominion over wide expanses of ocean. And controversies had arisen among nations about rights to fish in prescribed areas. But when this Nation was formed, the idea of a 3-mile belt over which a littoral nation could exercise rights of ownership was but a nebulous suggestion. Neither the English charters granted to this Nation's settlers, nor the treaty of peace with England, nor any other document to which we have been referred, showed a purpose to set apart a 3-mile ocean belt for colonial or State ownership.

Does it make sense, therefore, to undertake to make a quitclaim title by this Congress to property that the States never did own? That is the point I have in my mind.

Mr. WILSON of Texas. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Texas.

Mr. WILSON of Texas. Admitting for the purpose of argument what the gentleman has said, what would that have to do with the position of the States that came into the Union after that? Are you arguing that because the Thirteen Original States had no 3-mile belt, all other contracts made by the constitutional body, the Congress, constituting treaties, would have no effect?

Mr. PERKINS. I will say to the gentleman that I will treat your case separately; but if you know of any claim that the Thirteen Original Colonies had to the marginal sea extending 3 miles seaward from low water mark I wish you would explain it to this Committee. You do not contend that they had any such claim then?

Mr. WILSON of Texas. The gentleman answers my question by asking me one. You answer my question first.

Mr. PERKINS. I agree that Texas does have some color of claim, but Texas was admitted to the Union by a resolution of this Congress and she was admitted under the equal footing clause of the Constitution of the United States. She surrendered her ports and harbors and the appurtenances pertaining thereto, and other properties essential for defense. Naturally this included any paramount rights and dominion over the marginal sea or Continental Shelf.

Mr. WILSON of Texas. Such as post offices and other public buildings.

Mr. PERKINS. That is right.

Mr. WILSON of Texas. But they retained their public domain.

Mr. PERKINS. And anything incidental to the defense of Texas.

Mr. WILSON of Texas. But they retained their public domain and public lands.

Mr. PERKINS. That is right, but the public lands and public domain did not include submerged land under the Gulf of Mexico out from the low-water mark extending seaward from the State of Texas.

Mr. WILSON of Texas. Only 3 leagues.

Mr. PERKINS. Well, that is where she surrendered the 3 leagues when Texas was admitted to the Union on an equal footing with the other States.

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

Mr. PERKINS. I yield to the gentleman from New Jersey.

Mr. RODINO. I was trying to make an observation a while ago, that one of the former Members of this House, the late Samuel Hobbs, who was one of the finest constitutional authorities every to sit in this body and a scholar on this question of submerged lands, in his statement to the Committee on the Judiciary stated that there is no case or respectable authority that asserts fee simple title to the 3-mile limit or beyond outwardly.

Mr. WILSON of Texas. Mr. Chairman, will the gentleman yield further?

Mr. PERKINS. Briefly.

Mr. WILSON of Texas. What claim does the Federal Government make as against the Thirteen Colonies? You are talking about what rights the States have. The States retained all rights that they did not give the Federal Government. Now what claim does the Federal Government make to that 3-mile belt?

Mr. PERKINS. The Federal Government has always had the responsibility of defending the Union and to regulate commerce, and, naturally, these things entail certain national responsibilities which make it necessary that our National Government have the paramount right and dominion over the marginal sea.

Mr. WILSON of Texas. This bill gives them those rights.

Mr. PERKINS. And the Federal Government, since the days of Jefferson, and before the days of Jefferson, has asserted and acquired national dominion and control over the marginal sea. And, because of the asserted right of the Federal Government over this area, it has always been the duty of the Federal Government to defend the area, and I have never heard that questioned. In fact, the duty is placed upon our Government by the Constitution to maintain our national defenses, which has always been accepted as the marginal sea. No State has ever questioned that duty and responsibility of our Government. Any claim that may obstruct our Government in being able to properly maintain our defenses over this area, certainly is junior and inferior to the paramount rights of the National Government, and would have to be struck down when the National Government asserts its superior right.

Mr. WILSON of Texas. I insist that this bill protects the Federal Government's rights to control commerce and to use that territory up to the high-water mark for national defense or any other Federal purpose.

Mr. PERKINS. I do not think so. This bill undertakes to do something that would destroy in all probability the sovereign rights of the Federal Government if the courts were to uphold it. This bill authorizes the States to tax property far beyond the marginal sea limit, extending seaward, perhaps out some two or three hundred miles or farther, where oil or gas is extracted from the submerged lands beneath the ocean hundreds of miles out from the coast of Texas, for example. This just does not make sense, it is subsurd, and I do not believe the membership of the House will pass any bill with a provision like that in it. No one can tell what repercussions may result from a provision like this in the bill. We all know such a provision is unwarranted.

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

Mr. PERKINS. I yield to the gentleman from Minnesota.

Mr. McCARTHY. I think as they continue to extend these claims they may run into a paper line of demarcation, and maybe the Portuguese and the Spanish and all the rest of them have a right to this submerged and marginal land.

Mr. BROOKS of Louisiana. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Louisiana.

Mr. BROOKS of Louisiana. I would like to ask the gentleman with reference to national defense. The gentleman says in effect that the United States owns that 3-mile belt because it had to have it for national defense. As I conceive the obligation of the United States Government for national defense, it is to defend the country, whether it be the marginal sea or dry land; I think it has the same obligation. I am going to ask the gentleman if we do not have the same obligation on dry land that we have in these marginal seas, and is there anything in the law or the Constitution or anywhere else that would give the United States title to dry land which it is obligated to defend any more than the marginal sea?

Mr. PERKINS. Certainly we have the right and duty to defend the dry lands, but the gentleman well knows that the States are not equipped to defend this Nation off the coast on the sea. If I used the word "title," perhaps I should modify that statement and use the words "paramount rights and dominion over," the words that the Supreme Court uses.

The gentleman from California [Mr. HILLINGS] made a statement that this would do no harm to the national defense. I challenge that statement. I think it would do great harm, much greater harm than if we were to convey the Teapot Dome properties out in Wyoming back to the State or undertake to give them away to someone else, because today we import oil, we no longer export oil. When the Government set this up as a naval petroleum reserve, and we undertake to remove this property from its reserve status, we are interfering with national defense, and we do not know about the necessities that will face us in the future.

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

Mr. PERKINS. I yield to the gentleman from California.

Mr. HILLINGS. By way of clarification, as I recall my remarks, I said I felt it would not only not harm the United States if we allow the State to develop the natural resources within their historic boundaries but it might even benefit the national-defense program in view of the fine record of the States in World War II in the development of those areas.

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

Mr. PERKINS. I yield to the gentleman from Ohio.

Mr. FEIGHAN. With reference to the national defense and national security, we need the oil; we will agree to that. However, if we give that oil away we will be damaging our national security and national defense to this extent: The Federal Government will have to be paying and paying and paying for that oil which belongs to it. In other words, it will cost the Government billions of dollars for that oil, which the Supreme Court says is theirs.

Mr. YATES. If the gentleman will yield, not only would the Federal Government have to pay billions of dollars for it but it would have to pay a severance tax on top of it.

Mr. WILSON of Texas. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield.

Mr. WILSON of Texas. The gentleman stated a moment ago he just could not understand how a State or local government could be permitted to tax by a a severance tax oil or minerals taken from the public domain. The gentleman is familiar with the Federal Leasing Act with respect to the public domain.

Mr. PERKINS. In a general way, I am familiar with the Federal Leasing Act, but I am familiar with the severance tax laws of several States also.

Mr. WILSON of Texas. Would not this very domain we are talking about, the outer Continental Shelf, become the public domain of the United States if this bill is passed in its present form?

Mr. PERKINS. The Federal Government would have a paramount right to and dominion over any claim of the State of Texas. Naturally, this right would be a superior right to any claim of Texas to develop the mineral resources.

Mr. WILSON of Texas. Would not this territory outside the boundaries of the States become the public domain of the Federal Government?

Mr. PERKINS. Their claim would be much superior to the claim of any State.

Mr. WILSON of Texas. Would it not become the public domain? That is the question.

Mr. PERKINS. I am going to say this: It might become the subject of international controversy, but as between any claim of Texas and the Federal Government, the Federal Government's rights would be paramount, from the standpoint of developing the submerged lands for oil or for any other purpose pertaining to our national defenses.

Mr. BROOKS of Louisiana. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Louisiana.

Mr. BROOKS of Louisiana. If it is not the public domain, who owns the oil there? It has to be the public domain if the United States owns the oil.

Mr. PERKINS. The Federal Government has a paramount right to develop this oil, from a standpoint of national defense. Naturally, this right results from the conduct of foreign affairs, and to regulate commerce, and our duty to provide for the national defense.

Mr. YATES. If the gentleman will yield further, will the gentleman from Louisiana state whether the nation of Mexico owns the Continental Shelf out 9 miles out into the ocean, so that it can prevent our shrimpers from gathering shrimp there?

Mr. WILSON of Texas. I will say this to the gentleman, that if we own the Continental Shelf, if the States own it out to the edge of the Continental Shelf, and the doctrines of the state of Mexico are similar to ours, then the individual states of the state of Mexico would own the land out to the edge of the Continental Shelf.

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

Mr. PERKINS. I yield.

Mr. CELLER. Is it not true that as a result of our initiating this kind of legislation in an attempt to have bills of this character passed that the cue has been given to South American and other countries to extend their seaward limits clear out to their continental shelves, and if that is going to happen all over the world, one can readily perceive the perturbation and turbulence of mind of the State Department. We are a Maritime power and an able power, and therefore there will be and has been already because of this legislation, or attempted legislation, interference with what we traditionally call freedom of the seas.

Mr. PERKINS. The gentleman from New York is exactly right. This bill undertakes at best to divest our Government of rights that the Department of State now will not assert.

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

Mr. PERKINS. I yield.

Mr. FEIGHAN. I think it would be advisable to bring to the attention of the membership, in view of the statements that have been made by some of the Members, that these various States have been claiming for years title or ownership to these submerged lands extending seaward from the low-water mark. That may or may not be true, that some people have made claims. However, the Supreme Court in the California case decided and said very definitely that for the first time this question as to who owns the submerged lands seaward from the low-water mark has come to the Supreme Court and all the arguments were presented to them and they decided that the States never did own or have title to these submerged lands.

Mr. PERKINS. The gentleman is exactly right.

Mr. CELLER. Mr. Chairman, I yield such time as he may desire to the gentleman from Louisiana [Mr. BROOKS].

Mr. BROOKS of Louisiana. Mr. Chairman, at the present time I am not going to use all of my time. I want to extend and revise my remarks at this point.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. BROOKS of Louisiana. Mr. Chairman, I want to say just one word with reference to this matter of national defense from a tidelands viewpoint. Just as a practical matter, we held some hearings some time back in reference to the value of these oil reserves, undiscovered and unexplored for that matter up to the present time. We also held some hearings as to the value of them from a national defense viewpoint. Frankly, after holding extensive hearings, I made up my mind that the oil reserves out in the ocean beyond the coastal lines of the United States would be of very little help to us in time of great national peril. In other words, they would be of little value as far as national defense in time of war. We had the experience in the last war of submarines coming right up to the coastline in the State of Louisiana. I was down there and saw a ship which had been sunk in the mouth of the Mississippi River by submarines.

Mr. PERKINS. Mr. Chairman, will the gentleman yield for a question at this point?

Mr. BROOKS of Louisiana. I yield to the gentleman for a question since he yielded to me for a question.

Mr. PERKINS. The gentleman from Louisiana well knows when you have title to anything, you are able to defend that title. That is from the common law on down. That is so under the Louisiana code and throughout all of the States of the Union as well. If we go ahead here and enact this legislation, and if the Supreme Court upheld the act, how could the State of Louisiana defend its own territory in the event of a controversy?

Mr. BROOKS of Louisiana. You mean from the viewpoint of national defense?

Mr. PERKINS. That is right.

Mr. BROOKS of Louisiana. They would defend it just like you would defend Cincinnati or Chicago or any other place in the United States. We would defend it with everything we have. The obligation under the Constitution for the national defense rests primarily upon the Government of the United States; but the States, too, severally join in the national defense. When the gentleman refers to national defense, he knows we give the States hundreds of millions of dollars to aid in national defense.

The State militia which is the National Guard and the Air National Guard are set up under the authority of the States. The States have an obligation of national defense, as well as does the United States.

Mr. PERKINS. I agree that the States have an obligation for national defense, but your State of Louisiana, under that assumed state of facts, would not have any standing among the nations of this world.

Mr. BROOKS of Louisiana. Yes. The United States has the delegated authority, of course, to speak in international matters, for all of the States; but I was referring to the value of oil deposits out in the ocean, for national defense purposes. I say again that after these extensive hearings we had I do not see any force or logic to the argument that you can establish huge oil and gas reserves out in the waters in the open seas at an expense of multiple millions of dollars.

When war comes and a crisis is upon you, the submarines and airplanes do all the damage and destruction they can. How can you get any comfort out of your explosive material such as oil far out in the ocean in an exposed condition, beyond the ability of the National Government to safely defend such explosive deposits? If the gentleman has a ready answer to that question, I will pause to get his answer.

Mr. McCARTHY. I think the answer the gentleman from Kentucky [Mr. PERKINS] would give is that that is a very compelling argument for having the controlling ownership of these properties vested in the Federal Government.

Mr. BROOKS of Louisiana. It is not an argument for Federal control. It is an argument that we ought to develop those deposits and use them in time of peace. But as far as relying upon those deposits in an exposed position, we all know we cannot do it in time of war, with any degree of safety. When we seek a location for an atomic plant or a nitrogen plant, we go to places that can be safely defended, because they are needed in time of great peril. When you develop oil deposits off the coast, out in an open, exposed sea, you cannot expect in time of peril to have those things safely defended. It cannot be done.

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

Mr. BROOKS of Louisiana. I yield to the gentleman from Pennsylvania.

Mr. EBERHARTER. It seems to me that toward the latter stages of the last war we controlled the sea far beyond where these oil deposits might be, and nobody ever dared to attack us.

Mr. BROOKS of Louisiana. Well, just before Germany went under we did; but if the gentleman has had the experience that I have had and some of the other Members have had, he has flown up and down the Atlantic Coast and seen tanker after tanker burning, because it had been torpedoed or bombed and was going down. We lost hundreds and hundreds of millions of dollars worth of oil which was in tankers moving along the coast, and not in a stationary, exposed place as an oil field in the Continental Shelf. We almost lost the last war at one point on account of submarines sinking our shipping. The new Russian submarine is far more efficient and effective.

Mr. EBERHARTER. I will admit all the gentleman says. That was in the early stages of the war, but after we had gone along we completely controlled the territory for more than a couple of hundred miles, and no attack was ever made upon our ships.

Mr. METCALF. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. METCALF. Mr. Chairman, on March 9 every Member of this House received a letter from Mr. Walter R. Johnson, special counsel for the National Association of Attorneys General. Mr. Johnson's letter enclosed a copy of a statement made by Harold R. Fatzer, attorney general of Kansas and president of the National Association of Attorneys General, in his appearance as a witness before the Senate Committee on Interior and Insular Affairs considering measures relating to submerged lands.

In his letter Mr. Johnson said:

> I wish to call to your particular attention the memorandum set forth listing the officials of States and their political subdivisions (47 of the 48 States) favoring State ownership of submerged lands, in hearings held before the committees of Congress from 1938 to 1952. As indicated in the statement of Attorney General Fatzer, not one State official has ever appeared before the committees of Congress advocating Federal control of the lands involved.

I was somewhat surprised that some official of 47 of the 48 States should have favored State ownership of the submerged lands at various times. I turned to the memorandum prepared to take pride in the consistency of the State of Montana as the one State in the 48 that had held out against this attempt by Congress to nullify decisions of the United States Supreme Court and donate lands and mineral rights belonging to the Federal Government and held in trust for all the people of this Nation to the States.

When I located the part of the memorandum relating to Montana, I was amazed to see that Montana was included as one of the States allegedly favoring State ownership of submerged lands and that the official cited in support of that statement was Hon. R. V. Bottomly, former attorney general of Montana. The date given for Bottomly's support of State ownership of these submerged lands was 1945. Bottomly was the only State official or former State official named from Montana who had ever expressed himself in favor of State ownership of submerged lands and the implication was that by such expression Montana and her State officials and her representatives and her people were in favor of pending legislation to turn the submerged lands over to the States.

Now, R. V. Bottomly is one of Montana's most respected officials and best loved public servants. In addition to serving two 4-year terms as attorney general of Montana, for the past 4 years Bottomly has been associate justice of the Montana Supreme Court. During that entire time I, too, had the honor to serve on the Supreme Court of Montana and Judge Bottomly and I have had many talks about the question of the ownership of submerged lands and I know his feelings about this legislation. I know that he vehemently opposes State ownership of the submerged lands, that he firmly believes in the fundamental legality of the Supreme Court's decision in the three cases involving these submerged lands. More than any other person, lawyer or layman, Judge Bottomly in Montana is regarded as an authority on this question and he is everywhere in that area recognized as the leader of the great group of people that believes these oil-rich offshore lands should be used to help education all over the Nation. Senator MURRAY, who was a cosponsor of Senator HILL's bill to use part of the offshore oil royalties for educational purposes, and then Representative MANSFIELD, now junior Senator from Montana, who introduced a counterpart of the Hill amendment in the House of Representatives last session have both called upon Judge Bottomly for technical assistance and advice on this question.

I wrote to Judge Bottomly and asked him if, in 1945, he had advocated State ownership of these offshore lands. Judge Bottomly replied that in 1945, before the decision in the case of *U. S.* v. *California* (332 U. S. 19, 1947), he joined 45 other attorneys general on a brief in support of the then pending House Joint Resolution 225, 79th Congress. Judge Bottomly says, and I read from his letter:

> I signed this brief on the understanding that the subject matter referred to the tidelands, covered and uncovered by the tidewaters, and included all inland navigable waters as dealt with in the above cited cases.
>
> There has never been any question in my mind but that the States own the tidelands to low water mark and the beds of their navigable waters within their respective borders and all minerals therein; that question has been put to rest many times by our Supreme Court, and that is the only question in my understanding that was covered by the above mentioned brief which I signed, and that was the import that I received from reading the above report of the committee that then had the bill in charge.

Then Judge Bottomly, in his letter to me, continues:

> However, some time thereafter I learned that the true intent of the National Association of Attorneys General was to induce Congress to give to the three States and their assigns, not only the tidelands and the beds of all inland navigable waters but also to the coastal States, the lands and minerals therein on out beyond the tidelands.

After Judge Bottomly, then attorney general, learned of the intentions of the National Association of Attorneys General, he wrote to Walter R. Johnson, then attorney general of Nebraska and president of the association, in 1947. I am reading from Judge Bottomly's file copy of that two-page letter dated November 5, 1947:

> I took no part in regard to the rehearing on the matter (*U. S.* v. *California*) in the Supreme Court because I felt that the decision of the Supreme Court is for the best interests of the State of Montana and all of the other so-called reclamation States.

Judge Bottomly concludes:

> I therefore thought it was only right and proper that I notify you of my stand in this matter, and, as president of the National Association of Attorneys General, I request that my name not be used in any way, shape, or form in furthering the program which is now under way.

In reply to that letter, Attorney General Walter R. Johnson on December 19, 1947, sent Judge Bottomly a four-page letter starting with the following statement, and I am now reading from the original letter:

> HON. R. V. BOTTOMLY,
> *Attorney General of Montana,*
> *State Capitol, Helena, Mont.*
>
> DEAR GENERAL BOTTOMLY: Yours is the first letter I have received from a State attorney general in opposition to congressional action recognizing State ownership of submerged lands.

General Johnson concludes:

> I hope you will reconsider your stand and fight with instead of against our sister States.

The Walter R. Johnson who signed this letter as attorney general of Nebraska, and president of the National Association of Attorneys General in 1947 is the same Walter R. Johnson who is the special counsel for the National Association of Attorneys General in 1953 and who signed the letter dated March 9

and addressed to every Member of the House of Representatives of the 83d Congress.

In his letter to me, Judge Bottomly says:

It is my contention that the above notice to the National Association of Attorneys General that my name could not be used in any way, shape, or form in furthering any legislation contrary to my views expressed to their president in my letter of November 5, 1947, and, as far as I know, this is the first time that such an attempt has been made.

I agree with that contention. I do not know how much research Mr. Fatzer made independently before he appeared before the Senate committee. I suspect that he relied on the counsel for the National Association of Attorneys General to do his research for him. But if Mr. Fatzer made his own search of the testimony and records to compile the statistics in the memorandum that accompanies his statement, his research was superficial because a more thorough job would have revealed that R. V. Bottomly had never actually advocated any legislation transferring title of lands lying to seaward of the low tidemark to the States. He would have found that, on the contrary, Judge Bottomly had, as early as 1947, in statements before congressional committees, advocated Federal ownership of these lands and opposed bills giving title to the States.

Therefore, Mr. Fatzer is mistaken when he says that 47 of 48 States are recorded in hearings as in favor of State ownership of submerged lands. He is also mistaken when he declares in the text of his statement:

At the onset I wish to present for the record a resolution adopted by the association at this 46th annual meeting held last December 10, in support of congressional action confirming and restoring State ownership of lands beneath navigable waters within the boundaries of the respective States.

You have incorporated by reference the record of 14 previous hearings on the submerged lands issue which totals 5,506 pages. In those hearings you will find the names of officials of States and their political subdivisions from 47 of the 48 States, all of whom have favored the States in this controversy; not one, let me repeat again, not one, has advocated Federal control. There has been prepared for your use, and which I would like to have incorporated into the record a list of the said officials, arranged alphabetically by State, and after their names, the year or years in which they made their appearance before the committees of Congress by their personal testimony, statement, letter, telegram, or otherwise.

If Mr. Johnson assisted in the preparation of the testimony, he was in a position to know that the statement was not true and he should have, in candor, corrected it.

Since 1936 the State of Montana has had four attorney generals. They are Judge Bottomly who was attorney general for more than 8 years, Harry J. Freebourn who was attorney general for 4 years and is now an Associate Justice of the Montana Supreme Court, John W. Bonner, later Governor of Montana, and the present attorney general is Arnold Olsen, reelected at the last election for a second term. Everyone of these men, all able lawyers, two of them presently serving as justices of the Montana Supreme Court, are in accord with the correctness of the decisions of the United States Supreme Court in the three cases ruling on the title to offshore lands. In their administrative positions as chief law officers for the State of Montana, they affirmatively declared that they believed that the decisions were correct. Judge Freebourn was attorney general before the offshore controversy arose but he has since declared that he believes these offshore lands and the minerals under them should be and remain the property of the Federal Government. John W. Bonner, both as attorney general and later as Governor of Montana, took the same position. So when Mr. Fatzer implies that State officials do not advocate Federal control of these lands he is misleading the Members of this Congress. In fact, the very records he cites contain statements of some of these men that contradict his declaration that "not one, let me repeat, again, not one has advocated Federal control."

The CHAIRMAN. The time of the gentleman has expired. All time has expired. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That this act may be cited as the "Submerged Lands Act."

Mr. GRAHAM. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. CURTIS of Nebraska, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H. R. 4198) to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, and to provide for the use and control of said lands and resources and the resources of the outer Continental Shelf, directed him to report they had come to no resolution thereon.

GENERAL LEAVE TO EXTEND

Mr. HALLECK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks in connection with the measure under consideration today.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

STORM CLOUDS

The SPEAKER. Under the previous order of the House, the gentleman from Texas [Mr. PATMAN] is recognized for 15 minutes.

Mr. PATMAN. Mr. Speaker, a Member of Congress is a watchman for the people—particularly the people he has the honor to represent. If, from his position where the people have placed him, storm clouds should be discovered by him, it is his duty to warn the people of them.

STOP, LOOK, LISTEN, AND THINK

It is true that economic conditions in our country today are excellent. Not only are times good, but the outlook for the future appears real good. However, there are certain signs that can probably, I believe, be interpreted to mean, at least, caution, and some of them probably indicate that we should not only stop, look, and listen, but we should stop, look, listen, and think. We should think about what has happened before when the same signs appeared.

MONETARY A SUBTLE WEAPON

Any administration using monetary weapons to control our economy should keep in mind that the real effect of such a weapon is not always noticeable until great devastation has come to our country. It is a subtle weapon—one that cannot be evaluated or measured from day to day but is one that has powerful effects. This weapon can cause good times to be converted into bad times before attracting much notice or attention.

GREAT ANNUAL EVENT

One of the greatest annual events in our country is the increase in population. We must keep that in mind and provide for this increase—not necessarily thinking about the increase the year it actually happens but the year when these new arrivals become old enough to be workers. Every year, about three-quarters of a million new workers expect to secure employment. Our economy must be geared to take care of these new workers. If we just kept our economy dead still or on dead center, the increase in new workers would soon cause so much unemployment that our economy would suffer from a recession and then a depression. This problem becomes more serious with a policy of tight money and high interest rates.

In order to take care of these new workers, our gross national product must be increased 3 or 4 percent each year. This expansion is absolutely necessary in order to take care of the new workers and permit our country to expand and progress.

DEFINITE SIGNS

The signs that are disturbing me—if something is not done to change them—could be steps toward unemployment and recession. These signs are tight money, hard money, high interest rates, production and business loans hard to get, and particularly the disastrous decline in United States Government bonds. A few days ago—to be exact, March 25—I discussed here on this floor what I considered to be the disastrous consequences of the Federal Reserve Board's permitting United States Government bond prices to decline. At that time, long term 2½ percent Government's had declined to 94, but before the end of the week, they had declined another point—to 93.

In that speech, I called attention to the enormous decline in Government securities in Great Britain and endeavored to show a similarity between the actions taken over there the last 16 months and the actions that are now

being put into effect by the Federal Reserve Board and the United States Treasury here in the United States.

BRITISH BONDS DOWN TO 60

I did not bring out one point about Government securities in England that I think is worthy of much consideration by officials in the United States, and that is that the 2½ percent securities of the British Government have dropped from $100 to the low point of $60. Other British Government bonds are selling at par, it is true, but they bear 4 percent interest. I wonder if the officials of our Government are expecting our bonds to go down to 60 like they have in England. I wonder if the officials in our Government, including the Federal Reserve Board, of course, expect interest rates to increase almost 100 percent like they have in England. I wonder if our officials expect the policies that they are now putting into effect here which are similar to the policies put into effect in England 16 months ago can cause the stock market to decline as much as 30 percent, as it did in England.

LIFE INSURANCE COMPANIES

Investors in our long-term Government securities, including life-insurance companies, had a right to expect that the Government bond market would be supported by the Open Markets Committee of the Federal Reserve System like it had supported it until March 1951. All during World War II, from December 7, 1941, our Government securities were never permitted to fall below par, or after the war until March 1951. There was speculation, it is true, on these bonds, but the speculation was above par—never below par.

ACTION CALLED FOR AFTER EASTER RECESS

I am convinced if the Federal Reserve Board does not take action soon to support the Government bond market and continues to follow the policy of tight money and high interest, which has in the past led to depressions, that Congress should make this problem its No. 1 problem to be dealt with after Easter and do something about it before it suddenly slips up on us and throws us into another great depression.

WHY DEPRESSIONS?

The Cooper Review—one of the best weekly newspapers in our State—published in the district I have the honor to represent, at Cooper, Tex., had an editorial in its March 27, 1953, issue entitled "Why Depressions?" It is as follows:

WHY DEPRESSIONS?

Dr. Clark Warburton, an economist who works for the Federal Deposit Insurance Corporation in Washington, may have found the answer. If he's right, a number of people should be interested—i. e., just about every man, woman, and child on the globe.

The essence of a depression, Dr. Warburton says, is less spending for goods and services produced by business enterprise. When people spend less, one of two things, or both, must have happened. Either people kept money in their banks or pocketbooks that they might have spent without going too far in the hole, or they had less money to spend. In other words, depressions are caused by a shrinkage in money spending in the market.

Now, say, Dr. Warburton, the question is, does reduced spending precede or follow the shrinkage of the money supply. Modern economists have been saying that depressions begin with a decline in spending, a reduced rate in the use of money, rather than a smaller supply of money.

That's just the reverse of what economists thought 100 years ago. They said that the supply of money shrinks first, and then people begin to spend less. Dr. Warburton agrees. His studies show that by the middle of 1929, peak of the big boom, the Nation's money supply had already been contracting for a year. This was also true in 1937, in advance of the 1938 recession. In fact, shrinkage in the money supply preceded almost all of the 40 recessions and depressions since the American Revolution.

Now for the remedy. Dr. Warburton points out that the money supply in this country today is very largely controlled by the Federal Reserve Banking System. If the Federal Reserve banks operated so as to provide a rate of growth in the legal reserves of member banks for lending purposes corresponding to the rate of growth of money which is needed in the economy for business stability we need fear no major depression, Dr. Warburton thinks. It is not just a question of maintainng a constant supply of money. It is a question of increasing the money supply in proportion to the need.

The fact is depressions are manmade, or at least, permitted by man.

GREEK INDEPENDENCE DAY

The SPEAKER. Under the previous order of the House, the gentleman from Massachusetts [Mr. McCORMACK] is recognized for 10 minutes.

Mr. McCORMACK. Mr. Speaker, by the middle of the 15th century the whole Balkan peninsula and most of southeastern Europe was overrun by the Ottoman Turks, who for more than 300 years ruled over all these areas. In Greece the Turkish regime was stern and unbending, but equally unbending and unyielding were the individualist and liberty-loving Greeks. For more than 300 years they endured the alien rule. They sacrificed much and suffered much. They were roughly manhandled and groups were even massacred. Often their children were sold as slaves. Yet during the course of these centuries the Greeks as a people did not lose their national identity, and they always cherished a dream of political independence. Finally, in proof of their undying loyalty to the sublime ideals of their forefathers, they unfurled the flag of revolt against their oppressors on March 25, 1821, and eventually attained their long-sought independence.

When Archbishop Germanos of Patras led his brave band of followers from the Lavra monastery against the Turkish garrison, he hoped to recreate Greece as a new independent political entity. Fortunately, the daring deeds of this fearless Archbishop were not in vain. From all over Greece the people rallied to his side. In the course of many years of arduous fighting, sometimes against heavy odds, and finally with effective outside aid, they succeeded in clearing Greece of its invaders, and then proclaimed their independence.

The fact that the Greeks were able to win their independence is not only a reason for joyful celebration today, but it is a fact of great significance to all oppressed and enslaved peoples everywhere. If the weak and almost helpless Greeks, after several centuries of subjugation under an alien regime, were able to keep up their national ideals and work ceaselessly for their attainment, then we should not be pessimistic about the peoples sealed off behind the Iron Curtain. For where there is reason to hope, there man's yearning for liberty and independence lives on. And so long as that yearning exists, man will be prepared to translate it into living reality.

Since that memorable day of the 25th of March 1821, the Greeks have made tremendous strides. Of course, since the attainment of their national independence the Greeks, like all nations, have had their share of misfortune, and more than once they have been victims of events over which they had no control. During World War I the Greeks sided with the Allied Powers. During World War II Nazis and Fascists overran the country, and for more than 3 years the Greeks lived in constant terror of these unwelcome invaders. At the end of that conflict the unfortunate civil war, which lasted more than 3 years, almost ruined the country. Finally, Greece was saved from communism, and also from bankruptcy, by British and, above all, by American aid. Our citizens were most happy to have been able to extend assistance to the unfortunate Greeks, and we are most proud of the excellent use which the Greeks have made of such aid. Today, Greece is back on the road to political and economic stability and we consider it a high honor that Greeks and Americans are Allies in the North Atlantic Treaty Organization.

Today we all join Americans of Greek descent and celebrate Greek Independence Day. We pay homage not only to those glorious Greeks of ancient days, not only to the brave fighters for Greek independence, but also to the Greeks of today who so recently successfully repelled the Communist insurrectionists from Greek soil and who now stand ready to defend their freedom at the cost of their very lives.

Throughout the centuries they have always stood and fought for "Liberty under God and law."

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Appendix of the RECORD, or to revise and extend remarks was granted to:

Mr. BENDER in four instances, in each to include extraneous matter.

Mr. UTT in two instances, in each to include extraneous matter.

Mr. MUMMA and to include extraneous matter.

Mr. LECOMPTE and include an editorial from the Knoxville (Iowa) Express.

Mr. CRETELLA and include an editorial from the New Haven Register.

Mr. REED of New York in five instances, in each to include extraneous matter.

Mr. MASON in two instances, in each to include extraneous matter.

Mr. ALLEN of Illinois and to include a short petition.

Mr. BEAMER and include a radio broadcast.

Mr. VAN ZANDT and include extraneous matter.

Mr. SEELY-BROWN and include extraneous matter.

Mr. DAVIS of Georgia and include extraneous matter.

Mr. ABERNETHY and include a speech by the Governor of Mississippi.

Mr. DIES on the subject "Who Was Right?"

Mr. MATTHEWS.

Mr. PRICE and include extraneous matter.

Mr. MCMILLAN and include a resolution adopted by the State Legislature.

Mr. YORTY in four instances, in each to include extraneous matter.

Mr. HAGEN of California in three instances, in each to include extraneous matter.

Mr. ELLIOTT in three instances, in each to include extraneous matter.

Mr. BOLAND and include a resolution.

Mr. LANE in two instances and to include extraneous matter.

Mr. KELLEY of Pennsylvania and to include certain recommendations.

Mr. RAYBURN and to include a speech made at Dallas, Tex., on March 18 by the Hon. Allen G. Kirk, former Ambassador of the United States to the Soviet Union.

Mr. MCCORMACK in two instances, in one to include a splendid editorial in relation to the fine work being done by our colleague from Massachusetts [Mr. LANE] and in the other to include an article by Governor Stevenson which appeared in yesterday's New York Times magazine section.

Mr. SIKES and to include an address.

Mr. JONAS of North Carolina and to include an article on taxation.

Mr. SIMPSON of Pennsylvania and to include an editorial appearing in the Washington Star of March 15, 1953.

Mr. BUSBEY in reference to a new book entitled "A Century of Conflict, Communist Techniques of World Revolution, 1849–1850," and in the second instance to include a resolution by the anti-subversive committee of the Cook County organization, American Legion.

Mr. BUSBEY and to include an article entitled "Permit Communist Conspirators To be Teachers?" which is estimated by the Public Printer to cost $798.

Mr. HUNTER.

Mr. PATTERSON and to include extraneous matter.

Mr. SMITH of Wisconsin in three instances and to include extraneous matter.

Mr. GATHINGS.

Mr. JONAS of Illinois.

Mr. HOFFMAN of Illinois (at the request of Mr. JONAS of Illinois) and to include extraneous matter.

Mr. WOLVERTON in three instances and to include extraneous matter.

Mr. FORD and to include an article, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $189.

Mr. KEARNEY (at the request of Mr. MACK of Washington) and to include extraneous matter.

Mrs. CHURCH and to include extraneous matter.

Mr. WILLIAMS of Mississippi and to include extraneous matter.

Mr. TEAGUE and to include extraneous matter.

Mr. AYRES.

Mr. VAN ZANDT.

Mr. O'KONSKI in two instances.

Mr. MACK of Illinois in two instances, in each to include extraneous matter.

Mr. MARTIN of Iowa covering a résumé of returns to his questionnaire and including some quotations.

Mr. SIEMINSKI in the Appendix in two instances, in appreciation to the Coast Guard.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. CASE (at the request of Mr. HESELTON) on March 30 and 31, on account of illness in family.

ENROLLED JOINT RESOLUTIONS AND BILL SIGNED

Mr. LECOMPTE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H. J. Res. 226. Joint resolution to extend until July 1, 1953, the time limitation upon the effectiveness of certain statutory provisions which but for such time limitation would be in effect until 6 months after the termination of the national emergency proclaimed on December 16, 1950; and

H. J. Res. 229. Joint resolution authorizing the Architect of the Capitol to permit certain temporary construction work on the Capitol Grounds in connection with the erection of a building on privately owned property adjacent thereto.

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1229. An act to continue the effectiveness of the Missing Persons Act, as amended and extended, until February 1, 1954.

JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. LECOMPTE, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval joint resolutions of the House of the following titles:

H. J. Res. 226. Joint resolution to extend until July 1, 1953, the time limitation upon the effectiveness of certain statutory provisions which but for such time limitation would be in effect until six months after the termination of the national emergency proclaimed on December 16, 1950; and

H. J. Res. 229. Joint resolution authorizing the Architect of the Capitol to permit certain temporary construction work on the Capitol Grounds in connection with the erection of a building on privately owned property adjacent thereto.

ADJOURNMENT

Mr. HALLECK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 7 minutes p. m.) the House adjourned until tomorrow, Tuesday, March 31, 1953, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

585. A letter from the General Counsel, Office of the Secretary of Defense, transmitting a draft of legislation entitled "A bill to continue in effect certain appointments as officers and as warrant officers of the Army and of the Air Force"; to the Committee on Armed Services.

586. A letter from the Chairman, Federal Communications Commission, transmitting recommendations for the enactment of legislation amending section 501 of the Communications Act of 1934, as amended; to the Committee on Interstate and Foreign Commerce.

587. A letter from the Acting Administrator, General Services Administration, transmitting a report on tort claims paid by the General Services Administration during the fiscal years 1951 and 1952, pursuant to title 28, section 2673, of the United States Code; to the Committee on the Judiciary.

588. A letter from the Acting Secretary of the Treasury, transmitting a draft of a proposed bill entitled "A bill to amend the act of April 29, 1941, to authorize the waiving of the requirement of performance and payment bonds in connection with certain Coast Guard contracts"; to the Committee on the Judiciary.

589. A letter from the Commissioner, Immigration and Naturalization Service, United States Department of Justice, relative to certain cases involving suspension of deportation, and requesting that they be withdrawn from those before the Congress and returned to the jurisdiction of the Department of Justice; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, pursuant to the order of the House of March 26, 1953, the following bill was reported March 27, 1953:

Mr. REED of Illinois: Committee on the Judiciary. H. R. 4198. A bill to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, and to provide for the use and control of said lands and resources and the resources of the outer Continental Shelf; without amendment (Rept. No. 215). Referred to the Committee of the Whole House on the State of the Union.

Under clause 2 of rule XIII pursuant to the order of the House of March 25, 1953, the following resolution was reported March 27, 1953:

Mr. ALLEN of Illinois: Committee on Rules. House Resolution 193. Resolution for consideration of H. R. 4198, a bill to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, and to provide for the use and control of said lands and resources and the resources of the outer Continental Shelf; without amendment (Rept. No. 216). Referred to the House Calendar.

[*Submitted March 30, 1953*]

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SHORT: Committee on Armed Services. S. 1110. An act to authorize the appointment of a Deputy Director of Central Intelligence; with amendment (Rept. No. 219). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of Nebraska: Committee on Interior and Insular Affairs. H. R. 1551. A bill to declare that the United States holds certain lands in trust for the Minnesota Chippewa Tribe; with amendment (Rept. No. 220). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of Nebraska: Committee on Interior and Insular Affairs. H. R. 1834. A bill to declare that the United States holds certain lands in trust for the Lac Courte Oreilles Band of Lake Superior Chippewa Indians of the State of Wisconsin; without amendment (Rept. No. 221). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of Nebraska: Committee on Interior and Insular Affairs. H. R. 3406. A bill to authorize payment of salaries and expenses of officials of the Klamath Tribe; with amendment (Rept. No. 222). Referred to the Committee of the Whole House on the State of the Union.

Mr. GRAHAM: Committee on the Judiciary. H. R. 4233. A bill to provide for the naturalization of persons serving in the Armed Forces of the United States after June 24, 1950; without amendment (Rept. No. 223). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOPE: Committee on Agriculture. H. R. 1432. A bill to provide price support for the 1952 crop of Maryland tobacco; without amendment (Rept. No. 224). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MILLER of Nebraska: Committee on Interior and Insular Affairs. H. R. 2154. A bill authorizing the issuance of a patent in fee to Leona Hungry; without amendment (Rept. No. 217). Referred to the Committee of the Whole House.

Mr. MILLER of Nebraska: Committee on Interior and Insular Affairs. H. R. 2364. A bill to terminate restrictions against alienation on land owned by William Lynn Engles and Maureen Edna Engles; with amendment (Rept. No. 218). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SIMPSON of Pennsylvania:

H. R. 4294. A bill to extend the authority of the President to enter into trade agreements under section 350 of the Tariff Act of 1930, as amended, and for other purposes; to the Committee on Ways and Means.

By Mr. BOYKIN:

H. R. 4295. A bill to provide for the repair, restoration, and preservation of the U. S. S. *Hartford*, flagship of Admiral Farragut; to the Committee on Armed Services.

By Mr. BROYHILL:

H. R. 4296. A bill to amend the Civil Service Retirement Act of May 29, 1930, as amended, with respect to years of service required for eligibility for retirement in the case of voluntary and involuntary separation from the service; to the Committee on Post Office and Civil Service.

By Mr. CELLER:

H. R. 4297. A bill to authorize the Attorney General to suspend deportation and admit for permanent residence under section 244 of the Immigration and Nationality Act certain aliens who have served honorably in the Armed Forces of the United States; to the Committee on the Judiciary.

By Mr. FALLON:

H. R. 4298. A bill to relinquish the exclusive jurisdiction of the United States over Federal lands within the State of Maryland, and to provide that the United States and the State of Maryland shall hereafter exercise concurrent jurisdiction over such lands; to the Committee on Public Works.

By Mr. GORDON:

H. R. 4299. A bill to provide for the acquisition of a site and preparation of plans and specifications for a new postal building to house the Wicker Park postal station in Chicago, Ill., and for other purposes; to the Committee on Public Works.

By Mr. HAYS of Arkansas:

H. R. 4300. A bill to aid in promoting employment opportunities for members of minority groups; to the Committee on Education and Labor.

By Mr. HIESTAND:

H. R. 4301. A bill to amend the Internal Revenue Code to provide that gain or loss from the sale or exchange of certain property held for more than 2 years shall be treated as a long-term capital gain or loss; to the Committee on Ways and Means.

By Mr. KNOX:

H. R. 4302. A bill to revive and reenact the act entitled "An act authorizing the State of Michigan, acting through the International Bridge Authority of Michigan, to construct, maintain, and operate a toll bridge or series of bridges, causeways, and approaches, thereto, across the St. Marys River, from a point in or near the city of Sault Ste. Marie, Mich., to a point in the Province of Ontario, Canada," approved December 16, 1940; to the Committee on Foreign Affairs.

By Mr. LANE:

H. R. 4303. A bill to further encourage the distribution of fishery products, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. McCORMACK:

H. R. 4304. A bill to amend the National Security Act of 1947 and related laws so as to provide for an Assistant Secretary of Defense for Research and Development, for a corresponding officer for each of the military departments, and for a Defense Research Council; to the Committee on Armed Services.

By Mr. MAILLIARD:

H. R. 4305. A bill to authorize additional appropriations for the lower San Joaquin River project; to the Committee on Public Works.

By Mr. MATTHEWS:

H. R. 4306. A bill to amend the Internal Revenue Code to provide that individuals may deduct certain life-insurance premiums; to the Committee on Ways and Means.

By Mr. PRICE:

H. R. 4307. A bill to equalize certain retirement benefits for commissioned officers of the Armed Forces; to the Committee on Armed Services.

By Mr. RABAUT:

H. R. 4308. A bill to authorize the Postmaster General to provide for the use in first- and second-class post offices of a special canceling stamp or postmarking die bearing the words "In God We Trust"; to the Committee on Post Office and Civil Service.

By Mrs. ST. GEORGE:

H. R. 4309. A bill to amend section 607 (b) of the Lanham Act so as to provide for preference for former owners in connection with the sale of certain dwellings under that act; to the Committee on Banking and Currency.

By Mr. SIMPSON of Pennsylvania:

H. R. 4310. A bill to amend the Internal Revenue Code with respect to admissions taxes; to the Committee on Ways and Means.

H. R. 4311. A bill to amend section 112 of the Internal Revenue Code with respect to the sale of Treasury stock; to the Committee on Ways and Means.

By Mr. YORTY:

H. R. 4312. A bill to amend the Internal Revenue Code to permit the taxpayer to deduct, as a business expense, the cost of providing care for children under 14 years of age, if such care is for the purpose of enabling the taxpayer to be gainfully employed; to the Committee on Ways and Means.

By Mr. DAWSON of Utah:

H. R. 4313. A bill to clarify the status of mining claims in areas held under an oil and gas prospecting permit or lease and to encourage the exploration and development of fissionable source minerals; to the Committee on Interior and Insular Affairs.

By Mr. FINO:

H. R. 4314. A bill to amend the Internal Revenue Code Act of February 10, 1939; to the Committee on Ways and Means.

By Mr. HILLELSON:

H. R. 4315. A bill to prohibit the imposition of concurrent sentences in certain cases; to the Committee on the Judiciary.

By Mr. HORAN:

H. R. 4316. A bill to amend section 22 of the Agricultural Adjustment Act, to strengthen its provisions providing for the imposition of import quotas on agricultural commodities when imports of such commodities tend to interfere with price support or other programs administered by the Department of Agriculture, to transfer its administration to the United States Department of Agriculture, and for other purposes; to the Committee on Agriculture.

By Mr. SIMPSON of Pennsylvania:

H. R. 4317. A bill relating to the temporary free importation of samples under bond for exportation; to the Committee on Ways and Means.

By Mr. STRINGFELLOW:

H. R. 4318. A bill to clarify the status of mining claims in areas held under an oil-and-gas prospecting permit or lease and to encourage the exploration and development of fissionable-source minerals; to the Committee on Interior and Insular Affairs.

By Mr. SCRIVNER:

H. R. 4319. A bill to authorize tax refunds on cigarettes lost in the floods of 1951; to the Committee on the Judiciary.

By Mr. DAWSON of Utah:

H. R. 4320. A bill to amend the Tariff Act of 1930, as amended, to provide a flexible duty on the importation of lead and zinc so as to stabilize the domestic production of such articles; to the Committee on Ways and Means.

By Mr. FERNANDEZ:

H. R. 4321. A bill to establish quota limitations on imports of foreign residual fuel oil; to the Committee on Ways and Means.

By Mr. FOGARTY:

H. R. 4322. A bill to amend the Armed Services Procurement Act of 1947, with respect to the procurement of supplies from small-business concerns; to the Committee on Armed Services.

By Mr. HAYS of Arkansas:

H. J. Res. 231. Joint resolution proposing an amendment to the Constitution relating to the qualifications of electors; to the Committee on the Judiciary.

By Mr. ROBESON of Virginia:

H. J. Res. 232. Joint resolution establishing the Jamestown-Williamsburg-Yorktown Celebration Commission, and for other purposes; to the Committee on the Judiciary.

By Mrs. ROGERS of Massachusetts:

H. J. Res. 233. Joint resolution authorizing the President of the United States to proclaim April 19 of each year Patriots' Day for the commemoration of the events that took place on April 19, 1775; to the Committee on the Judiciary.

By Mr. REED of New York:

H. J. Res. 234. Joint resolution authorizing an appropriation to defray the expenses of the annual meeting of the Interparliamentary Union for the year 1953, to be held in Washington, D. C.; to the Committee on Foreign Affairs.

MEMORIALS

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

By Mr. DEMPSEY: Memorial of the 21st Legislature of the State of New Mexico, me-

morializing the Congress of the United States to provide for the construction of a water storage reservoir to be known as the Nambe Dam and to be located on the Nambe River within the Pojoaque soil conservation district, New Mexico; to the Committee on Agriculture.

Also, memorial of the Senate, 21st Legislature of the State of New Mexico to the Congress of the United States of America, regarding the construction of a series of small dams at the head of the streams, on the Coyote, the Agua Negra, the Cebolla, the Sapello, and the Manuelitas Creeks, in Mora and San Miguel Counties, N. Mex.; to the Committee on Interior and Insular Affairs.

Also, memorial of the 21st Legislature of the State of New Mexico to the President and Congress of the United States relating to Indians; to the Committee on Interior and Insular Affairs.

Also, memorial of the 21st Legislature of the State of New Mexico, requesting the Congress of the United States to grant to the State of New Mexico for the benefit of the Museum of New Mexico 500,000 acres of public lands of the United States within the State of New Mexico; to the Committee on Interior and Insular Affairs.

Also, memorial of the House, 21st Legislature of the State of New Mexico, to the Congress of the United States of America, regarding the construction of a series of small dams at the head of the streams, on the Coyote, the Agua Negra, the Cebolla, the Sapello, and the Manuelitas Creeks in Mora and San Miguel counties, N. Mex.; to the Committee on Interior and Insular Affairs.

Also, memorial of the 21st Legislature of the State of New Mexico memorializing the Congress of the United States of America to remove the prohibition in section I of the compact between the United States and the State of New Mexico relating to the sale, barter, etc., of intoxicating liquor in New Mexico to Indians; to the Committee on the Judiciary.

Also, memorial of the House, 21st Legislature, State of New Mexico, to the Congress of the United States and to the New Mexico congressional delegation relating to a proposed amendment to the Constitution of the United States to effect a change in the method of electing the President and the Vice President of the United States; to the Committee on the Judiciary.

Also, memorial of the 21st Legislature of the State of New Mexico to the Congress of the United States requesting the enactment of legislation to appropriate moneys for the construction of Los Esteros Dam on the Pecos River in Guadalupe County, N. Mex., for flood control, power, and reservoir; to the Committee on Public Works.

Also, memorial of the House, 21st Legislature of the State of New Mexico, memorializing the Congress of the United States to enact legislation to exempt pensions or moneys received from labor-union funds from taxation by the Federal Government; to the Committee on Ways and Means.

Also, memorial of the 21st Legislature, State of New Mexico, memorializing the Congress of the United States to repeal the provisions of title 16 of the United States Code providing for taxes upon the sale of toilet preparations and upon the sale of wallets, ladies' handbags, and similar handbags and similar articles; to the Committee on Ways and Means.

Also, memorial of the 21st Legislature of the State of New Mexico, memorializing the Congress of the United States to enact Senate bill 397, introduced in the 1st session of the 83d Congress, constituting the State of New Mexico as a separate customs collection district; to the Committee on Ways and Means.

Also, memorial of the 21st Legislature of the State of New Mexico, memorializing the Interstate Commerce Commission to expedite hearings now pending and render a decision equalizing freight rates in the Southwest region, including New Mexico; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the 21st Legislature of the State of New Mexico, memorializing Congress to refrain from passage of Senate bill 281, giving the Interstate Commerce Commission jurisdiction over the discontinuance of intrastate railroad services; to the Committee on Interstate and Foreign Commerce.

By Mr. HILL: Memorial of the Legislature of the State of Colorado memorializing the Congress to enact legislation providing for distribution of revenue derived from the development of oil and gas deposits of the United States to the several States and the District of Columbia for purposes of education; to the Committee on the Judiciary.

Also, memorial of the Legislature of the State of Colorado memorializing the Congress to cause a postage stamp to be issued in honor of Kit Carson; to the Committee on Post Office and Civil Service.

By Mr. PATTEN: Memorial of the Arizona State Legislature, that the President and the Congress give earnest consideration to the early construction of an Air Force Academy at a suitable location in the State of Arizona; to the Committee on Armed Services.

Also, memorial of the Arizona State Legislature, that the Congress leave in status quo section 4 of the Interstate Commerce Act, in the interests of equity and well-established need; to the Committee on Interstate and Foreign Commerce.

By Mr. RHODES of Arizona: Memorial of the Arizona State Legislature requesting that the Congress leave in status quo section 4 of the Interstate Commerce Act, in the interests of equity and well-established need; to the Committee on Interstate and Foreign Commerce.

By the SPEAKER: Memorial of the Legislature of the State of Arizona, relating to the Interstate Commerce Act; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Legislature of the State of California, memorializing the President and the Congress of the United States, relative to the location of the new Air Force Academy; to the Committee on Armed Services.

Also, memorial of the Legislature of the State of California, memorializing the President and the Congress of the United States, proposing an amendment to the Constitution of the United States relative to the making of treaties and Executive agreements; to the Committee on the Judiciary.

Also, memorial of the Legislature of the State of Colorado, memorializing the President and the Congress of the United States, to enact legislation providing for distribution of revenue derived from the development of oil and gas deposits of the United States to the several States and the District of Columbia for purposes of education; to the Committee on the Judiciary.

Also, memorial of the Legislature of the State of Colorado, memorializing the President and the Congress of the United States, to cause a postage stamp to be issued in honor of Kit Carson; to the Committee on Post Office and Civil Service.

Also, memorial of the Legislature of the State of Kansas, memorializing the President and the Congress of the United States, to take immediate action to halt the preliminary work now in progress for the construction of Tuttle Creek Dam on the Big Blue River in Kansas, until debatable issues have been resolved as recommended by the independent board of engineers appointed by the Governor of Kansas; to the Committee on Public Works.

Also, memorial of the Legislature of the State of Montana, memorializing the President and the Congress of the United States, requesting passage of legislation and a supplemental appropriation to provide adequate facilities and operating funds so that veterans in need of treatment can obtain treatment in Veterans' Administration facilities in Montana; to the Committee on Appropriations.

Also, memorial of the Legislature of the State of New Mexico, memorializing the President and the Congress of the United States to enact legislation which would establish an American Foreign Legion; to the Committee on Armed Services.

Also, memorial of the Legislature of the State of New Mexico, memorializing the President and the Congress of the United States to enact legislation to provide a system which would permit persons absent from this country on election day to vote for the President and Vice President of the United States; to the Committee on House Administration.

Also, memorial of the Legislature of the State of New Mexico, memorializing the President and the Congress of the United States to provide for a system of absentee voting which would permit persons who are absent from their home States on any presidential election day to vote for their President and Vice President; to the Committee on House Administration.

Also, memorial of the Legislature of the State of New Mexico, memorializing the President and the Congress of the United States regarding the construction of a series of small dams at the head of the streams, on the Coyote, the Manuelitas Creeks, in Mora and San Miguel Counties, N. Mex.; to the Committee on Interior and Insular Affairs.

Also, memorial of the Legislature of the State of New Mexico, memorializing the President and the Congress of the United States to grant to the State of New Mexico for the benefit of the museum of New Mexico 500,000 acres of public lands of the United States within the State of New Mexico; to the Committee on Interior and Insular Affairs.

Also, memorial of the Legislature of the State of New Mexico, memorializing the President and the Congress of the United States, requesting enactment of legislation to appropriate moneys for the construction of Los Esteros Dam on the Pecos River in Guadalupe County, N. Mex., for flood control, power, and reservoir; to the Committee on Public Works.

Also, memorial of the Legislature of the State of New Mexico, memorializing the President and the Congress of the United States, requesting enactment of Senate bill 397, constituting the State of New Mexico as a separate customs collection district; to the Committee on Ways and Means.

Also, memorial of the Legislature of the State of New Mexico, memorializing the President and the Congress of the United States to refrain from passage of Senate bill 281, giving the Interstate Commerce Commission jurisdiction over the discontinuance of intrastate railroad services; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Legislature of the State of Utah, memorializing the President and the Congress of the United States to pass an act requiring imported trout sold in the United States be labeled as to origin and date of processing and imposing fine for failure to comply or for wrongful removal of said labels; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Legislature of the State of Vermont, memorializing the President and the Congress of the United States to support the agricultural conservation program; to the Committee on Agriculture.

Also, memorial of the Legislature of the Territory of Alaska, memorializing the President and the Congress of the United States, urging the amendment of the Federal income tax laws to provide that Alaskan taxpayers receive a $1,200 personal exemption and a $900 exemption for each dependent; to the Committee on Ways and Means.

Also, memorial of the Legislature of the Territory of Alaska, memorializing the President and the Congress of the United States, requesting appropriate legislation be enacted authorizing the attachment of moneys owed by Federal agencies and instrumentalities to their employees; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. BAKER:

H. R. 4323. A bill for the relief of the city of Harriman school district; to the Committee on the Judiciary.

H. R. 4324. A bill for the relief of Joe Cameron Construction Co., Inc.; to the Committee on the Judiciary.

By Mr. BARRETT:

H. R. 4325. A bill for the relief of Gerassimos Doryzas; to the Committee on the Judiciary.

By Mr. BUCKLEY:

H. R. 4326. A bill for the relief of Arthur Weingarten; to the Committee on the Judiciary.

By Mr. DONOHUE:

H. R. 4327. A bill for the relief of George P. Provencal; to the Committee on the Judiciary.

By Mr. FULTON:

H. R. 4328. A bill for the relief of Mrs. Edith D. Williamson; to the Committee on the Judiciary.

By Mr. HILLINGS:

H. R. 4329. A bill for the relief of Huntington, McLaren & Co.; to the Committee on the Judiciary.

By Mr. KELLEY of Pennsylvania:

H. R. 4330. A bill for the relief of Dr. Orlando Artuso and family; to the Committee on the Judiciary.

By Mr. KEOGH:

H. R. 4331. A bill for the relief of Franco Gerbino; to the Committee on the Judiciary.

By Mr. MOSS:

H. R. 4332. A bill for the relief of Willie C. Hung; to the Committee on the Judiciary.

By Mr. MULTER:

H. R. 4333. A bill for the relief of Ivan Citrin; to the Committee on the Judiciary.

By Mr. O'BRIEN of Michigan:

H. R. 4334. A bill for the relief of Juan Moreno, Josephine Moreno, and Arturo Moreno; to the Committee on the Judiciary.

By Mr. POULSON:

H. R. 4335. A bill for the relief of Cesare Buia, Gabriella Buia, and Daniela Buia; to the Committee on the Judiciary.

H. R. 4336. A bill for the relief of Gustave Aldimars Freibergs (alias Gus Freiberg); to the Committee on the Judiciary.

H. R. 4337. A bill for the relief of Arturo A. Ignacio, Jr.; to the committee on the Judiciary.

By Mr. PRICE:

H. R. 4338. A bill for the relief of the E. J. Albrecht Co.; to the Committee on the Judiciary.

H. R. 4339. A bill for the relief of Abbas Salahi; to the Committee on the Judiciary.

By Mr. REED of Illinois:

H. R. 4340. A bill for the relief of Charles J. Abarno and others; to the Committee on the Judiciary.

By Mr. ROBSION of Kentucky:

H. R. 4341. A bill for the relief of Kurt Glaser; to the Committee on the Judiciary.

By Mr. SCHENCK:

H. R. 4342. A bill for the relief of Carl R. Marten; to the Committee on the Judiciary.

By Mr. SCOTT (by request):

H. R. 4343. A bill for the allowance of certain claims, not heretofore paid, for indemnity for spoliations by the French prior to July 31, 1801, as reported by the Court of Claims; to the Committee on the Judiciary.

By Mr. SHORT:

H. R. 4344. A bill for the relief of Marina Fioralbi (Mikelle S. Korver); to the Committee on the Judiciary.

By Mr. SIEMINSKI:

H. R. 4345. A bill for the relief of Dr. Constantine E. Constantinidis; to the Committee on the Judiciary.

By Mr. SIKES:

H. R. 4346. A bill for the relief of Constantin Phedon Manoli; to the Committee on the Judiciary.

By Mr. THORNBERRY:

H. R. 4347. A bill for the relief of Pier Luigi Borghesi Stewart; to the Committee on the Judiciary.

By Mr. WALTER:

H. R. 4348. A bill for the relief of Arvids Kulitis; to the Committee on the Judiciary.

By Mr. WICKERSHAM:

H. R. 4349. A bill for the relief of Phil Wallace; to the Committee on the Judiciary.

By Mr. WIDNALL:

H. R. 4350. A bill for the relief of Ralph Richard Vanderveld; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

118. By Mr. BENTLEY: Resolution adopted by the Erie County Medical Society of New York, and endorsed by the Shiawassee County Medical Society of Michigan, with reference to the "doctor draft" law (Public Law 779) and requesting that it be revised to provide that physicians reaching their 51st birthday be divided into two groups, and that it should be taken out of the hands of local selective service boards and placed in the hands of a special selective-service board one for each county or medical society district; to the Committee on Armed Services.

119. By the SPEAKER: Petition of the city of Newport, R. I., urging the Department of the Army of the United States not to curtail activities at Fort Adams, in Newport, R. I., by removing the Narragansett Bay Marine Shop, 1112th Army Service Unit from Fort Adams; to the Committee on Armed Services.

120. Also, petition of the National Secretary of the National Sojourners, Washington, D. C., for the development of true patriotism and Americanism throughout the Nation and the opposing of any influence calculated to weaken the national security; to the Committee on Foreign Affairs.

121. Also, petition of the Mayors Committee on Off-Shore Oil, Philadelphia, Pa., relative to the mayor's statement on off-shore oil signed by the mayors of 27 larger United States cities; to the Committee on the Judiciary.

122. Also, petition of the city clerk, Boston, Mass., requesting the extension of Federal rent control; to the Committee on Banking and Currency.

123. Also, petition of the city clerk, Boston, Mass., requesting the adoption of the Joseph Lee stamp bill, S. 984; to the Committee on Post Office and Civil Service.

124. Also, petition of Lee Ora Brown, and others, of Orlando, Fla., requesting passage of H. R. 2446 and H. R. 2447, social-security legislation known as the Townsend plan; to the Committee on Ways and Means.

125. Also, petition of William Ubbens, and others, of Daytona, Fla., requesting passage of H. R. 2446 and H. R. 2447, social-security legislation known as the Townsend plan; to the Committee on Ways and Means.

126. Also, petition of L. J. Chandler, and others, of Daytona Beach, Fla., petitioning consideration of their resolution with reference to the enactment of H. R. 2446 and H. R. 2247, proposed social-security legislation known as the Townsend plan; to the Committee on Ways and Means.

HOUSE OF REPRESENTATIVES

TUESDAY, MARCH 31, 1953

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D. D., offered the following prayer:

God of all majesty and mercy by Thy grace we have entered upon Holy Week, commemorating days in the life of our Lord whose solemn and sacred significance our finite minds cannot comprehend.

Wilt Thou give us the interpreting light of Thy divine spirit as we seek to contemplate the meaning of His sufferings and death and resurrection.

We rejoice that when there was no eye to pity, no heart to comfort, and no arm to save, then in the fullness of time Thou didst send thine only begotten Son to be our Saviour.

Help us to understand more clearly that the kingdom of truth and righteousness for which we are hoping and praying and laboring can only be established through the power of sacrificial love.

Hear us in His name. Amen.

The Journal of the proceedings of yesterday 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 bills and a joint resolution of the House of the following titles:

H. R. 759. An act for the relief of Hisami Yoshida;

H. R. 861. An act for the relief of Edith Marie Paulsen;

H. R. 1192. An act for the relief of Steve Emery Sobanski;

H. R. 3062. An act to amend section 3841 of the Revised Statutes relating to the schedules of the arrival and departure of the mail, to repeal certain obsolete laws relating to the postal service, and for other purposes;

H. R. 3073. An act to amend the Civil Service Retirement Act of May 29, 1930, with respect to the survivorship benefits granted to Members of Congress;

H. R. 3658. An act to extend for an additional 2 years the existing privilege of free importation of gifts from members of the Armed Forces of the United States on duty abroad;

H. R. 3659. An act to extend until July 1, 1955, the period during which personal and household effects brought into the United States under Government orders shall be exempt from duty; and

H. J. Res. 223. Joint resolution providing that Reorganization Plan No. 1 of 1953 shall take effect 10 days after the date of the enactment of this joint resolution.

The message also announced that the Senate had passed bills and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 41. An act to further amend the act of June 15, 1917, as amended;

S. 55. An act for the relief of Carol Lynn Barbara Hecht;

S. 69. An act for the relief of Dr. Peter C. T. Kao;

S. 71. An act for the relief of Bernard W. Olson;

S. 142. An act for the relief of Norman S. MacPhee;