

liest possible moment. The grave errors of the past decade must not be permitted to repeat themselves.

Mr. KEM. Mr. President, I ask unanimous consent that I may address the Senate for a few minutes in support of the resolution just submitted by the Senator from Nebraska.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Senator from Missouri may proceed.

Mr. KEM. Mr. President, I am glad of an opportunity to join the Senator from Nebraska [Mr. BUTLER] as a sponsor for the resolution submitted by him. Once again history repeats itself.

In December 1950, only slightly more than a year ago, another crucial conference was under way between the President of the United States and the Prime Minister of Great Britain. Mr. Attlee was then Prime Minister. The negotiations at that time were strikingly similar to those now under way between the President and Prime Minister Churchill.

The conference a year ago was conducted in a supersecret atmosphere. So is the present one.

Among the principal items on the agenda then were supposed to have been the situation in Korea, additional assistance to the faltering British economy, and the challenge of Red China and the Soviet Union. These same items, it is reported, are under discussion now.

Then, as now, the American people learned of the secret negotiations through hand-outs to the press from the White House. Then, as now, press hand-outs were ambiguously phrased, and contained little definite or specific information.

Then, as now, the representatives of the people in the Congress were kept in the dark on the progress and outcome of the far-reaching negotiations. It is a "papa knows best" proceeding in which the Congress and the people occupy the role of minor children.

On December 6, 1950, while the conference between President Truman and Prime Minister Attlee was under way, I submitted, on behalf of myself and 23 other Senators, a resolution similar in purpose to that now presented by the Senator from Nebraska.

The resolution I submitted at that time was designed to accomplish two things:

First, to obtain a full report from the President on the results of the conference between him and Prime Minister Attlee.

Second, to prevent the President from making agreements with the Prime Minister affecting in any important way the course of action of this country, except by treaty entered into with the advice and consent of the Senate, as provided by the Constitution.

Mr. President, those of us who sponsored what has been called "the anti-secret deal resolution" in December 1950, made every effort to have it considered promptly by the Senate. The majority leadership succeeded in blocking our attempts to secure action in the Senate, and the resolution was eventually referred to the Senate Committee on Foreign Relations. There the resolution

came to rest in a convenient pigeonhole. It never thereafter came to light.

I had indulged the hope that the Senator from Texas [Mr. CONNALLY], the chairman of the Committee, would interest himself in preserving and strengthening the constitutional functions of the Senate in the field of foreign relations by allowing my resolution to come to a vote in the Senate. In this I was disappointed.

I hope that a different fate awaits the resolution submitted today by my friend from Nebraska. I hope that the majority leadership will now cooperate in efforts to obtain early action on the resolution. I hope the Senator from Texas will not acquiesce in any attempt of the President to bypass the Senate in his latest agreements or arrangements with the British Government. Whether we like it or not, it is the business of the Senate to prevent more Yaltas or Potsdams.

We still know very little or nothing about the agreements reached by the President and Mr. Attlee a year ago. No official report was ever made to the Congress or to the people by the President. At the conclusion of that conference British newspapermen were given to understand at a confidential briefing session held at the British Embassy that Mr. Attlee got everything he came over here to get and that he made no concessions.

Events since indicate that this is substantially true.

The British have continued to receive bountiful, if not efficacious assistance from the United States, further straining our economy.

Yet we now learn that the British gold reserves are again at a perilous low.

The British continue to sell strategic war materials to the Communists who are killing our boys in Korea.

The British still recognize barbarous Red China.

The results of Mr. Truman's secret deals with Prime Minister Attlee are further convincing proof that secret deals are no substitute for a foreign policy openly arrived at within the framework of constitutional government. The war in Korea goes on and on, and the President tells us that "the world still walks in the shadow of another world war."

During and after World War II, our leaders took a so-called calculated risk that they could do business with Stalin. They gambled—and our people lost. As a result, we find ourselves in greater danger than ever before in history. The decision as to how to meet the present crisis must be sound and realistic. We cannot afford to take more calculated risks with the security of our people.

Mr. President, 34 years ago President Wilson announced his famous 14-point peace program. President Wilson's first point was:

Open covenants of peace, openly arrived at, after which there shall be no private international understandings of any kind, but diplomacy shall proceed always frankly and in the public view.

That was good advice then, Mr. President, and it is good advice today. It is time, indeed, for our international re-

lations to be open, aboveboard, and explicit.

The decisions made at the conferences now under way between Mr. Truman and Mr. Churchill will be far reaching in their implications. They may mean life or death for millions of Americans.

The Congress, the elected representatives of the people, must exercise fully its constitutional duties to prevent one man, or a small group of men, from again embarking on a course of disaster.

Article II, section 2, of the Constitution provides:

The President * * * shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur.

Webster defines a treaty as "an agreement or arrangement made by negotiation or diplomacy."

If an "agreement or arrangement" results from the diplomatic negotiations now under way, it should be submitted to the Senate for ratification as required by the Constitution.

The fathers, mothers, sons, and daughters of America should know in advance what they are getting into. After all, this is our country. It is the blood of our people that will be shed—a decision reached in accordance with the principles of our Constitution should determine when and where it shall be shed.

Mr. President, as I said a year ago, I have no illusions or delusions as to the superior wisdom of Members of Congress, as individuals, under all circumstances. I do have an abiding faith in our constitutional processes. When a proposed course of action is tested in the crucible of debate on the floor of the Senate or House, reports are carried throughout the Nation via newspaper, radio, and television. Editors, commentators and columnists express their opinions. The people are able to inform themselves as to the pros and cons of the matter under discussion, and to make their decisions known by letters, telegrams, and so forth, to their representatives in Congress.

How much longer will we permit our foreign policy to be a secret, personal substitute for decisions arrived at openly, and representing the considered judgment of the American people?

TITLE TO CERTAIN SUBMERGED LANDS

Mr. CONNALLY. Mr. President, I submit a resolution which I shall read:

Resolved, That the Committee on Interior and Insular Affairs be discharged from the further consideration of the bill (H. R. 4484) 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, to provide for the use and control of said lands and resources, and to provide for the use, control, exploration, development, and conservation of certain resources of the Continental Shelf lying outside of State boundaries.

Mr. O'MAHONEY. Mr. President, as chairman of the Committee on Interior and Insular Affairs I wish the RECORD to be quite clear. I do not desire anyone to draw the inference from the submission

of the resolution of discharge by the Senator from Texas [Mr. CONNALLY] that the Committee on Interior and Insular Affairs has been at all negligent in the consideration of what is popularly known as the tidelands problem. I do not know of any issue which has arisen in Congress in many years which is more controversial than this issue. As a matter of fact, the battle to surrender to the States the oil-bearing lands under the open sea has been carried on over a period of almost 10 years, and unsuccessfully.

A few years ago Congress passed a joint resolution which quit-claimed these lands to the coastal States. The joint resolution was vetoed by the President of the United States, and it was not re-passed over the President's veto.

Convinced that no such legislation could be passed over the President's veto, I framed a joint resolution during the last session of Congress, and the Senator from New Mexico [Mr. ANDERSON] and I introduced it. It is Senate Joint Resolution 20. It has been called the interim bill.

The purpose of the joint resolution is to permit the Secretary of the Interior to confirm good-faith leases issued by the States on lands under the open sea, so that the operation of the lands may be commenced immediately. It would prevent any delay in development and exploration. The Senator from New Mexico and I introduced the joint resolution on January 18, 1951, approximately a year ago.

In February and March of last year full-scale hearings were held upon the joint resolution, as well as upon a bill, S. 940, which had been introduced by the senior Senator from Florida [Mr. HOLLAND] and 34 other Senators. The bill was very similar to the bill mentioned in the resolution of discharge submitted by the senior Senator from Texas.

As I say, hearings were held on the two measures. The committee voted not to report S. 940, and to proceed with the consideration of the so-called interim bill.

Sometime in March the distinguished Senator from South Dakota [Mr. CASE] introduced a bill, which may be properly called the Federal water lands reserve bill. It is S. 1090. That measure is also before our committee.

On June 7, the distinguished and able Senator from Alabama [Mr. HILL] introduced an amendment, to provide that some of the proceeds from the development of the oil lands under the open sea should be used for the promotion of education.

Early in June the Senator from Louisiana [Mr. LONG] began to urge upon the committee the adoption of certain amendments to the so-called interim bill, which is the joint resolution introduced by the Senator from New Mexico and myself. The committee held numerous sessions, and the amendments were under active consideration.

I venture to say that all the newspaper reporters in the Senate Press Gallery who follow the problem of submerged lands, will testify to the fact that the actions of our committee, as well as its

failure to act, were a constant source of news. Publication was made broadside throughout the United States.

In any event, Mr. President, the amendments offered by the Senator from Louisiana, the purpose of which was to increase control by the States, were under consideration.

It was not until August 1951 that the bill mentioned by the resolution of the Senator from Texas came to the Senate. The bill is known as the Walter bill, and is H. R. 4484. After it was passed by the House and sent to the Senate it was referred to the Committee on Interior and Insular Affairs.

All through August and September and in October the Committee on Interior and Insular Affairs considered all the measures relating to this problem in all its various aspects.

An amendment was offered by the Senator from Montana [Mr. MURRAY] to add a new provision to the O'Mahoney-Anderson joint resolution, and that amendment was under discussion before the committee.

The Senator from New Mexico and I made numerous efforts to get the so-called interim bill reported, so that it would be on the calendar and ready for action by the Senate.

The Committee on Interior and Insular Affairs will meet tomorrow, which is its regular meeting day. Not all the members of the committee are in the city. One of them, the Senator from Louisiana [Mr. LONG] has not yet returned to Washington. The Senator from Utah [Mr. WATKINS] has been in Hawaii. Of course, Hawaii is also under the jurisdiction of the committee. Therefore it would be quite impossible to expect the committee to act upon the tidelands problem at its meeting tomorrow.

I want the Senator from Texas to know that it is the purpose of the chairman of the Committee on Interior and Insular Affairs to ask in this session, as he did in the last session upon numerous occasions, that a day certain shall be set down for committee action upon the tidelands problem.

I make the statement merely because I want to be clearly understood upon the record that the submission of a resolution to discharge the committee does not imply any lack of diligence on the part of the Committee on Interior and Insular Affairs.

Mr. ANDERSON. Mr. President, I should like to ask the Senator from Wyoming whether it is not correct to say that every time the problem comes to the attention of the Committee on Interior and Insular Affairs it is necessary for the committee to refer to the Department of Justice and to the Department of the Interior the amendments and proposals which are made, in order to determine whether the Departments are in agreement with the interim arrangement now in effect at Long Beach and elsewhere for the production of oil.

Mr. O'MAHONEY. Whether it is necessary or not, it is the usual procedure to do so, because all members of the Committee on Interior and Insular Affairs desire to know what the point of view of the Government departments

having jurisdiction is with respect to any new amendments which are presented.

Mr. ANDERSON. I may say to the Senator from Wyoming that new material continues to be received. Within the last few weeks I have received what purports to be an audit of the accounts of the Long Beach Oil Development Co. I am not able to ascertain whether it is a true copy. If it is a true copy it may make very interesting reading, and perhaps we ought to look further into the matter to see whether all the money now being received is being impounded, or whether the moneys are being set aside for the purposes prescribed. I merely point out that it is a matter which requires a great deal of delicate and careful consideration before we come to a final conclusion.

Mr. O'MAHONEY. The Senator from New Mexico has conferred with the chairman of the committee on the subject. It is far reaching in its implications, and is further evidence of the complex character of the issue, and, I think, of the desirability of enacting an interim bill, so that the oil companies can operate, the oil workers can have employment, the drilling rigs can be set in motion, and the oil can be extracted from submerged land.

Mr. ANDERSON. I certainly agree with the chairman of the committee.

Mr. CONNALLY. Mr. President, I am making no charge against the Committee on Interior and Insular Affairs. However, the Senator from Wyoming has explained very fully why they cannot act. They have been having a great many bills before them. They have not acted. I hope they will act. However, the object of my motion is to get that bill before the Senate and secure some action. The bill passed this body once. It passed the House of Representatives twice. I want to get it before the Senate, so that some action can be obtained on it.

I thank the Senator very much.

The PRESIDING OFFICER. The resolution will lie over, under the rule.

Mr. CONNALLY. That is correct.

The resolution (S. Res. 247), submitted by Mr. CONNALLY, was ordered to lie over, under the rule.

TEMPORARY FREE IMPORTATION OF ZINC—AMENDMENT

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

The VICE PRESIDENT. Without objection, the Senator may proceed.

Mr. DIRKSEN. Mr. President, last year there was introduced in the House of Representatives—and I address my remarks particularly to the Senator from Georgia [Mr. GEORGE]—a bill by Representative DOUGHTON, House bill 5448, which would provide for the temporary free importation of zinc, as an emergency measure. When the bill was drawn there was some inadvertence in the language, so that in part, at least, it would defeat the real purpose of the bill.

of immigration laws pertaining to the harboring and/or employment of foreigners who have gained entry into the United States illegally.

Governor's Farm Labor Advisory Committee: Governor Norman Brunsdale, Chairman; P. J. Donnelly, President, North Dakota Farm Bureau, Grafton, N. Dak.—Alternate: Mr. Albert Sinner, Casselton, N. Dak.; Math Dahl, Commissioner, Department of Agriculture and Labor, Capitol Building, Bismarck, N. Dak.; Glen J. Talbott, President, North Dakota Farmers Union, Jamestown, N. Dak.; John R. McClung, State Director, Farmers Home Administration, Federal Building, Bismarck, N. Dak.; E. J. Haslerud, Director, North Dakota Extension Service, State College Station, Fargo, N. Dak.; Brig. Gen. Heber L. Edwards, Director, Selective Service System, Fraine Barracks, Bismarck, N. Dak.; M. F. Peterson, Superintendent, Department of Public Instruction, Capitol Building, Bismarck, N. Dak.; John E. Kasper, Chairman, State Committee, PMA, deLendrece Building, Fargo, N. Dak.—Alternate: Mr. John Bruns, State PMA Committeeman, Fargo, N. Dak.; Carl F. Fryhling, State Director, North Dakota State Employment Service, 305½ Broadway, Bismarck, N. Dak.; Arthur Nelson, Northwood, N. Dak.; Dave M. Robinson, Coleharbor, N. Dak.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. O'MAHONEY, from the Committee on Interior and Insular Affairs:

S. J. Res. 20. Joint resolution to provide for the continuation of operations under certain mineral leases issued by the respective States covering submerged lands of the Continental Shelf, to encourage the continued development of such leases, to provide for the protection of the interests of the United States in the oil and gas deposits of said lands, and for other purposes; with amendments (Rept. No. 1143).

By Mr. ANDERSON, from the Committee on Interior and Insular Affairs:

H. R. 2398. A bill to amend Public Law 848, Eighty-first Congress, second session; without amendment (Rept. No. 1144).

By Mr. KILGORE, from the Committee on the Judiciary:

S. 1851. A bill to assist in preventing aliens from entering or remaining in the United States illegally; with an amendment (Rept. No. 1145).

By Mr. MCCARRAN, from the Committee on the Judiciary, without amendment:

S. 1192. A bill for the relief of Demetrius Alexander Jordan (Rept. No. 1146);

S. 1577. A bill for the relief of Doreen Iris Neal (Rept. No. 1148);

S. 2150. A bill for the relief of Joachim Nemitz (Rept. No. 1149);

S. 2199. A bill to amend the Contract Settlement Act of 1944 and to abolish the Appeal Board of the Office of Contract Settlement (Rept. No. 1150);

S. 2549. A bill to provide relief for the sheep-raising industry by making special quota immigration visas available to certain alien shepherders (Rept. No. 1151);

S. 2566. A bill for the relief of Niccolo Luvistoli (Rept. No. 1152); and

H. R. 4130. A bill for the relief of Caroline Wu (Rept. No. 1153).

By Mr. MCCARRAN, from the Committee on the Judiciary, with an amendment:

S. 1470. A bill for the relief of Panagiotis Roumeliotis (Rept. No. 1147);

S. 1833. A bill for the relief of Barbara Jean Takada (Rept. No. 1154); and

S. 2149. A bill to confer Federal jurisdiction to prosecute certain common-law crimes of violence when such crimes are committed on American airplane in flight over the high seas or over waters within the admiralty and maritime jurisdiction of the United States (Rept. No. 1155).

By Mr. SMITH of North Carolina, from the Committee on the Judiciary:

S. 1331. A bill to further implement the full faith and credit clause of the Constitution; with amendments (Rept. No. 1156).

By Mr. O'CONNOR, from the Committee on the Judiciary:

S. 2214. A bill to amend section 709 of title 18 of the United States Code; with an amendment (Rept. No. 1157).

REPORTS ON DISPOSITION OF EXECUTIVE PAPERS

Mr. JOHNSTON of South Carolina, from the Joint Select Committee on the Disposition of Executive Papers, to which were referred for examination and recommendation six lists of records transmitted to the Senate by the Archivist of the United States that appeared to have no permanent value or historical interest, submitted reports thereon pursuant to law.

BILLS AND JOINT RESOLUTIONS INTRODUCED

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

By Mr. JOHNSTON of South Carolina:

S. 2574. A bill to authorize the cancellation, adjustment, and collection of certain obligations due the United States, and for other purposes; to the Committee on Agriculture and Forestry.

S. 2575. A bill to amend section 604 (b) of the Classification Act of 1949; to the Committee on Post Office and Civil Service.

(See the remarks of Mr. JOHNSTON of South Carolina when he introduced the last above-mentioned bill, which appear under a separate heading.)

By Mr. HENNINGS:

S. 2576. A bill for the relief of Perry Lee Vance; and

S. 2577. A bill for the relief of Mikio Abe; to the Committee on the Judiciary.

S. 2578. A bill to provide veterans' benefits for commissioned officers of the Public Health Service who served on active duty during World War II and subsequent to November 11, 1943; to the Committee on Labor and Public Welfare.

By Mr. EASTLAND:

S. 2579. A bill relating to export controls on agricultural commodities; to the Committee on Banking and Currency.

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

By Mr. RUSSELL (by request):

S. 2580. A bill to amend the Dependents Assistance Act of 1950, to provide punishment for fraudulent acceptance of benefits thereunder;

S. 2581. A bill to amend the Army-Navy Medical Services Corps Act of 1947 (61 Stat. 734), as amended, so as to authorize the appointment of a Chief of the Medical Service Corps of the Navy, and for other purposes; and

S. 2582. A bill to authorize and direct the Secretary of the Army to convey the sand, gravel, and clay deposits in and on a certain tract or parcel of land in Russell County, Ala., to V. T. Heard; to the Committee on Armed Services.

S. 2583. A bill for the relief of certain members of the naval service, with respect to shipments of household effects; to the Committee on the Judiciary.

By Mr. JOHNSON of Colorado (for himself and Mr. MILLIKIN):

S. 2584. A bill to provide for the establishment of a Veterans' Administration domiciliary facility at Fort Logan, Colo.; to the Committee on Finance.

By Mr. MCKELLAR:

S. 2585. A bill to amend the laws relating to the construction of Federal-aid highways to provide for equality of treatment of railroads and other public utilities with respect to the cost of relocation of utility facilities necessitated by the construction of such highways; to the Committee on Public Works.

By Mr. MAGNUSON (by request):

S. 2586. A bill for the relief of Kim Dong Su; to the Committee on the Judiciary.

By Mr. MOODY:

S. 2587. A bill for the relief of Sebastiano Bello, Dino Bianchi, Pierino Ciccarese, Vincenzo Dal'Aida, Vittorio De Gasperi, Salvatore Puggioni, Giovanni Battista Volpato, and Leone Montini; to the Committee on the Judiciary.

By Mr. LEHMAN:

S. 2588. A bill for the relief of Dulcie Ann Steinhart Sherlock; to the Committee on the Judiciary.

By Mr. SALTONSTALL:

S. J. Res. 126. Joint resolution authorizing the President of the United States of America to proclaim October 11 of each year General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski; to the Committee on the Judiciary.

By Mr. MOODY:

S. J. Res. 127. Joint resolution proposing an amendment to the Constitution of the United States to grant to citizens of the United States who have attained the age of 18 the right to vote; to the Committee on the Judiciary.

(See the remarks of Mr. Moody when he introduced the above joint resolution, which appear under a separate heading.)

AMENDMENT OF CLASSIFICATION ACT OF 1949, RELATING TO COMPENSATION OF CERTAIN EMPLOYEES

Mr. JOHNSTON of South Carolina. Mr. President, I introduce for appropriate reference a bill to amend section 604 (b) of the Classification Act of 1949. I ask unanimous consent that a statement by me explaining the bill be printed in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred, and, without objection, the statement will be printed in the RECORD.

The bill (S. 2575) to amend section 604 (b) of the Classification Act of 1949, introduced by Mr. JOHNSTON of South Carolina, was read twice by its title, and referred to the Committee on Post Office and Civil Service.

The statement by Mr. JOHNSTON of South Carolina is as follows:

STATEMENT BY SENATOR JOHNSTON OF SOUTH CAROLINA

The United States Civil Service Commission by order dated August 18, 1951, has provided that certain employees in positions downgraded after said date might continue to be paid basic compensation but without additional step increases. The proposed bill would make continued payment of basic compensation in such instances mandatory and would provide for payment of step increases to such employees. It would also

statehood bill, but, of course, that claim is completely untenable.

Mr. President, I have never been one who could exactly define who is a liberal and who is a conservative. It never disturbed me deeply. I have been called a reactionary in my time. I have also been called a radical, both charges having been pressed with equal vigor. Neither charge has greatly disturbed me. But this I do assert. A true liberal will give his colleagues and the American people hearings on important issues.

I have been amazed at the so-called liberal newspapers, those who boast of their liberalism, and at some of my colleagues who do not shy from the appellation of "liberal," who talk about their being great liberals and who have been so insistent on pushing this bill through without granting hearings. Not one of these great metropolitan newspapers that boast of their liberalism has even mentioned in their editorials the very solid and substantial fact that no hearings have been held on the pending question in this Congress.

Mr. President, if it be contended that one is a reactionary who insists upon the full right of speech for the American people, and to the right of examination and investigation by Senators, then I will accept the title, because I know in my own heart that a true liberal is one who upholds the right of all Members of the Senate to make an investigation. That is truer than ever when six members of a committee vote for hearings, and two or three of them insist vigorously upon having them.

Mr. President, the bill should be re-committed for hearings.

Mr. O'MAHONEY. Mr. President, I rise now merely to say for the RECORD that after prolonged association with the Senator from Georgia [Mr. RUSSELL], over 18 years of service in this body, I can testify that he is a liberal.

Mr. RUSSELL. I thank the Senator.

Mr. O'MAHONEY. The Senator from Georgia has demonstrated it to me on a dozen or more occasions. One of the occasions which is clearest in my mind is that which took place during the last Congress, the Eighty-first Congress, when a motion was made to take up the Alaska statehood bill. The problem before the Senate at that time was whether Senators who favored Alaskan statehood would have an opportunity to vote by taking up the bill, or whether there would be a filibuster to prevent a vote. There was a filibuster, but I am happy to say that the Senator from Georgia did not participate in it. The Senator from Georgia was liberal enough to permit the matter to come up, because he is willing to have Senators vote.

Mr. RUSSELL. Mr. President, I dislike interrupting the Senator from Wyoming in the limited time we have, but he does me more credit than I deserve when he absolves me from participation in all the extended educational discussions which have taken place in the Senate. [Laughter.]

Mr. O'MAHONEY. The Senator from Georgia deserves all the commendation and all the applause that I or anyone else can give him, but a filibuster by any other name is still a filibuster.

If Members of this body wish to know the reason why the Senate Committee on Interior and Insular Affairs voted against holding further hearings, it is that the committee knew, with all the hearings at hand, that if another hearing were granted the report of the bills would be delayed and we would be face to face with a filibuster to prevent the bills from being taken up, just as we were in the last Congress. I cannot weep with my friend because we did not hold a dilatory hearing.

The PRESIDENT pro tempore. The question is on agreeing to the motion to recommit Senate bill 50.

Mr. O'MAHONEY. Mr. President, I suggest the absence of a quorum.

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

The Chief Clerk called the roll, and the following Senators answered to their names:

Alken	Hendrickson	McMahon
Anderson	Hennings	Millikin
Bennett	Hickenlooper	Monrone
Benton	Hill	Moody
Brewster	Hoyer	Morse
Bricker	Holland	Mundt
Bridges	Humphrey	Murray
Butler, Md.	Hunt	Neely
Butler, Nebr.	Ives	Nixon
Byrd	Jenner	O'Connor
Cain	Johnson, Colo.	O'Mahoney
Capehart	Johnson, Tex.	Pastore
Case	Johnston, S. C.	Robertson
Chavez	Kefauver	Russell
Clements	Kerr	Saltonstall
Connally	Kilgore	Schoeppel
Cordon	Knowland	Seaton
Douglas	Langer	Smathers
Duff	Lehman	Smith, Maine
Dworshak	Long	Smith, N. C.
Eaton	Magnuson	Sparkman
Ellender	Malone	Stennis
Ferguson	Martin	Taft
Flanders	Maybank	Thye
Frear	McCarran	Tobey
Fulbright	McCarthy	Underwood
George	McClellan	Watkins
Gillette	McFarland	Wiley
Green	McKellar	Williams
Hayden		Young

The PRESIDENT pro tempore. A quorum is present.

The question is on agreeing to the motion of the Senator from Florida [Mr. SMATHERS] to recommit the bill to the Committee on Interior and Insular Affairs with certain instructions.

Mr. O'MAHONEY and other Senators demanded the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. McCARTHY (when his name was called). On this vote I have a pair with the junior Senator from Kansas [Mr. CARLSON]. If he were present and voting, I am informed that he would vote "yea." If I were at liberty to vote, I would vote "nay."

The roll call was concluded.

Mr. JOHNSON of Texas. I announce that the Senator from Mississippi [Mr. EASTLAND], who is absent because of illness, is paired on this vote with the Senator from Illinois [Mr. DIRKSEN]. If present and voting, the Senator from Mississippi would vote "yea" and the Senator from Illinois would vote "nay."

Mr. SALTONSTALL. I announce that the Senator from Illinois [Mr. DIRKSEN] and the Senator from Idaho [Mr. WELKER] are absent on official business.

The Senator from Massachusetts [Mr. LODGE] and the Senator from New Jersey [Mr. SMITH] are necessarily absent.

The Senator from Kansas [Mr. CARLSON] is absent on official business, and his pair with the Senator from Wisconsin [Mr. McCARTHY] has been announced previously.

On this vote the Senator from Idaho [Mr. WELKER] is paired with the Senator from New Jersey [Mr. SMITH]. If present and voting, the Senator from Idaho would vote "yea" and the Senator from New Jersey would vote "nay."

On this vote the Senator from Illinois [Mr. DIRKSEN] is paired with the Senator from Mississippi [Mr. EASTLAND]. If present and voting, the Senator from Illinois would vote "nay" and the Senator from Mississippi would vote "yea."

The result was announced—yeas 45, nays 44, as follows:

YEAS—45		
Bennett	Hayden	McKellar
Brewster	Hickenlooper	Millikin
Bricker	Hill	Monrone
Bridges	Hoyer	Mundt
Butler, Md.	Jenner	Robertson
Butler, Nebr.	Johnson, Tex.	Russell
Byrd	Johnston, S. C.	Saltonstall
Capehart	Kem	Schoeppel
Clements	Kerr	Smathers
Connally	Long	Smith, N. C.
Ellender	Malone	Stennis
Ferguson	Martin	Taft
Frear	Maybank	Underwood
Fulbright	McCarran	Wiley
George	McClellan	Young

NAYS—44		
Alken	Hennings	Morse
Anderson	Holland	Murray
Benton	Humphrey	Neely
Cain	Hunt	Nixon
Case	Ives	O'Connor
Chavez	Johnson, Colo.	O'Mahoney
Cordon	Kefauver	Pastore
Douglas	Kilgore	Seaton
Duff	Knowland	Smith, Maine
Dworshak	Langer	Sparkman
Eaton	Lehman	Thye
Flanders	Magnuson	Tobey
Gillette	McFarland	Watkins
Green	McMahon	Williams
Hendrickson	Moody	

NOT VOTING—7		
Carlson	Lodge	Welker
Dirksen	McCarthy	
Eastland	Smith, N. J.	

So Mr. SMATHERS' motion to recommit was agreed to.

MINERAL LEASES ON CERTAIN SUBMERGED LANDS

Mr. McFARLAND. Mr. President, I move that the Senate proceed to the consideration of Senate Joint Resolution 20.

Mr. KNOWLAND. Mr. President—

Mr. TAFT. Mr. President, will the Senator from Arizona yield to me?

Mr. McFARLAND. I yield.

Mr. TAFT. What is the joint resolution to which the Senator refers?

Mr. McFARLAND. It is the so-called submerged lands measure.

Mr. TAFT. Does the Senator have any intention of taking up the Hawaiian statehood bill?

Mr. McFARLAND. I have no intention of making such a motion at this time. The statehood bills have, in effect, been considered together. The Alaskan statehood bill was recommitted for the purpose of holding hearings. No more hearings were held on the Hawaiian statehood bill than on the Alaskan statehood bill.

We have had the Alaskan statehood bill under consideration for approximately 4 weeks. Even deducting the time taken for the purpose of Lincoln's

birthday addresses, we have devoted 3 weeks to the consideration of the bill.

The joint resolution relating to the submerged lands is very important, and I feel that we should take it up and consider it at this time. We need development of the submerged lands for the benefit of the national defense, and we should not proceed to consider legislation granting statehood to Hawaii after such a vote as we have just had, and after having consumed all this time.

Mr. O'MAHONEY. Mr. President—
Mr. TAFT. Mr. President, a parliamentary inquiry.

Mr. KNOWLAND. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. The joint resolution will be stated by title.

The LEGISLATIVE CLERK. A joint resolution (S. J. Res. 20) to provide for the continuation of operations under certain mineral leases issued by the respective States covering submerged lands of the Continental Shelf, to encourage the continued development of such leases, to provide for the protection of the interests of the United States in the oil and gas deposits of said lands, and for other purposes.

Mr. KNOWLAND. Mr. President—
The PRESIDENT pro tempore. Does the Senator from Arizona yield to the Senator from California?

Mr. McFARLAND. I yield first to the Senator from California. He was first on his feet.

Mr. KNOWLAND. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. KNOWLAND. Would a substitute motion to take up Senate bill 49, Calendar No. 296, which is the statehood bill for Hawaii, be in order?

The PRESIDENT pro tempore. The Chair is advised by the Parliamentarian that an amendment of that kind would not be in order.

Mr. KNOWLAND. Mr. President, a further parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. KNOWLAND. If the motion of the Senator from Arizona is subject to a yea-and-nay vote, and if that motion is rejected, will a motion then be in order to proceed to the consideration of Senate bill 49, Calendar No. 296, the bill granting statehood to Hawaii?

The PRESIDENT pro tempore. Any Senator who can obtain the floor will have the right to make a motion to take up any other bill, if the pending motion is rejected.

Mr. KNOWLAND and other Senators requested the yeas and nays.

The yeas and nays were ordered.

Mr. O'MAHONEY and Mr. MAYBANK addressed the Chair.

Mr. McFARLAND. Mr. President, I still have the floor. I yield first to the Senator from Wyoming.

Mr. MAYBANK. Mr. President, is the motion debatable?

The PRESIDENT pro tempore. The motion is debatable. Does the Senator from Arizona yield; and if so, to whom?

Mr. McFARLAND. I yield first to the Senator from Wyoming [Mr. O'MAHONEY].

Mr. O'MAHONEY. Mr. President, the joint resolution which the Senator from Arizona moves to take up also comes from the Committee on Interior and Insular Affairs. I should like to say, as chairman of the committee, having been on the floor throughout the 4 weeks, which the Senator from Arizona has mentioned as having been consumed in the discussion of the Alaska statehood bill, that it would be overworking the chairman of the committee just a little bit if the Senate were to proceed now to the consideration of the very debatable and controversial joint resolution on submerged lands. I feel that the record before us indicates that we should proceed to the consideration of the Hawaii statehood bill. I hope that the Senator from Arizona will agree to proceed to the consideration of S. 49, which is on the calendar and which stands in equal strength with the Alaska bill.

We have heard a great deal of argument today to the effect that Senators should be accorded the privilege of having their expressed desires carried out.

When the Democratic Policy Committee met last year, near the close of the last session of Congress, it was stated that the statehood bills would have priority at this session of Congress. The Senator from Arizona, who has worked and voted in favor of the Alaska statehood bill, spoke about the legislative program for this session. I shall read from the CONGRESSIONAL RECORD, volume 97, part 10, page 13681. The Senator from California [Mr. KNOWLAND], on the previous page of the RECORD, made reference to the Hawaii statehood bill. I took the floor and I said:

Mr. O'MAHONEY. I am glad that the Senator from California has referred to the statehood bills. I believe the RECORD is clear that the policy committee of the majority party in the Senate, at one of its meetings during this session, decided that the statehood bills would have priority of consideration at the beginning of the new session.

The Governor of Hawaii has been in the city during the past week or 10 days. I have had numerous conferences with him. I know from him and others that the people of the Territory of Hawaii are waiting anxiously upon the action of this Congress with respect to the statehood legislation.

I want the RECORD to be perfectly clear that it will be my purpose, as chairman of the Committee on Interior and Insular Affairs, to take the earliest practicable step in the new session to bring up for consideration the statehood bills for Alaska and Hawaii. The people of those two Territories are entitled to have a decision made by Congress, and nothing will be left undone at the beginning of the next session to bring that about.

I thank the Senator from Arizona.

In those words I believe I made my position perfectly clear. After I had taken my seat the Senator from Arizona [Mr. McFARLAND] went on to say:

Mr. McFARLAND. The senior Senator from Wyoming [Mr. O'MAHONEY] has been very diligent in moving the statehood bills forward not only in his own committee but before the policy committee. The bills were not taken up for floor action, as he well knows, because we were working almost entirely on important national defense matters and appropriation bills. Of course, they will be given early priority in the next session.

The District of Columbia home rule bill is in the same category but should not take as long to consider. I feel it should be disposed of promptly and I have agreed that we would make the fats and oils bill the second order of business. That bill, also, will not take very long to consider, in my judgment. Thereafter we will decide on the order of succeeding bills but the statehood bills and the measure referred to by the Senator from Arkansas [Mr. McCLELLAN] are both on the calendar and will receive our early attention.

I wish to invite the attention of Members of the Senate to the fact that the RECORD is thus perfectly clear that the plan which was laid down by the policy committee has been carried out, with one exception. Alaska was given priority. The fats and oil bill was taken up. Home rule for the District of Columbia was taken up. There remains only the Hawaii statehood bill. I wish to say, Mr. President, that I shall vote, if a yea-and-nay vote is had, against taking up the submerged lands bill until we have had a vote on the Hawaii statehood bill.

Mr. McCLELLAN. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. The Senator from Arizona [Mr. McFARLAND] has the floor.

Mr. McFARLAND. I yield.

Mr. McCLELLAN. I understood the Senator from Wyoming to say that the agreement had been carried out with one exception, namely, the Hawaii statehood bill.

Mr. O'MAHONEY. With the exception also of the bill offered by the Senator from Arkansas [Mr. McCLELLAN] providing for the establishment of a joint committee on fiscal policy.

Mr. McCLELLAN. Mr. President, the senior Senator from Arkansas has been very patient.

Mr. O'MAHONEY. I agree with the distinguished Senator from Arkansas.

Mr. McCLELLAN. I voted my sentiments on the Alaska bill. I understood that following consideration of the Alaska statehood bill either the tidelands bill or the bill to create a joint committee on the budget would next be called up. I am ready to proceed with the bill to create a joint committee on the budget. It is a bill which has for its purpose bringing into our Government in this time of crisis some measure of economy.

Mr. O'MAHONEY. The bill of the Senator from Arkansas is very important. However, the record is that the statehood bills had priority. I am very firmly of the opinion that the Hawaii statehood bill can be disposed of very quickly if we can get a vote on it. I am ready to vote on the Hawaii statehood bill this afternoon.

SEVERAL SENATORS. Vote! Vote! Vote!
Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. McFARLAND. I am ready to yield the floor.

Mr. CONNALLY. I should like to ask a question of the Senator from Arizona.

Mr. McFARLAND. I yield to the Senator from Texas.

Mr. CONNALLY. Mr. President, I very much hope that the motion of the Senator from Arizona, the majority

leader, will prevail. The tidelands measure has been pending before Congress for a long period of time. It is of the highest importance that the bill be voted upon and some production had. There is no production from these lands now. There cannot be any production until some kind of tidelands bill is passed. I very much hope that Senators, regardless of their opinion on the measure—whether they intend to vote for or against it—will follow the leadership of the majority leader and bring the bill before the Senate for action. No doubt a number of amendments will be submitted by certain Senators.

I plead with the Senate not to reject the motion which has been made by the Senator from Arizona, but to proceed to consider the so-called tidelands joint resolution, Senate Joint Resolution 20.

I am very strongly in favor of having the Senate take action on that measure. The Senate, the highest authority in this land, should not permit the tidelands to remain endlessly without development, without exploration, without having any activity in regard to oil and gas take place.

I plead with Senators not to reject the motion the Senator from Arizona has made, but to support the motion and let us have an opportunity to obtain an enactment of some kind in regard to this pressing matter.

Mr. KEM. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Arizona yield to the Senator from Missouri?

Mr. KEM. Mr. President, I seek recognition in my own right.

Mr. McFARLAND. If the Senator from Missouri will pardon me for just a moment, he may have the floor.

Mr. President, in regard to the program, I wish to say that I think the majority has given a great deal of consideration and a great deal of thought to bills similar to Senate bill 50.

First we considered the bill providing home rule for the District of Columbia. We took a great deal of time in considering that bill.

Now we have been considering the bill proposing statehood for Alaska. Of this session 2 months have elapsed. I do not know how much time we shall have to spend in consideration of measures such as the Hawaiian statehood bill.

However, let me say to the Senate that the Government needs the oil which lies under the submerged lands. Senators can talk about being ready to vote for statehood for Hawaii, but they know there will not be a vote on that measure this evening; there can be no question about that.

If the majority had not pushed hard to have the Alaskan statehood bill considered by the Senate, do Senators think that bill would have been brought up at this session? Perhaps I am wrong, but I doubt that it would have been considered. Now we have had a vote and that measure has been recommitted.

Both of these two Territories stand in the same position, and they should be treated alike. I say to my good friend the Senator from Wyoming that it is not right to give statehood to Hawaii and to reject Alaska's application for statehood.

Mr. CORDON. Mr. President, will the Senator from Arizona yield to me?

Mr. McFARLAND. I yield.

Mr. CORDON. I agree with the Senator from Arizona that the two statehood bills stand in the same position and should be treated in the same way. Why is not the Senator willing to have both bills treated in the same way and to give the Senate an opportunity to vote on the second statehood bill? Is there any reason why that should not be done?

Mr. McFARLAND. Mr. President, the Senate already has recommitted the Alaskan statehood bill because hearings were not held upon the two statehood bills. Personally, I voted for hearings; I thought we could have saved time by having hearings. However, a majority of the committee voted against holding hearings on these bills.

But, Mr. President, the Senate has decided that hearings should be held on the Alaskan statehood bill. If those who wish to have hearings held on the Alaskan statehood bill are entitled to have them held, they are also entitled to have hearings held on the Hawaiian statehood bill.

Mr. President, we need the time which now is available. Two months of the present session have already elapsed. Important proposed legislation is ready and waiting to be considered. If we do not move on, we may find that we will not have time to consider much vital legislation. If we have any extra time, we can consider bringing up the Hawaiian statehood bill at such time.

Mr. President, last year the tidelands bill, one of the bills relating to the submerged lands, was passed by the House of Representatives, but the Senate did not take action on that bill. Long hearings on that subject have been held.

I say to my good friend the Senator from Wyoming that he does not need to have any fear that he will be overworked in connection with Senate Joint Resolution 20. There are many other Senators who will talk about the joint resolution. There are a good many Senators who are more interested in it than is the distinguished Senator from Wyoming. If we do not take up that measure now, we may not take it up at this session.

Those who wish to dictate to the Senate and to say that the Senate must do this or do that, in this way or that way, and who talk about what was decided by the majority policy committee, should bear in mind that I told that committee what I was given permission to do, and everyone of the members of the committee, except the Senator from Wyoming, was in favor of having the Senate proceed to the consideration of the joint resolution relating to the submerged lands. I mention that only because it was brought up by the Senator from Wyoming.

Mr. SPARKMAN. Mr. President, will the Senator from Arizona yield to me?

Mr. McFARLAND. I yield.

Mr. SPARKMAN. I should like to ask the able majority leader whether it is true that in the amendment which was made a part of the motion which was just agreed to, the Committee on Interior and Insular Affairs was directed to make a study covering both Territories, pro-

vided the bill was recommitted; I refer to the Monroney amendment or modification of the motion of the Senator from Florida [Mr. SMATHERS].

Mr. McFARLAND. I assume that that amendment is sufficiently broad to cover all Territories, including Hawaii; the language is "other Territories," and the Senate voted for that.

Mr. SPARKMAN. In other words, the Senate voted to the committee instructions to make a study covering both Territories; is that correct?

Mr. McFARLAND. That is correct.

Mr. SPARKMAN. I should like to say to the able majority leader that all along I have taken the attitude of favoring statehood for both Alaska and Hawaii. However, I have firmly believed that we should treat them together and should bring up both the statehood bills and pass them at the same time. For that reason, if a motion is made to have the Senate proceed at this time to the consideration of the bill proposing statehood for Hawaii, I shall certainly vote against taking up the Hawaiian statehood bill at this particular time.

If the Senator from Arizona will yield to me for a further moment, in order to permit me to ask just one question, I should like to ask the question, because it relates to a matter with which I am greatly concerned, and is one with which all other Members of the Senate should be concerned, namely, when are we going to reach the question of the Japanese peace treaty? Last year we indicated that we would take up that treaty at an early date, and the able Senator from California [Mr. KNOWLAND] urged us to take up the Japanese peace treaty, even if it was necessary to have a special session called in the winter, in order to do so. By means of various statements which were issued, we said that treaty would be taken up very soon after this session of Congress began. However, 2 months of the session have now elapsed.

So I should like to ask the able Senator from Arizona whether he can tell me where that matter stands in the legislative schedule.

Mr. McFARLAND. Let me answer my good friend from Alabama by saying that I am in favor of having the Senate consider the Japanese peace treaty at an early date. We have not brought up other matters thus far because we did not wish to interrupt consideration of the Alaska statehood bill. However, merely because we have had consideration of one statehood bill does not mean that we have to stymie the whole session by having statehood debate for another month. Where shall we be unless we can work out some understanding regarding the statehood bills? It may be possible to do so; I do not know.

However, while we are talking about them, we can pass the joint resolution relating to submerged lands; and it is important that we do so.

In view of the situation in which the Senate finds itself today, we can proceed with some other measure until we can make a check and can determine what is best to be done.

By Mr. McCARRAN:

S. 2762. A bill for the relief of Pedro Glo-cochea Bengoechea; to the Committee on the Judiciary.

By Mr. LANGER:

S. 2763. A bill for the relief of Harry Ray Smith; to the Committee on the Judiciary.

By Mr. SCHOEPPPEL:

S. 2764. A bill for the relief of Ellenor Carola Jones; to the Committee on the Judiciary.

COMPENSATION FOR OVERTIME AND HOLIDAY EMPLOYMENT—AMENDMENTS

Mr. LANGER submitted amendments intended to be proposed by him to the bill (S. 354) to amend Public Law 106, Seventy-ninth Congress, with regard to compensation for overtime and holiday employment; which were referred to the Committee on Post Office and Civil Service, and ordered to be printed.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H. J. Res. 382) to provide for setting aside an appropriate day as a National Day of Prayer, was read twice by its title, and referred to the Committee on the Judiciary.

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

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

By Mr. CAIN:

Address delivered by him before the Industrial Conference Board, Tacoma, Wash., on February 25, 1952.

By Mr. THYE:

Letter addressed to him by the general manager of the Farmers Union Grain Terminal Association with respect to the importation of certain agricultural commodities.

By Mr. LEHMAN:

Copy of letter written by Harold F. Hohly, rector of Christ Church, Bronx, N. Y., to Daniel E. Woodhull, Jr., on the subject of Americanism.

By Mr. WILEY:

Resolution of the Association of Wisconsin County Highway Commissioners relating to the use of structural steel in highway construction.

Booklet by E. J. Reid entitled "Why We Should Vote in All Elections."

PREVENTION OF ILLEGAL ENTRANCE OF ALIENS

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 1851) to assist in preventing aliens from entering or remaining in the United States illegally, which were, on page 3, lines 8 and 9, strike out "of the United States", and on page 3, line 15, strike out "issue his warrant" and insert "obtain a warrant under oath from any court of competent jurisdiction."

Mr. KILGORE. Mr. President, I move that the Senate disagree to the amendments of the House, ask a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to.

The PRESIDENT pro tempore. The Chair will appoint the conferees on the part of the Senate later today.

Subsequently, the President pro tempore appointed Mr. KILGORE, Mr. EASTLAND, Mr. MAGNUSON, Mr. FERGUSON, and Mr. JENNER conferees on the part of the Senate.

PRICES OF EGGS AND FEED

Mr. LANGER. Mr. President, for some time I have been reading letters into the RECORD showing that the farmers in the Northwest are not getting adequate prices for their eggs. I took the matter up with the Department of Agriculture to find out why the farmers were not getting at least parity for their eggs. I have received the following letter, under date of February 19:

DEPARTMENT OF AGRICULTURE,
Washington, February 19, 1952.

Hon. WILLIAM LANGER,
United States Senate.

DEAR SENATOR: This is in reference to a letter from Mr. Edward Matzke, Marion, N. Dak., which you inserted in the CONGRESSIONAL RECORD of February 7. Mr. Matzke writes of low farm prices for eggs and high prices for feed.

During January prices of eggs in all parts of the country averaged 81 percent of parity which is about the same percentage of parity that existed in January 1951. In February or March farm prices generally reach their low point of the year. It is hoped that some improvement in farm prices will soon take place as the demand for eggs for storage purposes, in shell and frozen form, and for hatching purposes increases.

The low egg prices now being received are of particular concern to poultrymen because of the relatively high level of feed prices. It is unlikely that the price of feed will decline in the near future, perhaps not until after the harvest of 1952, and then only if the harvest is a plentiful one.

We are making a day-to-day study of trends in egg and feed prices. As yet, however, no decision has been made with respect to the removal of surplus eggs in 1952.

Sincerely yours,

K. T. HUTCHINSON,
Assistant Secretary.

I wish to invite the attention of the Senate to the fact that the distinguished Assistant Secretary is mistaken as to the price of eggs being low at this time of year. As a matter of fact, all over the Northwest farmers get more for their eggs in the winter time than they do in the summer. I wish particularly to call this letter to the attention of the distinguished junior Senator from New Hampshire [Mr. TOBEY], who stated the other day that he thought egg prices were about right.

MINERAL LEASES ON CERTAIN SUBMERGED LANDS

The Senate resumed the consideration of the motion of Mr. McFARLAND that the Senate proceed to the consideration of Senate Joint Resolution 20, to provide for the continuation of operations under certain mineral leases issued by the respective States covering submerged lands of the Continental Shelf, to encourage the continued development of such leases, to provide for

the protection of the interests of the United States in the oil and gas deposits of said lands, and for other purposes.

ORDER OF BUSINESS

Mr. BUTLER of Nebraska. Mr. President, I ask unanimous consent to address the Senate for 2 minutes.

Mr. KEM. Mr. President, I understood that I was to have the floor today.

The PRESIDENT pro tempore. That is correct. The Senator from Missouri will be recognized when the transaction of routine business has been concluded. Does the Senator from Missouri object to the request of the Senator from Nebraska?

Mr. KEM. Other Senators have made similar requests. I cannot accede to the request of my friend, the Senator from Nebraska, unless I similarly agree to yield to my friend, the Senator from Delaware [Mr. WILLIAMS]. I would prefer to proceed, and ask that the distinguished Senator from Nebraska follow me with his remarks.

PEACE OR MORE WAR

1. THE TYRANNY OF A MAJORITY

Mr. KEM. Mr. President, Mr. Truman, on June 27, 1950, announced that he had ordered American forces into war in Korea. He had the power to do so, but he did not have the right.

Yesterday, February 27, 1952, 1 year and 8 months to the day after Mr. Truman's action, the majority leadership had the power to impose gag rule in the Senate Chamber, but it did not have the right.

The Senator from Connecticut [Mr. McMAHON] had made certain sarcastic observations pertaining to me. Fair play demanded that I be given an opportunity to answer. Yet immediately after the Senator from Connecticut had concluded, the Senator from Arizona [Mr. McFARLAND] proceeded to choke off further debate. He had the power to do so, but not the right. Right and truth are greater than power. All power is limited by right.

Government by a chosen few—a palace guard from the ranks of the Senate—is an oligarchy. It is not a republic.

The beautiful monument to Thomas Jefferson on the shore of the Tidal Basin here in Washington is visited each year by thousands of our people. Engraved there in unperishable marble are the words:

I have sworn upon the altar of God eternal hostility against every form of tyranny over the mind of man.

These words were spoken by Mr. Jefferson early in his career. How steadfastly he adhered to this concept is known by all who are interested in our history and our institutions.

It is of no importance that yesterday in the Senate I felt the whiplash of the tyranny of a majority. It is of great importance for the American people to know to what extent what was formerly the party of Mr. Jefferson has departed from his teachings, and the consideration for the rights of others, that so long characterized its leadership.

Mr. WILLIAMS. Mr. President, on May 26, 1949, about 10 months after Mr. Wenchel and Mr. Nunan had entered the picture, the Udell case, accompanied by the medical report, was resubmitted to the Department of Justice by Charles Oliphant, chief counsel of the Bureau of Internal Revenue.

This time, however, Mr. Oliphant, speaking for the Treasury Department, suggested to Mr. Caudle that their previous recommendations for criminal prosecution against Mr. Udell be dropped.

Thus we find that less than 1 year after Mr. Nunan and Mr. Wenchel entered this case the Treasury Department had recalled the tax case from the Department of Justice, a doctor's certificate had been obtained, and then the case was resubmitted minus the recommendations for criminal prosecution.

It is my understanding that the customary procedure is that after a case has been submitted to the Department of Justice with recommendations for criminal prosecution, the Department of Justice—not the Treasury Department—explores any question of health.

On December 14, 1949, the Department of Justice confirmed to the Treasury Department their concurrence in the decision that prosecution of Jacob Udell could not in good conscience be undertaken because of the report of the precarious condition of his health, and accordingly, the case was returned to the Bureau of Internal Revenue, where for the past 3 years it has been allowed to gather dust. Criminal prosecution for Mr. Udell's evasion of taxes has been barred by the statute of limitations.

The \$752,094 proposed tax deficiency still remains unpaid, and chances of its collection at this late date are rather slim.

As in previous cases I am not passing on the merits or demerits of the tax claims by the Government. But if, since their assessments, the Treasury Department has decided that in this or in any of the other cases they were in error, then they should amend or withdraw their claim.

On the other hand we must never overlook the fact that the taxpayer always has the right under the law to contest any proposed assessment. The mere recommendation of criminal prosecution or the recommendation of assessment of proposed deficiencies does not mean that the Government's claim is infallible.

Ours is a Government of laws and not of men, and while we may criticize the manner in which certain tax cases are handled, we must be careful that we do not jeopardize the right of the American taxpayer, who feels that the assessment is in error, to protest the Government's claim through the normal channels of law.

But while we are safeguarding those rights, at the same time we have a responsibility to see that our tax laws are enforced impartially.

Whenever any taxpayer carries his case to conference or to courts, that case must be considered on its merits and not on the basis of whom the taxpayer knows or who he employs as his attorney.

This is the sixth case handled by Mr. Nunan and his associates to which attention has been called, and in each instance recommendations for criminal prosecution have been ignored, and proposed taxes totaling over \$3,500,000 remain uncollected.

I ask unanimous consent to have inserted in the RECORD at this point a letter to the editor as appearing in yesterday's St. Louis Post-Dispatch, entitled "Two Sides of the Story."

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

TWO SIDES OF THE STORY

TO THE EDITOR OF THE POST-DISPATCH:

Internal Revenue Commissioner John Dunlap claims the Government has not lost a cent of tax money in spite of the scandals uncovered in the tax bureau.

How dumb does the man think we are?

Senator WILLIAMS has reported that an Indianapolis brewery was permitted to settle a \$635,000 tax claim for a measly \$4,500 after a former tax official was given special permission to represent the company.

V. ROGAN.

RECESS

Mr. LONG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LONG. Mr. President, I ask unanimous consent that the order for a quorum call be rescinded, and that further proceedings under the call be suspended.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McFARLAND. Mr. President, I promised the distinguished minority leader [Mr. BRIDGES] that there would not be any votes taken in the Senate until after 2:15 p. m. I feel obligated to carry out that promise. For that reason, I move that the Senate stand in recess until 2:30 this afternoon.

The PRESIDING OFFICER. The Senator from Maine [Mr. BREWSTER] was desirous of obtaining the floor.

Mr. McFARLAND. He is not now in the Chamber. I move that the Senate stand in recess until 2:30 this afternoon.

The motion was agreed to; and (at 1 o'clock and 5 minutes p. m.) the Senate took a recess until 2:30 p. m.

At the expiration of the recess the Senate reassembled.

MINERAL LEASES ON CERTAIN SUBMERGED LANDS

The PRESIDING OFFICER (Mr. STENNIS in the chair). The recess having expired, the Senate is now in session, and will come to order.

Let the Chair state the pending question: The pending question is on agreeing to the motion of the Senator from Arizona [Mr. McFARLAND] that the Senate proceed to the consideration of Senate Joint Resolution 20, the so-called submerged lands measure, on which the yeas and nays have been ordered.

HOW TO KEEP OUR LIBERTY—BOOK BY RAYMOND MOLEY

Mr. BREWSTER. Mr. President, I do not wish to seem to attempt to develop in this body too literary an atmosphere. However, since it is incumbent upon us, as part of our function, to serve in some measure to educate the American people in regard to the issues, it has also seemed to me to be necessary to recognize the various organs of opinion which are moving in that direction.

Some time ago I took occasion to point out what seemed to me the impact upon public opinion of so great a journal of opinion as the New York Times in its book reviews. I went into a rather detailed discussion of the book reviews in the magazine section of the New York Times over a considerable period of years, which, it seemed to me, had not been entirely calculated correctly to inform the people or to give them an accurate picture of the contents of the books discussed in those reviews. That involved me in considerable controversy with the editor of the book-review section of the New York Times, but I felt that in the long run it served a useful purpose.

Since that time I have indulged in one other venture of this character, namely, that in connection with a book by Miss Freda Utley on the China question. At that time I pointed out how her book seemed calculated to correct many misapprehensions about the China problem and to give what seemed to me, at least, to be a somewhat more accurate account of how all our tragic situation in the Orient came to pass.

This afternoon I wish to discuss for a few minutes a somewhat related problem which is concerned with the general problem. I wish to speak for a few minutes in regard to a new book, just issued, which it seems to me may well invite the attention of all thoughtful students of the American republican form of government which is guaranteed under our Constitution, and to which I wish to address myself, contrary to the attempts to persuade our people that this is a democracy.

This book is by a very distinguished citizen. In recent days we have had a good many reformed Communists educate us. Now I have a reformed New Dealer, Mr. Raymond Moley, who was one of the early architects of the policies of the New Deal, and for some 6 years was very intimately associated with all its activities as that vast experiment unfolded before our eyes.

About 1936, at which time Maine and Vermont stood all alone in the country in opposition to the New Deal, Mr. Moley had a change of heart. I like to think that perhaps the example of Maine had an impact upon him; and he became converted to what, of course, seems to us in Maine a somewhat better way of life.

Mr. Moley has been inveighing against the errors of the New Deal, for some of which I think he must confess he was responsible, ever since that time, as editor or associate editor of the Newsweek magazine, with which I do not always agree.

distinguished Senator from Massachusetts at the moment.

I will say to my good friend from Massachusetts that I shall be very happy to give all possible information on the subject to him and to the Senate. As he knows, I have always endeavored to do so.

I wish to state further that the distinguished Senator has been very helpful in working out unanimous-consent agreements. He served in the capacity of minority leader in the last session during the illness of our good friend, the late Senator from Nebraska, Mr. Wherry. I want to take this opportunity to thank him for his cooperation in helping expedite legislation.

MINERAL LEASES ON CERTAIN SUBMERGED LANDS

The VICE PRESIDENT. The Chair lays before the Senate the unfinished business, which is the motion of the Senator from Arizona [Mr. McFARLAND] that the Senate proceed to the consideration of Senate Joint Resolution 20.

The Senate resumed the consideration of the motion of Mr. McFARLAND that the Senate proceed to the consideration of Senate Joint Resolution 20, to provide for the continuation of operations under certain mineral leases issued by the respective States covering submerged lands of the Continental Shelf, to encourage the continued development of such leases, to provide for the protection of the interests of the United States in the oil and gas deposits of said lands, and for other purposes.

PROPOSED RENOMINATION OF GEN. HOYT S. VANDENBERG AS CHIEF OF STAFF OF AIR FORCE

Mr. CAIN. Mr. President, the junior Senator from Washington read in the press of yesterday that the President of the United States intends to renominate Gen. Hoyt S. Vandenberg to serve an extra 14 months as Air Force Chief of Staff.

I know General Vandenberg to be a courageous, gallant, and intelligent Air Force officer, but, as a member of the Senate Armed Services Committee, I have no intention of supporting the proposed extension of 14 months as Chief of Staff on the reasons of justification as offered by the President.

White House press secretary, Joseph Short, in announcing the President's intention, explained why General Vandenberg was getting the bob-tailed reappointment. "The President," Mr. Short said, "wants to make sure that General Vandenberg has an opportunity to round out his full 30 years of military service as Chief of Staff. The President does not wish General Vandenberg to be in a subordinate command before he reaches retirement."

The President's reason for nominating the present Chief of Staff to serve an additional 14 months, after his regular 4-year term expires on April 30, 1952, is about as meaningless and inconsequential as any reason I have ever heard.

There is but one of two reasons, or a combination of both reasons, which

would justify the President's nominating General Vandenberg, or the Chief of Staff of any Service, for an additional term. If General Vandenberg is without any question of doubt the best qualified Air Force officer to be the Chief of Staff, he ought to remain as the Chief of Staff. If the Air Force is without other officers who are qualified to be the Air Force Chief of Staff, then General Vandenberg ought to remain as the Chief of Staff.

The Congress gave considered thought to the legislative provision that Chiefs of Staff for the several services should be appointed for stated periods of time. It was recognized that a limited period of service for a Chief of Staff was a good thing for the service concerned. It was thought unwise to provide an unlimited period of service. The mere limitation of the length of service for a Chief of Staff was an encouragement to excellence in the lower echelons from which future Chiefs of Staff are selected.

What the President has suggested is that any future Chief of Staff, for any service, will serve in that capacity from the time he is first appointed until the officer retires for age.

The President has said that he does not wish General Vandenberg to serve in a subordinate command before he reaches retirement. With one stroke of the pen, the President would violate and bypass a score of established and historic precedents. Not only have heads of services returned to so-called subordinate positions but they have done so with resulting benefit to the branch of their service.

It is not proper, in my view, the world being what it is today, to refer to other echelons of the Air Force as being subordinate commands. It would not be possible, for example, to fill a more important assignment than that of Commanding General of the Strategic Air Force.

I well remember when the administration prevailed upon the Congress to change the law so that a 5-star general officer might serve in the capacity intended for a civilian as Secretary of Defense by the National Security Act of 1947. This gentleman served but a limited period of time. Many of us felt that his work would have been more adequately performed had his successor, a civilian, been appointed when the Congress was told that an indispensable man was available.

I am among those who hold the military competence and intelligence of our general officers in high regard. If our services do not possess many general officers who are prepared and qualified to become Chiefs of Staff at a moment's notice, then the Nation faces the future without any real preparedness worthy of the name. But I am convinced, that however able a particular Chief of Staff may be today, he can be replaced by any of a number of others who will bring only progress and improvement to the branch of his service.

I am willing to consider the reappointment of General Vandenberg on the argument that the Air Force would suffer if it did not continue to benefit from his leadership. The President has said no such thing. If the President offers

any valid reasons for the proposed reappointment of General Vandenberg to the Senate Armed Services Committee, I shall most willingly consider them. I shall remain, however, unalterably opposed to continuing the term of any Chief of Staff on the stated reason that such an extension will permit him to serve until he is required to retire for age.

If we adopt that course for one Chief of Staff, we are likely to do it for other Chiefs of Staff, and I can think of no course of action which would more certainly lead to military stagnation and national grief if not disaster if carried to its logical conclusions.

THE INTERNATIONAL MATERIALS CONFERENCE

Mr. FERGUSON. Mr. President, on several previous occasions, I brought the activities of the International Materials Conference to the attention of the Senate and I have requested that the State Department clarify its position and the position of our country with respect to this organization.

Now we have a detailed confirmation of all the statements I made about the International Materials Conference and a clearer insight into it as a result of a speech delivered by Mr. Edmund Getzin, nonferrous metals branch, Office of Materials Policy, of our State Department, before the American Institute of Mining and Metallurgical Engineers at their annual meeting in New York February 19, 1952.

I should like to analyze Mr. Getzin's remarks which were apparently written before my disclosures of the International Materials Conference on the floor of the Senate. His remarks, which he made as an official representative of the State Department are extremely revealing and deserve careful attention.

It will be recalled that I have said that the International Materials Conference was established by the joint action of our State Department, the Government of France, and the Government of the United Kingdom, and that this action was a result of Prime Minister Attlee's visit to the United States, during which he pleaded for an increased share of the world's materials at a price which Britain could afford to pay.

The State Department spokesman confirmed this fact when he told the mining engineers that—

Prime Minister Attlee and President Truman, during the former's visit to Washington in December 1950, reached a tentative agreement upon plans for an ad hoc intergovernmental organization specifically designed to handle raw material problems. These plans were then discussed with the Government of France. On January 12, 1951, the three governments issued a joint statement reporting their agreement. * * * This was the start of the International Materials Conference.

So here we have it in black and white: Prime Minister Attlee and President Truman concocted the International Materials Conference.

I previously told the Senate that the International Materials Conference is a

the State Department assume, through this Commission, to cut down some \$2,000,000,000 on the debts owing to the United States?

Second, under what authority was the procedure contemplated by which the claims of the United States would be subordinated to the claims of private investors, and private investors paid after \$2,000,000,000 was loaded on the backs of American taxpayers?

I have read the letter in full, exactly as it was received. I repeat that I am greatly encouraged by the fact that it is stated that whatever agreement was reached last Friday, or whatever agreement comes out of the consultations, the whole matter of adjustment will come before the Senate in the form of a treaty so that the entire subject can be considered here.

Mr. LANGER. Mr. President, will the Senator yield?

Mr. GILLETTE. I yield.

Mr. LANGER. I take it the distinguished Senator from Iowa is very well satisfied with the reply from the Department of State.

Mr. GILLETTE. No; the Senator from Iowa is not satisfied with the reply. The Senator from Iowa is very much pleased that the reply gives assurance that whatever adjustment is made, it will be presented to the Senate in the form of a treaty, rather than a fait accompli writing off of debts.

Mr. LANGER. In any event the Senator from Iowa is very much pleased at receiving the information from the Department of State.

Mr. GILLETTE. Definitely so.

Mr. LANGER. Does the Senator from Iowa think that the reply of the State Department is open, frank, and thorough?

Mr. GILLETTE. It is open, frank, and thorough.

MINERAL LEASES ON CERTAIN SUBMERGED LANDS

The Senate resumed the consideration of the motion of Mr. McFARLAND that the Senate proceed to the consideration of Senate Joint Resolution 20, to provide for the continuation of operations under certain mineral leases issued by the respective States covering submerged lands of the Continental Shelf, to encourage the continued development of such leases, to provide for the protection of the interests of the United States in the oil and gas deposits of said lands, and for other purposes.

Mr. KNOWLAND. Mr. President, because some question was raised on the floor of the Senate a while ago as to what had been said, I have before me the notes as they have just come from the Official Reporters, with no editing whatever on the part of either speaker. Appearing on folio 134-S of the reporter's notes is the following, picking up the reading in the remarks of the Senator from Texas [Mr. CONNALLY]:

Mr. President, it is astounding to me that Senators who profess to be in favor of tidelands legislation—Senators whose States are vitally interested in the subject—should subordinate the tidelands question to the interests of Hawaii. Whether for political

reasons or otherwise, I cannot understand how patriotic Americans who say they want to do something for all the people of the United States can have a preference for Hawaii. I thought they were American citizens, not Hawaiian citizens.

Mr. KNOWLAND. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. KNOWLAND. I wish to say to the Senator from Texas that I very much resent his statement. I am as interested in the problems of my State as the able Senator from Texas is interested in the problems of his State. My State has as vital an interest in tidelands as does the State of Texas. However, the people in Hawaii, if the Senator from Texas does not know it, are just as much American citizens as are the Senator from Texas and the Senator from California.

I am surprised that the Senator from Texas should get up on the floor of the Senate and question the American citizenship of the 500,000 voiceless people of Hawaii, or that he should question the motives of any Senator.

There is not a single vote in the whole Territory of Hawaii for the Senator from California, who, like the Senator from Texas, must stand for reelection this year. The fact that neither of the Territories has a vote in the Senate does not place any less obligation upon those of us who are interested in bringing up other matters before the Senate.

Mr. CONNALLY. Mr. President, the Senator from California shows by his heat his tender affection for Hawaii, over a bill that affects all the people of the United States.

Mr. LONG. Mr. President, will the Senator yield for a question?

Mr. CONNALLY. Not now. I shall be glad to yield in a minute.

The Senator from California says that the people of Hawaii are already citizens. If they are already citizens, we do not need a bill which will make them citizens. He says that every one of them is a good American; that the people of Hawaii are as good citizens as are the Senator from Texas and the Senator from California. If he wants to classify himself in that category, he may do so, but I do not want to classify myself in that category. I think I am a better American than a great many people who live in Hawaii. I have been to Hawaii. The majority of the people there are not of American ancestry or descent.

I very much regret that the eminent Senator from California should feel offended by anything that I have said. I have said the truth. I have said the truth in everything that I have uttered.

As I said a moment ago, I am not satisfied with the tidelands bill as it is presented now in the Senate. The Senate has the power to amend that bill. It has the power to modify that bill. It has the power to restore title to the tidelands to the people of California, Texas, Louisiana, and all the other States.

I believe that the interests of all the people of the United States ought to be superior to the claims of the people of Hawaii and its contiguous territories, including the State of California. California ought not to occupy a different position than any other State in the Union.

I am sorry that the eminent Senator from California cannot conduct debate on the floor of the Senate without getting heated and making remarks about the Senator from Texas. The Senator from Texas has as much right to the floor of the Senate as has the Senator from California. The Senator from Texas is trying to represent not only the people of Texas, but all the people of the United States. I have no commission in my pocket in behalf of any foreign dependency or any foreign province or territory.

Mr. CASE. Mr. President, will the Senator yield?

Mr. KNOWLAND. I ask not to be interrupted at this point so that there will be no misunderstanding about the fact that I am reading the remarks of the Senator from Texas [Mr. CONNALLY]; and, therefore, I do not wish to get into a discussion of any extraneous matter.

I continue to read:

I am representing the people of Texas and, in a large sense, all the people of the United States. I am not on the brief for Hawaii or any other province out in the Pacific Ocean. I have a brief for the people of my State and for all the people of the United States.

I am sorry that this language will not suit the eminent Senator from California. I have been in the Senate several years. I know what this procedure is. I know that the custom is to follow the majority leadership in the matter of bringing up bills, and not give it into the hands of a little clique which has a selfish motive at heart; some little clique which will not let us do anything else if we do not do what it says we must do. In effect it says: "You will either bring up the Hawaii bill and pass it or you will not get any other legislation on the statute books."

Mr. President, I have concluded reading from the Official Reporters' transcript. I shall now yield to the Senator from South Dakota.

Mr. CASE. Mr. President, at the point that I sought to interrogate the Senator from California I wished to call attention to the fact that the distinguished Senator from Texas [Mr. CONNALLY] had used the words "foreign dependency" and such phrases as "province in the Pacific Ocean."

Mr. KNOWLAND. That is correct.

Mr. CASE. I should like to ask the distinguished Senator from California if it is not also true that he construed the words of the Senator from Texas as setting up two classes of citizens, those of the mainland and those of a foreign dependency or province?

Mr. KNOWLAND. I do not see any other interpretation that could be placed on the remarks of the Senator from Texas that I have just read into the Record, as they were uttered by the Senator from Texas.

Mr. CASE. Apparently the Senator from Texas did not know or chose to ignore the fact that the people of Hawaii are citizens today.

Mr. KNOWLAND. They are citizens; and, as the able Senator from South Dakota has pointed out, they have made their contribution to the Nation in three great wars and have even made heavier sacrifices in the Korean war, percentage-wise, than have the other people of the United States.

Mr. CASE. By reason of those sacrifices and those contributions they are entitled to defense on the floor of the Senate when their honor or the quality of their citizenship seems to be impugned.

Mr. KNOWLAND. I think that there is at least a moral obligation upon a part of us who are here, when Hawaii is not represented in this Chamber.

Mr. SMATHERS. Mr. President, will the Senator yield for a question?

Mr. KNOWLAND. I yield.

Mr. SMATHERS. Does not the Senator from California agree, however, that

despite the fact that technically they are the remarks which were made, what the Senator from Texas [Mr. CONNALLY] was trying to point out was that as between a bill which would grant statehood to Hawaii and the tidelands bill, because the tidelands bill had to do with oil and because oil is essential to our national defense, at this moment the Senator from Texas thought it was beneficial to all the people of the United States to consider the tidelands issue rather than to be debating the question of whether the Senate should take up the Hawaii statehood bill?

Mr. KNOWLAND. I will say to the Senator from Florida that I have no intention of trying to interpret what the Senator from Texas [Mr. CONNALLY] had in mind. Let the RECORD speak for itself. Those of us who sat on the floor of the Senate heard what he said and we know what impression was made upon us.

Some question had been raised as to whether he had said what it was purported he had said. So that there would be no question about it I have on my own responsibility read the transcript of the remarks as it was furnished to me by the Official Reporters.

Mr. SMATHERS. I will say to the able Senator from California that I listened to the colloquy which transpired and I came to the conclusion that what the Senator from Texas [Mr. CONNALLY] was trying to do and attempting to point out was that Senate Joint Resolution 20, which has for its purpose the development of oil in our country, was of vital interest to the defense of the Nation and to everybody in the Nation, and that it should be considered before the Hawaii statehood bill was considered.

Mr. KNOWLAND. I think that could have been said by the Senator from Texas just as it has been said by the Senator from Florida, without casting any reflection upon the citizenship of the people of Hawaii. The Senator from Florida has made a very good point, which is entirely proper, that there may be honest differences of opinion as to any legislation which might be brought up in the Senate, but I have never found it necessary to place American citizens in a second-class category.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Arizona [Mr. MCFARLAND] that the Senate proceed to the consideration of Senate Joint Resolution 20.

Mr. SPARKMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Anderson	Dworshak	Hoey
Brewster	Eastland	Holland
Bricker	Eaton	Humphrey
Butler, Md.	Ellender	Hunt
Byrd	Ferguson	Ives
Cain	Flanders	Jenner
Carlson	Frear	Johnson, Colo.
Case	Fulbright	Johnson, Tex.
Clements	Gillette	Johnston, S. C.
Connally	Hayden	Kem
Cordon	Hendrickson	Kilgore
Douglas	Fennings	Knowland
Duff	Hill	Langer

Lehman	Moody	Smith, N. J.
Long	Mundt	Smith, N. C.
Magnuson	Murray	Sparkman
Malone	Nixon	Stennis
Martin	O'Connor	Thye
Maybank	O'Mahoney	Tobey
McCarran	Pastore	Underwood
McCarthy	Robertson	Watkins
McClellan	Russell	Wiley
McFarland	Saltonstall	Williams
McMahon	Schoeppel	Young
Millikin	Smathers	
Monroney	Smith, Maine	

Mr. JOHNSON of Texas. I announce that the Senator from Connecticut [Mr. BENTON], the Senator from Georgia [Mr. GEORGE], the Senator from Rhode Island [Mr. GREEN], the Senators from Tennessee [Mr. KEFAUVER and Mr. MCKELLAR], the Senator from Oklahoma [Mr. KERR], and the Senator from West Virginia [Mr. NEELY] are absent on official business.

The Senator from New Mexico [Mr. CHAVEZ] is absent by leave of the Senate.

Mr. SALTONSTALL. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from Maine [Mr. BREWSTER], the Senator from New Hampshire [Mr. BRIDGES], the Senators from Nebraska [Mr. BUTLER and Mr. SEATON], the Senator from Iowa [Mr. HICKENLOOPER], and the Senator from Idaho [Mr. WELKER] are absent on official business.

The Senator from Illinois [Mr. DIRKSEN], the Senator from Massachusetts [Mr. LODGE], the Senator from Oregon [Mr. MORSE], and the Senator from Ohio [Mr. TAFT] are necessarily absent.

The Senator from Indiana [Mr. CAPEHART] is detained on official business.

The PRESIDING OFFICER. A quorum is present.

Mr. KNOWLAND. Mr. President, because this debate has been going on for a number of days, and it has not been possible for the Senate to get a vote on the matter of whether to take up the tidelands legislation, or to get about the business which would have to be gotten out of the way first before any motions could be made regarding statehood for Hawaii, or any other legislation, for that matter, and because we have been discussing this situation for several days without being able to arrive at either a vote or the determination of a time for voting, I therefore move that the motion of the Senator from Arizona to take up Senate Joint Resolution 20 be tabled.

The PRESIDING OFFICER. The question is on the motion of the Senator from California. The motion is not debatable.

Mr. LANGER and Mr. KNOWLAND asked for the yeas and nays.

The yeas and nays were ordered.

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

The PRESIDING OFFICER. The absence of a quorum is suggested. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Anderson	Case	Eastland
Bennett	Clements	Eaton
Ericker	Connally	Ellender
Butler, Md.	Cordon	Ferguson
Byrd	Douglas	Flanders
Cain	Duff	Frear
Carlson	Dworshak	Fulbright

Gillette	Long	Robertson
Hayden	Magnuson	Russell
Hendrickson	Malone	Saltonstall
Hennings	Martin	Schoeppel
Hill	Maybank	Smathers
Hoey	McCarran	Smith, Maine
Holland	McCarthy	Smith, N. J.
Humphrey	McClellan	Smith, N. C.
Hunt	McFarland	Sparkman
Ives	McMahon	Stennis
Jenner	Millikin	Thye
Johnson, Colo.	Monroney	Tobey
Johnson, Tex.	Moody	Underwood
Johnston, S. C.	Mundt	Watkins
Kem	Murray	Wiley
Kilgore	Nixon	Williams
Knowland	O'Connor	Young
Langer	O'Mahoney	
Lehman	Pastore	

The VICE PRESIDENT. A quorum is present. The question is on agreeing to the motion of the senior Senator from California [Mr. KNOWLAND] to lay on the table the motion of the junior Senator from Arizona [Mr. MCFARLAND] that the Senate proceed to the consideration of Senate Joint Resolution 20. The question is not debatable. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KILGORE (when his name was called). A parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. KILGORE. What is the Senate voting on at this time?

The VICE PRESIDENT. The vote is on the motion to lay on the table the motion that the Senate proceed to the consideration of Senate Joint Resolution 20, the so-called tidelands joint resolution. The clerk will resume the call of the roll.

The roll call was resumed and concluded.

Mr. JOHNSON of Texas. I announce that the Senator from Connecticut [Mr. BENTON], the Senator from Georgia [Mr. GEORGE], the Senator from Rhode Island [Mr. GREEN], the Senators from Tennessee [Mr. KEFAUVER and Mr. MCKELLAR], the Senator from Oklahoma [Mr. KERR], and the Senator from West Virginia [Mr. NEELY] are absent on official business.

The Senator from New Mexico [Mr. CHAVEZ] is absent by leave of the Senate.

Mr. SALTONSTALL. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from Maine [Mr. BREWSTER], the Senator from New Hampshire [Mr. BRIDGES], the Senators from Nebraska [Mr. BUTLER and Mr. SEATON], the Senator from Iowa [Mr. HICKENLOOPER], and the Senator from Idaho [Mr. WELKER] are absent on official business.

The Senator from Illinois [Mr. DIRKSEN], the Senator from Massachusetts [Mr. LODGE], the Senator from Oregon [Mr. MORSE], and the Senator from Ohio [Mr. TAFT] are necessarily absent.

The Senator from Indiana [Mr. CAPEHART] is detained on official business.

If present and voting, the Senator from Vermont [Mr. AIKEN], the Senator from Illinois [Mr. DIRKSEN], the Senator from Oregon [Mr. MORSE], and the Senator from Nebraska [Mr. SEATON] would each vote "yea."

On this vote the Senator from Massachusetts [Mr. LODGE] is paired with the Senator from Ohio [Mr. TAFT]. If

present and voting, the Senator from Massachusetts would vote "nay" and the Senator from Ohio would vote "yea."

The vote was recapitulated.

Mr. McFARLAND. Mr. President—
The VICE PRESIDENT. For what purpose does the Senator arise?

Mr. McFARLAND. How am I recorded as voting?

The VICE PRESIDENT. The Senator is recorded as voting in the negative.

Mr. JOHNSTON of South Carolina. Mr. President, how am I recorded as voting?

The VICE PRESIDENT. In the negative.

Mr. FULBRIGHT. Mr. President, how am I recorded as voting?

The VICE PRESIDENT. In the negative.

Mr. EASTLAND. Mr. President, how am I recorded as voting?

The VICE PRESIDENT. The Senator is recorded as voting in the negative.

Mr. TOBEY. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. TOBEY. Based upon the long experience of the Vice President as the Presiding Officer of the Senate, does it not seem to him astonishing that there are so many instances of mental aberration on the part of Senators on the other side of the aisle?

The VICE PRESIDENT. That is not a parliamentary inquiry. It is very unparliamentary. [Laughter.]

The result was announced—yeas 39, nays 37, as follows:

YEAS—39

Anderson	Hendrickson	Murray
Bennett	Hennings	Nixon
Bricker	Humphrey	O'Mahoney
Butler, Md.	Hunt	Saltonstall
Cain	Ives	Schoeppel
Carlson	Jenner	Smith, Maine
Case	Knowland	Smith, N. J.
Cordon	Lehman	Thye
Douglas	Magnuson	Tobey
Dworshak	Martin	Watkins
Ecton	McCarthy	Wiley
Ferguson	Millikin	Williams
Flanders	Mundt	Young

NAYS—37

Byrd	Johnson, Colo.	Monroney
Clements	Johnson, Tex.	Moody
Connally	Johnston, S. C.	O'Connor
Duff	Kem	Pastore
Eastland	Kilgore	Robertson
Ellender	Langer	Russell
Frear	Long	Smathers
Fulbright	Malone	Smith, N. C.
Gillette	Maybank	Sparkman
Hayden	McCarran	Stennis
Hill	McClellan	Underwood
Hoey	McFarland	
Holland	McMahon	

NOT VOTING—20

Alken	Dirksen	McKellar
Benton	George	Morse
Brewster	Green	Neely
Bridges	Hickenlooper	Seaton
Butler, Nebr.	Kefauver	Taft
Capehart	Kerr	Welker
Chavez	Lodge	

So Mr. KNOWLAND's motion to lay on the table Mr. McFARLAND's motion to proceed to the consideration of Senate Joint Resolution 20 was agreed to.

Mr. McFARLAND and other Senators addressed the Chair.

The VICE PRESIDENT. The Senator from Arizona.

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

The VICE PRESIDENT. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Anderson	Hill	Monroney
Bennett	Hoey	Moody
Bricker	Holland	Mundt
Butler, Md.	Humphrey	Murray
Eyrd	Hunt	Neely
Cain	Ives	Nixon
Capehart	Jenner	O'Connor
Carlson	Johnson, Colo.	O'Mahoney
Case	Johnson, Tex.	Pastore
Clements	Johnston, S. C.	Robertson
Connally	Kem	Russell
Cordon	Kilgore	Saltonstall
Douglas	Knowland	Schoeppel
Duff	Langer	Smathers
Dworshak	Lehman	Smith, Maine
Eastland	Long	Smith, N. J.
Ecton	Magnuson	Smith, N. C.
Ellender	Malone	Sparkman
Ferguson	Martin	Stennis
Flanders	Maybank	Thye
Frear	McCarran	Tobey
Fulbright	McCarthy	Underwood
George	McClellan	Watkins
Gillette	McFarland	Wiley
Hayden	McKellar	Williams
Hendrickson	McMahon	Young
Hennings	Millikin	

The VICE PRESIDENT. A quorum is present.

Mr. McKELLAR. Mr. President, I was not in the Chamber a few moments ago when the Senate voted on the motion of the Senator from California [Mr. KNOWLAND]. I move to reconsider the vote by which the motion of the Senator from California to lay on the table the motion of the Senator from Arizona [Mr. McFARLAND] was agreed to.

The VICE PRESIDENT. The question is on the motion of the Senator from Tennessee to reconsider the vote by which the motion of the Senator from California [Mr. KNOWLAND] to lay on the table the motion of the Senator from Arizona [Mr. McFARLAND] was agreed to. Does the Senator from Tennessee wish to debate his motion?

Mr. McKELLAR. No; I do not wish to debate it.

Mr. KNOWLAND. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk called the roll.

Mr. JOHNSON of Texas. I announce that the Senator from Connecticut [Mr. BENTON], the Senator from Rhode Island [Mr. GREEN], the Senator from Tennessee [Mr. KEFAUVER], and the Senator from Oklahoma [Mr. KERR] are absent on official business.

The Senator from New Mexico [Mr. CHAVEZ] is absent by leave of the Senate.

Mr. SALTONSTALL. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from Maine [Mr. BREWSTER], the Senator from New Hampshire [Mr. BRIDGES], the Senators from Nebraska [Mr. BUTLER and Mr. SEATON], the Senator from Iowa [Mr. HICKENLOOPER], and the Senator from Idaho [Mr. WELKER] are absent on official business.

The Senator from Illinois [Mr. DIRKSEN], the Senator from Massachusetts [Mr. LODGE], the Senator from Oregon [Mr. MORSE], and the Senator from Ohio [Mr. TAFT] are necessarily absent.

If present and voting, the Senator from Vermont [Mr. AIKEN], the Senator from Illinois [Mr. DIRKSEN], the Senator from Oregon [Mr. MORSE], and the Senator from Nebraska [Mr. SEATON] would each vote "nay."

On this vote the Senator from Massachusetts [Mr. LODGE] is paired with the Senator from Ohio [Mr. TAFT]. If present and voting, the Senator from Massachusetts would vote "yea" and the Senator from Ohio would vote "nay."

The result was announced—yeas 42, nays 38, as follows:

YEAS—42

Byrd	Holland	McMahon
Capehart	Jenner	Monroney
Clements	Johnson, Colo.	Moody
Connally	Johnson, Tex.	Mundt
Eastland	Johnston, S. C.	Neely
Ellender	Kem	O'Connor
Frear	Kilgore	Pastore
Fulbright	Long	Robertson
George	Malone	Russell
Gillette	Maybank	Smathers
Hayden	McCarran	Smith, N. C.
Hennings	McClellan	Sparkman
Hill	McFarland	Stennis
Hoey	McKellar	Underwood

NAYS—38

Anderson	Flanders	Nixon
Bennett	Hendrickson	O'Mahoney
Bricker	Humphrey	Saltonstall
Butler, Md.	Hunt	Schoeppel
Cain	Ives	Smith, Maine
Carlson	Knowland	Smith, N. J.
Case	Langer	Thye
Cordon	Lehman	Tobey
Douglas	Magnuson	Watkins
Duff	Martin	Wiley
Dworshak	McCarthy	Williams
Ecton	McKellar	Young
Ferguson	Murray	

NOT VOTING—16

Alken	Dirksen	Morse
Benton	Green	Seaton
Brewster	Hickenlooper	Taft
Bridges	Kefauver	Welker
Butler, Nebr.	Kerr	
Chavez	Lodge	

So Mr. McKELLAR's motion to reconsider the vote by which Mr. KNOWLAND's motion to lay Mr. McFARLAND's motion on the table was agreed to.

Mr. SALTONSTALL. Mr. President—

The VICE PRESIDENT. The question now recurs on the motion of the Senator from California [Mr. KNOWLAND] to lay on the table the motion of the Senator from Arizona [Mr. McFARLAND] that the Senate proceed to consider Senate Joint Resolution 20. That motion is not debatable.

Mr. KNOWLAND. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk called the roll.

Mr. JOHNSON of Texas. I announce that the Senator from Connecticut [Mr. BENTON], the Senator from Rhode Island [Mr. GREEN], the Senator from Tennessee [Mr. KEFAUVER], and the Senator from Oklahoma [Mr. KERR] are absent on official business.

The Senator from New Mexico [Mr. CHAVEZ] is absent by leave of the Senate.

Mr. SALTONSTALL. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from Maine [Mr. BREWSTER], the Senator from New Hampshire [Mr. BRIDGES], the Senators from Nebraska [Mr. BUTLER and Mr. SEATON], the Senator from Iowa [Mr. HICKENLOOPER], and the Senator from Idaho [Mr. WELKER] are absent on official business.

The Senator from Illinois [Mr. DIRKSEN], the Senator from Massachusetts [Mr. LODGE], the Senator from Oregon [Mr. MORSE], and the Senator from Ohio [Mr. TAFT] are necessarily absent.

If present and voting, the Senator from Vermont [Mr. AIKEN], the Senator from Illinois [Mr. DIRKSEN], the Senator from Oregon [Mr. MORSE], and the Senator from Nebraska [Mr. SEATON] would each vote "yea."

On this vote the Senator from Massachusetts [Mr. LODGE] is paired with the Senator from Ohio [Mr. TAFT]. If present and voting, the Senator from Massachusetts would vote "nay" and the Senator from Ohio would vote "yea."

The result was announced—yeas 37, nays 43, as follows:

YEAS—37

Anderson	Hendrickson	O'Mahoney
Bennett	Humphrey	Saltonstall
Bricker	Hunt	Schoeppel
Butler, Md.	Ives	Smith, Maine
Cain	Knowland	Smith, N. J.
Carlson	Langer	Thye
Case	Lehman	Tobey
Cordon	Magnuson	Watkins
Douglas	Martin	Wiley
Dworshak	McCarthy	Williams
Ecton	Millikin	Young
Ferguson	Murray	
Flanders	Nixon	

NAYS—43

Byrd	Holland	Monroney
Capehart	Jenner	Moody
Clements	Johnson, Colo.	Mundt
Connally	Johnson, Tex.	Neely
Duff	Johnston, S. C.	O'Connor
Eastland	Kem	Pastore
Ellender	Kilgore	Robertson
Frear	Long	Russell
Fulbright	Malone	Smathers
George	Maybank	Smith, N. C.
Gillette	McCarran	Sparkman
Hayden	McClellan	Stennis
Hennings	McFarland	Underwood
Hill	McKellar	
Hoey	McMahon	

NOT VOTING—16

Alken	Dirksen	Morse
Benton	Green	Seaton
Brewster	Hickenlooper	Taft
Bridges	Kefauver	Welker
Butler, Nebr.	Kerr	
Chavez	Lodge	

So Mr. KNOWLAND's motion to lay on the table Mr. MCFARLAND's motion was rejected.

The VICE PRESIDENT. The question now recurs on the motion of the Senator from Arizona to proceed to the consideration of Senate Joint Resolution 20.

Mr. MCFARLAND. Mr. President, I hope we may have a vote on the motion, in order that we may go ahead with the consideration of this bill. We could almost have had it finished, had it not been opposed the other day.

Mr. KNOWLAND. I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk called the roll.

Mr. JOHNSON of Texas. I announce that the Senator from Connecticut [Mr. BENTON], the Senator from Rhode Island [Mr. GREEN], the Senator from Tennessee [Mr. KEFAUVER], the Senator from Oklahoma [Mr. KERR], and the Senator from Nevada [Mr. MCCARRAN] are absent on official business.

The Senator from New Mexico [Mr. CHAVEZ] is absent by leave of the Senate.

I announce further that on this vote the Senator from Nevada [Mr. MCCARRAN] is paired with the Senator from Oregon [Mr. MORSE]. If present and voting, the Senator from Nevada would

vote "yea," and the Senator from Oregon would vote "nay."

Mr. SALTONSTALL. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from Maine [Mr. BREWSTER], the Senator from New Hampshire [Mr. BRIDGES], the Senators from Nebraska [Mr. BUTLER and Mr. SEATON], the Senator from Iowa [Mr. HICKENLOOPER] and the Senator from Idaho [Mr. WELKER] are absent on official business.

The Senator from Illinois [Mr. DIRKSEN], the Senator from Massachusetts [Mr. LODGE], the Senator from Oregon [Mr. MORSE] and the Senator from Ohio [Mr. TAFT] are necessarily absent.

If present and voting, the Senator from Vermont [Mr. AIKEN], the Senator from Illinois [Mr. DIRKSEN], and the Senator from Nebraska [Mr. SEATON] would each vote "nay."

On this vote the Senator from Massachusetts [Mr. LODGE] is paired with the Senator from Ohio [Mr. TAFT]. If present and voting, the Senator from Massachusetts would vote "yea" and the Senator from Ohio would vote "nay."

On this vote the Senator from Oregon [Mr. MORSE] is paired with the Senator from Nevada [Mr. MCCARRAN]. If present and voting, the Senator from Oregon would vote "nay" and the Senator from Nevada would vote "yea."

The result was announced—yeas 47, nays 32, as follows:

YEAS—47

Anderson	Hill	McMahon
Byrd	Hoey	Monroney
Capehart	Holland	Moody
Case	Hunt	Mundt
Clements	Jenner	Neely
Connally	Johnson, Colo.	O'Connor
Duff	Johnson, Tex.	Pastore
Eastland	Johnston, S. C.	Robertson
Ecton	Kem	Russell
Ellender	Kilgore	Smathers
Frear	Long	Smith, N. C.
Fulbright	Malone	Sparkman
George	Maybank	Stennis
Gillette	McClellan	Underwood
Hayden	McFarland	Young
Hennings	McKellar	

NAYS—32

Bennett	Humphrey	O'Mahoney
Bricker	Ives	Saltonstall
Butler, Md.	Knowland	Schoeppel
Cain	Langer	Smith, Maine
Carlson	Lehman	Smith, N. J.
Cordon	Magnuson	Thye
Douglas	Martin	Tobey
Dworshak	McCarthy	Watkins
Ferguson	Millikin	Wiley
Flanders	Murray	Williams
Hendrickson	Nixon	

NOT VOTING—17

Alken	Dirksen	MCCARRAN
Benton	Green	MORSE
Brewster	Hickenlooper	SEATON
Bridges	Kefauver	TAFT
Butler, Nebr.	Kerr	WELKER
Chavez	Lodge	

So the motion was agreed to, and the Senate proceeded to consider the joint resolution (S. J. Res. 20) to provide for the continuation of operations under certain mineral leases issued by the respective States covering submerged lands of the Continental Shelf, to encourage the continued development of such leases, to provide for the protection of the interests of the United States in the oil and gas deposits of said lands, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs with amendments.

Mr. MCFARLAND. Mr. President, I hope that we may proceed with the consideration of the joint resolution and dispose of it very rapidly. I should like to work out a unanimous-consent agreement on limitation of debate upon this proposed legislation. When I first came to the Senate frequently unanimous-consent agreements were entered into whereby each Senator was limited to 30 minutes on each amendment and to 1 hour on the bill itself. If we may have that kind of a limitation, we can dispose of the pending joint resolution without much delay. I think it is very important that the Senate dispose of it and go on to something else. We have wasted several days because of the resistance to the motion to take up this proposed legislation. We have a responsibility here in the Senate. We should proceed with the consideration and disposal of measures.

Mr. THYE. Mr. President, will the Senator from Arizona yield?

Mr. MCFARLAND. I yield.

Mr. THYE. Mr. President, I must say to the able majority leader that some of us have convictions, and we do not want to be pushed around like so many dominos or so many checkers. We had a conviction that the bill granting statehood to Hawaii should be given consideration in this legislative body, and we only expressed our conviction.

Mr. MCFARLAND. Which, of course, Senators had a right to do. I am not complaining of that.

Mr. THYE. Mr. President, when the Senator says that we have wasted time, I do not think that statement is in the best grace. Our conviction was that the Hawaiian statehood bill should be given consideration on the floor, and we were not given an opportunity. We were not wasting time.

Mr. LONG. Mr. President, will the Senator from Arizona yield?

Mr. MCFARLAND. I yield to the Senator from Louisiana.

Mr. LONG. With all due deference to my good friend from Minnesota, the sooner we dispose of the measure which is now before the Senate the sooner we shall get around to the consideration of the Hawaiian statehood bill.

I suggest to the Senator from Arizona that he permit 2 or 3 days to expire before undertaking to limit debate, because some Senators may want to speak for more than half an hour on the joint resolution. If they are given a day or two, I believe Senators who want to discuss it at greater length will get their remarks made before the limitation goes into effect.

Mr. TOBEY. Mr. President, when is a filibuster not a filibuster?

Mr. MCFARLAND. Mr. President, I do not think there is any inclination to filibuster the proposed legislation which is before the Senate. I know Senators have worked hard to bring out the joint resolution and they are very much interested in having it come to a vote. I know, from having served in the committee with the Senator from Louisiana [Mr. LONG], that he is very much interested in the question, and I am sure he has no inclination to filibuster, because

he wants to get the joint resolution passed. I am willing to allow more time before I ask for a unanimous consent agreement, but if we can limit debate we will expedite the consideration of the resolution, and I think it is important that we do so.

Let me say to my good friend from Minnesota [Mr. THYE] that I meant no offense in what I said. I hope we may proceed to the consideration of this proposed legislation very rapidly, and I hope we can have a limitation on debate.

Mr. SALTONSTALL. Mr. President, will the Senator from Arizona yield?

Mr. McFARLAND. I yield.

Mr. SALTONSTALL. I should like to ask the distinguished minority leader a question. At 12 o'clock today he said that tomorrow he hoped to take up the Japanese Treaty. Now that the tidelands bill is before the Senate, I should like to ask, in the interest of orderly procedure, whether he intends to displace it tomorrow.

Mr. McFARLAND. I have since been told that the distinguished Senator from New Jersey [Mr. SMITH], would like a little time. I should like to ask him now if he desires to go ahead with the Japanese Peace Treaty tomorrow. Someone told me he had been ill and would prefer a little extra time before its consideration.

Mr. SMITH of New Jersey. Mr. President, I appreciate the question. I would prefer to speak on the Japanese Treaty next week.

Mr. McFARLAND. Mr. President, I ask unanimous consent that beginning on Wednesday morning the debate on the pending measure be limited to one-half hour to each Senator on amendments and 1 hour on the resolution; that all amendments must be germane; that the time be controlled equally by the proponents of the amendment and the distinguished Senator from Wyoming [Mr. O'MAHONEY] in the event that he is against the amendment, and, if not, by the distinguished minority leader or any Senator whom he may designate.

Mr. O'MAHONEY. Mr. President, will the Senator from Arizona yield?

Mr. McFARLAND. I yield.

Mr. O'MAHONEY. I desire to ask the Senator from Arizona if it is his intention to include in the unanimous-consent agreement an amendment which might be offered to strike out all after the enacting clause and substitute what is known as the quitclaim bill, a bill which passed the House of Representatives, surrendering all Federal title to the Continental Shelf, because if it is his intention to have that included in the unanimous-consent agreement, I know from what has been told me by Members on this side of the aisle consent would not be given. If the Senator will draw his unanimous-consent request in such fashion as to exclude that amendment from the limitation on debate, I think there would be much greater chance of obtaining consent.

Mr. McFARLAND. With that suggestion, Mr. President, I do exclude it.

Mr. SALTONSTALL and Mr. KNOWLAND addressed the Chair.

The VICE PRESIDENT. Does the Senator from Arizona yield; and, if so, to whom?

Mr. McFARLAND. I shall first yield to the Senator from Massachusetts.

Mr. SALTONSTALL. Mr. President, I should like to say that as the acting minority leader today I have had no opportunity to take the matter up with Members on this side of the aisle.

The Senator from Wyoming raises a very deep and profound question, about which I know very little. I think there are many questions involved, and I would hope that the majority leader would not press his unanimous-consent request tonight. If he does, I shall feel it my responsibility to object. I think it should go over at least until tomorrow.

Mr. McFARLAND. I yield now to the Senator from California.

Mr. KNOWLAND. Mr. President, because there was a discussion in progress on this side of the aisle, I am not sure that I quite understand the issue raised by the Senator from Wyoming. Is it his point that the so-called quitclaim bill should be accepted as an amendment to the bill under consideration, or that it should be excluded from consideration under the unanimous consent agreement?

Mr. O'MAHONEY. My statement to the Senator from Arizona was that, in my opinion, he would not be able to obtain a unanimous consent agreement if he was attempting to place a limitation on debate on that amendment. Therefore, I suggested to him that I thought it would be much easier to obtain a limitation upon debate if that amendment were excluded from the limitation.

Mr. KNOWLAND. In other words, the quitclaim provision or amendment would be considered to be germane under the unanimous-consent agreement that is being requested by the Senator from Arizona; would it not?

Mr. O'MAHONEY. It would be considered to be germane. It is germane. But it would not be subject to any limitation.

Several Senators addressed the Chair.

The VICE PRESIDENT. Does the Senator from Arizona yield; and if so, to whom?

Mr. McFARLAND. I yield first to the Senator from Florida.

Mr. HOLLAND. Mr. President, I certainly hope the distinguished majority leader will not insist upon his suggestion at this time. So far as I am concerned, I shall have no objection to a reasonable limitation upon debate when the various points of view, of which there are several in respect to this matter, have been discussed at sufficient length to have the RECORD disclose what is really behind the proposed legislation.

At the same time, since the Senator from Wyoming has mentioned one of the so-called quitclaim bills, but not the other, I think the RECORD should affirmatively show at this time that there is another quitclaim bill, which does not extend to the Continental Shelf, but only to the constitutional limits of the several maritime States. The latter bill has been introduced by 35 Senators and is

supported by other Senators, so I think this is a proper occasion for those 35 Senators to have their measure considered.

I certainly have full intention, as I believe it is equally the intention of other Senators who are associated with me, to see that the Senate has an opportunity to consider this particular measure.

Mr. O'MAHONEY rose.

Mr. HOLLAND. Before I yield to the Senator from Wyoming, I wish to make very clear the fact that I do not wish to preclude anybody from being heard at sufficient length to make his case in full, but I expect to be heard on S. 940, and I believe there are other Senators who feel as I do.

Furthermore, Mr. President, I think the RECORD should show at this time that there is no oil within the States of a great many Senators who are supporting S. 940, or within the so-called submerged lands adjoining their States. Therefore, those Senators are not particularly concerned with the oil question. But they are very definitely and actively concerned with the idea of turning over to a Federal bureaucracy the question of deciding whether we shall build a pier, whether we shall take shells from the bottom of our offshore lands, whether we shall take sponges, or whether several hundred hotels and other expensive structures which have been built at various places upon filled land extending into the open Atlantic or open Gulf are going to have their titles affected or clouded by having untimely, unfair, and unwise legislation passed by the Congress of the United States.

Mr. President, I merely wished to make it crystal clear at this time that I expect, and I think it is a reasonable expectation, to have a courteous hearing, a hearing at which there will be sufficient time to make clear the tremendous values which lie within the whole question at issue, and which have nothing at all to do with oil. I wish to make that clear, so that the Senate can pass intelligently upon this question.

Several Senators addressed the Chair.

The VICE PRESIDENT. Does the Senator from Arizona yield; and, if so, to whom?

Mr. McFARLAND. I yield to the Senator from Louisiana.

Mr. LONG. Mr. President, to make sure that the RECORD does not completely mislead the public with respect to this proposed legislation, as the press seems to have done, I should like to correct the erroneous statement made here that the bill which will be offered by some Senators as a substitute for the pending bill, would give away all title to the Continental Shelf.

I believe we should understand that the House bill provides that lands within the original boundaries of certain States should belong to those States. I have made some study of this matter, and have found that that would amount to 4 percent of the submerged land which would be subject to the paramount power of the Federal Government.

It was further suggested in the proposed legislation that as to lands in the

sea beyond that point, the States should have a 37½ percent interest in mineral royalties, just as inland States have received a 37½ percent royalty interest in the Federal lands within the jurisdiction of those States.

It seems to me that we should stop misleading the public about this question. So far as I can determine with respect to the matter in my State, the Federal Government would continue to receive the lion's share of revenue from oil and gas production in the Gulf of Mexico, even if the House bill were passed. So I think it is time we stopped misleading the public into thinking that all the revenue derived from submerged lands would be turned over to the Federal Government.

As a matter of fact, two-thirds of the submerged land belonging to the United States is located around Alaska. Nobody thought of mentioning that when the matter of submerged lands was first discussed. As a matter of fact, after the discovery of oil and gas in the submerged lands along the shores of California, some Federal advocates were so anxious to get that oil that they refused to think of the other factors involved.

So, Mr. President, I think we should not lose sight of the fact that the Federal Government would retain control over more than 90 percent of submerged lands, even if the so-called quitclaim bills were passed.

Mr. McFARLAND. I yield to the Senator from Wyoming.

Mr. O'MAHONEY. Mr. President, I merely desire to say to the Senator from Florida [Mr. HOLLAND] that when I spoke of the quitclaim bill, I had in mind the bill which he and 34 other Senators sponsored, as well as the bill which passed the House of Representatives. Perhaps my language was inadequate to convey that idea. I was merely advising the Senator from Arizona that, in my opinion, it would be possible to secure unanimous consent to limit debate reasonably upon S. J. Res. 20, with amendments relating thereto, but not upon amendments which would in effect substitute another measure for it. I believe we will make better speed in that way.

Mr. KNOWLAND. Mr. President, will the Senator yield?

The VICE PRESIDENT. The Chair would like to suggest to the Senate that the Senator from Arizona has made a request for unanimous consent.

Mr. KNOWLAND. Mr. President, reserving the right to object—

Mr. McFARLAND. Senators have a right to object. I think this colloquy is wholesome and may expedite the procedure.

Several Senators addressed the Chair.

The VICE PRESIDENT. The Chair would like to suggest that Senators can proceed only if the Senator from Arizona yields.

Mr. McFARLAND. I ask unanimous consent to yield to Senators who wish to speak on the subject before the Senate.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. O'MAHONEY. Mr. President, will the Senator from Arizona yield in order that I may finish my statement?

Mr. McFARLAND. I yield.

Mr. O'MAHONEY. I wish to make clear to the Senator from Florida, and to all others who may wish to offer amendments to this bill which would change its nature, that I feel there should be a complete opportunity for them to explain the merits of such proposals, and there should be a complete opportunity for the opponents to explain their opposition. As to all other matters we can probably get a limitation of debate.

Mr. LEHMAN. Mr. President, will the Senator from Arizona yield?

Mr. McFARLAND. I yield to the Senator from New York, who has been on his feet for some time.

Mr. LEHMAN. I wish to associate myself with the remarks made by the distinguished Senator from Wyoming. I think ample time should be allowed to discuss the all-important quitclaim amendment in whatever form it may take. Certainly there should be no disposition to shut off reasonable debate.

I wish to say one more word. In view of the allegations made by the distinguished majority leader to the effect that a great deal of time has been wasted upon the Alaska and Hawaii statehood bills, I wish to have the RECORD made clear.

The delay has not been the result of any efforts or any steps taken by the proponents of the measure. There has been no disposition whatsoever to delay action. The Alaskan and Hawaiian bills are the result of definite pledges contained in the platforms of both the Democratic and Republican Parties, pledges by which I consider myself bound, and by which I believe a great many of my associates in the Senate consider themselves bound.

The Alaskan statehood bill came up for consideration, but we were estopped from voting on it. We were estopped from registering our viewpoint and our desire to grant statehood to Alaska, in accordance with pledges made, and in accordance with the views of a very substantial portion of the membership of the Senate.

I do not believe that the delay has been the fault of the proponents of the bills. So far as I am concerned, I shall use every effort within my power to bring up those bills again just as promptly as possible, in order to redeem what I consider to be pledges by the two parties, pledges in which I participated, and on which I ran for election to the Senate on at least three occasions. I wish to have the RECORD show my feelings, which I believe are shared by a substantial number of my colleagues in the Senate. I do not believe that it is fair to say that the fault for any delay, if there was delay, is attributable to the effort of the proponents of the bills. Quite the opposite. We have tried in every way to expedite action on those two bills.

Mr. McFARLAND. Mr. President, so far as any delay is concerned, I was not trying to place responsibility for the de-

lay at the door of anyone. However, the fact remains that there has been delay. I was merely trying to make an appeal to the Senate to go ahead and dispose of the legislation which is now pending before the Senate, so that we can proceed with something else.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. McFARLAND. I now yield to the Senator from Arkansas, who has been on his feet for some time.

Mr. McCLELLAN. Mr. President, I wish to ask the majority leader if, in contemplating the making of a unanimous-consent agreement, he has taken into account the fact that we have a reorganization plan before us, with respect to which there is a deadline, and upon which the Senate must act before midnight on the 14th of this month. I am not sure, but I should like to address a parliamentary inquiry to the Chair.

The VICE PRESIDENT. The Senator will state it.

Mr. McCLELLAN. In the event a unanimous consent agreement were entered into with respect to the pending measure, to vote at a certain time, or to begin voting on amendments at a certain time, with a limited time for discussion, would a privileged matter such as a reorganization plan, or a resolution disapproving a reorganization plan, be privileged to the extent that it might set aside the unanimous consent agreement?

The VICE PRESIDENT. The law and the rules provide that a reorganization plan is a privileged matter. It may be taken up at any time, without displacing the unfinished business, and when the consideration of the reorganization plan is concluded the unfinished business automatically comes back before the Senate.

Mr. McCLELLAN. I thought that was correct; but in view of the fact that the time is limited and we are trying to process that plan and get it to the floor of the Senate, I thought that fact should be taken into account before any unanimous consent agreement is entered into.

Mr. HILL. Mr. President, will the Senator from Arizona yield?

Mr. McFARLAND. I yield.

Mr. HILL. I will cooperate with the majority leader in any way I can. However, there is an amendment to the joint resolution which is sponsored by 19 Senators. It is the so-called oil-for-education amendment. We shall certainly want the time properly to present that amendment. I do not believe that it will require any great amount of time. Certainly we have no disposition unduly to delay consideration of this proposed legislation, but we shall wish time adequately and properly to present that amendment.

Mr. KNOWLAND. Mr. President, will the Senator from Arizona yield?

Mr. McFARLAND. I yield to the Senator from California.

Mr. KNOWLAND. I should like to express to the Senator from Arizona the hope that if and when the unanimous consent agreement is propounded, it will include some kind of limitation on all

amendments. Otherwise we shall have no limitation on the joint resolution or any of the amendments. I think it would be futile to have a unanimous consent agreement with respect to the so-called quitclaim amendment, and then leave the situation wide open for filibuster or other purposes in connection with other amendments. I think there should be adequate time for debate on all amendments. Whatever time is agreed upon, I do not believe that one question should be left completely open while limitations are enforced with respect to everything else.

SENATE JOINT RESOLUTION 20 VALIDATES LEASES
BUT GOVERNMENT RETAINS LANDS

Mr. MALONE. Mr. President, will the Senator yield?

Mr. McFARLAND. I yield.

Mr. MALONE. I should like to say to the distinguished Senator from Arizona, the majority leader, that it seems to me to be a very inappropriate time to ask for a limitation of debate on something with respect to which I am sure the Senate as a whole is entirely ignorant, that is to say, ignorant of what the Committee on Interior and Insular Affairs has reported to the Senate.

I note that there are many Senators who would deed these lands outright to the States and many who would retain the lands in Government ownership.

This particular measure, Senate Joint Resolution 20, is neither fish nor fowl. It would retain the ownership of the lands in the Government, and validates the leases already made by the separate States to the companies, so that the oil would be gone, but the United States would retain the land.

I have never heard anyone argue for such a theory, except the committee which proposed it as an interim bill. Even most of the committeemen denied that they would vote for it on the floor of the Senate.

It seems to me that it might be advantageous to hear a little debate on the Senate joint resolution which validates all of the leases made by the State to the companies, but allows the Government to retain ownership of the lands.

Two members of the committee voted against reporting this masterpiece of contradiction to the Senate floor. The junior Senator from Nevada was one of those.

Why we should ask for a limitation of debate on the first day, before there has been any debate and before the Senate understands what is before it is entirely beyond me.

Mr. McFARLAND. Mr. President, in view of what has been said, I shall not at this time press the request for a unanimous-consent agreement limiting debate. It is evident that it would be objected to. However, I wanted the Senate to begin thinking about the subject, because I wish to expedite consideration of it.

Mr. MALONE. Mr. President, will the Senator yield?

Mr. McFARLAND. I yield.

Mr. MALONE. The Senator need have no fear that Senators have not been thinking about the subject.

Mr. KEM. Mr. President, will the Senator yield?

Mr. McFARLAND. I yield to the Senator from Missouri.

Mr. KEM. Mr. President, I have been very much interested in what the Senator from Arizona has had to say about "reasonableness" in the conduct of the business of the Senate. I agree largely with what he has had to say. I think it is in the public interest that we proceed with due regard to the rights and interests of others.

Mr. McFARLAND. I thank the Senator from Missouri.

Mr. KEM. I ask the Senator from Arizona if he does not feel that the same rules and principles should be applied to the conduct of the business of the Senate that is pending in the committees of the Senate?

Mr. McFARLAND. I think so. However, I do not control the committees.

Mr. KEM. I invite the attention of the Senator to a certain case which I have in mind. I am very glad that the Senator from Texas [Mr. CONNALLY], chairman of the Senate Committee on Foreign Relations, is present today.

On December 6, 1950, at the time Prime Minister Attlee was in Washington for a conference with the President of the United States, a resolution was submitted to obtain a full report on the results of the conferences, with respect to any agreements which were made at that time by the President and the Prime Minister of Great Britain. That resolution was referred to the Senate Committee on Foreign Relations, and was promptly pigeonholed. It has not been heard from since.

On January 14, 1952, the Senator from Nebraska [Mr. BUTLER] submitted a similar resolution, for the same purpose, at the time of the visit of Mr. Churchill to Washington, and during his conferences with the President of the United States. That resolution was also referred to the Senate Committee on Foreign Relations, and was not heard from again.

On January 14, 1952, I submitted to the Senate a resolution calling for an investigation of certain phases of the policy of the State Department. That resolution was referred to the Senate Committee on Foreign Relations. It has not since been heard from. I have asked for an opportunity to appear before that committee to present my views in connection with those resolutions. That opportunity has not been accorded me. So, Mr. President, I should like to say to the Senator from Arizona, as I have said to him on other occasions, that many of us on this side of the aisle feel that the Senator from Arizona and some of his colleagues on the other side of the aisle want to operate while we cooperate; in other words, he asks us on many occasions to extend to him cooperation in furthering the business of the Senate, but when we have some ideas which we think are for the good of the Nation or in the public interest, on which we would like to have some measure of cooperation on his side of the aisle, such as an opportunity to present ideas for consid-

eration; we are not extended such cooperation.

Mr. McFARLAND. Mr. President, I should like to say to my good friend the Senator from Missouri that I am not a member of the Foreign Relations Committee. I regret that I am unable to help him in that regard, because I am not a member of the committee. I have wanted to be a member of the committee on a few occasions, but I have always yielded to other Senators. If I had been a member of the committee of course I might be quite willing to be helpful.

Mr. KEM. I notice that the Senator from Texas, the chairman of the Committee on Foreign Relations, is on the floor. I wonder if he would elucidate his view as to whether cooperation is a one-way street or a two-way street.

Mr. CONNALLY. That is a generality which the Senator from Texas does not care to deny or affirm. It depends on what one is trying to be cooperative about. If one is trying to cooperate in the consideration of a bill, that is one thing; if he wants to cooperate in the passing of a bill, that is another thing. I shall be glad to hear the Senator from Missouri at some time in the committee if he wants to come before it.

Mr. KEM. I am very glad to have the Senator's assurance. I thank him for his courtesy, which is not unusual. I should like to be heard at the earliest possibility.

Mr. CONNALLY. That will be a long time, I am afraid.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. McFARLAND. I yield to the Senator from Florida.

Mr. KEM. Mr. President, will the Senator from Arizona yield further?

Mr. HOLLAND. I shall be glad to defer to the Senator from Missouri.

Mr. McFARLAND. I yield first to the Senator from Missouri.

Mr. KEM. Mr. President, that statement of the Senator from Texas is an example of what I had in mind. When I make inquiry as to whether cooperation is a one-way street or a two-way street, the Senator from Texas assures me that I will be given an opportunity to be heard, but at the same time he adds that it will be a long time before I am heard.

Mr. HOLLAND. Mr. President, I thank the Senator from Arizona. First I wish to commend as strongly as I can the Senator from Arizona for insisting upon his motion. I believe that the responsibility of leadership which rests upon his shoulders fully justified his insisting upon it. I am glad that the motion has prevailed.

I think that a matter so momentous as the tidelands question, which many of us have been trying to get up for consideration for 5½ years, at least ever since I have been a Member of this body, justifies consideration by the Senate at this time.

With reference to the proposed unanimous-consent request, I may say to the distinguished majority leader that I hope he will not renew his request for a unanimous-consent agreement until

after each of the four or five major points of view have had a chance to be explained with reasonable clarity on the floor of the Senate.

Of course, there is pending Senate Joint Resolution 20 of which the Senator from Wyoming, the chairman of the Committee on Interior and Insular Affairs, will be an able exponent. Undoubtedly there will also be other Senators who will wish to support the joint resolution.

There is the so-called Walters bill, which comes from the House of Representatives, and it has the impetus of passage there by a very heavy vote. I understand that both Senators from Texas and both Senators from Louisiana have a material interest in pressing that particular bill. I believe they are entitled to be heard on it.

With reference to the measure which I mentioned a while ago, the quitclaim bill, which goes out to the constitutional limits of the States, and which 35 Senators have sponsored, among whom I am one, I feel that those Senators are entitled to be heard also.

There is also the measure which was referred to by the distinguished Senator from Alabama [Mr. HILL], in which he and other Senators propose to give away a very vital heritage of maritime States for a mess of educational potage. I believe that they too are entitled to be heard to the length that it is necessary in order to be fully understood.

Mr. President, when those various measures and points of view have had a chance to be explained fully I want to assure the Senator from Arizona that I shall be happy to support any reasonable request he may make at that time by which the same kind of limitation will be applied to one proposal as will be applied to the others, and by means of which the Senate can expeditiously move to a decision.

I hope the Senator from Arizona will not make a request for such a limitation on debate without first suggesting the absence of a quorum, because there are some of us who should not be on the floor, as the Senator from Arizona well knows, but who are here at some risk. I believe we would be entitled to be given a little advance notice when there is to be a request made for a limitation of debate. Therefore, the Senator from Florida very respectfully requests the majority leader to suggest the absence of a quorum when such a unanimous-consent request for a limitation of debate on this subject is about to be presented.

Mr. McFARLAND. I shall certainly discuss the matter with the Senator from Florida before I make such a request.

Mr. HOLLAND. I thank the Senator from Arizona.

Mr. McFARLAND. Mr. President, I yield the floor.

Mr. SALTONSTALL. Mr. President, before the Senator from Arizona yields the floor, will he yield to me for a question?

Mr. McFARLAND. Yes; I yield.

Mr. SALTONSTALL. The Senator from Arizona has not cleared up in my

mind the question of when he intends to bring up the Japanese peace treaty.

Mr. McFARLAND. The Senator from New Jersey [Mr. SMITH] left his sickbed to come to the floor today. He is very much interested in the Japanese Peace Treaty. After I made the announcement, I understood that he felt he was not prepared to proceed today, and as a courtesy to him we should wait for a day or two until he can be here.

Mr. SALTONSTALL. Will the Senator from Arizona give us any assurance that he will not call up the Japanese Peace Treaty before Thursday, or perhaps Friday, of this week, so that the Senator from New Jersey [Mr. SMITH] may begin his discussion on Monday of next week.

Mr. CONNALLY. Mr. President, we cannot agree that the treaty go over until Monday. We do not know what will happen before Monday.

Mr. McFARLAND. I shall try to consult with the Senator from New Jersey and work out something satisfactory to everyone.

MINERAL LEASES ON CERTAIN SUBMERGED LANDS—AMENDMENTS

Mr. CONNALLY. Mr. President, on behalf of myself and my colleague the junior Senator from Texas [Mr. JOHNSON], I submit amendments in the nature of a substitute intended to be proposed by us jointly to the joint resolution (S. J. Res. 20) to provide for the continuation of operations under certain mineral leases issued by the respective States covering submerged lands of the Continental Shelf, to encourage the continued development of such leases, to provide for the protection of the interests of the United States in the oil and gas deposits of said lands, and for other purposes.

I ask unanimous consent that the amendments, which are identical with House bill 4484, which was passed by the House by a vote of 265 to 109 on July 30 last, be printed in the RECORD.

The VICE PRESIDENT. The amendments will be received and printed, and will lie on the table; and without objection the amendments will be printed in the RECORD.

The amendments submitted by Mr. CONNALLY for himself and Mr. JOHNSON of Texas are as follows:

Strike out all after the resolving clause and insert in lieu thereof the following:

"That this joint resolution may be cited as the 'Submerged Lands Act.'

"TITLE I

"DEFINITION

"Sec. 2. When used in this joint resolution—

"(a) The term 'lands beneath navigable waters' includes (1) all lands within the boundaries of each of the respective States which were covered by waters navigable under the laws of the United States at the time such State became a member of the Union, and all lands permanently or periodically covered by tidal waters up to but not above the line of mean high tide and seaward to a line three geographical miles distant from the coast line of each such State and to the boundary line of each such

State where in any case such boundary as it existed at the time such State became a member of the Union, or as heretofore or hereafter approved by Congress, extends seaward (or into the Great Lakes or Gulf of Mexico) beyond three geographical miles, and (2) all filled-in, made, or reclaimed lands which formerly were lands beneath navigable waters, as herein defined; the term 'boundaries' includes the seaward boundaries of a State or its boundaries in the Gulf of Mexico or any of the Great Lakes as they existed at the time such State became a member of the Union, or as heretofore or hereafter approved by the Congress, or as extended or confirmed pursuant to section 4 hereof;

"(b) The term 'coast line' means the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters, which include all estuaries, ports, harbors, bays, channels, straits, historic bays, and sounds, and all other bodies of water which join the open sea;

"(c) The terms 'grantees' and 'lessees' include (without limiting the generality thereof) all political subdivisions, municipalities, public and private corporations, and other persons holding grants or leases from a State, or its predecessor sovereign, to lands beneath navigable waters if such grants or leases were issued in accordance with the constitution, statutes, and decisions of the courts of the State in which such lands are situated, or of its predecessor sovereign: *Provided, however*, That nothing herein shall be construed as conferring upon said grantees or lessees any greater rights or interests other than are described herein and in their respective grants from the State, or its predecessor sovereign;

"(d) The term 'natural resources' shall include, without limiting the generality thereof, fish, shrimp, oysters, clams, crabs, lobsters, sponges, kelp, and other marine animal and plant life but shall not include water power or the use of water for the production of power at any site where the United States now owns the water power;

"(e) The term 'lands beneath navigable waters' shall not include the beds of streams in lands now or heretofore constituting a part of the public lands of the United States if such streams were not meandered in connection with the public survey of such lands under the laws of the United States;

"(f) The term 'continental shelf' means all submerged lands (1) which lie outside and seaward of lands beneath navigable waters as defined hereinabove in section 2 (a), and (2) of which the subsoil and natural resources appertain to the United States and are subject to its jurisdiction and control;

"(g) The term 'Secretary' means the Secretary of the Interior;

"(h) The term 'State' means any State of the Union;

"(i) The term 'coastal States' shall mean those States any portion of which borders upon the Atlantic Ocean, the Gulf of Mexico, or the Pacific Ocean;

"(j) The term 'person' includes any citizen of the United States, an association of such citizens, a State, a political subdivision of a State, or a private, public, or municipal corporation organized under the laws of the United States or of any State;

"(k) The term 'lease' whenever used with reference to action by a State or its political subdivision or grantee prior to January 1, 1949, shall be regarded as including any form of authorization for the use, development, or production of lands beneath navigable waters and the natural resources therein and thereunder; and the term 'lessee' whenever used in such connection shall be regarded as including any person having the right to develop or produce natural resources and any person having the right to use or

develop lands beneath navigable waters under any such form of authorization;

"(1) The term 'Mineral Leasing Act' shall mean the act of February 25, 1920 (41 Stat. 437; 30 U. S. C., sec. 181 and the following), and all acts heretofore enacted which are amendatory thereof or supplementary thereto.

"TITLE II

"LANDS BENEATH NAVIGABLE WATERS WITHIN STATE BOUNDARIES

"Sec. 3. Rights of the States: It is hereby determined and declared to be in the public interest that title to and ownership of the lands beneath navigable waters within the boundaries of the respective States, and the natural resources within such lands and waters, and the right and power to control, develop, and use the said natural resources all in accordance with applicable State law be, and they are hereby, subject to the provisions hereof, recognized, confirmed, established, and vested in the respective States, or the persons who were on June 5, 1950, entitled thereto under the property law of the respective States in which the land is located, and the respective grantees, lessees, or successors in interest thereof; and the United States hereby releases and relinquishes unto said States and persons aforesaid all right, title, and interest of the United States, if any it has, in and to all said lands, moneys, improvements, and natural resources, and releases and relinquishes all claims of the United States, if any it has, arising out of any operations of said States or persons pursuant to State authority upon or within said lands and navigable waters. The rights, powers, and titles hereby recognized, confirmed, established, and vested in the respective States and their grantees are subject to each lease executed by a State, or its grantee, which was in force and effect on June 5, 1950, in accordance with its terms and provisions and the laws of the State issuing, or whose grantee issued, such lease, and such rights, powers, and titles are further subject to the rights herein now granted to any person holding any such lease to continue to maintain the lease, and to conduct operations thereunder, in accordance with its provisions, for the full term thereof, and any extensions, renewals, or replacements authorized therein, or heretofore authorized by the laws of the State issuing, or whose grantee issued such lease: *Provided, however*, That if oil or gas was not being produced from such lease on and before December 11, 1950, then for a term from the effective date hereof equal to the term remaining unexpired on December 11, 1950, under the provisions of such lease or any extensions, renewals, or replacements authorized therein, or heretofore authorized by the laws of the State issuing, or whose grantee issued, such lease: *Provided, however*, That all rents, royalties, and other sums payable under such lease and the laws of the State issuing or whose grantee issued such lease between June 5, 1950, and the effective date hereof, which have not been paid to the State or its grantee issuing it or to the Secretary of the Interior of the United States, shall be paid to the State or its grantee issuing such lease within 90 days from the effective date hereof: *Provided, however*, That nothing in this joint resolution shall affect the use, development, improvement, or control by or under the constitutional authority of the United States of said lands and waters for the purposes of navigation or flood control or the production of power at any site where the United States now owns or may hereafter acquire the water power or be construed as the release or relinquishment of any rights of the United States arising under the constitutional authority of Congress to regulate or improve navigation or to provide for flood control or the production of power at any

site where the United States now owns the water power: *Provided further*, That nothing in this joint resolution shall be construed as affecting or intending to affect or in any way interfere with or modify the laws of the States which lie wholly or in part westward of the ninety-eighth meridian, relating to the ownership and control of ground and surface waters; and the control, appropriation, use, and distribution of such waters shall continue to be in accordance with the laws of such States.

"Sec. 4. Seaward boundaries: Any State which has not already done so may extend its seaward boundaries to a line three geographical miles distant from its coast line, or in the case of the Great Lakes, to the international boundary of the United States. 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. Nothing in this section is to be construed as questioning or in any manner prejudicing the existence of any State's seaward boundary beyond three geographical miles if it were so provided by its constitution or laws prior to or at the time such State became a member of the Union, or if it has been heretofore or is hereafter approved by Congress.

"Sec. 5. Exceptions from operation of section 3 of this joint resolution: There is excepted from the operation of section 3 of this joint resolution—

"(a) all specifically described tracts or parcels of land and resources therein or improvements thereon title to which has been lawfully and expressly acquired by the United States from any State or from any person in whom title had vested under the decisions of the courts of such State, or their respective grantees, or successors in interest, by cession, grant, quitclaim, or condemnation, or from any other owner or owners thereof by conveyance or by condemnation, provided such owner or owners had lawfully acquired the title to such lands and resources in accordance with the statutes or decisions of the courts of the State in which the lands are located; and

"(b) such lands beneath navigable waters within the boundaries of the respective States and such interests therein as are held by the United States in trust for the benefit of any tribe, band, or group of Indians or for individual Indians.

"Sec. 6. Powers retained by the United States: (a) The United States retains all its powers of regulation and control of said lands and navigable waters for the purposes of commerce, navigation, national defense, and international affairs, none of which includes any of the proprietary rights of ownership, or of use, development, and control of the lands and natural resources which are specifically recognized, confirmed, established, and vested in the respective States and others by section 3 of this joint resolution.

"(b) In time of war when necessary for national defense, and the Congress or the President shall so prescribe, the United States shall have the right of first refusal to purchase at the prevailing market price, all or any portion of the said natural resources, or to acquire and use any portion of said lands by proceeding in accordance with due process of law and paying just compensation therefor.

SEC. 7. Nothing in this joint resolution shall be deemed to amend, modify, or repeal the acts of July 26, 1866 (14 Stat. 251), July 9, 1870 (16 Stat. 217), March 3, 1877 (19 Stat. 377), June 17, 1902 (32 Stat. 388), and December 22, 1944 (58 Stat. 887), and acts amendatory thereof or supplementary thereto.

"TITLE III

"CONTINENTAL SHELF OUTSIDE STATE BOUNDARIES

"SEC. 8. Jurisdiction over Continental Shelf: (a) It is hereby declared to be the policy of the United States that the natural resources of the subsoil and sea bed of the Continental Shelf appertain to the United States and are subject to its jurisdiction, control, and power of disposition as provided in this joint resolution. Except to the extent that it is exercised in a manner inconsistent with applicable Federal laws, the police power of each coastal State may extend to that portion of the Continental Shelf which would be within the boundaries of such State if extended seaward to the outer margin of the Continental Shelf. The police power includes, but is not limited to, the power of taxation, conservation, and control of the manner of conducting geophysical explorations. This joint resolution shall be construed in such manner that the character as high seas of the waters above the Continental Shelf and the right to their free and unimpeded navigation shall not be affected.

"(b) Oil and gas deposits in the Continental Shelf shall be subject to control and disposal only in accordance with the provisions of this joint resolution and no rights in or claims to such deposits, whether based upon applications filed or other actions taken heretofore or hereafter, shall be recognized except in accordance with the provisions of this joint resolution.

"SEC. 9. Provisions for leasing of Continental Shelf: (a) When requested by any responsible and qualified person interested in purchasing oil and gas leases on any area of the Continental Shelf not then under lease issued by the abutting State or the Federal Government, or when in the Secretary's opinion there is a demand for the purchase of such leases, the Secretary shall offer for sale, on competitive sealed bidding, oil and gas leases on such area. Subject to the other terms and provisions hereof, sales of leases shall be made to the responsible and qualified bidder bidding the highest cash bonus per leasing unit. Notice of sale of oil and gas leases shall be published at least 30 days before the date of sale in accordance with rules and regulations promulgated by the Secretary, which publication shall contain (i) a description of the tracts into which the area to be leased has been subdivided by the Secretary for leasing purposes, such tracts being herein called "leasing units"; (ii) the minimum bonus per acre which will be accepted by the Secretary on each leasing unit; (iii) the amount of royalty as specified hereinafter in section 9 (d); (iv) the amount of rental per acre per annum on each leasing unit as specified hereinafter in section 9 (d); and (v) the time and place at which all bids shall be opened in public.

"(b) The leasing units shall be in reasonably compact form of such area and dimensions as may be determined by the Secretary, but shall not be less than 640 acres nor more than 2,560 acres if within the known geologic structure of a producing oil or gas field and shall not be less than 2,560 acres nor more than 7,680 acres if not within any known geologic structure of a producing oil or gas field.

"(c) Oil and gas leases sold under the provisions of this section shall be for the primary term of 5 years and shall continue so long thereafter as oil or gas is produced therefrom in paying quantities. Each lease shall contain provisions requiring the exercise of reasonable diligence, skill, and care in the operation of the lease, and requiring the lessee to conduct his operations thereon in accordance with sound and efficient oil-

field practices to prevent waste of oil or gas discovered under said lease or the entrance of water through wells drilled by him to the oil or gas sands or oil- and gas-bearing strata or the injury or destruction of the oil and gas deposits.

"(d) Each lease shall provide that, on or after the discovery of oil or gas, the lessee shall pay a royalty of not less than 12½ percent in amount or value of the production saved, removed, or sold from the leasing unit and, in any event, not less than \$1 per acre per annum in lieu of rental for each lease year commencing after discovery. If after discovery of oil or gas the production thereof should cease from any cause, the lease shall not terminate if lessee commences additional drilling or reworking operations within 90 days thereafter or, if it be within the primary term, commences or resumes the payment or tender of rentals or commences operations for drilling or reworking on or before the rental paying date next ensuing after the expiration of 90 days from date of cessation of production. All leases issued hereunder shall be conditioned upon the payment by the lessee of a rental of \$1 per acre per annum for the second and every lease year thereafter during the primary term and in lieu of drilling operations on or production from the leasing unit, all such rentals to be payable on or before the beginning of each lease year.

"(e) If, at the expiration of the primary term of any lease, oil or gas is not being produced in paying quantities on a leasing unit, but drilling operations are commenced not less than 180 days prior to the end of the primary term and such drilling operations or other drilling operations have been and are being diligently prosecuted and the lessee has otherwise performed his obligations under the lease, the lease shall remain in force so long as drilling operations are prosecuted with reasonable diligence and in a good and workmanlike manner, and if they result in the production of oil or gas so long thereafter as oil or gas is produced therefrom in paying quantities.

"(f) Should a lessee in a lease issued under the provisions of title III of this joint resolution fail to comply with any of the provisions of this joint resolution or of the lease, such lease may, upon proper showing, be canceled in an appropriate court proceeding because of such failure; but before the institution of such a court proceeding the Secretary shall allow the lessee 20 days in which to show cause in writing why the proceeding should not be instituted, and any submission made by the lessee during that period shall be given consideration by the Secretary in determining whether to recommend to the Attorney General that a court proceeding be instituted against the lessee. If a lease or any interest therein is owned or controlled, directly or indirectly, in violation of any of the provisions of this joint resolution the lease may be canceled, or the interest so owned or controlled may be forfeited or the person so owning or controlling the interest may be compelled to dispose of the interest in an appropriate court proceeding.

"(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 joint resolution are made applicable to lands leased or subject to lease by the Secretary under title III of this joint resolution.

"(h) Each lease shall contain such other terms and provisions consistent with the provisions of this joint resolution as may be prescribed by the Secretary. The Secretary may delegate his authority under this joint resolution to officers or employees of the Department of the Interior and may authorize sub-delegation to the extent that he may deem proper.

"(i) Citizens of another country, the laws, customs, or regulations of which deny similar or like privileges to citizens or corporations of this country, shall not directly or by stock ownership, stock holding, stock control, trusteeship, or otherwise, own or control any interest in any lease acquired under the provisions of this section. Any ownership or interest forbidden in this section which may be acquired by descent, will, judgment, or decree may be held for 2 years and not longer after its acquisition. No lands leased under the provisions of this section shall be subleased, trustee, possessed, or controlled by any device or in any manner whatsoever so that they form a part of or are in anywise controlled by any combination in the form of an unlawful trust, with the consent of the lessee, or form the subject in whole or in part of any contract, agreement, understanding, or conspiracy, entered into by the lessee, to restrain trade or commerce in the production or sale of oil or gas or to control the price of oil or gas.

"(j) Any lease obtained through the exercise of fraud or misrepresentation, or which is not performed in accordance with its terms or with this law, may by appropriate court action be invalidated.

"Sec. 10. Exchange of existing State leases in Continental Shelf for Federal leases: (a) The Secretary is authorized and directed to issue a lease to any person in exchange for a lease covering lands in the continental shelf which (1) was issued by any State or its grantee prior to January 1, 1949, and which was in force and effect on June 5, 1950, in accordance with its terms and provisions and the laws of the State issuing, or whose grantee issued, such lease, or (2) was issued with the approval of the Secretary subsequent to January 1, 1949, and prior to the effective date of this joint resolution and which on the effective date hereof was in force and effect in accordance with its terms and provisions and the laws of the State issuing, or whose grantee issued, such lease. Any lease issued pursuant to this section shall be for a term from the effective date hereof equal to the unexpired term of the old lease, or any extensions, renewals, or replacements authorized therein or heretofore authorized by the laws of the State issuing, or whose grantee issued, the same: *Provided, however,* That, if oil or gas was not being produced from such old lease on and before December 11, 1950, then any such new lease shall be for a term from the effective date hereof equal to the term remaining unexpired on December 11, 1950, under the provisions of the old lease or any extensions, renewals or replacements authorized therein or heretofore authorized by the laws of the State issuing or whose grantee issued such lease, shall cover the same natural resources and the same portion of the continental shelf as the old lease, shall provide for payment to the United States of the same rentals, royalties, and other payments as are provided for in the old lease, and shall include such other terms and provisions, consistent with the provisions of this joint resolution, as may be prescribed by the Secretary. Operations under such old lease may be conducted as therein provided until the issuance of an exchange lease hereunder or until it is determined that no such exchange lease shall be issued. No lease which has been determined by appropriate court action to have been obtained by fraud or misrepresentation shall be accepted for exchange under this section.

"(b) No such exchange lease shall be issued unless, (1) an application therefor, accompanied by a copy of the lease from the State or its political subdivision or grantee offered in exchange, is filed with the Secretary within 6 months from the effective date of this joint resolution, or within such further period as provided in section 18 hereof, or as may be fixed from time to time

by the Secretary; (ii) the applicant states in his application that the lease applied for shall be subject to the same overriding royalty obligations as the lease issued by the State or its political subdivision or grantee; (iii) the applicant pays to the United States all rentals, royalties, and other sums due to the lessor under the old lease which have or may become payable after December 11, 1950, and which have not been paid to the lessor under the old lease; (iv) the applicant furnishes such surety bond, if any, as the Secretary may require and complies with such other reasonable requirements as the Secretary may deem necessary to protect the interests of the United States; and (v) the applicant files with the Secretary a certificate issued by the State official or agency having jurisdiction showing that the old lease was in force and effect in accordance with its terms and provisions and the laws of the State issuing it on the applicable date provided for in paragraph (a) of this section; or, in the absence of such certificate, evidence in the form of affidavit, receipts, canceled checks, and other documents showing such facts.

"(c) All rents, royalties, and other sums payable under any such lease after December 11, 1950, and before the issuance of an exchange lease as herein provided, may be paid to the United States, subject, however, to accounting to the State which issued such lease or under whose authority the same was issued, in accordance with the provisions of section 12 hereof.

"(d) In the event any lease covers lands of the Continental Shelf as well as other lands, the provisions of this section shall apply to such lease insofar only as it covers lands of the Continental Shelf.

"Sec. 11. Actions involving Continental Shelf: Any court proceeding involving the Continental Shelf may be instituted in the United States district court for the district in which the lessee, or the person owning or controlling the lease interest, may be found or for the district in which the leased property, or some part thereof, is located; or, if no part of the leased property is within any district, for the district nearest to the property involved.

"Sec. 12. Division of proceeds from the Continental Shelf: Each coastal State is hereby vested with the right to 37½ percent of all moneys received by the United States, after the effective date of this joint resolution, as bonus payments, rents, and royalties with respect to operations for oil, gas, or other minerals in lands in the Continental Shelf which would be within the boundaries of such State, if extended seaward to the outer margin of the Continental Shelf; and the Secretary of the Treasury within 90 days after the expiration of each fiscal year shall pay to each such State the moneys to which it is so entitled. All other moneys received by the United States from operations in the Continental Shelf, under the provisions of this joint resolution, shall be paid into the Treasury of the United States and applied to the payment of the principal of the national debt. If and whenever the United States shall take and receive in kind all or any part of the royalties referred to in this section, the value of such royalties so taken in kind shall be deemed to be the prevailing market price thereof at the time and place of production, and there shall be paid to the State entitled thereto as provided in this section, 37½ percent of the value of such royalties.

"Sec. 13. Refunds: When it appears to the satisfaction of the Secretary that any person has made a payment to the United States in connection with any lease under this joint resolution in excess of the amount he was lawfully required to pay, such excess shall be repaid to such person or his legal representative, if a request for repayment of such excess is filed with the Secretary within 2 years.

after the issuance of the lease or the making of the payment. The Secretary shall certify the amounts of all such repayments to the Secretary of the Treasury, who is authorized and directed to make such repayments out of any moneys not otherwise appropriated and to issue his warrant in settlement thereof.

"Sec. 14. Waiver of liability for past operations: (a) No State, or political subdivision or grantee thereof, shall be liable to or required to account to the United States in any way for entering upon, using, exploring for, developing, producing, or disposing of natural resources from lands covered by title II or title III of this joint resolution prior to the effective date of this joint resolution.

"(b) No lessee under any lease of submerged lands covered by this joint resolution and granted by any State or political subdivision or grantee thereof prior to the effective date of this joint resolution shall be liable or required to account to the United States for the use of such lands or any natural resources produced, extracted, or removed under such lease or for the value thereof, nor shall any person who has purchased or otherwise acquired such lands or natural resources be liable to account to the United States therefor or for the value thereof.

"(c) If it shall be determined by appropriate court action that fraud has been practiced in the obtaining of any lease referred to herein or in the operations thereunder, the waivers provided in this section shall not be effective.

"Sec. 15. Powers reserved to the United States: The United States reserves and returns—

"(a) in time of war or when necessary for national defense, and when so prescribed by the Congress or the President, the right (i) of first refusal to purchase at the prevailing market price all or any portion of the oil or gas that may be produced from the Continental Shelf; (ii) to terminate any lease issued or authorized pursuant to or validated by title III of this joint resolution in which event the United States shall become the owner of wells, fixtures, and improvements located on the area of such lease and shall be liable to the lessee for just compensation for such leaseholds, wells, fixtures, and improvements, to be determined as in the case of condemnation; (iii) to suspend operations under any lease issued or authorized pursuant to or validated by title III of this joint resolution, in which event the United States shall be liable to the lessee for such compensation as is required to be paid under the Constitution of the United States; and payment of rentals, minimum royalty, and royalty prescribed by such lease shall likewise be suspended during any period of suspension of operations, and the term of any suspended lease shall be extended by adding thereto any suspension period;

"(b) the right to designate by and through the Secretary of Defense, with the approval of the President, as restricted, those areas of the Continental Shelf needed for navigational purposes or for national defense; and so long as such designation remains in effect no exploration or operations may be conducted on any part of the surface of such area except with the concurrence of the Secretary of Defense; and if operations or production under any lease theretofore issued on lands within any such restricted area shall be suspended, any payment of rents, minimum royalty, and royalty prescribed by such lease likewise shall be suspended during such period of suspension of operation and production, and the term of such lease shall be extended by adding thereto any such suspension period, and the United States shall be liable to the lessee for such compensation as is required to be paid under the Constitution of the United States;

"(c) the ownership of and the right to extract helium from all gas produced from the Continental Shelf, subject to any lease issued

pursuant to or validated by this joint resolution under such general rules and regulations as shall be prescribed by the Secretary, but in the extraction of helium from such gas it shall be so extracted as to cause no substantial delay in the delivery of gas produced to the purchaser of such gas.

"Sec. 16. Geological and geophysical explorations: The right of any person, subject to applicable provisions of law, and of any agency of the United States to conduct geological and geophysical explorations in the Continental Shelf, which do not interfere with or endanger actual operations under any lease issued pursuant to this joint resolution, is hereby recognized.

"Sec. 17. Rights of States not prejudiced: Nothing contained in this joint resolution shall operate to the prejudice of any State or of the United States in the determination by appropriate court action of any claim or claims of ownership or right of management, use, and disposition of the lands, minerals, or natural resources therein or thereunder within the Continental Shelf as these claims or rights may have existed prior to the passage of this joint resolution. Any State which is found by appropriate court action to have owned or possessed prior to the passage of this joint resolution, the rights of management, use, or disposition of the lands, minerals, or other natural resources within any part of the Continental Shelf shall not by this joint resolution be deprived of any such rights and powers.

"Sec. 18. Interpleader and interim arrangements: (a) Notwithstanding the other provisions of this joint resolution, if any lessee under any lease of submerged lands granted by any State, its political subdivisions, or grantees, prior to the effective date of this joint resolution, shall file with the Secretary a certificate executed by such lessee under oath and stating that doubt exists (i) as to whether an area covered by such lease lies within the Continental Shelf, or (ii) as to whom the rents, royalties, or other sums payable under such lease are lawfully payable, or (iii) as to the validity of the claims of the State which issued, or whose political subdivision or grantee issued, such lease to the area covered by the lease and that such claims have not been determined by a final judgment of a court of competent jurisdiction—

"(1) the lessee may interplead the United States and, with their consent, the State or States concerned, in an action filed in the United States district court having jurisdiction of any part of the area, and, in the event of State consent to be interpleaded, deposit with the clerk of that court all rents, royalties, and other sums payable under such lease after filing of such certificate, and such deposit shall be full performance of the lessee's obligation under such lease to make such payments; or

"(2) the lessee may continue to pay all rents, royalties, and other sums payable under such lease to the State, its political subdivisions, or grantees, as in the lease provided, until it is determined by final judgment of a court of competent jurisdiction that such rents, royalties, and other sums should be paid otherwise, and thereafter such rents, royalties, and other sums shall be paid by said lessee in accordance with the determination of such final judgment. In the event it shall be determined by such final judgment that the United States is entitled to any moneys theretofore paid to any State or political subdivision or grantee thereof, such State, its political subdivision, or grantee, as the case may be, shall promptly account to the United States therefor; or

"(3) the lessee of any such lease may file application for an exchange lease under section 10 hereof at any time prior to the expiration of 6 months after it is determined by final judgment of a court of competent jurisdiction that the claims of the State

which issued, or whose political subdivision or grantee issued, such lease to the area covered by the lease are invalid as against the United States and that the lands covered by such lease are within the Continental Shelf.

"(b) If any area of the Continental Shelf or other lands covered by this joint resolution included in any lease issued by a State or its political subdivision or grantee is involved in litigation between the United States and such State, its political subdivision, or grantee, the lessee in such lease shall have the right to intervene in such action and deposit with the clerk of the court in which such case is pending any rents, royalties, and other sums payable under the lease subsequent to the effective date of this joint resolution, and such deposit shall be full discharge and acquittance of the lessee for any payment so made.

"Sec. 19. If any provision of this joint resolution or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the joint resolution and of the application of such provision to other persons and circumstances shall not be affected thereby."

Amend the title so as to read: "Joint resolution 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, to provide for the use and control of said lands and resources, and to provide for the use, control, exploration, development, and conservation of certain resources of the Continental Shelf lying outside of State boundaries."

Mr. CONNALLY. Mr. President, my purpose in submitting the amendments is that if they are adopted and the bill is passed, there will be no dispute about a conference.

Mr. KEM. Mr. President, will the Senator from Arizona yield?

Mr. MCFARLAND. I yield.

Mr. KEM. Mr. President, I appreciate the expression of cooperation which has been made by the Senator from Arizona [Mr. MCFARLAND] and his assurance that he will cooperate with Members on this side of the aisle. I should like to ask the Senator from Arizona if in his official capacity as majority leader he will use his good offices with the Senator from Texas, who is chairman of the Committee on Foreign Relations, to secure within a reasonable time a hearing for the Senator from Missouri on the matters to which he has previously referred?

Mr. CONNALLY. What are the matters that the Senator from Missouri is talking about?

Mr. KEM. The resolution asking for a report from the President on his conferences with Mr. Attlee at the time Mr. Attlee was in Washington as Prime Minister of Great Britain; a resolution asking for a report from the President of the United States on his conferences with Mr. Churchill at the time Mr. Churchill was in Washington as Prime Minister of Great Britain; and a resolution, submitted by the Senator from Missouri, asking for an investigation of certain phases of State Department policy.

Mr. CONNALLY. That seems to be a very comprehensive program. How many resolutions does the Senator have? Does he have four resolutions?

Mr. KEM. Three resolutions.

Mr. CONNALLY. Did the Senator from Missouri ask the President of the

United States or Mr. Churchill to let him sit in on their conferences?

Mr. KEM. Equity does not require one to perform a futile or useless act.

Mr. CONNALLY. I am asking the Senator from Missouri if he did. Did the Senator ask Mr. Churchill and Mr. Truman to let him sit in on their private conferences?

Mr. KEM. Mr. President, I decline to answer the question.

Mr. CONNALLY. Then I decline to go any further with the Senator.

Mr. KEM. Very well.

Mr. President, I simply wish to say that the attitude of the Senator from Texas is apparent. If on some future occasion the cooperation from this side of the aisle is not exactly what the majority leader might expect or might have reason to expect, I think he need not be surprised.

Today I supported the position of the majority leader, and I was glad to do so because I thought he was right. But I must say that following such talk as we have just heard from the senior Senator from Texas, I will not be disposed to do so unless there is an entirely different attitude on the part of the majority leadership in the Senate.

Mr. McFARLAND. Mr. President, let me express my appreciation for the cooperation of the distinguished Senator from Missouri, and I wish to express my hope that the Foreign Relations Committee will hear what he has to say. There are other members of the committee who can bring up the Senator's resolutions, and I hope he will have their cooperation.

Mr. KEM. I thank the Senator.

Mr. CONNALLY. Mr. President, regarding the remarks made by the Senator from Missouri, I advise him that his resolutions were brought up in the committee by the Senator from Wisconsin [Mr. WILEY], but they were not acted upon because we did not have sufficient time.

So far as the Senator's threat is concerned, namely, that if we do not do what he wants us to do about his resolutions, we will not get any of his cooperation, the Senator implies that we will not get the cooperation of Senators on his side of the aisle. I am glad to know that he has charge of that side of the aisle. I am glad to know that whatever may be his attitude, the other Senators on his side of the aisle will take the same attitude. The Senator occupies a position of influence and strength which I did not realize, and I am glad to be advised of it.

I am not disposed to be unkind to the Senator from Missouri. However, these resolutions demand an investigation of what Mr. Truman said to Mr. Churchill and what Mr. Churchill said to Mr. Truman. Of course, neither this body nor any other legislative body will adopt such resolutions.

If the Senator from Missouri insists upon having his resolutions brought up, I can call them up in the committee for a vote, and can have the Senator from Missouri there and have him orate and storm and threaten and snort all he pleases.

However, even with the great strength he has as leader of the Republican side and the threat which he makes, namely, that if we do not do what he says, the Republican side will not cooperate, I doubt that his resolutions will prevail.

Mr. KEM. Mr. President, I think the Record will show that the Senator from Texas has entirely misstated what I said. I did not undertake to represent anyone but myself. I said very plainly and explicitly that I myself had cooperated with the Senator from Arizona [Mr. McFARLAND] in the proceedings in the Senate today. I think I was one of the few Senators on this side of the aisle who did so. I said further that if the position and the attitude of the Senator from Texas represented the attitude of the majority leadership in the Senate I should with reluctance cooperate again on a similar occasion.

Mr. McFARLAND. Mr. President, will the Senator from Missouri yield?

Mr. KEM. No, Mr. President; I do not yield quite yet.

I wish to say further that I am glad to know that the ideas of the Senator from Texas do not generally prevail on the majority side. If he spoke for the majority, I should tremble for the future of the Nation.

Mr. CONNALLY. The Senator can tremble all the time so far as I am concerned.

The VICE PRESIDENT. The Senator from Arizona has the floor.

Mr. McFARLAND. Mr. President, I yield the floor.

Mr. ANDERSON. Mr. President, will the Senator from Arizona yield to me?

Mr. McFARLAND. I yield.

Mr. ANDERSON. I did not understand the comment of the Senator from Arizona to the Senator from Florida with respect to having a quorum call prior to the taking of a vote. May we have assurance that there will be a quorum call first?

Mr. McFARLAND. I told the Senator from Florida that I would consult him beforehand. If the distinguished Senator from New Mexico also wishes to be consulted, I shall also consult with him.

So far as a request for a quorum call is concerned, let me say that I do not like to make a commitment in advance, because there may come a time when all Members of the Senate will be on the floor, and to have a quorum call then would be a waste of time.

THE SUBMERGED LANDS BILL

Mr. LONG. Mr. President, I shall speak for only a few minutes this evening on the pending bill.

At the outset I want it understood that the committee report on Senate Joint Resolution 20, although containing many things with which I agree, does not accurately reflect the views of the majority of the committee.

As a member of the committee, I, as well as others of the committee, felt that the Senate should have a chance to act on this vital question affecting the submerged lands along the Continental Shelf of the United States. For that reason, several of us who were not in agreement with Senate Joint Resolution 20 as reported, felt that we should report

that measure in order that the Senate might have an opportunity to act upon the submerged lands question.

Several Senators who voted to report favorably the joint resolution from the committee, will vote, I am sure, to substitute what we call quit-claim legislation which will deal more liberally with this land, insofar as the States are concerned. We felt that if we had not supported that position, it would be entirely likely that the Senate would not have a chance to act at all on this measure.

As a matter of fact, the House of Representatives has acted several times on tidelands measures, but the Senate has acted only once on such a measure, and that was prior to the decision of the Supreme Court in the California case, which makes this proposed legislation necessary.

Mr. President, I believe we should make an effort to see that this issue is not misrepresented to the public. Invariably someone tries to give the public the impression that this measure constitutes some giant scheme of the major oil companies of the Nation to advance their own interests; and those who attempt to convey that impression to the public wish to lead the public to believe that the oil companies have some sinister purpose here. One of the best illustrations I can give of the misrepresentation which has been spread concerning the tidelands question, is a cartoon by Herblock which appeared today in the Washington Post. The caption of the cartoon is "Up for another try," as though the oil and gas interests of this Nation were trying to torpedo an American battleship. Nothing could be further from the truth.

As a matter of fact, Mr. President, the oil and gas industry of the United States, more than any other industry, has made it possible for both the United States Navy and the British Navy to maintain their superiority on the seas.

Furthermore, even those who advance the position of the Federal advocates, those who take the side of the present national administration, as well as those who oppose that side, for the most part—I would say 99 percent of them—agree that, regardless of who possesses this property or who administers it, the oil companies presently producing oil in that area will continue to produce it.

As a matter of fact, the President of the United States, as represented by the Attorney General of the United States, at the outset, when he undertook to seize this property for the Federal Government, stated that the oil companies that had developed this property had done so in good faith, under the honest impression that the property belonged to the States. Upon that basis the Attorney General, speaking for the President of the United States, stated that the title of the oil companies should be cured or at least their leases should be ratified to the extent that they would be permitted to continue to produce under the leases which they had acquired in good faith.

Furthermore, Mr. President, it is interesting to note that even after the decision of the United States Supreme Court, the prevailing view of the American Bar Association, contrary to the view of the

Supreme Court of the United States, was that this property had belonged to the States and should be restored to them. The National Conference of Governors, likewise the American Association of Attorneys General, all had that impression. So it seems only fair to say that this matter should be represented as exactly what it is, namely, a question between the States, on the one hand, and the Federal Government. It is a question of restoring the rights that the States had in their submerged lands and what revenues they should receive from properties which had been regarded by both the States and the Federal Government for more than 160 years as property of the States.

Mr. President, in order that on tomorrow, the information may be available to Senators, I desire at this time to present for the RECORD a resumé of Judicial Pronouncements of the Rule Governing the Ownership of Lands Beneath Navigable Waters, and ask that it be printed in the RECORD at this point, because I believe that Senators, particularly Senators who are attorneys, by reading this memorandum may see why the States affected felt so bitterly about the decisions in the California, Texas, and Louisiana cases; may better understand the rights which the States have had, and may see that there is every reason why the rights of the States should have been recognized.

Mr. McFARLAND. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. McFARLAND. Mr. President, I should like very much to have a larger attendance of Senators when the distinguished Senator explains the pending legislation. I think it too late to suggest the absence of a quorum. As a matter of fact, Senators did not know that the Senator from Louisiana was going to speak at this time. Would the Senator be willing to yield the floor now, with the understanding that he will be recognized and will have the floor in the morning, following completion of the morning hour?

Mr. LONG. Mr. President, I shall not require that understanding at all. I will yield the floor as soon as I am able to place this memorandum in the RECORD. I thank the Senator.

Mr. President, I believe that in reading this memorandum Senators will find that the cases have been briefed accurately, and that there is every reason why every attorney, prior to the time the Federal Government undertook to take this property from the States, had every reason to believe that the States owned this property and that it belonged to the States. Briefly the States take the position that this Nation was formed by 13 sovereign and independent States which joined to form a Central Government of the United States of America. Prior to that time, the States possessed all such rights as existed to this property, and when other States were admitted to the Union and entered upon an equal footing, they acquired the same rights.

The Supreme Court held many times in the past, and would, I believe, still hold that the right to possession of the

beds of all navigable inland waters within the State boundaries belonged to the States on the theory that this was an attribute of State sovereignty, namely, the possession of the beds of all navigable waters within their boundaries. We feel that there was no basis whatever for a distinction that would prevent them from owning the submerged property along their shores, in the Atlantic Ocean, or in the Gulf of Mexico. Therefore, Mr. President, I ask unanimous consent that this memorandum of authority be printed in the RECORD at this point.

The VICE PRESIDENT. Is there objection?

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

JUDICIAL PRONOUNCEMENTS OF THE RULE GOVERNING THE OWNERSHIP OF LANDS BENEATH NAVIGABLE WATERS

(By RUSSELL B. LONG, United States Senator from Louisiana)

I. HISTORICAL BACKGROUND

Underlying the many decisions of the Supreme Court of the United States in cases involving the ownership of lands beneath navigable waters are great historical events and circumstances. To relate them is to afford a clearer understanding of the landmark cases to be hereinafter cited and briefed.

Littoral nations have asserted dominion of the territorial seas adjacent to their coasts since medieval times. Those claims were extravagant at first¹ and brought various countries into conflict.² This conflict was of pen rather than arms. Publicists used their textbooks as weapons of debate, each striving to interpret the rather confusing concepts of international law on the subject.³

Phillip II limited Spain's maritime dominion in 1565 to the "visual horizon." Van Byndershock suggested a width of one league from shore in 1702.⁴ This suggestion came about as a result of the "range of cannon shot" theory. Except, perhaps, for fishing, the marginal sea had no great economic significance at the time. The need of a buffer zone, so to speak, was for protection of shores; therefore, it became a principle of international law that a littoral nation should assert full dominion over that part of the marginal sea which it could protect by coast artillery, that distance being fixed as a belt of one marine league, or about 3 miles.⁵

The point of emphasis here is that international law has been uniform in recognizing the dominion of littoral nations over the marginal sea; writers on such law have simply differed, down through the centuries, with respect to the proper width of the maritime belt extending from shores.

There can be no doubt but that ownership of the subsoil was asserted and recognized, as well as the dominion over the waters.

In 1598, Albertico Gentili, renowned publicist, wrote:

"The adjacent part of a sea belongs to one's dominion, and the term 'territory' (territorium) is used both of land and water."⁶

¹ Selden, *Mare Clausum* (1663); Hall, *A Treatise on International Law*, 8th ed. (1924).

² Vattel, *Le Droit des Gens I* (1758).

³ Grotius, *Mare Liberum* (17th century); Selden, *Mare Clausum* (supra); Hall, *A Treatise on International Law* (supra).

⁴ *De Domino Maris*; Fulton, *The Sovereignty of the Sea* (1911); Bustamante, *The Territorial Sea* (1930).

⁵ See note 4.

⁶ *De Jure Belli*, Bk. III, ch. XVIII, 629, trans. of 1912 ed. in *Classics of International Law*, 1933, p. 384.

All prerevolutionary English text writers uniformly stressed the Crown's ownership of the bed of ocean surrounding the British Isles.⁷

II. THE ENGLISH CONCEPT

In England, the rule of sovereign dominion over lands beneath navigable waters originated with respect to the marginal sea and was later extended to apply to lands under navigable inland waters.

This is of high importance, for it will be shown hereinafter that the courts in the United States, at least prior to 1947, applied the common law rule of England, with no distinction being expressly drawn between submerged lands of navigable inland waters and the subsoil of the marginal sea within maritime boundaries.

The Privy Council of England made this significant pronouncement in 1610:

"The reason for which the King hath an interest in such navigable river, so far as the sea flows and ebbs in it, is because such river participates of the nature of the sea so far as it flows * * * and the King hath the same branches of the sea and navigable rivers, so high as the sea flows and ebbs in them, which he hath in the high sea."⁸

In commenting on the case of *Illinois Central Railroad Company v. Illinois*,⁹ John Bassett Moore, an authority on international law, made the following statement:¹⁰

"So, also, by the common law, the dominion over the ownership by the Crown of lands within the realm under tidewaters is not founded upon the existence of the tide over the land, but upon the fact that the waters are navigable, tidewaters and navigable waters being used as synonymous terms in England."

In 1947, however, the Supreme Court of the United States referred to an "inland water" rule in deciding the case of *United States of America v. State of California*,¹¹ citing *Pollard's Lessee v. Hagan*.¹² The Pollard case not only made no mention of any such rule, but the inseparability of the one and only rule, transplanted here from England by all courts, prior to 1947, was purportedly severed in twain for the first time in either English or American jurisprudence. Thus broken, the underlying attributes of the rule suffer loss of substance, logic, and weight.

III. MUNIMENTS OF THE TITLES OF STATES

The Declaration of Independence in 1776, when the Thirteen Original Colonies became free and independent sovereign States, constitutes the first link in chain of title.

After the successful revolution came the second link in the title chain. A provisional treaty was made with the British Crown in 1782 and was ratified in 1783. In that treaty the British Crown relinquished all claims to the Government, including proprietary and territorial rights. The 13 original States were separately named in the treaty. Acknowledging such States to be "free, sovereign and independent", the British Crown expressly proclaimed that he was treating "with them as such".

A strange view has been taken by a few that the treaty was not made with the several States at all, but with some governmental entity of union among the States. To submit to that view, one must read something into the treaty which is not there,

⁷ Bracton, *De Legibus et Consuetudinibus Angliae* (1569), lib. 2, ch. 2 folio 9b (1 Diviss ed. 71, 73); Selden, *Dominion of the Sea* (1652), g 2, Bk. II, pp. 251-274-275, 365; Callis on Sewers (2d ed. 1685), p. 39, 41-42, 44, 53; 2 Blackstone's Comm., 3d ed., 1768, pp. 261-2; Hall, *Rights of the Crown in Seashores of the Realm* (1830).

⁸ The case of *Royal Fishery of River Panne*.

⁹ 146 United States 387 (1882).

¹⁰ Moore, *Digest of International Law*.

¹¹ 332 United States 19 (1947).

¹² 3 How. 212 (1845).

and it must be concluded that the United States of America created the several States, and not those States, the Union.

Even if there be persuasive argument of any character to support this imponderable view, it cannot be denied that each of the Original Thirteen States was a beneficiary of the quitclaim. If it did not act, the action was taken for its benefit through some kind of representation.

The United States of America could have received no territorial acquisitions under the treaty; first, because the Articles of Confederation, article IX, read that "no State shall be deprived of territory for the benefit of the United States," and, second, because article VI, clause 2, of the United States Constitution contains a covenant which can well be interpreted in part as assuring the States of their rights under the British Treaty of 1782 and 1783.

Then came the landmark case of *Harcourt v. Gaillard*¹² in which the United States Supreme Court said:

"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." [Parentheses supplied.]

This judicial concept was also expressed in *Rhode Island v. Massachusetts*¹³ in which it was stated:

"It follows that when a place is within the boundary, it is part of the territory of a State; title, jurisdiction and sovereignty are inseparable incidents, and remain so 'til the State makes same cession."

There can be no question but that the British Crown asserted vast claims along the coasts of the Thirteen Original Colonies. And, under the British Treaty, those claims of a sovereign and proprietary nature inured to the Thirteen Original States.

To reflect both the nature and scope of those claims by the British Crown, there appears appendixes hereto, a rather full list and description of colonial charters or royal grants.

Perhaps the ascertainment of some acceptable maritime belt, as to length or width, is of some importance; however, the primary consideration is the extent of the territorial claims of former sovereigns as they passed to the several States.

Here we think not only in terms of what the Original Thirteen States received from England, but what Texas and California received from Mexico; Florida from Spain, and Louisiana from Spain and France.

IV. LANDMARK CASES OF THE UNITED STATES SUPREME COURT

It would be repetitious and redundant to cite and brief some 50 cases; therefore, reference shall only be made to those more frequently mentioned.

(a) *The Original Thirteen States*

Martin v. Waddell (16 Pet. 367 (1842)): One claimant based his right to take oysters from the bed of Paritan Bay, an arm of the sea, in New Jersey waters, upon a royal grant from the British Crown, in 1674. The other contestant predicated his claim upon a license or grant from the State of New Jersey.

Title to the bed of the bay was at issue, and State ownership was upheld. Two classic statements were made in the Court's opinion:

"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 for their own common use, subject only to the rights since surrendered by the Constitution to the General Government."

"And when the people of New Jersey took possession of the reins of government, and took into their own hands the powers of sovereignty, the prerogatives and regalities which before belonged either to the Crown or the Parliament, became immediately vested in the State."

McCready v. Virginia (94 U. S. 391 (1877)): The precise question to be determined in this case was whether the State of Virginia could prohibit the citizens of other States from planting oysters in Ware River, a stream in Virginia governed by the ebb and flow of the tide.

Citing a number of cases, the Court held: "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."

This case is also significant, because we find express reference therein to the paramount right of the Federal Government and a brief interpretation of such right. It was translated not in terms of title or proprietorship, but as a constitutional power, i. e., to regulate navigation.

Smith v. Maryland (18 How. 74 (1855)): The primary issue in this case related to the ownership of certain subsoil in Chesapeake Bay, below low-water mark. In sustaining State title thereto, the Court stated the long-settled rule:

"Whatever soil below low water is the subject of exclusive propriety and ownership, belongs to the State on whose maritime border, and within whose territory, it lies, subject to any lawful grants of that soil by the State, or the sovereign power which governed its territory before the Declaration of Independence."

Manchester v. Massachusetts (139 U. S. 240 (1891)): This is one of the most important cases in the annals of American jurisprudence.

Therein, among other declarations of import, are the pronouncements that the extent of the territorial jurisdiction of each of the States of the United States over the sea adjacent to its coast is "that of an independent nation," and that "a State can fix its boundaries on the sea provided it does not exceed the limits that will be recognized by the law of nations."

In this case an appeal was taken from a conviction for violating a Massachusetts statute prohibiting the use of nets for menhaden fishing in Buzzards Bay, within the jurisdiction of Massachusetts. Buzzards Bay is an arm of the sea, and of crucial concern to the Court at the outset was whether or not the alleged fishing took place within the maritime limits of Massachusetts.

The following passages of the Court's opinion are of lasting significance:

"By the definitive treaty of peace of September 3, 1783, between the United States and Great Britain (8 Stat. 81), His Britannic Majesty acknowledged the United States, of which Massachusetts Bay was one, to be free, sovereign, and independent States, and declared that he treated with them as such, and, for himself, his heirs and successors, relinquished all claims to the Government, proprietary and territorial rights of the same and every part thereof. Therefore, if Massachusetts had continued to be an independent nation, her boundaries on the sea, as defined by her statutes, would unquestionably be acknowledged by all foreign nations, and her right to control the fisheries within those boundaries would be conceded."

"The title thus held is subject to the paramount rights 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 over the fisheries. These remain under the exclusive control of the State, which has consequently the right, in its discretion, to appropriate its tide waters and

their beds to be used by its people as a common for taking and cultivating fish, so far as it may be done without obstructing navigation. Such an appropriation is in effect nothing more than a regulation of the use by the people of their common property."

Johnson v. McIntosh (8 Wheat. 543 (1823)): This case does not involve title to submerged lands, but is important from one particular standpoint of relevant significance.

Plaintiff claimed land under a conveyance from the Indians in 1773. Defendants claimed under a grant from the United States. The lands in controversy were situated within the chartered limits of Virginia, and were ceded with the whole country northwest of the river Ohio by the Act of Cession from Virginia to the United States, on conditions expressed in the deed of cession.

Said the Court in the course of its opinion: "By the treaty which concluded the war of our revolution, Great Britain relinquished all claim, not only to the Government, but to the property and territorial rights of the United States whose boundaries were fixed in the second article. (By this treaty, the powers of government, and the right to soil, which had previously been in Great Britain, passed definitely to these States.) [Parentheses supplied.]

Then the Court added, in never-to-be-forgotten language:

"(An absolute title to lands cannot exist, at the same time, in different persons, or in different governments.) An absolute, must be an exclusive title, or at least a title which excludes all others, not compatible with it." [Parentheses supplied.]

(b) *The new States (admitted on equal footing with the Original Thirteen)*

Pollard v. Hagan (3 How. 212 (1845)): Plaintiffs claimed a lot of ground below both high and low water mark in Mobile Bay, under United States patent, issued before Alabama was admitted to statehood. The defendant claimed under grant from the State.

The Court said that this was the first time it had been called upon to draw the line that separates the sovereignty and jurisdiction of the Government of the Union and the State governments, over the subject in controversy, although many of the principles which entered into the question had been settled by previous decisions of the Court.

The Court held that when Alabama was admitted into the Union on an equal footing with the original States, it succeeded to all of the rights of sovereignty and jurisdiction which Georgia possessed, except so far as such right was diminished by the public lands remaining in the possession and under the control of the United States and that if an express stipulation had been inserted in the agreement for the admission of Alabama as a State, granting the municipal right of sovereignty to the United States, such stipulation would have been void and inoperative, "because the United States have no constitutional capacity to exercise municipal jurisdiction, sovereignty, or eminent domain, within the limits of a State or elsewhere, except in the cases in which it is expressly granted."

The Court said further that the surrender made by the States of their waste and unappropriated lands, public lands, to the United States under resolution of the old Congress, of September 6, 1780, to aid in paying the public debt of the Revolution, ended as soon as such purposes could be accomplished, and then the power of the United States over such lands was to cease.

To exercise rights not granted, the Court characterized as repugnant to the Constitution and inconsistent with the deeds of cession.

"Then to Alabama," the Court said, "belong the navigable waters, and soils under

¹² 12 Wheat. 523 (1827).

¹³ 12 Peters 657, 733 (1828).

them * * * subject to the rights surrendered by the Constitution to the United States" and that "no compact that might be made between her (Alabama) and the United States could diminish or enlarge these rights."

"For, although the territorial limits of Alabama," the Court added, "have extended all her sovereign power into the sea; it is there, as on the shore, but municipal power, subject to the Constitution of the United States, and the laws which shall be made in pursuance thereof."

This landmark case follows the prior jurisprudence and is important all the more for the enunciation therein made that the new States have the same rights, sovereignty, and jurisdiction as to navigable waters and the subsolls thereof as the Original Thirteen States.

Louisiana v. Mississippi (202 U. S. 1 (1905)): This suit involves the powers of two contesting States to control the oyster industry and the taking of oysters claimed by both States to be within the boundaries of each.

The Court held that under the Treaty of Cession in 1803 between France and the United States and the act of April 1812, admitting Louisiana into the Union, the waters in question were within the boundaries of the State of Louisiana.

In the course of its opinion, the Court said:

"The maritime belt is that part of the sea, in contradistinction to the open sea, is under the (sway) of the riparian States, which can exclusively reserve the fisheries within their respective maritime belts for their own citizens, whether fish, or pearls, or amber, or other products of the sea." [Parentheses supplied.]

(The term "sway" is defined in Webster's dictionary as synonymous with "power, empire, sovereignty.")

The Abby Dodge (223 U. S. 166 (1912)): The defendant was convicted under a Federal statute prohibiting the landing of sponges taken by means of diving apparatus from waters of the Gulf of Mexico and the straits of Florida.

The Court cited *McCready v. Virginia*, *Pollard v. Hagan*, *Smith v. Maryland*, and other cases herein briefed, as well as others, in saying that if the statute applied to sponges taken from land under water within the territorial limits of the State of Florida, or other States, the repugnancy of the statute to the Constitution would be plainly established. Referring to the case of *Manchester v. Massachusetts* (see pp. 11-12, herein), the Court pointed out that aquatic life "so far as they are capable of ownership while so running" belong to the States and are subject to their control, if found within the marginal waters of such States.

Borax Consolidated v. City of Los Angeles (298 U. S. 10 (1935)): This action was brought by the city of Los Angeles (defendant in writ) claiming under a grant from the State of California, to quiet title to land in San Pedro Harbor, the other party claimed under a preemption patent from the United States.

Holding for plaintiff, under State grant, the Court held, among other things, that State ownership of tidelands extends to the mean high water mark; that such property, acquired by the United States from Mexico, had been held in trust for the State of California.

Knight v. United Lands Association (142 U. S. 161): Error to the Supreme Court of California to review a judgment in favor of plaintiff, in an action of ejectment for the recovery of a block of land in the city of San Francisco, below high water mark at the time of the conquest of California with Mexico.

The Court held:

"It is the settled rule of law in this Court that absolute property in, and dominion and

sovereignty over, the soils under the tide-waters in the original States 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 13 States possess within their respective borders."

Mumford v. Wardwell (6 Wall. 423 (1867)): This was a contest over a lot of ground below high tide in California waters. Among other things, the Court held:

"It is the settled rule of law in this Court 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" (quoting from *Pollard v. Hagan*, supra).

New Orleans v. United States (152 U. S. 1 (1894)): The United States sought in this action to enjoin the officials and inhabitants of New Orleans, La., from selling lots included in the vacant lands forming part of the common, or quay, by asserting the claim that such property inured to the United States by the Treaty of Cession in 1803.

The Court discussed the laws of France in much detail, and cited Domat for the following statement:

"There are two kinds of property destined to the common use of man, and of which everyone has the enjoyment. The first of those are so by nature—as rivers, the sea, and its shores. The second, which derive their character from the destination given them by man, such as streets, highways, churches, market houses, courthouses, and other public places."

Among other pronouncements, the Court said:

"The King of Spain, like the King of France, had the power to give permission to construct buildings on grounds dedicated to public use * * *; but this does not show that either sovereign had the power to alien such lands.

"This common (quay) having been dedicated to public use, was withdrawn from commerce, and from the power of the King rightfully to alien it."

"The State of Louisiana was admitted into the Union on the same footing as the original States. Her rights of sovereignty are the same, and by consequence no jurisdiction of the Federal Government, either for purposes of police or otherwise, can be exercised over this public ground."

"All powers which properly appertain to sovereignty, which have not been delegated to the Federal Government, belong to the States and the people."

This case is important in two main respects: (1) The sea and its shores were declared to be owned by the State, and (2) such property was referred to as being inalienable.

Shively v. Bowlby (152 U. S. 1 (1894)): The land in controversy, located in Oregon, was submerged in waters beyond the high water mark. The plaintiff claimed under a State grant, the defendant under a United States patent. (Oregon tidelands at mouth of Columbia River in contest.)

In rendering judgment for plaintiff, the Court held:

"By the common law, both the title and the dominion of the sea, and of rivers and arms of the sea, where the tide ebbs and flows, and of all the lands below high water mark, within the jurisdiction of the Crown of England, are in the King. * * * The common law of England upon this subject, at the time of the emigration of our ancestors, is the law of this country, except as it has been modified, by the charters, constitutions, statutes or usages of the several colonies and

States, or by the Constitution and laws of the United States."

There was also mentioned in the opinion the rights of new States as being equal to the original 13.

"Upon the admission of Oregon into the Union, the tidelands became the property of the State, and subject to its jurisdiction and disposal."

Skiwotos v. Florida (313 U. S. 313 (1941)): A case, in certain respects, similar to the *Abby Dodge*, supra. A Federal statute was under consideration, prohibiting the use of diving equipment in the taking of sponges from the Gulf of Mexico and the Florida Straits.

The Court sanctioned the right of the State to regulate the taking of sponges from its territorial waters, dismissing the contention that international law was involved.

United States v. Mission Rock Co. (189 U. S. 391 (1920)): Title to tidelands contiguous to and surrounding San Francisco Bay was at issue in this case. As against a grantee of the State to reclaim such lands, the opposing party claimed that the area had been reserved by order of the President of the United States for naval purposes.

The State grantee prevailed. Said the Court:

"Although the title to the soil under the tidewaters of the bay was acquired by the United States by cession from Mexico, equally with title to the upland, they held it in trust for the future State."

Illinois Central Railroad Co. v. State of Illinois (146 U. S. 387 (1892)): A segment of the subsoil of Lake Michigan was in controversy herein.

The Court pointed out the settled law of the land as to State ownership of tidelands, citing *Pollard v. Hagan* (3 How. 212) and *Weber v. Harbor Commissioners* (18 Wall. 57) then it added, significantly:

"We hold, therefore, 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 tide waters 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."

Weber v. Board of State Harbor Commissioners (18 Wall. (85 U. S. 57) 57 (1873)): This suit involved lands under an arm of the sea in California waters.

The Court said in part in its opinion:

"The title to the shore of the sea, and of the arms of the sea, and in soils under the tidewaters, is, in England, in the King, and in this country, in the State."

There appears in the appendix a full list of cases decided by the United States Supreme Court, showing the character of lands involved, and supporting the rule of sovereign State ownership of all lands under navigable waters within the boundaries of the several States.

V. CONCLUSIONS

1. The common law of England has been transplanted in American jurisprudence.

2. The rule is not divisible, but applies uniformly to lands under all navigable waters within the borders of the respective States.

3. There is, in fact, no inland-water title.

4. In one significant respect, the Court enunciated in the case of *United States of America v. State of California* (332 U. S. 19) an irrefutable fact:

"As previously stated, this Court has followed and reasserted the basic doctrine of the *Pollard* case many times. And in so doing it has used language strong enough to indicate that the Court then believed that States not only owned tidelands and soil under navigable inland waters but also owned soils under all navigable waters within their territorial jurisdiction, whether inland or not."

VI. FACTS APPLIED TO THE LAW

Admittedly, none of the cases antedating *United States v. America v. State of California* (332 U. S. 19 (1947)) dealt with lands within the open waters of the sea, but embraced in the boundaries of a State. Yet, the rule of the common law, having taken roots here in this country, was inseparable and indivisible. No inland-water rule existed to follow, any more than a coastal-water principle.

The Supreme Court of the United States referred to the "settled law of this Court" in numerous decisions. And it stated a single principle of the common law of England, "firmly established in this country" (*Massachusetts v. New York* (U. S. 65, 89 (1926))).

The Court in all cases had no alternative except to state the one broad rule. To have repeated that rule in some 52 decisions, mere dicta was not pronounced. To say that this rule is irrelevant to the marginal sea is the same as to urge that the constitutional right of the Federal Government to control navigation applies only to certain cases in which specific navigable waters are involved.

The enunciation of the rule in such a vast number of cases was at least, judicial dictum.

In *Taylor v. Taylor* (40 S. W. 2d 393, 395); 162 Tenn. 432, the court said:

"Statement in opinion on point even incidentally involved, where apparently made with consideration and purpose is at least 'judicial dictum' and is entitled to weight."

And in *Perfection Tire and Rubber Co. v. Kellogg-Mccay Equipment Co.* (187 N. W. 32, 35; 194 Iowa 573) and in *Chase v. American Cartage Company* (186 N. W. 598, 176 Wisc. 235) it was held that—

"The binding force of a decision is coextensive with the facts on which it is founded, and if correlated subject matter is under discussion and decided, such decision is not mere obiter dictum and is at least judicial dictum."

The great weight of judicial dictum is a factor that leads to the formulation of a principle of law; after the judicial dictum is reported over and over again in numerous decisions, it becomes a settled principle of law. The repetition formulates the principle.

It was held in *United States v. Guaranty Trust Company* (33 F. 2d 533, 537 (1929), aff'd., 280 U. S. 478 (1930)) that—

"Reannouncement of a doctrine repeatedly over a period of more than a hundred years serves to establish it, not only as to the consistent views of the Court but as a rule of property upon which practical transactions have been, and are being based."

In the case of *Screws v. United States* (325 U. S. 91 (1945)) the Court referred to "the governing rule of law in this important field" as transcending the particular point involved in the controversy:

"Dicta, while not binding in themselves, may become finally a part of the recognized law of the land" (Corpus Juris, vol. 15, p. 953).

In *United States v. Mission Rock Company* (189 U. S. 391 (1903)), involving tidelands ownership, the Court said:

"The decisions cover a period of many years and have become a rule of property and the foundation of many titles."

APPENDICES

I. COLONIAL CHARITIES AND TREATIES

British Crown charters

1. First North Carolina Charter, March 25, 1534: "Conveying all the soils of such lands, with their rights, royalties, franchises, and jurisdictions as well marine as other, within the said lands, or countries, or the seas thereunto adjoining."

2. The Virginia Charter, March 9, 1611, annexing all islands within 300 leagues of the coast, conveying the soils, lands, grounds,

minerals, etc., both within the said tract of land upon the main, and also within said islands and seas adjoining, etc.

3. The Plymouth Colonial Charter, November 18, 1620, granting all territories throughout the mainland with all the seas, rivers, islands, ports, both within the same tract of land upon the main; also within the said islands and seas adjoining.

4. Charter of Massachusetts Bay, 1691, defining the boundary "throughout all the main land from sea to sea, together also with all soils, royalties upon the main and also within the islands and seas adjoining."

5. Grant to the Council of Plymouth, confirmed April 1639, granting "all and singular prerogatives, royalties, as well by the sea as by land within the said province and coast of same and within the seas belonging or adjacent to them."

6. New Hampshire Grant, confirmed April 22, 1635, exception conveying "the seas and islands lying within any 100 miles of any part of said coast of country aforesaid, together with all the firm lands, soils, waters, fish, royalties, both within the said tracts of lands upon the main and also with the islands and seas adjoining."

7. Charter grant to Lord Baltimore for Province of Maryland, June 30, 1632, conveying "all that part of the peninsula lying between the ocean on the east and the Bay of Chesapeake on the west, from Watkins Point to the main ocean on the east, the islands which have been or shall be formed within the sea within 10 marine leagues from the shore; with all ports, harbors, bays, and straits belonging to the region or islands aforesaid (within 10 marine leagues from shore); and all soil, with the fishings in the sea, with all prerogatives, royalties, as well by sea as by land within the limits aforesaid."

8. Georgia Charter, June 9, 1732, conveying "all the precincts of land within the said boundaries, with the islands on the sea lying opposite to the eastern coast of said lands, within 20 leagues of the same, together with all the soils, gulfs and bays, mines, waters, fishings, royalties, in any sod belonging or appertaining."

The Treaty of Independence with the British Crown, April 11, 1783, referred to in *Harcourt v. Gaillard* as "the most solemn of all international acts," acknowledged the United States, naming the Thirteen Original States by names, to be free, sovereign, and independent States; that he treated with them as such, and relinquished unto them all claims to the government, proprietary, and territorial rights of the same, and every part thereof. And in article 2, agreed upon and declared the boundaries of the said United States, or the original Coastal States, on the east by a line to be drawn along the rivers that fall into the ocean, "comprehending all islands within 20 leagues of any part of the shores of the United States."

II. UNITED STATES SUPREME COURT CASES RECOGNIZING STATE OWNERSHIP OF LANDS BENEATH ALL NAVIGABLE WATERS WITHIN THE STATE'S BORDERS

1. Salt water and tidelands

Pollard's Lessee v. Hagan (3 How. (44 U. S.) 212, 229, 230) (Alabama—Mobile Bay); *Goodtitle v. Kibbe* (9 How. (50 U. S.) 471, 478) (Alabama—shore of a navigable river); *Smith v. Maryland* (18 How. (59 U. S.) 71, 74) (Maryland—soil beneath low water mark in Chesapeake Bay); *Numford v. Wardwell* (6 Wall. (73 U. S. 423, 435, 436) (California—navigable waters and soils under same); *Weber v. Board of Harbor Commrs.* (18 Wall. (85 U. S.) 57, 65, 66) (California—shore and arms of the sea); *McCready v. Virginia* (94 U. S. 391, 394, 395) (Virginia—oyster beds in tidewaters); *San Francisco v. Le Roy* (138 U. S. 656) (670—672) (California tidelands in San Francisco Bay).

Knight v. U. S. Land Assn. (142 U. S. 161) (183, 201) (California—San Francisco Bay); *Shivley v. Bowlby* (152 U. S. 1) (57, 58) (Oregon—Tidelands at mouth of Columbia River); *Mobile Transp. Co. v. Mobile* (187 U. S. 479, 482) (Alabama—Mobile River); *United States v. Mission Rock Co.* (189 U. S. 391, 404) (California—submerged lands and tidelands in San Francisco Bay).

Greenleaf Lbr. Co. v. Garrison (237 U. S. 251, 269) (Virginia—Elizabeth River); *The Abby Dodge* (223 U. S. 166) (Florida—Sponge beds in Gulf of Mexico); *Port of Seattle v. Oregon and Washington R. R. Co.* (255 U. S. 56, 63) (Washington—Port of Seattle); *Borax Consolidated v. City of Los Angeles* (296 U. S. 10, 15, 16) (California—tidelands, San Pedro Bay); *United States v. O'Donnell* (303 U. S. 501, 519) (California—San Francisco Bay).

2. Navigable rivers

St. Clair v. Lovington (90 U. S. 49) (Illinois—Mississippi River); *Barney v. Keokuk* (94 U. S. 324) (Iowa—Mississippi River); *Shivley v. Bowlby* (151 U. S. 1) (Oregon—Columbia River); *St. Anthony v. Board* (168 U. S. 349) (Minnesota—Mississippi River); *Scott v. Latig* (227 U. S. 229) (Idaho—Snake River); *Donnelly v. United States* (228 U. S. 243) (California—Klamath River); *Oklahoma v. Texas* (258 U. S. 574) (Oklahoma—Red River); *United States v. Utah* (283 U. S. 54) (Utah—Colorado River).

3. Great Lakes

Illinois Central Railroad Co. v. Illinois (146 U. S. 387) (Illinois—shores and beds of Lake Michigan); *Massachusetts v. New York* (271 U. S. 65) (New York—submerged lands, Lake Ontario).

4. Inland lakes

Hardin v. Jordan (140 U. S. 371) (Illinois—Inland lake); *McGilvra v. Ross* (215 U. S. 70) (Washington—nontidal lakes); *United States v. Holt State Bank* (270 U. S. 49) (Minnesota—Inland lakes); *United States v. Oregon* (295 U. S. 1) (Oregon—Inland lakes and channels).

5. Bays and sounds

Louisiana v. Mississippi (202 U. S. 1) (Channel, Breton Sound, leading to Chandelier islands); *Manchester v. Massachusetts* (139 U. S. 240) (Massachusetts—Buzzard's Bay).

Mr. SALTONSTALL. Mr. President, will the Senator from Arizona permit me to ask him a question?

Mr. McFARLAND. Certainly.

Mr. SALTONSTALL. So that there may be certainty and so that there may be no misunderstanding, will the Senator say for the Record what he stated to me a moment ago, that no effort will be made to obtain a unanimous-consent agreement on the tidelands bill tomorrow? A number of Senators have asked me that question.

Mr. McFARLAND. Mr. President, the expressions made on the Senate floor clearly showed that Senators want to have a little time to determine how much debate they think should be given to the pending legislation; and, in order to give them time, I shall wait at least 1 day, perhaps 2 days, before I renew my request.

Mr. SALTONSTALL. I thank the Senator.

SHORTAGE OF FARM LABOR—APPEAL TO DIRECTOR OF SELECTIVE SERVICE

Mr. SCHOEPEL. Mr. President, will the Senator yield?

Mr. McFARLAND. I yield to the distinguished Senator from Kansas.

Mr. SCHOEPEL. I desire to say to the distinguished majority leader that I appreciate this opportunity.

Senate, without regard to political affiliations. I shall attempt to do so only briefly.

As was said by the Senator from Montana (Mr. ECRON), 39 years constitute quite a long period out of any man's life, no matter what his calling or occupation may be; and, of course, under the present circumstances, the temptation is strong to reminisce somewhat concerning the events which have transpired during that period of 39 years.

I am grateful, of course, to the people of my State and to the people of the Nation for the opportunity they have given me to serve them in a long and critical period of their history. Whether that service has been good or bad is not for me to say. If I had it to do over, I would try to make it better; but, such as it has been, I am proud of it and thankful for the opportunity to render it.

We all know here that there are no financial compensations that accrue to public servants, here or elsewhere, commensurate with those attainable in private life by the exercise of the same industry, the same devotion, and the same honesty and sincerity which we devote to our public duties in this body and in the other body, and in almost all public stations, whether they are National, State, or local. But there are compensations which come to men in public life that are priceless. They cannot be sold for money, they cannot be bought with money. One of those compensations is the feeling, which sometimes may be an illusion, though it is a delightful illusion if it is one, that we are rendering public service to those who have honored and trusted us with brief and temporary public authority. Another compensation which comes is the sincere friendship, understanding, and admiration that develop among men who serve with one another in public life, as they do among those who serve in private life in any capacity which may appeal to their ambitions, their desires, or their inclinations.

The Senate of the United States is frequently referred to as the greatest club in the United States. It is not that, although there is a spirit of camaraderie which exists here among Members who become acquainted with one another, who understand one another's strength and one another's weaknesses. There is such a thing as that comradeship, but, since I have been acquainted with the Senate, it has never gone to the extent of inducing any Senator to justify or condone wrongdoing, unethical conduct, violation of the courtesies and amenities of life which prevail here, and which ought to prevail in all bodies constituted of human beings.

I am happy beyond my powers of expression to have been the recipient here today of these beautiful tributes from my friends. Whatever may be in store for me, or for you, I shall always carry with me in the years to come, this priceless thing beyond the frontiers of financial consideration, which is the friendship, the respect, and the affection of those with whom I now serve and with whom I have served in both Houses of the Congress over this 39-year period.

Many changes have taken place in our Government during those 39 years. Many changes have taken place among our people in those 39 years. Profound changes have occurred in our relationship to the world and the relationship of the world to us in those 39 years. It is gratifying not only to have witnessed these changes, but to have been permitted to participate in them and in some small degree, to guide them in the channels which they have taken and which they have formed in the flow of human society and of human aspirations.

When I came to Congress 39 years ago, no President had delivered a message to a joint session of the two Houses since the days of George Washington, who delivered one and was so heckled by the Members that he swore he would never go to the Capitol again—and he did not. Jefferson, who was not an orator but a very shy and modest man, discontinued the practice of delivering his messages to joint sessions of the Congress. When Woodrow Wilson became President he reestablished that custom, and I shall never forget his opening remark, as a sort of justification for the President's coming to the joint session, because there had been some criticism that it seemed more like the king going to Parliament to deliver his message from the throne. Having in mind that criticism, President Wilson suggested that he did not think either the Congress or the Chief Executive should occupy an island of isolation at either end of Pennsylvania Avenue, when they were required to work together so closely in behalf of the American people. Since that time the custom, regardless of political party, of the President's coming to the Capitol to deliver his message in person, to look the representatives of the people in the face and let them look him in the face, standing before the entire Nation, has become so well established that I doubt whether it will ever again be discontinued in the years to come. I mention that only as one of the changes which have taken place in the relationship of our Government to the people, and in the relationship of the different branches of the Government to one another.

Let me thank you, my friends, from the depths of my heart, for these gracious tributes. Let me wish for all of you—each of you and all of you, regardless of your political affiliation—not only long life and happiness, in all that those terms mean, but that profound contentment which comes to men who in their consciences feel that they have served their day, their generation, and their fellow men. Thank you again. [Applause, Senators rising.]

Mr. O'MAHONEY. Mr. President, let me say, first, that I think this will be a memorable day for every Member of the Senate, both for those who have participated in the proceedings which constituted a marvelous tribute to the Vice President of the United States, and to all who read the proceedings in the Record.

I regret that it becomes necessary for me to change the subject somewhat, but in changing the subject, Mr. President, I want to say that I have never seen a

greater demonstration of nonpartisanship than that which has just now taken place upon the floor of the Senate. I was reminded, as these tributes were being paid to you, Mr. President, by Senators on both sides of the aisle, that only a few days ago we heard the Farewell Address of George Washington read from the rostrum, and I was reminded of the declaration which he made in that address and which we emphasize, that the progress of this Nation and of its people depend in large measure upon their capacity to rise above the spirit of faction. That was done in a very notable way today.

MINERAL LEASES ON CERTAIN SUBMERGED LANDS

The Senate resumed the consideration of the joint resolution (S. J. Res. 20), to provide for the continuation of operations under certain mineral leases issued by the respective States covering submerged lands of the Continental Shelf, to encourage the continued development of such leases, to provide for the protection of the interests of the United States in the oil and gas deposits of said lands, and for other purposes.

Mr. O'MAHONEY. Mr. President, approximately 14 years ago the controversy began with which Senate Joint Resolution 20, the measure now before the Senate, attempts to deal. This controversy is over the manner in which the mineral resources of the lands submerged by the open ocean adjacent to the coasts of the United States shall be administered and developed. I desire as briefly as may be possible to outline some of the aspects of this controversy by inviting the attention of the Members of the Senate to a few charts which I have brought to the floor.

The first chart is one outlining the Continental Shelf. The area shown on the chart in white, surrounding the coastal boundaries of continental United States, represents the submerged area which is within the reach of modern drilling machinery at least theoretically. In some places this area extends 100 miles or more into the open sea. In other places it is comparatively narrow, but in most places it extends beyond what is known as the 3-mile limit.

CLAIM FIRST ASSERTED BY PRESIDENT

The existence of this Continental Shelf was not recognized by the people of the United States for many years, and no claim was made to it on behalf of the people until on the 28th of September, 1945, the present President of the United States issued a Proclamation asserting the jurisdiction of the United States over this area. He did that for the purpose of enabling the Congress to pass the necessary legislation to determine how the mineral resources of these submerged lands should be administered.

The area is sometimes referred to as "the tidelands." This name is a complete misnomer. Senate Joint Resolution 20 and the controversy do not involve tidelands at all. Tidelands consist of those lands which are covered by the ebb and flow of the tides. Areas landward of the low-water mark are the

property of the coastal States. The The Federal Government has not asserted any claim of any kind or character to the tidelands.

In the three Supreme Court cases on the issue, those against the States of California, Louisiana, and Texas, the Government makes it clear that no attempt was being made to assert any right, title, or interest on behalf of the people and the Federal Government to the tidelands.

HARBORS AND BAYS NOT INVOLVED

There is another area seaward of the low-water mark that is not in issue. Lands beneath true bays, harbors or inlets likewise are not claimed by the United States. The lands below the low-tide mark which are within a known harbor, port, inlet or bay or which are known as inland navigable waters, such as that beneath navigable streams and lakes are acknowledged by the Federal Government to be the property of the coastal States.

Mr. LONG. Mr. President, will the Senator yield for a question?

Mr. O'MAHONEY. I yield.

Mr. LONG. Of course, the Senator, being a very able attorney, realizes that the Government of the United States could change its position if it wanted to and claim the inland waters. What the outcome would then be, no one would know. But at this time I agree with the Senator that the Solicitor General does not claim that land.

Mr. O'MAHONEY. Of course, the United States could claim the moon. I do not think there is any more possibility, however, of any such claim being asserted to the lands submerged by inland navigable waters or bays, harbors, and inlets than to any of the celestial bodies.

Mr. LONG. The Senator also knows that Harold Ickes, when Secretary of the Interior, signed letters clearly stating that the submerged lands to which reference has been made actually belonged to the States. He was an attorney. Yet he changed his mind and decided that the lands should be claimed by the Federal Government. If that was done once, how can the Senator be sure that history will not repeat itself?

ICKES' OPINION NOT BINDING

Mr. O'MAHONEY. While I have a great deal of respect for the former Secretary of the Interior, the late Harold L. Ickes, and I regarded him as a friend for whom I had a great deal of affection, still I must say that his judgment at that time, although he later changed it, was not the judgment of a court. It was not the judgment of Congress. It did not shape a policy for the United States.

Mr. ANDERSON. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield to the Senator from New Mexico.

Mr. ANDERSON. Would not the senior Senator from Wyoming at this point desire to call attention to a bill which he has introduced on behalf of himself and the junior Senator from New Mexico, Senate bill 1540, which would unequivocally assert the ownership of the States in the areas about

which apparently they are so much concerned? That bill could be passed and settle the matter very quickly, could it not?

Mr. O'MAHONEY. Yes. I am glad the Senator from New Mexico has called attention to that bill.

I may say to the Senator from Louisiana that somehow or other I cannot stand upon this floor with a chart before me and a pointer in my hand without inviting many questions from Senators. Ordinarily I should like to yield to every request that may come, but today, as it happens, I have an engagement of some standing which I must meet, and I must be on a train by 3 o'clock.

So I should like to be able to present briefly this picture before the Record becomes clouded by the very acute questions that will be asked by the Senator from Louisiana and other Senators. Later I shall be very glad to indulge the Senator from Louisiana in any questions he may wish to ask with regard to this matter.

Mr. LONG. Mr. President, will the Senator yield for one further question?

Mr. O'MAHONEY. I yield.

Mr. LONG. The House report on similar legislation, at page 36, has a chart that shows there are 60,000 square miles of submerged lands in the Great Lakes as against only 26,000 square miles in the marginal sea along the States.

With twice as much acreage in the Great Lakes, would it not seem somewhat unreasonable for the States which border the Great Lakes to claim submerged property along the States' boundaries for the Federal Government, and to say, on the other hand, that we should help them protect the title of their States?

STATE OWNERSHIP TO INLAND WATERS ESTABLISHED

Mr. O'MAHONEY. I entertain no fear whatsoever on that score, because the Supreme Court for many, many years has held, particularly in one notable case, which, as I recall, was the Pollard case, that the States are the owners of lands submerged by inland navigable waters. For myself, and for those who have been associated with me in supporting this proposed legislation, I here reassert that no claim whatsoever is made to lands submerged by inland navigable waters—lakes, rivers, or streams—just as no claim is asserted to lands which are submerged by the water of harbors, bays, or inlets.

States which border on the Great Lakes need entertain no fear whatsoever. Under controlling decisions by the Supreme Court, the United States has no claim to lands submerged by such inland waters. We are here dealing solely with the problem of what is to be done about waters under the open sea.

For the benefit of Senators who have not had an opportunity to read the record of our hearings, or who have not seen the exhibits, I should like to point to the chart before me, which is a cross section of a typical continental shelf.

The area to which I now point is sometimes called the uplands; that is, land which is landward of the high-water mark.

The next area is terra firma, without any waters of the ocean or any bay, inlet, harbor, or river.

Coming to the coast line, we have the tidelands, the area between high-water mark and low-water mark, covered by the ebb and flow of the tides. These areas belong to the coastal States.

JEFFERSON CLAIMED MARGINAL SEA

Then there is what is known as the marginal sea. That is the area which is seaward of the low-water mark, and extends to the 3-mile limit.

The 3-mile limit was not established by action of any State. It was established by international law. I believe Thomas Jefferson, as Secretary of State in 1793, was the first to assert jurisdiction of the United States over waters of the open sea within 3 miles of low-water mark. That action was taken, Mr. President, solely for the purpose of protecting the sovereignty of the United States.

The 3-mile limit was established years ago, at a time when the science of military weapons had developed only to a degree which enabled a cannon to shoot a projectile about 3 miles. So, on the theory that fortifications upon the shore could protect the area 3 miles distant, the 3-mile doctrine was asserted.

Mr. LONG. Mr. President, will the Senator from Wyoming yield for one last question? Then I shall not interrupt him further, because I know he wants to keep an appointment.

Mr. O'MAHONEY. I yield to the Senator from Louisiana.

Mr. LONG. We have been discussing on the floor the question whether the Federal Government might or might not claim the beds of navigable rivers. I hold in my hand the brief of the Federal Government in the case of United States of America against State of California. At page 72 the representative of the Federal Government stated:

Finally, the Government submits that ownership of submerged lands is not an attribute of sovereignty at all within the meaning of the equal footing clause. The contrary rule with respect to the tidelands and inland waters is believed to be erroneous, but the Government does not ask that it be overruled; the Government suggests merely that the unsound rule be not extended to the marginal sea. See *Infra*, pages 143-153."

The Government won that case. The Government now comes forward and says, "Although we said we thought this rule unsound, but did not then ask that it be overruled, since we were upheld, we now ask that it be overruled."

The Government has done exactly that with regard to the old civil-rights cases, dealing with the "separate but equal" doctrine. It would be just as easy for the Solicitor General, Mr. Perlman, to ask the Supreme Court to overrule itself on the equal-rights doctrine.

MARGINAL SEA IN CONTROVERSY

Mr. O'MAHONEY. I am sure the Senator from Louisiana and my other colleagues on the floor will understand why I do not want this simple introductory statement of mine to be complicated by technical, legal arguments taken from legal briefs. I want to make a simple, understandable statement, as

I would were I the newspaperman I was before I studied law. So I suggest, Mr. President, that we indulge a little later in the complexities of legal discussion, and allow me to proceed with my statement.

At the point I now indicate on the map are the uplands—terra firma. The uplands, terra firma, the tidelands, and the area covered by the ebb and flow of the tide all belong to the States. The area beyond the seaward side of the low-water mark, which is within a harbor, bay, inlet, or such a body of water, also belongs to the coastal States.

The area within the 3-mile limit under the open ocean is the area concerning which this controversy began. When the President of the United States, in September 1945, asserted for the first time a claim on behalf of the United States beyond the three-mile limit he was making a proclamation effective in international law, and was asserting a claim on behalf of all of the people of the United States to the mineral resources of the entire Continental Shelf adjacent to our coasts.

What is the Continental Shelf?

Mr. KNOWLAND. Mr. President, having in mind the Senator's request, I shall not take much of his time, because he must catch a train. However, I should like to make one comment, for the sake of clarity.

Mr. O'MAHONEY. I yield.

Mr. KNOWLAND. At this point it should be shown that under its constitution of 1849, by which California entered the Union, it was clearly established that the State boundary extended three English miles into the Pacific Ocean.

Furthermore, I wonder if the Senator intends to discuss in the course of his remarks the case of coastal islands like Santa Barbara and Catalina, over which the State of California has jurisdiction. They are a part of the county governments of California. Under the doctrine which the Senator has enunciated, that once we get beyond the actual tide line, where the tide flows over the land, all else belongs to the Federal Government, what becomes of the coastal islands?

TOPOGRAPHY OF CONTINENTAL SHELF

Mr. O'MAHONEY. Not "all else". I shall come to the coastal islands later in the discussion, but probably not this afternoon, because time is fleeting, and my train will be leaving soon.

I point out that the Continental Shelf is a geological formation which is covered, not by the deep ocean, but by the shallow part of the ocean. However, occasionally there is an island. That is to say, an eminence from the Continental Shelf, rising above the surface, becomes an island. The line which I now indicate on the chart, where a sharp declivity appears, represents the outward or seaward edge of the Continental Shelf. Beyond that there is the deep body of the ocean; and even beyond that, there are oceanic islands rising from the deep bed of the ocean itself.

Let me say in passing that the Government of the United States, the National Government, has the paramount right over the ocean within the 3-mile limit, to the edge of the Continental Shelf.

But when the edge of the Continental Shelf is reached, and we are sailing upon the deep ocean, we are then sailing upon the international domain. The freedom of the seas, an ancient doctrine to which the Government of the United States has adhered, is a principle based upon the idea that the open ocean is not the property of any nation, but that it may be sailed upon by the peoples of the world.

The chart which I now exhibit dramatically shows the situation which exists in the Gulf of Mexico. It is a relief map of the land under the Gulf of Mexico. There was drawn upon this map a white line, extending diagonally down from Sabine Pass, which is the boundary between Texas and Louisiana, to the edge of the chart, over the Continental Shelf.

THE CONTINENTAL SHELF IN THE GULF

The second line is designed to show the depth of the water beneath the sea level in the Gulf of Mexico. The point on which I now place the pointer is 140 miles into the Gulf of Mexico. The depth of the sea at that point is 600 feet. Twenty-five miles farther into the open Gulf, far beyond the 3-mile limit, far beyond the limit that was attempted to be declared by the Legislature of the State of Louisiana and by the Legislature of the State of Texas, both of which States sought to extend their boundaries into the open ocean, we have a point 165 miles into the Gulf, where the depth is 3,000 feet. Two hundred seventy-five miles out the depth is 6,000 feet, to the ocean bed. Two hundred ninety miles out it is 9,000 feet.

Senators will observe the heavy coloring of green water. That is to indicate the drop of the Continental Shelf, and the great canyons which appear.

I remember well, back in 1940 or thereabouts, when the greatest United States liner that had been built up to that date was launched at Norfolk, took its trial trip up to the city of New York. Officers of the Coast and Geodetic Survey were on board also, and some of us who had the privilege of going up to the captain's quarters upon the top deck saw these maps.

There for the first time I learned and saw how in ancient days the Hudson River must have flowed out far beyond the present coastline, because the soundings of the Coast and Geodetic Survey showed a deep canyon, like that of the Colorado River Canyon in our West, which had been worn by the flowing river water before the ocean came as far inland as it now is.

CONTROVERSY UNSETTLED AFTER 14 YEARS

This, then, is a picture of the Continental Shelf, and it illustrates the point which I am trying to make. The controversy here is over the determination of what governmental authority has the responsibility and duty of administering this area and developing its mineral resources.

As the sponsor of this bill, together with the Senator from New Mexico (Mr. ANDERSON), let me say that we were motivated by the feeling that since an effort has been made for some 14 years to induce the Congress of the United States to quitclaim to the States the land under the open ocean, and since it is essential

that we develop the petroleum resources of the United States, the time has come for the enactment by Congress of interim legislation which would, as I stated on a previous occasion, postpone the controversy and produce the oil. We took this action because of our knowledge that the one quitclaim bill which has passed the Congress was vetoed by the present President of the United States. It was not passed over his veto. I have no reason to believe that a quitclaim bill could be passed over a veto now.

Mr. LONG. Mr. President, will the Senator from Wyoming yield?

Mr. O'MAHONEY. I yield.

Mr. LONG. I should like to correct one inference which might be made from the Senator's statement. He stated that bills had been introduced to cause the Federal Government to quitclaim all of this property. The Senator has drawn a base line which indicates the possibility of oil production 140 miles out in the open ocean. The line is an extension of the border between Louisiana and Texas. It should be remembered that no one proposes that the Federal Government should quitclaim more than ten miles out to sea. The Senator from Wyoming heard experts testify before his committee with regard to this problem, and they stated that acre for acre there was just as good a chance of finding oil further out as there was closer in with respect to the Continental Shelf.

CLAIM TO ENTIRE CONTINENTAL SHELF

Mr. O'MAHONEY. I am reasonably convinced that at least one of the quitclaim bills, the one which passed the House and which is now before this body, would do precisely that, in substance. It would open the door to claim by the coastal States to the entire Continental Shelf.

Mr. LONG. The Senator from Wyoming knows that that bill provides that it would be quitclaimed to the States' original boundaries, which would be 10 miles, not the additional 130 miles of the 140 miles, as indicated as the base line.

Mr. O'MAHONEY. But it sets up a color of claim in that it calls for a percentage of royalties which may be derived from the whole area, as well as providing for undefined and hence possibly broad police and administrative powers by the State out to the edge on the shelf.

Mr. LONG. Mr. President, will the Senator yield further?

Mr. O'MAHONEY. Mr. President, I ask the Senator from Louisiana to indulge me. We will get to that point later on, after I have come back from my trip. I shall not be gone long.

I have another chart of the Gulf of Mexico which I now exhibit to the Senate. It is a map of the Continental Shelf both with respect to Texas and Louisiana, and it attempts to show the location of oil fields, gas fields, and leases which have been granted since 1946 and outstanding on August 1, 1950.

The oil fields are marked in green. They are not very large, it will be noticed. The gas fields are marked in red. They are mostly in the uplands.

The leases of the submerged lands are shown in brown. It will be observed that a line is carried from the mouth of the river 10 miles out into the Gulf of Mexico. That line was intended to show the original 3-marine-league boundary of the Republic of Texas. It will be observed that a line on the Louisiana side shows a 3-mile boundary out to sea.

MAJORITY OF LEASES BEYOND MARGINAL SEA

With respect to both Texas and Louisiana, by far the largest number of leases which have been granted upon submerged lands are beyond the 3-mile limit of Louisiana and beyond the 3-marine-league boundary which Texas claimed when it was an independent republic.

However, the point I should like to make to the Senators who have gathered before this chart is that this area, constituting the shore of Louisiana, is a part of the Louisiana Purchase. The State of Louisiana, the State of Arkansas, and the other States, including even a part of the State of Wyoming, were all within the boundaries of the Louisiana Purchase. They were bought with the tax money of all of the people of all the States.

This entire area afterward was divided into the present States. It was bought years before the State of Louisiana came into existence. There was an international commitment in existence then. When Jefferson purchased that land from France he was buying all the sovereign rights of France. Those sovereign rights included the control of the open ocean within the marginal seas.

RESOURCES CLAIMED BY THREE STATES

How then does it come about that a claim to the mineral resources of the lands beneath this open ocean can be asserted on behalf of the people of one State or two States or, when we come to California, by the people of three States; and how can the claim of the people whose dollars were used in making the purchase be disregarded?

What are we to say to the people of Arkansas, the people of Oklahoma, the people of Colorado, the people of Wyoming, and the people of the other States formed from this area which was purchased by money taken from the Federal Treasury? Did they not obtain an interest and a right in the mineral resources beneath this open ocean?

The answer of the Supreme Court is that they did. In the California case the Supreme Court said, as it also said in the Louisiana case, that when California was admitted to the Union it did not obtain and never had any rights over the mineral resources of the lands beneath the open ocean. When the Thirteen Colonies were separate they had no international rights. They were colonies of Great Britain, and the international power was controlled by the British Government.

AUTHORITY WON BY NATIONAL GOVERNMENT

After the Revolutionary War the treaty of peace was written, not with the Thirteen Colonies, but with the Confederation, the United States of America. By that treaty of peace, as the fruit of the Revolutionary War, which was

fought by the Continental Army and Continental Navy—not by the army of any State—the United States became the inheritor of all the sovereign power that Britain had under the open ocean.

The Supreme Court said in the California case, and repeated it in the Louisiana case, that when California came into the Union, it came in without any sovereignty, because the United States had the sovereignty before the State was created. It was the United States as a Nation that had obtained from Mexico the territory that became California.

CHAIN OF TITLE IN NATION

So the chain of title to sovereignty is clearly one from the Government of Great Britain in the first place, and the Government of Mexico in the second place. Perhaps I should demote the other two States, and say to my good friend from Louisiana that, in the first place, in the case of Louisiana, the purchase was made from France. Therefore, sovereignty lies in the United States. The quit-claim bills are an attempt to take away a part of the sovereignty of the Nation. To that I am unwilling to consent.

Mr. LONG. Mr. President, will the Senator yield?

Mr. O'MAHONEY. Yes; I am glad to yield.

Mr. LONG. Although I know there are some Senators who agree with the Senator from Wyoming, I am sure he realizes that many of us disagree with him on his theory that the Thirteen Original States were never independent, each in its own right. Those of us who differ with the Senator from Wyoming feel that if he were correct, there would never been any necessity for the several States to ratify and sign the treaty of peace. The Senator's theory was first written into the Curtiss Wright Export Co. case, but we feel that it was a distortion of history. I am prepared to argue that that is true.

Mr. O'MAHONEY. I know the Senator from Louisiana is well prepared to argue it.

EQUIPMENT AND MEN IDLE

However, the point I wish to emphasize is, again, that we have before us a bill which in the present critical state of international affairs will permit the Secretary of the Interior to authorize the development of these lands. Under the present unfortunate system, there are tied up in the Gulf ports of Louisiana the boats and equipment of a number of companies which are anxious and willing to go into this area and drill for oil. Additional exploration is needed. The area in brown on the chart, as compared with the Continental Shelf, shows how small a proportion has been developed.

Why cannot we proceed to develop it, Mr. President? Then if our friends wish to take some part of the sovereign power of the Government of the United States and attach it to their States, let them try to do so; but the bill will be vetoed and will fail. Let us proceed now to make it possible for drilling for oil to proceed.

Mr. LONG. Mr. President, will the Senator from Wyoming yield again to me?

Mr. O'MAHONEY. I was trying to close my own speech, let me say to the Senator; but I shall be very glad to yield.

Mr. LONG. Senators are observing the chart; and I should like to point out, in connection with what the Senator from Wyoming has said, that the brown areas on the chart include what purport to be the areas subject to leases issued by the States. However, it would be a mistake for Senators to proceed under the impression that all those areas are producing. Only one or two or perhaps a few of the leases are actually producing. However, it is presumed that oil production could be obtained from many of those leases.

Mr. O'MAHONEY. The Senator from Louisiana is quite correct.

OIL ESSENTIAL IN PEACE OR WAR

Mr. President, I tried to make it clear that the chart purports to show oil fields in green, gas fields in red, and the leases in brown. The productive capacity of this area may be beyond imagination. The geologists who testified before our committee, as I recall the testimony, expressed the opinion that from 200,000 to 300,000 additional barrels of oil a day can be produced from this area. Petroleum is the most precious material in modern industry and in modern war, and already the United States of America is on an import basis. The drillers are ready and willing to proceed.

In this bill the Secretary of the Interior is allowed to confirm existing good-faith leases, under certain restrictions and provisions. That is done because in the presentation of the case before the Supreme Court, the Attorney General and the Solicitor General made it clear that they had no purpose to make any attack upon good-faith leases.

Mr. President, this afternoon I shall not attempt to discuss the details of the bill, because I must catch the 3 o'clock train, but let me say to my friend, the Senator from Louisiana, that tomorrow or the next day I shall attempt to resume the discussion.

Mr. President, I now yield the floor.

PROGRESS REPORT ON FEDERAL MANPOWER POLICIES

Mr. JOHNSTON of South Carolina. Mr. President, as chairman of the Committee on Post Office and Civil Service, it is my privilege today to report on the progress and certain findings to date of our subcommittee on Federal manpower policies.

Mr. President, the investigation by the subcommittee reveals that a number of personnel policies and practices currently in effect are causing unnecessary waste of both manpower and money in the Federal Government. By careful examination, we have found in the Government's personnel structure the loss of thousands of man-hours and millions of dollars each year through duplication of effort, poor utilization of manpower, and the use of cumbersome, obsolete, and time-consuming procedures.

grants on a progress-payment basis, clarifies and eases the present situation.

A report by the staff of the Senate Banking and Currency Committee in support of this change explains the current operations under the law as follows:

"If the local agency must await until every phase of a project is completed and the exact net project cost computed before receiving any capital grant under its Federal contract, the local agency will generally be prevented from paying back the borrowed funds until that time and, therefore, will have to pay accumulating interest and carrying charges for an extended period after a substantial portion of the project has been completed, for all practical purposes, and a portion of the Federal capital grant has been earned. The disposition of the land in the project, the settlement claims for demolition and site improvement work, and pending condemnation cases may extend this period for a considerable time.

"As a Federal capital grant is based on net project cost, any losses due to extended interest and carrying charges must be borne by the Federal Government as well as the community furnishing local grants-in-aid. To the extent that funds available for capital grants under title I are used to pay such losses, they are, of course, not available for other slum clearance, and urban redevelopment projects and the effectiveness of the title I program is reduced accordingly.

"Unless progress payments of Federal capital grants are authorized, a burden will result to some communities in addition to their share of extra project costs. These communities are furnishing financing for title I projects through municipal bond issues and are subject, in this regard, to statutory or constitutional debt limitations. The inability of the municipality or other local public agency to obtain any Federal capital grant for a project until its completion in all respects will delay the repayment of the municipality's outstanding slum-clearance obligations, which may be quite substantial in the aggregate. This extended depletion of the municipality's borrowing authority will prevent or seriously restrict the undertaking of title I programs in accordance with carefully worked out schedules the municipality would otherwise adopt.

"For these reasons we believe that title I of the Housing Act of 1949 should be amended to authorize partial payments of capital grants as they are earned by local agencies. Such payments would be analogous to partial payments customarily made under other types of contracts for work performed which are designed to relieve contractors from the costs and other burdens of having their credit resources tied up until all contractual obligations have been fulfilled.

"The nature of this proposed amendment has been discussed with representatives of the Housing and Home Finance Agency who have expressed general agreement with it. In this connection they point out that it will be necessary for the amendment to waive section 3648 of the Revised Statutes, which places general restrictions on progress payments by the United States."

The amendment permitting progress payments is important to all sections of the country. In New York City, the committee on slum clearance plans headed by Commissioner Robert Moses is doing admirable work in meeting the need for low-cost housing. The editorial from the New York Times which I have inserted in the Record discusses the slum-clearance plans of the committee.

Commissioner Moses and Mr. Harry Taylor, director of the office of committee on slum-clearance plans of the city of New York, have expressed their strongest support for this amendment. I have inserted in the Record a copy of Mr. Taylor's letter outlining their views.

I can foresee no objection to this technical amendment to the Housing Act of 1949, which benefits all sections of the country.

[From the New York Times of March 4, 1952]

MIDDLE-INCOME HOUSING

The first four housing projects—totaling in cost \$83,992,000—proposed by Robert Moses' Committee on Slum Clearance Plans for construction by private capital with Federal and local aid have now been approved by the city planning commission. This is the first major step under a new program for the redevelopment of substandard housing areas to accommodate middle-income families at rentals within their income range.

As Planning Commission Chairman Bennett has pointed out, in interpreting his agency's action, the city will soon be in the business of seeking to improve the housing situation at two different economic levels. On the one level, public housing—financed exclusively by public funds—is clearing vast slum areas and erecting modern homes for lower-income groups. On the other level, private capital, with Federal, State, and local aid, will take over substandard housing and erect slightly more expensive housing for moderate-income families.

Under procedures set up in the National Housing Act the city will acquire sites needed here for the moderate-income families and sell the land to approved private builders for development by Mr. Moses' slum clearance committee. The Federal Government will reimburse the city for any loss it incurs in acquiring the sites. The public will watch with interest this new scheme for solving the housing problems of middle-income families.

OFFICE OF COMMITTEE ON

SLUM CLEARANCE PLANS,

New York, N. Y., February 29, 1952.

Hon. IRVING M. IVES,

The United States Senate,

Senate Office Building,

Washington, D. C.

DEAR SENATOR IVES: It has come to my attention that you have been requested to enter in the Senate a technical amendment to title I of the National Housing Act of 1949 to clear up the question of the Federal Government making progress payments on capital grants during the construction of projects under this title. Thursday, I talked to Mr. Shugrue about this and he requested me, in the absence of Commissioner Moses, who heads this program in New York City, to write to you.

While this is in the nature of a technical amendment, it is nevertheless of tremendous importance to the city of New York and, for that matter, the rest of the country, particularly New York State. In New York State the municipalities have to work directly in organizing projects such as this as there is no redevelopment agency law, and in any event New York City would elect to do this. The importance comes in the fact that under our laws any money we borrow to progress projects of this nature is charged against our debt limit, even if borrowed from the Federal Government.

New York City over a period of years could be holding not only its own share of the cost of these projects against the debt limits, but also possibly as much as \$40,000,000 of the Federal Government's share of the capital grant. As you know, under our present financial circumstances this would cause a serious delay in the progression of other vitally needed facilities such as schools and hospitals.

The technical amendment would merely make clear what we believe is already in the law: that the Administrator of the Housing and Home Finance Agency could contract to

make progress payments as the work and the city's commitments became actualities.

The Administrator thinks that this right under the present law is not clear and wishes to have it clarified by the above-mentioned amendment.

I am sure Commissioner Moses would greatly appreciate it if this matter could be advanced expeditiously through Congress with your sponsorship. So far as we know, there is no agency or official, local or Federal, who has objected to this and, therefore, no particular obstacle is anticipated in Congress.

Sincerely yours,

HARRY TAYLOR,

Director.

MINERAL LEASES ON CERTAIN SUBMERGED LANDS—AMENDMENT

Mr. WILLIAMS submitted an amendment intended to be proposed by him to the joint resolution (S. J. Res. 20) to provide for the continuation of operations under certain mineral leases issued by the respective States covering submerged lands of the Continental Shelf, to encourage the continued development of such leases, to provide for the protection of the interests of the United States in the oil and gas deposits of said lands, and for other purposes, which was ordered to lie on the table and to be printed.

AMENDMENT OF DEFENSE PRODUCTION ACT OF 1950 AND HOUSING AND RENT ACT OF 1947—AMENDMENT

Mr. BRICKER submitted an amendment intended to be proposed by him to the bill (S. 2645) to amend and extend the Defense Production Act of 1950, as amended, and the Housing and Rent Act of 1947, as amended, which was referred to the Committee on Banking and Currency, and ordered to be printed.

AMENDMENT OF DEFENSE PRODUCTION AND HOUSING AND RENT ACTS—AMENDMENTS

Mr. IVES. Mr. President, on behalf of myself and my colleague, the junior Senator from New York [Mr. LEHMAN], I submit for appropriate reference amendments intended to be proposed by us, jointly, to the bill (S. 2645) to amend and extend the Defense Production Act of 1950, as amended, and the Housing and Rent Act of 1947, as amended, and request that they be printed.

I ask unanimous consent that the amendments and a joint statement we have prepared in support of the amendments, which would insure more equitable allocations of critical building materials for the New York construction industry, be printed in the Record at this point in my remarks.

The VICE PRESIDENT. The amendments will be received, and printed, and will be referred to the Committee on Banking and Currency, and, without objection, the amendments and statement will be printed in the Record.

The amendments are as follows:

Amendments intended to be proposed by Mr. IVES (for himself and Mr. LEHMAN) to the bill (S. 2645) to amend and extend the Defense Production Act of 1950, as amended,

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

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

By Mr. MCFARLAND:

Address by the President at the dedication of the *Courier*, the Voice of America ship, published in the New York Times of March 5, 1952.

Editorial entitled "Mr. Truman's Broadcast," published in the New York Times of March 5, 1952.

By Mr. BRIDGES:

Address on the subject Lincoln and 1952, delivered by him at a Lincoln Day dinner at Nashua, N. H., on March 1, 1952, under the auspices of the Hillsboro County Republican organization.

By Mr. UNDERWOOD:

Address delivered by him before Scott County, Ky., Farm Bureau, at Georgetown, Ky., on March 4, 1952.

By Mr. CAPEHART:

Excerpts from an address delivered by Senator TAFT before the National Milk Producers, at Dayton, Ohio, in November 1951, and published under the headline "Maintain farm freedom," in the February 1952 issue of the Breeder's Gazette.

A poem entitled "We Humbly Bow" by Irvin E. Perigo, Indiana poet.

By Mr. BENTON:

Article entitled "Farewell to a Man Who Held a Dream," written by Lester B. Granger, and published in the New York Amsterdam News of January 19, 1952, relating to the death of Dr. William H. Dean.

By Mr. IVES:

Newspaper articles relating to the manifold resources of the State of New York.

By Mr. THYE:

Article entitled "Are Red Chinese Poised for Big Indochina Blow?" written by Carroll Binder, and published in the Minneapolis Tribune of March 2, 1952.

Article entitled "March 15 Blues," by Kenneth Crouse, dealing with Federal income taxes, published in the March 2, 1952, issue of the St. Paul Pioneer Press and Dispatch.

By Mr. MOODY:

Article entitled "Put Away the Tears and Fears," from the Grocers' Spotlight for February 15, 1952.

By Mr. MURRAY:

Article from New York Times headed "Shift in income distribution is reducing poverty in United States," by Will Lissner.

MINERAL LEASES ON CERTAIN
SUBMERGED LANDS

The VICE PRESIDENT. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the joint resolution (S. J. Res. 20) to provide for the continuation of operations under certain mineral leases issued by the respective States covering submerged lands of the Continental Shelf, to encourage the continued development of such leases, to provide for the protection of the interests of the United States in the oil and gas deposits of said lands, and for other purposes.

The VICE PRESIDENT. The question is on agreeing to the first amendment of the Committee on Interior and Insular Affairs.

Mr. MCFARLAND. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Aiken	Hennings	Morse
Bennett	Hill	Mundt
Benton	Hoey	Murray
Brewster	Holland	Neely
Bricker	Humphrey	Nixon
Bridges	Hunt	O'Connor
Byrd	Ives	O'Mahoney
Cain	Jenner	Fastore
Capehart	Johnson, Colo.	Robertson
Carlson	Johnson, Tex.	Russell
Case	Johnston, S. C.	Saltanstall
Clements	Kem	Schoepfel
Connally	Kerr	Seaton
Cordon	Kilgore	Smathers
Dirksen	Langer	Smith, Maine
Douglas	Lehman	Smith, N. J.
Dworshak	Long	Smith, N. C.
Eastland	Magnuson	Sparkman
Eaton	Malone	Stennis
Ellender	Martin	Thye
Ferguson	McCarran	Tobey
Flanders	McCarthy	Watkins
Frear	McClellan	Welker
George	McFarland	Wiley
Gillette	McKellar	Williams
Green	Millikin	Young
Hayden	Monroney	
Hendrickson	Moody	

Mr. JOHNSON of Texas. I announce that the Senator from New Mexico [Mr. ANDERSON] and the Senator from Connecticut [Mr. McMAHON] are necessarily absent.

The Senator from New Mexico [Mr. CHAVEZ] is absent by leave of the Senate.

The Senator from Arkansas [Mr. FULBRIGHT], the Senator from South Carolina [Mr. MAYBANK], the Senator from Tennessee [Mr. KEFAUVER], and the Senator from Kentucky [Mr. UNDERWOOD] are absent on official business.

Mr. SALTONSTALL. I announce that the Senator from Nebraska [Mr. BUTLER], the Senator from Iowa [Mr. HICKENLOOPER], and the Senator from Pennsylvania [Mr. DUFF] are absent on official business.

The Senator from Maryland [Mr. BUTLER], the Senator from Massachusetts [Mr. LOBGE], and the Senator from Ohio [Mr. TAFT] are necessarily absent.

The Senator from California [Mr. KNOWLAND] is absent by leave of the Senate.

The VICE PRESIDENT. A quorum is present.

Mr. LANGER. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from North Dakota will state it.

Mr. LANGER. Has the morning business been concluded?

The VICE PRESIDENT. Yes.

PROPOSED CONSTITUTIONAL AMENDMENT FOR DIRECT ELECTION OF THE PRESIDENT

Mr. LANGER. Mr. President, the Republican Party hopes this year to elect its first President in 20 years. However, even though its candidate polls a clear-cut majority of the total popular vote and wins the election in more than two-thirds of the States, he may never become President. Instead, a Democratic opponent could be declared the victor and could be sworn in for a 4-year term, and the Republicans would be helpless to do anything about it. It may be said

that for such a thing to happen would be a rank miscarriage of justice and a violation of the principles of democratic government. Very true, Mr. President; but it has happened before, and it can happen again. Twelve of our 32 Presidents have been elected to that high office without the benefit of a majority of the popular vote, all because we have neglected to make a very necessary change in the Constitution and to replace a worn-out part of the election machinery which it established.

I believe that the people of the United States will make such a change if they are given an opportunity to do so. To afford them the opportunity, I have introduced in the Senate a joint resolution proposing a constitutional amendment to abolish the electoral college and to provide for the election of the President and the Vice President by the direct popular vote of the people.

I may say that this joint resolution was introduced by me a year ago, and similar ones 2 years ago, 3 years ago, 4 years ago, 5 years ago, and 6 years ago. Before I introduced it, the late Senator George Norris, of Nebraska, introduced a joint resolution also providing for the direct election of the President by the people of the United States.

Only a short time ago President Truman announced that he was going to appoint a commission to ascertain what was wrong about our national elections and why approximately one-half of the people did not go to the polls. I submit that one reason why the people do not go to the polls is that they have no chance to vote directly for the President of the United States. In a few moments I shall elucidate that point.

My joint resolution on this subject has never been reported by the Judiciary Committee. In spite of all I have been able to do year after year during all the 11 years I have been a member of that committee, never once have we been able to obtain in the committee a vote as a result of which the joint resolution would be reported favorably from the committee.

However, another joint resolution was reported, namely, the so-called Lodge resolution. It was reported on February 1, 1950. As every Senator knows, that joint resolution provided for a proportional vote. If in the State of New York, for example, 60 percent of the people voted for the Republican candidate and 40 percent voted for the Democratic candidate, the presidential electors for New York State would divide in that proportion.

When the Lodge joint resolution proposing that constitutional amendment came before the Senate, I offered my joint resolution as a substitute for it. It is interesting to note that for the first time in the history of the United States Senate, one-third of all the Senators were in favor of such a constitutional amendment. It was ridiculed in the Judiciary Committee; some members of that committee said the people of the United States did not want the President to be elected directly by the people. Yet,

floor of the Senate, the senior Senator from North Dakota is once again going to offer his joint resolution as a substitute, because, sooner or later, we shall have the direct election of Presidents by the people of the United States. It may take us some time to reach that point, but, in my opinion, it is coming just as certainly as that 2 and 2 make 4.

I intend to keep on battling, as long as I am a Member of this body, until the people of the country have a right to choose by direct vote the man whom they want as President of the United States of America.

MINERAL LEASES ON CERTAIN SUBMERGED LANDS

The Senate resumed the consideration of the joint resolution (S. J. Res. 20), to provide for the continuation of operations under certain mineral leases issued by the respective States covering submerged lands of the Continental Shelf, to encourage the continued development of such leases, to provide for the protection of the interests of the United States in the oil and gas deposits of said lands, and for other purposes.

The VICE PRESIDENT. The question is on agreeing to the first amendment of the Committee on Interior and Insular Affairs.

Mr. SCHOEPEL. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Brewster	Green	Murray
Capehart	Hendrickson	Neely
Carlson	Hoey	O'Mahoney
Case	Jenner	Robertson
Cordon	Johnston, S. C.	Schoeppel
Dirksen	Kilgore	Seaton
Ecton	Long	Smith, Maine
Ellender	Martin	Smith, N. J.
Flanders	McFarland	Stennis
Frear	Monroney	Thye
Gillette	Morse	Williams

The PRESIDING OFFICER. A quorum is not present.

Mr. LONG. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a little delay Mr. AIKEN, Mr. BENNETT, Mr. BENTON, Mr. BRICKER, Mr. BRIDGES, Mr. BYRD, Mr. CAIN, Mr. CLEMENTS, Mr. CONNALLY, Mr. DOUGLAS, Mr. DWORSHAK, Mr. EASTLAND, Mr. FERGUSON, Mr. GEORGE, Mr. HAYDEN, Mr. HENNINGSON, Mr. HILL, Mr. HOLLAND, Mr. HUMPHREY, Mr. HUNT, Mr. IVES, Mr. JOHNSON of Colorado, Mr. JOHNSON of Texas, Mr. KEM, Mr. KERR, Mr. LANGER, Mr. LEHMAN, Mr. MAGNUSON, Mr. MALONE, Mr. MCCARRAN, Mr. MCCARTHY, Mr. McCLELLAN, Mr. McKEL-LAR, Mr. MILLIKIN, Mr. MOODY, Mr. MUNDT, Mr. NIXON, Mr. O'CONNOR, Mr. PASTORE, Mr. RUSSELL, Mr. SALTONSTALL, Mr. SMATHERS, Mr. SMITH of North Carolina, Mr. SPARKMAN, Mr. TOBEY, Mr. WATKINS, Mr. WELKER, Mr. WILEY, and Mr. YOUNG entered the Chamber and answered to their names.

The PRESIDING OFFICER. A quorum is present.

Mr. O'MAHONEY. Mr. President, this morning there appeared in the Washington Post an editorial in regard to the controversy over submerged lands. The situation now presented to us is so accurately described in the editorial, that I should like to read it into the RECORD.

I may say that yesterday the Senator from Montana [Mr. ECTON] inserted in the RECORD an editorial on this subject which appeared in the Washington Star. Both these newspapers seem to have a very clear understanding of the issue that is involved here.

Mr. President, because the Senator from New Mexico [Mr. ANDERSON] and I, who sponsored Senate Joint Resolution 20, have made many concessions to the coastal States in order to bring about an agreement upon which a vote can be had, I think it important that we understand precisely where the matter now rests; and it is well described, it seems to me, in the editorial entitled "Offshore Compromise," which appears in today's issue of the Washington Post, for the joint resolution is a compromise.

I now read the editorial:

OFFSHORE COMPROMISE

Senator O'MAHONEY'S bill governing the management of the marginal sea—now before the Senate—makes great concessions to those who would like Congress to give away this tremendous national inheritance to the coastal States. Perhaps these concessions, despite the violence they do to vital principles, are justified for the sake of securing at least temporary settlement of a controversy which may do serious injury to the Nation's security. But they ought to be recognized as the outer limit of legitimate compromise on the part of the Federal Government. Attempts to give away even more in the name of "States' Rights" ought to be firmly rejected.

Ever since the Supreme Court ruled in 1947 that California had no title to the marginal sea—the strip commonly misnamed "tidelands" lying off its coast between the low-water mark and the traditional 3-mile limit of national sovereignty—and that the Federal Government had "paramount rights and full dominion" over the area, the Interior Department has been trying to get Congress to pass rational legislation for the management of this national resource. Congress has not only failed to do so; goaded by coastal State zealots, it has threatened again to override the Supreme Court by enacting the same sort of quitclaim legislation which the President, as trustee of the Nation, vetoed 5 years ago.

Mr. President, let me say that in reading the editorial I do not assume responsibility for the adjectives or the argumentum ad hominem which so frequently find their way into editorial discussions and even into speeches on the floor of deliberative bodies.

The editorial continues, as follows:

The O'Mahoney bill would give the Secretary of the Interior power to issue leases in the marginal sea with the consent of the adjacent States during the next 5 years and unrestricted power to issue leases in the submerged zone beyond the marginal sea, where the States do not possess even the color of a claim. All the existing leases in the marginal sea, made by the States, would be regularized and confirmed—despite the fact that some of them were made after the Supreme Court's ruling, when the States had no right to make them. And for 5 years, the States would receive 37½ percent of all

revenue realized from the marginal sea, the balance to be held in escrow and distributed eventually in conformity with a formula to be determined by Congress. After 5 years, the Interior Department would have sole authority to lease.

This is, of course, an extraordinarily advantageous arrangement from the point of view of the coastal States; it gives them a good deal more than they are entitled to. It has the virtue from the national point of view, however, of ending an unfortunate deadlock and enabling the Interior Department to go forward, through leases to private oil companies, with the development and exploitation of the marginal sea and the production of oil needed for the national defense. It would make possible, besides, an accumulation of royalties which could well be used, as Senator HILL has proposed, for a great program of Federal grants-in-aid to the States—all the States of the Union—for aid to education, the education of all the country's children.

There is involved in the marginal sea, according to the estimates of geologists, oil worth something like \$40,000,000,000. This vast fortune could be a boom to the American people; it belongs to them as a people by virtue of their nationhood. But of even greater importance than the \$40,000,000,000 is the value of this national resource to national defense. The conservation and utilization of the offshore oil for the protection of the United States ought to be the first consideration of a Congress which considers itself a national legislature.

Mr. LONG. Mr. President, will the Senator from Wyoming yield for a question?

Mr. O'MAHONEY. I am glad to yield.

Mr. LONG. The junior Senator from Louisiana has heard the \$40,000,000,000 figure used loosely so many times that he wonders. Does the Senator have any information, himself, which supports the claim that \$40,000,000,000 is involved?

Mr. O'MAHONEY. I believe there is something in the record about it. I will have it looked up and will discuss it later. In considerable part, of course, the figures are based upon estimates as to what the possibilities are of the future discovery of oil.

Mr. LONG. I ask the question, because, of course, even if there was \$40,000,000,000 worth of oil in the submerged lands, when there is estimated the cost of extracting the oil—and it will be necessary to employ someone and to pay him for the work—in the final analysis there would be only about a one-sixth or one-eighth royalty, which would cut the \$40,000,000,000 down to about \$5,000,000,000 or \$6,000,000,000.

VALUE FIGURE BASED ON AMOUNT OF OIL

Mr. O'MAHONEY. I am sure that the author of this editorial and those who have made this statement are not referring to the monetary return; they are referring to the total amount of oil to be discovered. Of course, a part of the sales value of the oil will be used to pay for machinery, and will be used to pay for labor—machinery and labor which are now idle—and a part of it will be used to pay royalties. But all the oil will be recovered, and all of the oil will be used; so I think a valid estimate may be made of the value of the oil to be discovered, when it is made by a competent geologist.

Mr. LONG. Mr. President, if the Senator will yield further, I believe that, as

a matter of fact, he once used figures given by the Secretary of the Interior, who estimated that this land might be developed to the extent that possibly revenue of about \$100,000,000 per annum could be derived from the submerged lands. That would seem to be much more in line with the figure which the junior Senator from Louisiana has been able to arrive at on this subject. I doubt that the \$23,000,000,000 figure can be supported.

Mr. O'MAHONEY. I will get the facts for the Senator later in the afternoon. What I should like to present to the attention of the Senate now is a map of the United States which shows how various areas have been acquired by the United States. This is the Department of the Interior map of continental United States, showing in detail how various acquisitions of territory were made.

In the first instance, of course, we have the great area which was the property of the Thirteen Original Colonies. That area extended not only over the Thirteen Original Colonies, and their presently formed States, but over what was known as the Northwest Territory. It did not include Florida, which was acquired by a cession from Spain. It did not include the Louisiana Purchase. It did not include the area which was ceded to the United States by Mexico in 1848.

TERRITORY ACQUIRED BY NATIONAL GOVERNMENT

The importance of this map lies in the fact that, as I was saying yesterday with respect to the Louisiana Purchase, when these areas were acquired by the United States, in consideration of money payments taken from the Federal Treasury, as in the case of Louisiana, it was a purchase on behalf of all of the people of the United States, not that of the people of any particular area or of any particular State.

From the Louisiana Purchase area there have been made by act of Congress certain States, namely, a large part of the State of Louisiana, which was in the Louisiana Purchase; the States of Arkansas, Oklahoma, Missouri, Kansas, Iowa, Nebraska, a portion of Minnesota, practically all of South Dakota, more than half of North Dakota, a portion of Colorado, two-thirds of the State of Wyoming, and practically all of the State of Montana. I cite this, Mr. President, because it has been represented to the Members of this body and to the Members of the House that the Federal Government should give to the coastal States the property which was acquired by purchase, and that the States which were carved out of areas included in the purchase should cooperate with the coastal States and should surrender the claim of their people to the rich deposits of the submerged land.

A former attorney general of the State of Nebraska has been heading for years an organization known as the National Association of Attorneys General, urging the quitclaiming of the submerged lands to the coastal States. The meaning of this action is that, speaking on behalf of the people of Nebraska, the gentleman was asking Nebraska and its people to surrender property rights acquired for them by Thomas Jefferson

when he took \$15,000,000 of the public money and purchased the Louisiana Territory from France.

Mr. LONG. Mr. President, will the Senator yield for a question?

Mr. O'MAHONEY. Yes, indeed.

Mr. LONG. As a matter of fact, when Nebraska entered the Union, did not Nebraska acquire certain elements of sovereignty which the Court has held caused Nebraska to own the beds of all the navigable rivers and lakes within that State?

Mr. O'MAHONEY. Yes, indeed; and representation was made on behalf of the proposal for a quitclaim to the coastal States that ownership by the United States of the land submerged by the open ocean would somehow or other surrender the gravel beds of Nebraska and Kansas; but there is not a line in the proposed legislation to sustain that point of view.

GOVERNMENT NOT CLAIMING INLAND WATERS

I desire, Mr. President, to point out that the joint resolution which the Senate is considering contains original language which has not been amended and which makes it clear that the Federal Government is not seeking to obtain the lands submerged by inland navigable waters. Section 2 of the joint resolution, as the Senator from New Mexico [Mr. ANDERSON] and I introduced it, read as follows:

The Secretary is authorized, with the approval of the Attorney General of the United States and upon the application of any person holding a mineral lease issued by or under the authority of a State, on tidelands or submerged lands beneath the navigable inland waters within the boundaries of such State, to certify that the United States does not claim any proprietary interest in such lands or in the mineral deposits within them. The authority granted in this section shall not apply to rights of the United States in lands (a) which have been lawfully acquired by the United States from any State, either at the time of its admission into the Union or thereafter—

And so forth. The point I am making is that the joint resolution specifically states that the Secretary of the Interior has the authority to certify that the United States does not claim any proprietary interest in lands beneath tidelands or inland navigable waters. After full discussion with the Department of Justice and the Department of the Interior we adopted an amendment by striking out the word "proprietary," so it would read, "does not claim any interest"; thereby making it clear that the Government was not asserting any title or paramount right of any kind to lands submerged by inland navigable waters.

Again, on page 11, amendment (d) added to section 4 reads as follows:

(d) The issuance of any lease by the Secretary pursuant to this section 4 of this joint resolution, or the refusal of the Secretary to certify that the United States does not claim any interest in any submerged lands pursuant to section 2 of this joint resolution, shall not prejudice the ultimate settlement or adjudication of the question as to whether or not the area involved is submerged land beneath navigable inland waters.

The purpose of that amendment was to make it clear that if there should be a dispute between the Federal Government

and any State as to the seaward boundary of a bay, an inlet, or a harbor, the refusal of the Secretary of the Interior to agree as to a particular boundary would not deprive the State of its rights.

BOUNDARIES OF BAYS BEFORE COURT

Members of the Senate should know that the problem of drawing the boundary line of a bay is a most difficult one. It is involved in the California case; in fact, it is involved in all these cases. The question was referred to a master by the Supreme Court. Hearings have been held, voluminous testimony has been submitted, but no final determination has yet been reached.

The Congress, of course, could itself fix those boundaries if it had the time and the desire to do so. I should be very glad indeed to cooperate in trying to fix the boundaries of the harbors and bays, but it is perfectly obvious—every Member of the Senate knows it—that the burden of work upon the various committees of the Senate is such that it is practically impossible to find the time for members of the various committees to visit the various harbors, bays, and inlets around the coast of the United States and attempt to settle the boundaries. That is one of the reasons why we have an interim bill, hoping that the decision of the master will be such as to satisfy all sides, the Federal Government and the States, with respect to boundaries.

But, in order to make it clear that there is no disposition upon the part of the Government of the United States to claim inland waters, it should be pointed out that in the California case the Government of the United States, in the trial of that case, entered into a stipulation with the State of California by which a tentative boundary line was fixed. On the landward side of this boundary is every producing well that has been drilled in the harbor of the city of Long Beach. This clearly demonstrates that all the statements which have been disseminated throughout the country that the Federal Government was planning a raid upon the gravel beds of interior States and therefore that their Representatives in Congress should quitclaim to the coastal States lands under the open ocean, are without foundation.

The very reverse is the case, Mr. President; the raid that is being made is upon the property rights of the people of the interior States from the Canadian border down to the Gulf of Mexico, and from the east to the west across the continent of the United States.

Mr. LONG. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. LONG. The Senator from Wyoming was speaking of the State of Nebraska. I am sure he knows that the theory that the sovereign owns the beds of all tidewaters was the theory that was applied to Nebraska.

Mr. O'MAHONEY. That is correct. That was the ruling of the Court in the famous Pollard case.

Mr. HILL. Mr. President, will the Senator from Wyoming yield?

Mr. O'MAHONEY. I yield.

Mr. HILL. From that case down to the Texas, California, and Louisiana cases the Supreme Court has reaffirmed that point.

GOVERNMENT CANNOT CLAIM INLAND WATERS

Mr. O'MAHONEY. Absolutely. It is the law as interpreted by the Supreme Court. The only way the Government of the United States could assert any title to the lands submerged by inland waters would be to try to do what the opponents of this resolution are trying to do, namely, to overturn the Supreme Court's decision.

Mr. SPARKMAN. Mr. President, will the Senator from Wyoming yield?

Mr. O'MAHONEY. I yield.

Mr. SPARKMAN. This may be an elemental question, but it is one which I should like to clear up in my own mind, in view of the fact that the able Senator from Wyoming has repeatedly used the term "inland waters" and has used it in connection with bays. I have in mind, for instance, a bay in my own State—Mobile Bay. Is that within the terminology of the Senator?

Mr. O'MAHONEY. Absolutely. The State of Alabama has absolute dominion and proprietary interest over lands submerged by Mobile Bay. If the State of Alabama sought to extend the bay 27 miles into the Gulf of Mexico, that would be another thing.

Mr. SPARKMAN. That was the next question I was going to ask, because the able Senator made reference to the difficulty in drawing a line at the starting point of the bay, and he also used the term "harbor." So I want to get it clear that even in the case of a bay, what the Senator refers to is the line dividing the bay from the sea or from the ocean or from the Gulf.

Mr. O'MAHONEY. That is correct.

Mr. SPARKMAN. And it has no reference to the harbor, which in this case is 50 miles north.

Mr. O'MAHONEY. That is correct.

Mr. SPARKMAN. The reason why I asked the question is because the Senator used the word "harbor."

Mr. O'MAHONEY. A harbor or an inlet—

Mr. SPARKMAN. They may be synonymous?

Mr. O'MAHONEY. I did not say synonymous, but they are definitions of the category we are describing of lands which are not under the open ocean.

Mr. SPARKMAN. I should like to ask the Senator another question. I do so for the reason that at various times people concerned with the Mobile Bay situation have raised the point—and I have even had letters from people at the Savannah Port Authority and various other port authorities about it—that under legislation of this type the Federal Government could even take over the docks which have been built out into Mobile Bay.

Mr. O'MAHONEY. Not at all.

Mr. SPARKMAN. Is that true or not?

Mr. O'MAHONEY. No; it is not true.

Mr. SPARKMAN. And the Federal Government has no right to follow tide-water up into rivers inside a State?

Mr. O'MAHONEY. Oh, certainly not.

Mr. SPARKMAN. That is also my understanding, but I wanted to have such a statement in the RECORD, because from time to time we have heard these ridiculous claims made. I wanted to be certain that the RECORD had the situation portrayed correctly.

Mr. O'MAHONEY. I am very happy the Senator asked the questions, and I am glad to have had the opportunity to respond to them.

Mr. LONG. Mr. President, will the Senator yield?

Mr. O'MAHONEY. Yes, indeed.

Mr. LONG. Of course, the Senator realizes that the decision relies upon the use of the language that the sovereign owns the beds of lands beneath tide-waters. I am sure the Senator understands there is a difference between tidelands and lands beneath tide waters. The word "tidelands" is something of a misnomer and has often been applied to lands between the high- and low-water marks. But lands beneath tide water have been regarded as being a much broader area of land.

Would the Senator from Wyoming explain his understanding of the phrase "lands beneath tide waters"?

TIDELANDS BELONG TO STATES

Mr. O'MAHONEY. My judgment is that the term "tidewaters," as it has been used, is practically synonymous with "tidelands." The tide moves over the whole ocean, and any water that has anything to do with creating a tide could perhaps be called a tidewater. But that would not be so in the present instance.

All the rulings—the British rulings and the rulings of our own Supreme Court—recognize, and have recognized from time immemorial, that land between low tide and high tide belongs to the state and is not a part of the open ocean.

Mr. LONG. When the Court had before it a case involving the bed of Chesapeake Bay, which is affected by the rise and fall of the tide and is constantly covered by water, the Court spoke of that land as land covered by tidewater.

Can the Senator from Wyoming tell us whether the conception of land covered by tidewaters is limited merely to inland waters?

Mr. O'MAHONEY. Chesapeake Bay is a true bay, and the Federal Government does not lay claim to the lands submerged by that bay. I believe that will be made clear later in my remarks.

SOVEREIGNTY ACQUIRED BY NATIONAL GOVERNMENT

As I pointed out yesterday, the significance of the acquisition of such areas as the Louisiana Purchase, the Florida Purchase, and the area ceded by Mexico, lies in the fact that they were acquisitions from sovereign nations, and therefore there was acquired from sovereign nations, such as France, from which the Louisiana Purchase was made, title to all the attributes of sovereignty, and one of the attributes of sovereignty is the paramount power over the open ocean and lands thereunder.

Mr. HILL. Mr. President, will the Senator yield?

Mr. O'MAHONEY. That is the question which was decided by the Supreme Court. When the State of Louisiana was admitted to the Union, there was nothing in the act of admission, and there could not have been, by which the Government of the United States conveyed to the State any part of the Government's sovereign power, which is the power to deal with foreign nations.

Did the Senator from Alabama wish to ask me a question?

Mr. HILL. Yes. I was about to suggest that, as the Court well said, so far as Louisiana and the other States were concerned, power carried with it the dominium as well as the imperium.

Mr. O'MAHONEY. That is correct.

Mr. HILL. Which meant the ownership and possession of the soil and any oil or minerals in the soil, or anything else that might have been contained in the soil, as well as political rights over the soil. Is not that correct?

Mr. O'MAHONEY. That is correct. In the California case the Supreme Court pointed out that the Thirteen Original Colonies never had this sovereign right, and that the State of California, when it came into the Union, did not acquire a greater right than the right which the Thirteen Original Colonies had.

The sovereign right, which is now within the jurisdiction of the United States Government, was the sovereign right which was conveyed by treaty between Great Britain and the Confederation, which had won the Revolution, and by which there was established a new Nation.

Mr. HILL. Mr. President, will the Senator yield at that point?

Mr. O'MAHONEY. I yield.

Mr. HILL. The Senator recalls that in the preamble of the Constitution there are found the words "in order to form a more perfect Union."

Mr. O'MAHONEY. Certainly.

Mr. HILL. The people already had a Union; they had a Union under the Articles of Confederation. It was that Union which succeeded to the rights of ownership which had been held by the British Government, from which Government we won our independence. Is not that correct?

Mr. O'MAHONEY. In 1787, before the Constitution of the United States was adopted, the famous Ordinance of 1787 was adopted by the Continental Congress.

Mr. HILL. Certainly.

Mr. O'MAHONEY. That ordinance undertook to express the action of the Union of that time with respect to property which belonged to it. Of course, when the Constitution of the United States was adopted, it was the expression of the structure of the more perfect Union which the founders of this Government desired.

Mr. HILL. Certainly, so far as the States of California and Louisiana are concerned, there has never been in them any title, there has never been any ownership, so far as the submerged lands are concerned. So the only argument they have been able to resort to was to say, "If the Federal Government gets the

ownership of these submerged lands, it will come inland, away from the ocean, and take something in some navigable stream." Is not that true?

Mr. O'MAHONEY. That is true, and I think the RECORD should be made clear that at the time I originally introduced Senate Joint Resolution 20, to provide for the administration of these waters, I also introduced another bill to make it quite clear that the Government was not claiming these rights by specifically surrendering any right, title, or claim to the inland waters. I introduced a similar bill, Senate bill 1540, with the junior Senator from New Mexico [Mr. ANDERSON], as he stated yesterday, to accomplish the same purpose, and make the situation crystal clear.

ATTEMPT TO OVERTURN SUPREME COURT DECISIONS

It may be that we should have reported both bills together, or should have merged them, but I say unequivocally and without reservation that the Federal Government does not and cannot lay any claim to the beds of inland streams without passing a law to overturn the Supreme Court decision, just as those who are advocating the quit-claim bill are trying to overturn the decisions in the other cases.

Mr. LONG. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield to the Senator from Louisiana.

Mr. LONG. The Senator is expressing a theory of government to the effect that the Original Thirteen States never had external sovereignty, but only a different type of sovereignty.

I have in my hand a veto message of President Monroe, the fifth President, who, at the time the Constitution was adopted, was a member of the Continental Congress. The Senator will recall that President Monroe, as a member of the convention in his State, even opposed the ratification of the Constitution, with which, of course, he had some personal familiarity. He stated in this veto message that the sovereignty passed directly from the King to the people, not the people of the United States as an aggregate, but the people of the Colonies. I wish to quote what he said about this question of sovereignty from page 150 of volume II of the Messages and Papers of the Presidents:

By passing to the people of each colony the opposition to Great Britain, the prosecution of the war, the Declaration of Independence, the adoption of the confederation and of this Constitution are all imputable to them. Had it passed to the aggregate, every measure would be traced to that source; even the State governments might be said to have emanated from it, and amendments of their constitutions on that principle be proposed by the same authority.

In other words, the States of the United States would have been more or less municipalities of a greater government.

Going further, he said:

In short it is not easy to perceive all the consequences into which such a doctrine might lead.

In the same paragraph he made the following statement:

Thus the most effectual guards were provided against abuses and dangers of every

kind which human ingenuity could devise, and the whole people rendered more competent to the self-government which by an heroic exertion they had acquired.

So apparently the fifth President of the United States thought that was not the way this Nation was formed.

Mr. O'MAHONEY. What was the veto message? I did not get the citation.

Mr. LONG. I was reading from page 150, volume 2, Messages and Papers of the Presidents.

Mr. O'MAHONEY. What did the President veto?

Mr. LONG. He was vetoing a turnpike bill at that time.

Mr. O'MAHONEY. I thought it was something irrelevant.

Mr. HILL. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. HILL. There is no doubt that the Federal Government has never had all the sovereignty within the United States. We speak today, do we not, of the sovereign States? They have very specific and definite sovereignty within certain fields.

Mr. O'MAHONEY. We are speaking now of the national sovereignty. So far as this particular issue is concerned, the Supreme Court in the California case made this very clear.

I read from the Senate hearings the following statement found in the California decision, found on page 476:

From all the wealth of material supplied, however, we cannot say that the 13 original colonies separately acquired ownership to the 3-mile belt or the soil under it, even if they did acquire elements of the sovereignty of the English Crown by their resolution against it.

While we have the map before us, I think it is only proper that I should complete the citation of the various acquisitions which affect the submerged land. There was the Oregon Territory, which was acquired by treaty with Great Britain. In other words, it was an acquisition by the Federal Government, a national sovereign, from another national sovereign; and that acquisition transferred to United States sovereignty all the international rights which Great Britain had to the sea and to the lands thereunder.

CASE OF TEXAS DIFFERS HISTORICALLY

We must acknowledge that there is a difference in the case of Texas, because when Texas gained its independence in 1836, its boundary extended for three marine leagues to sea. In other words, it extended 10½ miles into the Gulf of Mexico. When Texas entered the Union in 1845, after 9 years of independence as a republic, accordance to the Texas case, it surrendered to the Federal Government the attributes of sovereignty. That is why the Supreme Court has held, in the case of Texas, that the 3-mile limit applies in that case as it does elsewhere, in spite of the fact that before Texas entered the Union it had a boundary which extended for 10½ miles into the Gulf.

That, I think, covers the necessary reference at this time to the map of the United States.

Mr. HILL. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. HILL. Does not the Senator really think that in the Louisiana case the Supreme Court summed up the question to which he has been addressing himself? I quote from the language of the Supreme Court in the Louisiana case:

As we pointed out in *United States v. California*, the issue in this class of litigation does not turn on title or ownership in the conventional sense. California, like the Thirteen Original Colonies, never acquired ownership in the marginal sea. The claim to our 3-mile belt was first asserted by the National Government. Protection and control of the area are indeed functions of national external sovereignty (332 United States, pp. 31-34). The marginal sea is a national, not a State concern. National interests, national responsibilities, national concerns are involved. The problems of commerce, national defense, relations with other powers, war and peace focus there. National rights must therefore be paramount in that area.

Mr. O'MAHONEY. It seems to me that is so crystal clear that no one can controvert it.

Mr. HILL. Is it not the logic of the Supreme Court decision that the States have the paramount proprietary rights, interests, and dominion with respect to the inland navigable waters, because there the paramount interests, the paramount responsibilities, and the paramount concerns are those of the States, and not of the Federal sovereignty? Is not that true?

Mr. O'MAHONEY. The Senator is quite right.

Yesterday we read in the press a report to the effect that some submarines of a foreign power were supposed to be ranging the Caribbean Sea. During World War II we had reports of the presence of Nazi submarines in the Gulf of Mexico. There were reports also of Japanese submarines off the coast of California.

HUGE NATIONAL DEBT

The Government of the United States piled up a debt which was \$256,000,000,000 when the shooting stopped, to build a Navy, an Army, and an Air Force to protect these international areas. Where is the coastal State Navy to protect the open ocean?

Mr. HILL. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. HILL. In 1943 I was visiting in Florida, and I saw there the oil which had been washed in on the Florida coast from American tankers which had been sunk by German submarines. It was the Government of the United States and the Navy of the United States, and certainly not the government of Florida which destroyed those submarines and drove them, with all their dangers to our commerce and to our people, away from the Florida coast.

NATIONAL DEBT PROPOSAL

Mr. O'MAHONEY. The Senator will recall that one of the first proposals I made when I began to work upon the drafting of this measure was a provision that the proceeds from the development of these lands should be applied upon the national debt. I did that because I knew, as we all know, that the taxpayers of the entire United States are

carrying upon their shoulders the burden of the great war debt—indeed, the war debts of two world wars. Every person in the United States, from coast to coast and from border to border, is carrying that debt. The coastal States now say, "Let us have the proceeds."

Mr. THYE. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield to the Senator from Minnesota.

Mr. THYE. My question is this: What would be the status of the minerals or the oil deposits under lake bodies?

Mr. O'MAHONEY. They are not covered at all. The Federal Government asserts no claim to the mineral deposits beneath the waters of navigable lakes. I pointed out, I believe just before the Senator from Minnesota entered the Chamber, that at the same time the Senator from New Mexico [Mr. ANDERSON] and I introduced Senate Joint Resolution 20, we also introduced Senate bill 1540, which makes it explicit that the United States lays no claim to any navigable lakes, such as the Great Lakes, which naturally are of considerable concern to the bordering States.

Mr. THYE. We have lake bodies beneath which there are known deposits of iron ore, which are of considerable concern to the State of Minnesota.

Mr. O'MAHONEY. Certainly. I am familiar with the beautiful lakes of Minnesota. I am also familiar with the beautiful lakes of Wisconsin, I will say to the Senator from Wisconsin [Mr. WILEY]. Everyone knows there is a possibility of some deposits being there.

BILL PROTECTS INLAND WATERS

However, in the trial of this case the representatives of the Federal Government explicitly asserted that they were not laying claim to inland navigable waters or to the lands submerged by them. They have represented that to me. There are two expressions in the bill which carry out that theory. I have another bill pending before the Senate which does it for every gravel bed and mineral deposit under inland waters.

Mr. LONG. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I am very happy to yield to the distinguished Senator from Louisiana.

Mr. LONG. The Senator used the argument that was advanced by the Supreme Court that the duty of the Federal Government to defend the submerged lands had to do with the Government's owning them. During the last war there was a radio broadcast made by a German submarine commander in which he said that he had sailed 120 miles up the Mississippi River into New Orleans Harbor. Would that have the effect of conveying title to all that land to the Federal Government?

Mr. O'MAHONEY. I think the Senator from Louisiana has not properly stated my argument at all. I have not said that there was any ownership. The Supreme Court referred to "paramount rights." I am frank to say that I do not get the significance of the question of the Senator from Louisiana.

Mr. LONG. Would it have the effect of extending the paramount rights of the Federal Government to the bed of the Mississippi River, at least so far as the Federal Government has the duty of defending that bed?

Mr. O'MAHONEY. Oh, no. The obligation of the Federal Government is definite, just as there is written into the Constitution the express obligation of the Federal Government to guarantee to every State—

Mr. LANGER. A republican form of government.

Mr. O'MAHONEY. A republican form of government.

Mr. MILLIKIN. Mr. President, will the Senator yield?

Mr. O'MAHONEY. The word "republican" is written with a small "r." I will say to the Senator from Colorado.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. MAGNUSON. My State, probably, has more coast line than any other State in the Union.

Mr. O'MAHONEY. Not more than the State of California.

Mr. MAGNUSON. Yes; I believe it has more coast line if one considers Puget Sound.

Mr. O'MAHONEY. Oh, yes.

Mr. MAGNUSON. I do not yield to California in that respect.

Mr. O'MAHONEY. I understand.

Mr. MAGNUSON. Or in any other respect.

Mr. O'MAHONEY. I understand.

Mr. MAGNUSON. Some concern has been expressed with respect to the legal status of filled-in tidelands lying between high and low tides if Senate Joint Resolution 20 or a similar measure should be passed. I believe the State of New Jersey has a great deal of filled-in tidelands.

Mr. SMITH of New Jersey. Massachusetts, also.

Mr. MAGNUSON. What would be the status of that land?

Mr. O'MAHONEY. It would be the property of the State, without any question whatever.

Mr. MAGNUSON. Or of any individuals who had purchased it?

Mr. O'MAHONEY. Or of any individuals who had purchased it. Certainly there is no Federal claim of any kind in that regard.

Mr. HILL. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. HILL. The same statement applies to the islands off the coast of California.

COASTAL ISLANDS INCLUDED

Mr. O'MAHONEY. That is correct. The same is true in the case of Louisiana, or any other State. An island may be part and parcel of the soil of a coastal State and yet be in the middle of the open ocean, around which the Federal Government has a constitutional and proper national sovereignty.

Mr. MAGNUSON. Mr. President, will the Senator from Wyoming yield for one more question?

Mr. O'MAHONEY. I yield.

Mr. MAGNUSON. I understand that the Secretary of the Interior has either formally or informally notified certain States that the Department is about to put a claim upon them for certain lands. The Department has not actually taken action yet. What would be the effect of the passage of the measure before the Senate on that particular request of the Secretary of the Interior?

Mr. O'MAHONEY. Without knowing what particular lands were being mentioned, I would not be in a position to answer the question of the Senator from Washington. For example, I have on my desk the decision in a California water-rights case. For months some of the newspapers of California were claiming that the Government of the United States was seizing and trying to secure through court action water rights which belong to the State.

As a matter of fact, the United States, having established a military camp, was seeking to obtain water rights as a proprietor in order to supply the needed water for the soldiers from all the States of the Union who happened to be in the camp. It had nothing whatever to do with this controversy.

Mr. MAGNUSON. But the general effect of Senate Joint Resolution 20 would be to hold in abeyance any disputed titles. Is that correct?

Mr. O'MAHONEY. There is express language in it to save the rights of the States in such cases. I read one of those sections a little while ago.

Mr. MAGNUSON. I was not in the Chamber until a moment ago.

Mr. HILL. Mr. President, will the Senator from Wyoming yield?

Mr. O'MAHONEY. I am glad to yield.

Mr. HILL. Was that not the case in which the Federal Government had bought and paid for land with riparian rights, for the establishment of a Marine Corps base?

Mr. O'MAHONEY. The Senator from Alabama is correct.

Mr. HILL. The Federal Government bought and paid for those rights just as an individual would buy and pay for such rights?

Mr. O'MAHONEY. Yes.

Mr. HILL. It has nothing whatever to do with any question of submerged lands.

Mr. O'MAHONEY. The Senator from Alabama is correct. Since the matter was brought up I consider it to be so important that the material dealing with it should be inserted in the Record.

THE SANTA MARGARITA RIVER CASE

The case is known as the Santa Margarita River case, in which the Federal Government sought to obtain water rights for a military reservation, not as a sovereign but as a proprietor. A stipulation was recently entered in this case making it clear that the Santa Margarita River case has no relation whatever to the controversy over submerged lands.

I ask unanimous consent that the papers be printed in the Record at this point in my remarks.

There being no objection, the papers were ordered to be printed in the RECORD, as follows:

MARCH 4, 1952.

HON. JOSEPH C. O'MAHONEY,
United States Senate,
Washington, D. C.

DEAR SENATOR O'MAHONEY: As requested by Mr. Stewart French, staff counsel of the Senate Interior and Insular Affairs Committee, there are enclosed five copies of a stipulation entered into between the United States and the State of California. That stipulation relates to the case entitled *United States v. Fallbrook Public Utility District et al.*, in the District Court of the United States for the Southern District of California, Southern Division. By it the two sovereigns have resolved the character and extent of the rights to the use of water claimed by the United States in the Santa Margarita River and have defined the word "paramount" as used in that litigation.

Of interest to you in connection with the case in question is the recent decision of Chief Judge Yankwich of the United States District Court for the Southern District of California, reported in 101 F. Supp. 298. That decision and the stipulation in question, it is believed, should render obvious the error in seeking to connect the Santa Margarita River case with the so-called Tidelands Oil case. Should you desire further information in regard to the litigation referred to in this letter, please feel free to call on this Department at any time.

Sincerely,

WILLIAM H. VEEDER,
Special Assistant to the Attorney General.

IN THE UNITED STATES DISTRICT COURT IN AND FOR THE SOUTHERN DISTRICT OF CALIFORNIA, SOUTHERN DIVISION

UNITED STATES OF AMERICA, PLAINTIFF, v. FALLBROOK PUBLIC UTILITY DISTRICT, A PUBLIC SERVICE CORPORATION OF THE STATE OF CALIFORNIA, ET AL., DEFENDANTS, PEOPLE OF THE STATE OF CALIFORNIA, DEFENDANTS IN INTERVENTION—CIVIL NO. 1247—STIPULATION

On the 15th day of August 1951 the people of the State of California, in accordance with invitation of the United States of America, petitioned this court to intervene in this litigation. On that date an order was allowed and entered by this court granting the petition.

For the clarification of the issues in this litigation, and for the benefit of all of the parties to this cause, it is hereby stipulated:

I
That in paragraphs VIII and IX of plaintiff's complaint herein, and in paragraphs 2 and 3 of the prayer of said complaint, the word "paramount" is used in the same sense in which that word is used in the second paragraph, on page 374 of the opinion of the Supreme Court of California in the case of *Peabody v. Vallejo* (2 Cal. 2d 351 (fourth paragraph on p. 494, 40 P&C: 2d 486)).

II

That in this cause, the United States of America claims only such rights to the use of water as it acquired when it purchased the Rancho Santa Margarita, together with any rights to the use of water which it may have gained by prescription or use, or both, since its acquisition of the Rancho Santa Margarita.

III

That the United States of America claims by reason of its sovereign status no right to the use of a greater quantity of water than is stated in paragraph II, hereof.

IV

That the rights of the United States of America to the use of water herein are to be measured in accordance with the laws of the State of California.

V
That the parties to this stipulation will request the entry of a pretrial order by this court defining the issues in this cause, in conformity with the statements contained in this stipulation.

VI

That there will be a full, complete and mutual exchange of data and information as to the subject matter of this cause collected by the respective parties to this stipulation, including data respecting the issuance of any permits or licenses issued by the State of California in connection with the rights to the use of water of the Santa Margarita River. Such exchange of information by the United States, will be subject to clearance by the commanding officer, Camp Joseph H. Pendleton, in respect to military security, as determined by said officer.
Dated November 29, 1951.

Mr. HOLLAND. Mr. President, will the Senator from Wyoming yield for a question?

Mr. O'MAHONEY. Gladly.

Mr. HOLLAND. I noted with interest the inclusion in the RECORD, as a portion of the Senator's argument, of the editorial from today's issue of the Washington Post entitled "Off Shore Compromise." I had read the editorial and I noted with a great deal of interest that it did not make use of the word "interim," which the distinguished Senator from Wyoming has used so frequently in describing his joint resolution.

I note that not only was no use made of the word "interim," but the editorial describes the Senator's resolution accurately in at least many respects, and in one respect so accurately as to make it very clear that in my judgment the term "interim" can never be properly used with reference to the Senator's proposal. I refer to the last sentence in the third paragraph of the editorial, which reads:

After 5 years the Interior Department would have sole authority to lease.

Is it not correct to say, I ask the distinguished Senator from Wyoming, that the pending measure is not an interim measure, but, to the contrary, gives complete authority by which up to 5 years from date of passage leases can be made by the Department of the Interior after consultation with the States, but that after 5 years and until the areas involved have been covered by leases, and until the leases have been completely worked and the oil that may be found completely removed, does not his resolution give authority for the complete removal of the oil which may be in the offshore lands which are covered by the resolution?

Mr. O'MAHONEY. My answer to the Senator should be clearly conditioned upon the basic understanding that this joint resolution has been introduced as an interim measure to provide the possibility for immediate operation while Congress in its wisdom, as we like to say, goes through the long struggle of trying to determine whether the land is to be quitclaimed.

STATES HAVE 5 YEARS IN WHICH TO ACT

It should be understood in everything I have said, and I have supposed that it was understood by the author of the editorial, that the sentence referred to implicitly means that after 5 years the

Department of the Interior would have sole authority to lease, unless the Congress of the United States took action to the contrary. Those words do not appear in the joint resolution, but I think that is implicit.

Mr. HOLLAND. If the distinguished Senator from Wyoming will permit me to ask another question, I should like to do so.

Mr. O'MAHONEY. Certainly.

Mr. HOLLAND. My question is this: Is it not true that there is no time limitation under the terms of Senator's joint resolution?

Mr. O'MAHONEY. The Senator from Florida is quite correct.

Mr. HOLLAND. Is it not also true that the joint resolution permits the complete leasing of all the lands covered by it and the complete extraction of all oil included in all the lands covered by the joint resolution?

Mr. O'MAHONEY. Senate Joint Resolution 20 retains for the Federal Government complete authority over the Continental Shelf beyond the 3-mile limit and it makes to the Coastal States the concession that they shall have 37½ percent of the royalties from the production on the landward side of the 3-mile limit.

The Senator from Florida, who is one of the ablest lawyers I have ever known, will readily acknowledge that under the Supreme Court's decision there was absolutely no requirement to make any such concession, because the Supreme Court held that the title of the United States extends, except for inland navigable waters, from the low-water mark outward to the limits of the Continental Shelf.

Mr. HOLLAND. I appreciate the candor of the distinguished Senator from Wyoming. In order that the RECORD may be crystal clear, I wish he would say again—as I understood he has already said—first, that there is no limitation at all in time upon his joint resolution.

Mr. O'MAHONEY. That is correct.

Mr. HOLLAND. The joint resolution begins to operate immediately upon its enactment, and its operations do not come to an end until the time when all lands covered by the waters offshore of the various States have been leased and the oil completely extracted from all such lands. Is that correct?

Mr. O'MAHONEY. Of course, the Senator from Florida is making a statement of the extreme case. I think he is correct.

My own judgment is that a quitclaim measure will never become law; that we shall never elect a President who will sign a measure surrendering the paramount rights of the Federal Government; and that we shall never have a Congress which will pass such a bill over a veto of a President of the United States.

Mr. HOLLAND. Of course, the Senator is entitled to his opinion upon that point.

Mr. O'MAHONEY. Yes; and I must act upon my opinion.

Mr. HOLLAND. However, I think it must be clear to the Senator that good

men differ upon that point, because in the Texas decision—

Mr. O'MAHONEY. I hope that principle applies now. I know the Senator from Florida is an exceedingly good man, and I hope to be included in the same category.

Mr. HOLLAND. Certainly I include the Senator from Wyoming in it.

The record of the Supreme Court's handling and disposition of the Texas case shows that the decision of the Court in that case was made by four out of the seven members of the Court who participated—in other words, that four members of the United States Supreme Court found that the lands in question were a part of the dominion of the Federal Government, whereas three of the Justices refused to accede to that finding.

Therefore, I should like to have my friend, the Senator from Wyoming, always have in his mind knowledge of the possibility that the personnel of the Court and the philosophy of the personnel of the Court are, of course, subject to change, and that there are many persons who feel that even if the question never goes again to a President, there is a distinct possibility that the Court will return to the paths of accuracy and correctness, rather than to remain in the path of inaccuracy into which it strayed by a bare majority of four out of seven participating Justices.

Mr. O'MAHONEY. Mr. President, I certainly hope that illusory vision of the Senator from Florida will not operate to prevent us from obtaining the production of oil from these submerged lands.

Mr. HOLLAND. I should like to ask one more question, Mr. President, after having made it clear, I believe, that the distinguished Senator from Wyoming admits that there is no limitation of time or any limitation less than the full amount of the lands involved and the full production and use of the oil involved, which applies to his joint resolution, so that it cannot by any stretch of the imagination be called an interim measure or a temporary measure.

BILL'S PURPOSE IS TO GET PRODUCTION

Mr. O'MAHONEY. Let me amend the word used by the Senator from Florida, by moving to strike out the word "admits" and inserting in lieu thereof the word "acknowledges," because I am not under cross-examination, and I am not making an admission against interest. I am merely acknowledging that in the exercise of what I regard as very good sense, the Senator from New Mexico [Mr. ANDERSON] and I felt it would be desirable to provide a method by which, in the national interest, continuous production of this oil could be carried on while discussion of technical details was in progress and hair-splitting arguments were being made in behalf of those who desired to bring about a surrender of the national sovereignty, which in my judgment will never prevail.

Mr. HOLLAND. Mr. President, I appreciate the graciousness of the Senator from Wyoming. I simply wished to make it clear—as I think it now is in the RECORD—that under any dictionary meaning or under any other proper meaning of the word "interim," that

word is inappropriately, inaccurately, and incorrectly applied to the pending joint resolution, which is not limited in time of operation, and is not limited in scope of operation, but, instead, applies to the full subject matter in such an unrestricted way as to allow and to encourage the complete use of all the oil which might be discovered under all the lands covered by the joint resolution.

I thank the Senator from Wyoming for his courtesy.

Mr. O'MAHONEY. Mr. President, I am always very happy indeed to yield to the Senator from Florida, whose ability, integrity, and great skill are known to all his colleagues.

Mr. AIKEN. Mr. President, will the Senator from Wyoming yield to me, to permit me to ask several questions?

Mr. O'MAHONEY. Certainly.

Mr. AIKEN. Will the Senator from Wyoming explain his proposal in regard to 37½ percent of the royalties and income from these oil operations?

Mr. O'MAHONEY. Yes.

Mr. AIKEN. What puzzles me is that the joint resolution provides, in part:

(1) Thirty-seven and one-half percent of all moneys received as bonus payments, rents, royalties other sums payable with respect to operations in submerged coastal lands lying within the seaward boundary of any State shall be paid by the Secretary of the Treasury to such State within 90 days after the expiration of each fiscal year.

I was wondering how the Federal Government happened to be conducting operations "within the seaward boundary of any State." Perhaps my interpretation of "seaward boundary" is incorrect. That is why I am asking for an explanation.

Mr. O'MAHONEY. The reason for that provision is that the Supreme Court has held that the seaward boundary of a State is the 3-mile limit, which is in fact a national boundary; and the Supreme Court has held that the Federal Government has paramount rights to all the area submerged by the open ocean within the 3-mile limit and outside of the 3-mile limit, except for harbors, bays, inlets, and the like, including other navigable inland waters.

Mr. AIKEN. The Senator from Wyoming says the Court has held that the United States has title to the oil within the 3-mile limit.

Mr. O'MAHONEY. That it has paramount right; yes.

Mr. AIKEN. What is paramount—the first claim?

Mr. O'MAHONEY. That is correct.

Mr. AIKEN. It has the first claim on the oil.

Mr. O'MAHONEY. That is correct; the Federal Government has the paramount right, and the States have no right.

Mr. AIKEN. Why does the Senator propose to pay the States 37½ percent of the royalty, then, if the oil belongs to the United States?

Mr. O'MAHONEY. The reason for that is that the Senator from Wyoming is proposing a compromise, which is substantially less than the quitclaiming of all the Government rights, which he is fighting.

Mr. AIKEN. But if it does not belong to the States, why should we give them 37½ percent? And if it does belong to them, why should they not have 100 percent? That is what puzzles an amateur at a game of this sort.

Mr. O'MAHONEY. Let us be quite frank. I may say to the Senator from Vermont that the State of California began issuing leases on lands beneath the ocean of the coast of California, many years ago—I think as long ago perhaps as 1935 or 1936. Certainly prior to 1938, a number of leases were issued, and the Federal Government did not interfere with those leases. It is a fact that in 1938 the Senate of the United States passed a resolution authorizing the Federal Government to bring suit to end the State activity and assert the Federal right. It was not done at the time, however.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. O'MAHONEY. Let me first answer the question of the Senator from Vermont.

Mr. CONNALLY. The Senator from Wyoming said the Government passed something. It did not.

Mr. O'MAHONEY. I know the Senator misunderstood me. I said the Senate passed a resolution. The Senate passed the Nye resolution. The resolution did not pass the House, but the Senate passed it.

Mr. CONNALLY. I thought it was killed in the committee.

Mr. O'MAHONEY. No, no; the Senate passed the Nye resolution.

Mr. HILL. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield to the Senator from Alabama.

Mr. HILL. It was passed unanimously. Furthermore, it had been reported unanimously by the Senate Committee on the Judiciary.

Mr. O'MAHONEY. In any event, what I am pointing out to the Senator from Vermont is that the action of the Federal Government in bringing the California suit did not come until after there had been substantial development; and in the prosecution of the suit before the Supreme Court, spokesmen for the Federal Government asserted that the equities of the holders of good-faith leases which had been made by the State should be recognized; that is all the pending joint resolution proposes.

PRECEDENT OF MINERAL LEASING ACT

With respect to the 37½ percent royalty, that is a concession in this respect. The States are now collecting all the royalties, or were, until the decision was rendered. So instead of their receiving 100 percent, they receive only 37½ percent; and that figure was reached because, under the Mineral Leasing Act of 1920, as amended, which applies to public lands in the upland areas of the continental United States, the royalty to the States within which such federally owned lands lie was fixed at 37½ percent. In other words, it is in conformity, first, with the fact that the Federal Government did not move in at the very beginning; second, with the fact that in the Supreme Court the

spokesmen for the Government said these good-faith leases would not be disturbed; and third, because the policy of the Government with respect to public lands since the passage of the act of 1920 has been to pay to the States 37½ percent of the royalties.

Mr. AIKEN. The Senator from Vermont still does not understand why, if the oil belongs to the States, they should not have 100 percent of it; or why, if it belongs to the Federal Government, the Federal Government should pay 37½ percent of it to the States.

Mr. O'MAHONEY. I may say, with a smile, I do not believe that even a Vermonter would fail to make a good compromise.

I have heard the story about the Vermonter who went into a new town, the people of which were looking rather askance at him. A stranger passing by wanted to find out what the trouble was. The response was that the Vermonter was spending some of his principal. That is why he was somewhat in bad repute—he was spending some of his principal instead of living on his interest. But do we not all make compromises for the public good?

Mr. AIKEN. A good deal depends upon how the word "principal" is spelled. [Laughter.] I would rather not spend too much of one kind, anyway.

Mr. O'MAHONEY. We confine this to "p-a-l," principal.

Mr. AIKEN. However, if a horse had been stolen from a Vermonter, and someone later tried to sell him the horse, the Vermonter would not offer the thief 37½ percent—and I am not by any means alluding to the States as thieves, of course—

Mr. O'MAHONEY. Oh, no; I understand.

Mr. AIKEN. And he would not offer the thief 37½ percent of what the "borrower" got for the horse, provided he gave the owner the other 62½ percent.

Mr. O'MAHONEY. I think the point of the remark of the Senator from Vermont is that we are being very generous with the coastal States. With that, I completely agree.

Mr. AIKEN. It appeared to me to be a pretty strenuous effort to buy them off. I doubt that they would settle for 37½ percent, if they thought they could get 100 percent.

Mr. O'MAHONEY. Of course, I do not know that they are ready to sell.

Mr. AIKEN. I have seen no such indications.

Mr. LONG. Mr. President, will the Senator yield for a question?

Mr. O'MAHONEY. Yes, indeed.

Mr. LONG. With regard to the Supreme Court decision in the California case and other cases the Senator from Wyoming said that the statement had been made that the Federal Government had paramount rights, and that the States had no rights. I believe the Senator will find, that the Court said the States did not have title; it did not say that they had no rights.

Mr. O'MAHONEY. I accept that amendment, of course. I meant they had no title, certainly.

Mr. CASE. Mr. President, will the Senator yield for a question?

Mr. O'MAHONEY. I am very glad to yield to the Senator from South Dakota.

Mr. CASE. The junior Senator from South Dakota has been rather intrigued by the document which has been placed on our desks today, dealing with the pact between the Republic of Mexico and the United States, at the time Texas was admitted into the Union. As between the background and the facts as to the rights to certain lands does the Senator from Wyoming make any differentiation between Texas and other States of the Union?

TEXAS ENTERED WITH THREE-LEAGUE BOUNDARY

Mr. O'MAHONEY. Oh, yes. Had the Senator been on the floor at the time I was discussing the Texas case yesterday, and again today, he would have heard me point out that when Texas won its independence from Mexico it was established as an independent republic, with a boundary extending three marine leagues into the Gulf. It had all the sovereign rights of an independent republic. It exercised those rights during the entire period of its independence, from 1839 to 1845. In the Texas case, those who appeared on behalf of the State of Texas contended that those rights were not surrendered to the Federal Government when Texas was admitted to the Union. The Federal Government, on the other hand, argued that those rights were surrendered.

Briefly stated, it was simply upon the ground that when Texas entered the Union, according to the argument of the Solicitor General and the Attorney General, and according to the decision of the Supreme Court, then, at that moment, Texas necessarily surrendered the sovereign rights involved in international affairs. So the boundary of Texas is 3 miles, as in the case of the other States; not 10 miles. That was a very narrow question. Two members of the Court did not participate in the decision, two members dissented. Justice Reed and Justice Minton, in very explicit statements, dissented. Justice Frankfurter said that the argument was not clear to him, but that he was bound by the California case.

Mr. CASE. Mr. President, the language which has disturbed me is that which reserves to the Republic of Texas "all the vacant and unappropriated lands lying within its limits." As a sovereign, for the time between its separation from Mexico and the time of its annexation, and with reference to the distance which the distinguished Senator has mentioned, it is difficult for me to see where the Republic of Texas acceded to a cession of any land other than that which might be involved in "ceding to the United States all public edifices, fortifications, barracks, ports and harbors, navy and navy-yards, docks, magazines, arms, and armaments, and all other property and means pertaining to the public defense belonging to said Republic of Texas."

Mr. O'MAHONEY. That precise question bothered some of the Justices of the Supreme Court. If the Senator will turn to page 490 of the hearings he will find there the following quotation from the Texas case in which the Supreme Court quoted the very provision

of the joint resolution annexing Texas which the Senator has read and as recited in brief in the arguments pro and con of those who represented Texas and those who represented the Federal Government. I read:

We conclude, however, that no such hearing is required in this case. We are of the view that the "equal footing" clause of the joint resolution admitting Texas to the Union disposes of the present phase of the controversy.

In other words, the Court was saying that under the equal-footing clause Texas came into the Union on an equal footing with all the other States.

Mr. CASE. Does the language of the pending joint resolution as reported from the Senator's committee make any differentiation between the rights of Texas and the rights of other States?

Mr. O'MAHONEY. No; it does not.

Mr. CASE. It seems to me that in the opinion of Mr. Justice Frankfurter and in the language cited, there is a difference, and that the Senate should have an opportunity to consider that difference.

Mr. O'MAHONEY. That is why we printed the entire opinion and dissents in all three cases in the committee hearings. As I said a moment ago, Mr. Justice Reed and Mr. Justice Minton explicitly dissented from the view of the majority, and Mr. Justice Frankfurter said:

Time has not made the reasoning of *United States v. California* (332 U. S. 19), more persuasive but the issue there decided is no longer open for me. It is relevant, however, to note that in rejecting California's claim of ownership in the off-shore oil the Court carefully abstained from recognizing such claim of ownership by the United States. This was emphasized when the Court struck out the proprietary claim of the United States from the terms of the decree proposed by the United States in the California case.

I must leave it to those who deem the reasoning of that decision right to define its scope and apply it, particularly to the historically very different situation of Texas. As is made clear in the opinion of Mr. Justice Reed, the submerged lands now in controversy were part of the domain of Texas when she was on her own. The Court now decides that when Texas entered the Union she lost what she had and the United States acquired it. How that shift came to pass remains for me a puzzle.

We wanted to be utterly frank with all Members of the Senate, and that is why we printed the text of all three decisions in the hearings. But, as Mr. Justice Frankfurter said, the decision of the Supreme Court apparently settled the question for him. The question is not without its problems, and for that reason the committee, in considering the joint resolution, has gone quite a distance in making concessions.

The 37½ percent grant of royalty rights is a grant which is not required under the Supreme Court's decision, but it is made in the hope that it will settle the controversy.

Mr. CASE. I recognize the fact that that feature is in the nature of a concession, but at the same time, where there is an explicit or a firm basis for holding a point of view, it seems to me it must be recognized. The reading I have

done on the subject, suggests to me, as some argue, that the so-called equal-footing principle has wiped out the land right of Texas. I had always understood that the State of Texas had a right which no other State ever had, namely, on its own motion it could at any time divide itself into four States in addition to the State of Texas. If the equal-footing principle can be construed to wipe out the reservation of lands—

Mr. O'MAHONEY. It does not wipe out the reservation of lands. The argument, of course, was that the vacant lands referred to in the resolution were the unappropriated lands which were within the meaning of the law of contracts at that time, namely, lands which were above the sea, not lands which were under the sea. All I can say to the Senator is that there is no question that an argument can be made. It was made in the Supreme Court—

Mr. CASE. If I may ask one further question, How can it be maintained that Texas came into the Union on an equal footing with other States, in view of the fact that there is an express reservation of the right to provide four additional States? No other State has that right. So it seems to me that Texas did not come into the Union on the same basis on which the average States came into the Union.

Mr. O'MAHONEY. Texas was the only free Republic that came into the Union, with the exception of the Territory of Hawaii.

Mr. CASE. How can we apply the equal footing argument to Texas?

Mr. O'MAHONEY. Because it applies to everything that was not otherwise stated or reserved, and because it was a declaration that every State which enters on an equal footing comes into the Union with the same political rights the other States have and with the same relationship to the Federal Government.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. AIKEN. Does the Senator believe that the agreement which admitted Texas into the Union has been strictly adhered to by the United States?

Mr. O'MAHONEY. I know of no deviation from it.

Mr. AIKEN. I am reading from the joint resolution providing for the annexation of Texas to the United States:

New States of convenient size, not exceeding four in number, in addition to said State of Texas, and having sufficient population, may hereafter, by the consent of said State, be formed out of the territory thereof, which shall be entitled to admission under the provisions of the Federal Constitution. And such States as may be formed out of that portion of said territory lying south of 36°30' north latitude, commonly known as the Missouri Compromise line, shall be admitted into the Union with or without slavery, as the people of each State asking admission may desire.

Does the Senator from Wyoming contend that that provision of the agreement is still in force?

Mr. O'MAHONEY. I would say that the State of Texas has never consented to be subdivided.

Mr. AIKEN. I mean that part of the agreement which permits Texas to hold slaves.

Mr. O'MAHONEY. Since slavery had been abolished the people of no part of Texas could claim that right.

Mr. AIKEN. Then the agreement was kept by the United States for only 17 or 18 years.

Mr. O'MAHONEY. I would not say that. This portion of it has never been brought into play.

Mr. AIKEN. Why should one portion of it be held to be so much more sacred than is some other portion of it? I have never read this agreement until this time. It seems to me it was broken 17 years after being signed.

Mr. O'MAHONEY. I believe the correct way to state the matter the Senator brings up is that if the State of Texas were to consent to the creation of a new State within its boundaries, and the people of that area wanted to have slavery, they would not be permitted to have slavery in spite of the annexation resolution.

Mr. AIKEN. That is the way I understand it.

Mr. O'MAHONEY. I think the Senator is quite correct.

Mr. AIKEN. What I was attempting to say was that the agreement admitting Texas to the Union was apparently broken by the United States 17 or 18 years after Texas was admitted.

Mr. O'MAHONEY. In the sense that the United States abolished slavery.

Mr. AIKEN. I was wondering why some persons think the agreement should be kept to the letter of the law in regard to one provision but not as to others.

Mr. O'MAHONEY. I think the Senator has made a good point.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield to the Senator from Florida.

Mr. HOLLAND. I may say that I completely approve of the statement made by the Senator from Wyoming, to the effect that the 37½-percent allowance to States out of royalties is undoubtedly offered as a compromise, but certain statements have been made in the Record which I think might tend to create the impression that the compromise is offered with peculiar reference to the State of Texas.

Mr. O'MAHONEY. Oh, no.

Mr. HOLLAND. I wish to ask the Senator from Wyoming if it is not true that the 37½-percent participation to be allowed to the States is to be applied only to royalties derived from oil produced within the 3-mile limit.

Mr. O'MAHONEY. It applies only to revenues from submerged lands within the 3-mile limit, but it applies equally to all coastal States.

Mr. HOLLAND. To all coastal States, but only within the 3-mile limit?

Mr. O'MAHONEY. That is correct.

Mr. HOLLAND. Therefore, instead of being favorable to Texas, as compared with other States, it might be construed as being unfavorable, because Texas probably had the three-league limit as

her boundary when she came into the Union.

Mr. O'MAHONEY. Let us not call this provision in the resolution unfavorable. It was the decision of the Supreme Court which was unfavorable. The Supreme Court granted judgment to the Federal Government and against the State of Texas in connection with the contention by Texas that it had a 10-mile boundary.

SUPREME COURT DEALT WITH CLAIM

I am glad the Senator from Florida has raised this question, because it brings to my mind one of the interesting arguments in this debate. The Supreme Court in its opinion summarized the claims. I read from page 489 of the Senate hearings, beginning with the last line:

Texas also claims that under international law, as it had evolved by the 1840's the Republic of Texas as a sovereign nation became the owner of the bed and subsoil of the marginal sea vis-à-vis other nations.

In other words, here Texas, as a sovereign nation, was saying that she was the owner of the bed and the subsoil. But Senators from other States, such as Florida, Louisiana, and California, which were never sovereign States, have argued that when those States came into the Union the Federal Government somehow or other surrendered a part of its sovereignty to them.

Texas says, "We did not surrender our sovereignty; therefore it should not be taken away from us."

Mr. HOLLAND. Mr. President, will the Senator yield further?

Mr. O'MAHONEY. I yield.

Mr. HOLLAND. The sole purpose of my rising at this time is to negative any impression which may have been created by the record that this compromise, as has been so ably stated by the Senator from Wyoming, was to give any particular recognition to the claims of Texas, because, as a matter of fact, Texas very probably had three leagues of salt water attached to her, with the land that lay under them, prior to and at the time she came into the Union, whereas no such claim is made, for instance, in the case of the State of California, where the maximum distance claimed is 3 miles.

Mr. O'MAHONEY. They are developing some such claim now, I am told.

Mr. HOLLAND. So in spite of the fact that Texas was in a different situation, and, as shown by the division of opinion in the Supreme Court, was recognized as having a much stronger claim than that of some other States, the compromise in this joint resolution applying the 3-mile limit to all States, certainly does not give any advantage to Texas as compared with other States.

Mr. O'MAHONEY. The Senator is quite correct.

Mr. HOLLAND. But, to the contrary, it recognizes that Texas is on an equal footing with the other States.

Mr. O'MAHONEY. It recognizes Texas as the other States are recognized.

Mr. MAGNUSON. Mr. President, will the Senator from Wyoming yield for another question?

Mr. O'MAHONEY. I am glad to yield.

Mr. MAGNUSON. I quote from the middle of page 2 of the majority report on the joint resolution:

A new section added by amendment gives the statutory consent of the Federal Government for State regulation and management of fish, shellfish, sponges, kelp, and other marine animal and plant life.

Mr. O'MAHONEY. Yes.

Mr. MAGNUSON. On the same page, preceding what I have just read, the report says:

Lands beneath inland navigable waters, including bays, harbors, and inlets are not claimed by the Federal Government and therefore are left to the States and are not subject to leasing by the Secretary.

Considering the two statements together I would assume that in the case of Puget Sound, to be specific, the regulation of shellfish, oyster beds, clam beds, crab beds, and similar things, would, under the committee's interpretation of the joint resolution, be left to the State.

Mr. O'MAHONEY. That is correct.

Mr. MAGNUSON. In the middle of page 3 of the committee report, there is the following statement:

As stated, lands beneath navigable inland waters are not affected—such as navigable rivers and lakes, and beds of true bays, harbors, and inlets. Such lands remain State property.

There are hundreds of miles of such lands in the Pacific Northwest, especially in the State of Washington, and I assume that the distinguished Senator from Wyoming would wish the RECORD to show that the intent of the joint resolution was not to include such inland bays.

Mr. O'MAHONEY. The Federal Government lays no claim to the submerged lands of those areas.

Mr. MAGNUSON. To inland bays?

Mr. O'MAHONEY. To no lands beneath such categories of waters.

Mr. MAGNUSON. I thank the Senator.

Mr. O'MAHONEY. Mr. President, I think we shall be able to make progress if the Senate will now proceed to the consideration of the committee amendments. The Senator from Louisiana, [Mr. LONG] spoke to me this morning about a possibility that later he might desire to offer perfecting amendments to some of the committee amendments, and he wished to know if I would agree that the amendments may hereafter be changed.

Therefore, Mr. President, I ask unanimous consent that such amendments as may now be agreed to may be reconsidered by any Senator at any time before final disposition of the joint resolution.

Mr. LANGER. Mr. President, I am very reluctantly obliged to object, because I promised the distinguished minority leader that I would object if a unanimous-consent request were submitted. Therefore, I am forced to object.

Mr. O'MAHONEY. Then, Mr. President, I shall attempt to secure a unanimous-consent agreement later.

Mr. HOLLAND. Does the distinguished Senator from Wyoming mean

that if adopted, either individually or en bloc, the committee amendments would be held to become part of a clear joint resolution, all of which would be subject to amendment exactly as if it had not been amended?

Mr. O'MAHONEY. In effect, yes.

Mr. HOLLAND. I shall have no objection to that.

Mr. O'MAHONEY. I wish to be perfectly frank in order that we may have the best judgment of every Member of the Senate in arriving at the best method of acting upon the question.

Mr. HOLLAND. With that understanding, I shall not object.

The PRESIDING OFFICER (Mr. PASTORE in the chair). Objection has been made by the Senator from North Dakota. The question is on agreeing to the first amendment of the committee.

Mr. CASE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Benton	Holland	Monroney
Brewster	Humphrey	Morse
Bridges	Jenner	Murray
Cain	Johnson, Tex.	O'Mahoney
Carlson	Kilgore	Pastore
Case	Langer	Russell
Connally	Lehman	Smith, N. J.
Dirksen	Long	Stennis
Dworshak	Magnuson	Thye
Hendrickson	Martin	Wiley
Hill	McFarland	

The PRESIDING OFFICER (Mr. MONRONEY in the chair). A quorum is not present.

Mr. MCFARLAND. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a little delay Mr. AIKEN, Mr. BENNETT, Mr. BRICKER, Mr. BYRD, Mr. CAPEHART, Mr. CLEMENTS, Mr. CORDON, Mr. DOUGLAS, Mr. EASTLAND, Mr. ECTON, Mr. ELLENDER, Mr. FERGUSON, Mr. FLANDERS, Mr. FREAR, Mr. GEORGE, Mr. GILLETTE, Mr. GREEN, Mr. HAYDEN, Mr. HENNINGSON, Mr. HOEY, Mr. HUNT, Mr. IVES, Mr. JOHNSON of Colorado, Mr. JOHNSON of South Carolina, Mr. KEM, Mr. KERR, Mr. MALONE, Mr. MCCARRAN, Mr. MCCARTHY, Mr. MCCLELLAN, Mr. MCKELLAR, Mr. MILLIKIN, Mr. MOODY, Mr. MUNDT, Mr. NEELY, Mr. NIXON, Mr. O'CONNOR, Mr. ROBERTSON, Mr. SALTONSTALL, Mr. SCHOEPEL, Mr. SEATON, Mr. SMATHERS, Mrs. SMITH of Maine, Mr. SMITH of North Carolina, Mr. SPARKMAN, Mr. TOBEY, Mr. UNDERWOOD, Mr. WATKINS, Mr. WELKER, Mr. WILLIAMS, and Mr. YOUNG entered the Chamber and answered to their names.

The PRESIDING OFFICER. A quorum is present.

Mr. O'MAHONEY. Mr. President, we have come to that position in the consideration of the bill where I think it perfectly appropriate to consider the various committee amendments. From the discussion which took place before the quorum was called, I think it was evident that we could dispose of the

amendments en bloc, with the exception perhaps of one, which I shall not ask to have considered at this time.

I proposed a unanimous-consent agreement to this effect:

Ordered, That the committee amendments to Senate Joint Resolution 20, with the exception of the amendment on page 10, lines 18 to 25, inclusive, be agreed to en bloc: *Provided, however*, That such action with respect to any specific amendment shall, upon the request of a Senator, be deemed to be rescinded, and the consideration of such amendment shall then be proceeded with in accordance with the rules of the Senate.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. CONNALLY. Suppose we adopted all the amendments en bloc, and later on a Senator had amendments he wanted to offer, which amendments conflicted with some of the committee amendments, what would the situation be then?

Mr. O'MAHONEY. The action on the committee amendment would then be rescinded, upon the request of the Senator.

Mr. CONNALLY. Under the agreement, the Senator would have the right to have action rescinded on any amendment which was in conflict with his amendment. Is that correct?

Mr. O'MAHONEY. That is correct. The effect would be to make a clean resolution of it, and then leave it entirely open to amendment.

Mr. BRIDGES. Reserving the right to object, will the Senator explain why he wants to adopt the committee amendments en bloc?

Mr. O'MAHONEY. Most of them are technical amendments, to which there will be no objection. It is merely a time-saving device. I may say to the Senator that I have been on the floor since noon, discussing the bill, answering every question which was propounded. As the Senator from New Hampshire well knows, we did not get back from Philadelphia from another debate until approximately 2 o'clock this morning. The unanimous-consent request is so couched that any one of the amendments agreed to en bloc can be reconsidered upon the request of any Senator.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wyoming?

Mr. CORDON. Reserving the right to object, I inquire of the Senator from Wyoming whether it is his view that by the adoption of the committee amendments with the reservations he has indicated, action on the resolution can be expedited and that the basic differences among the Members of the Senate can be brought into the open and resolved?

Mr. O'MAHONEY. That is precisely the object which I have in mind.

Mr. CORDON. As the Senator from Oregon understands, the basic differences go not to any of the amendments, which the committee has suggested.

Mr. O'MAHONEY. The Senator is quite correct.

Mr. CORDON. But to the proposition of whether there is to be interim legislation or whether we are to settle the matter by a quitclaim of any interests which the Federal Government has in submerged lands in the several States.

Mr. O'MAHONEY. The Senator from Texas has already given notice of his desire to offer a substitute, and the Senator from Florida has done the same thing. The general purpose of both substitutes is the same, namely, a quitclaim.

AMENDMENTS TO BE OFFERED

If either of the substitutes is agreed to, it disposes of Senate Joint Resolution 20 as reported by the committee, together with all the amendments.

If they should be defeated, I understand the Senator from Louisiana [Mr. Long] may desire to present some other amendments, and other Senators may desire to present amendments. In either case, if any one of the amendments to be proposed conflicts with any that are adopted today, the action will be rescinded and the matter will be considered de novo.

Mr. CORDON. So that the effect of the request of the Senator from Wyoming is that the resolution be considered as though the committee amendments were a part of it as it was originally introduced.

Mr. O'MAHONEY. The Senator is quite correct.

Mr. CORDON. Subject to any amendment which may be offered.

Mr. O'MAHONEY. That is precisely correct.

Mr. BRIDGES. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. BRIDGES. Every Senator on the floor is protected, not only in offering further amendments, but on the reconsideration of any of the committee amendments, without prejudice?

Mr. O'MAHONEY. Absolutely. I do not know how it could be made more clear.

Mr. BRIDGES. I wanted to have it clear on the RECORD.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Wyoming?

Mr. LONG. Reserving the right to object, will the Senator from Wyoming explain the purpose he has in mind in excluding the amendment on page 10 of the resolution?

Mr. O'MAHONEY. I shall be very glad to explain it. I drafted that amendment in consultation with representatives of the Department of Justice, the Department of the Interior, and with the Senator from Louisiana. It was one of the numerous attempts we have made to induce the Senator from Louisiana to join in support of the resolution. That was the sole purpose. Since the Senator from Louisiana may desire to offer some additional amendments, I thought it would be well to allow it to wait until that time for consideration.

Mr. LONG. I thank the Senator from Wyoming.

The PRESIDING OFFICER. Is there objection?

Mr. DIRKSEN. Reserving the right to object, if we agree to the amendments

en bloc, a Senator who wants to bring about the exclusion of one of the amendments has to carry the load and make the case.

Mr. O'MAHONEY. The Senator is quite wrong.

Mr. DIRKSEN. I should like to know why?

Mr. O'MAHONEY. Because the specific language which has been written into this request is as follows:

Provided, however, That such action with respect to any specific amendment shall, upon the request of a Senator, be deemed to be rescinded, and the consideration of such amendment shall then be proceeded with in accordance with the rules of the Senate.

The burden of proof will be upon the committee and its chairman with respect to such an amendment, not upon the Senator who asks that action on an amendment be rescinded.

Mr. DIRKSEN. Mr. President, I should like to have the Senator from Wyoming reread the language of his proposal.

Mr. O'MAHONEY. It reads as follows:

Ordered, That the committee amendments to Senate Joint Resolution 20, with the exception of the amendment on page 10, lines 18 to 25, inclusive, be agreed to en bloc:

Provided, however, That such action with respect to any specific amendment shall, upon the request of a Senator, be deemed to be rescinded, and the consideration of such amendment shall then be proceeded with in accordance with the rules of the Senate.

In other words, the committee would have to present its case all over again.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the unanimous-consent request is agreed to.

The unanimous-consent agreement, as reduced to writing, is as follows:

Ordered, That the committee amendments, with the exception of the amendment on page 10, lines 18 to 25, inclusive, to the pending measure be agreed to en bloc: *Provided, however,* That such action with respect to any specific amendment shall, upon the request of a Senator, be deemed to be rescinded, and the consideration of such amendment shall then be proceeded with in accordance with the rules of the Senate.

The amendments agreed to en bloc are as follows:

On page 5, line 21, after the word "lease", to insert a colon and the following proviso: "*Provided, however,* That if oil or gas was not being produced from such lease on or before December 11, 1950, then for a term from the effective date hereof equal to the term remaining unexpired on December 11, 1950, under the provisions of such lease or any extensions, renewals, or replacements authorized therein, or heretofore authorized by the laws of the State issuing, or whose grantee issued, such lease."

On page 6, line 19, after the word "any", to strike out "person holding" and insert "lessor or lessee of"; in line 20, after the word "State", to insert "its political subdivision or grantee"; in line 24, after the word "any", to strike out "proprietary"; on page 7, line 20, after "(c)", to insert "or"; in line 22, after the word "into", to strike out "an agreement" and insert "agreements"; in line 23, after the word "State", to insert "its political subdivision or grantee"; in the same line, after the word "lessee", to strike out "of

the State, its political subdivision or grantee" and insert "thereof"; on page 8, line 2, after the word "State", to insert "its political subdivision or grantee"; in line 3, after the word "issuance", to insert "or nonissuance"; in line 18, after the word "lease", to insert "The following stipulations and authorizations are hereby approved and confirmed: (i) The stipulation entered into in the case of United States against State of California, between the Attorney General of the United States and the Attorney General of California, dated July 26, 1947, relating to certain bays and harbors in the State of California; (ii) the stipulation entered into in the case of United States against State of California, between the Attorney General of the United States and the Attorney General of California, dated July 26, 1947, relating to the continuance of oil and gas operations in the submerged lands within the boundaries of the State of California and herein referred to as the operating stipulation; (iii) the stipulation entered into in the case of United States against State of California, between the Attorney General of the United States and the Attorney General of California, dated July 28, 1948, extending the term of said operating stipulation; (iv) the stipulation entered into in the case of United States against State of California, between the Attorney General of the United States and the Attorney General of California, dated August 2, 1949, further extending the term of said operating stipulation; (v) the stipulation entered into in the case of United States against State of California, between the Attorney General of the United States and the Attorney General of California, dated August 21, 1950, further extending and revising said operating stipulation; (vi) the stipulation entered into in the case of United States against State of California, between the Attorney General of the United States and the Attorney General of California, dated September 24, 1951, further extending and revising said operating stipulation; (vii) the notice concerning "Oil and Gas Operations in the Submerged Coastal Lands of the Gulf of Mexico," issued by the Secretary of the Interior on December 11, 1950 (15 F. R. 8835), as amended by the notice dated January 26, 1951 (16 F. R. 953), and as supplemented by the notices dated February 2, 1951 (16 F. R. 1203), March 5, 1951 (16 F. R. 2195), April 23, 1951 (16 F. R. 3623), June 25, 1951 (16 F. R. 6404), August 22, 1951 (16 F. R. 8720), October 24, 1951 (16 F. R. 10998), and December 21, 1951 (17 F. R. 43), respectively."

On page 11, line 2, after the word "cover", to strike out "such" and insert "an"; in the same line, after the word "area", to insert "of such size and dimensions"; in line 5, after the word "quantities", to insert "or drilling or well reworking operations as approved by the Secretary are conducted thereon"; after line 13, to insert:

"(d) The issuance of any lease by the Secretary pursuant to this section 4 of this joint resolution, or the refusal of the Secretary to certify that the United States does not claim any interest in any submerged lands pursuant to section 2 of this joint resolution, shall not prejudice the ultimate settlement or adjudication of the question as to whether or not the area involved is submerged land beneath navigable inland waters."

On page 13, line 21, after the word "payment", to insert "of just compensation"; in line 23, after the word "terminated", to strike out "of an amount determined by due process of law"; on page 14, line 1, after the word "affect", to strike out "any" and insert "such"; in line 2, after the word "rights", to insert "if any"; in the same line, after the amendment just above stated, to strike out "that" and insert "as"; in line 4, after the word "and", to strike out "any"; in the same line, after the word "rights", to insert

"if any"; in line 6, after the word "acquired", to insert a colon and the following proviso: "Provided, however, That nothing herein contained is intended or shall be construed as a finding, interpretation or construction by the Congress that the law under which such rights may be claimed in fact applies to the lands subject to this joint resolution or authorizes or compels the granting of such rights of such lands, and that the determination of the applicability or effect of such law shall be unaffected by anything herein contained."

After line 13, to insert a new section, as follows:

"Sec. 9. The United States consents that the respective States may regulate, manage, and administer the taking, conservation, and development of all fish, shrimp, oysters, clams, crabs, lobsters, sponges, kelp, and other marine animal and plant life within the area of the submerged lands of the Continental Shelf lying within the seaward boundary of any State, in accordance with applicable State law."

And in line 21, to change the section number from "9" to "10"; so as to make the joint resolution read:

"Resolved, etc., That (a) the provisions of this section shall apply to all mineral leases covering submerged lands of the Continental Shelf issued by any State or political subdivision or grantee thereof (including any extension, renewal, or replacement thereof heretofore granted pursuant to such lease or under the laws of such State): *Provided*—

"(1) That such lease, or a true copy thereof, shall have been filed with the Secretary by the lessee or his duly authorized agent within 90 days from the effective date of this joint resolution, or within such further period or periods as may be fixed from time to time by the Secretary;

"(2) That such lease was issued (i) prior to December 21, 1948, and was on June 5, 1950, in force and effect in accordance with its terms and provisions and the law of the State issuing it, or (ii) with the approval of the Secretary and was on the effective date of this joint resolution in force and effect in accordance with its terms and provisions and the law of the State issuing it;

"(3) That within the time specified in paragraph (1) of this subsection, there shall have been filed with the Secretary (i) a certificate issued by the State official or agency having jurisdiction and stating that the lease was in force and effect as required by the provisions of paragraph (2) of this subsection or (ii) in the absence of such certificate, evidence in the form of affidavits, receipts, canceled checks, or other documents, and the Secretary shall determine whether such lease was so in force and effect;

"(4) That except as otherwise provided in section 3 hereof, all rents, royalties, and other sums payable under such a lease between June 5, 1950, and the effective date of this joint resolution, which have not been paid in accordance with the provisions thereof, and all rents, royalties, and other sums payable under such a lease after the effective date of this resolution shall be paid to the Secretary, who shall deposit them in a special fund in the Treasury to be disposed of as hereinafter provided;

"(5) That the holder of such lease certifies that such lease shall continue to be subject to the overriding royalty obligations existing on the effective date of this joint resolution;

"(6) That such lease was not obtained by fraud or misrepresentation;

"(7) That such lease, if issued on or after June 23, 1947, was issued upon the basis of competitive bidding;

"(8) That such lease provides for a royalty to the lessor of not less than 12½ percent in amount or value of the production saved, removed, or sold from the lease: *Pro-*

vided, however, That if the lease provides for a lesser royalty, the holder thereof may bring it within the provisions of this paragraph by consenting in writing, filed with the Secretary, to the increase of the royalty to the minimum herein specified;

"(9) That such lease will terminate within a period of not more than 5 years from the effective date of this joint resolution in the absence of production or operations for drilling: *Provided, however, That if the lease provides for a longer period, the holder thereof may bring it within the provisions of this paragraph by consenting in writing, filed with the Secretary, to the reduction of such period, so that it will not exceed the maximum period herein specified; and*

"(10) That the holder of such lease furnishes such surety bond, if any, as the Secretary may require and complies with such other requirements as the Secretary may deem to be reasonable and necessary to protect the interests of the United States.

"(b) Any person holding a mineral lease which comes within the provisions of subsection (a) of this section, as determined by the Secretary, may continue to maintain such lease, and may conduct operations thereunder, in accordance with its provisions for the full term thereof and of any extension, renewal or replacement authorized therein or heretofore authorized by the law of the State issuing such lease: *Provided, however, That if oil or gas was not being produced from such lease on or before December 11, 1950, then for a term from the effective date hereof equal to the term remaining unexpired on December 11, 1950, under the provisions of such lease or any extensions, renewals, or replacements authorized therein, or heretofore authorized by the laws of the State issuing, or whose grantee issued, such lease. A negative determination under this subsection may be made by the Secretary only after giving to the holder of the lease notice and an opportunity to be heard.*

"(c) With respect to any mineral lease that is within the scope of subsection (a) of this section, the Secretary shall exercise such powers of supervision and control as may be vested in the lessor by law or the terms and provisions of the lease.

"(d) The permission granted in subsection (b) of this section shall not be construed to be a waiver of such claims, if any, as the United States may have against the lessor or the lessee or any other person respecting sums payable or paid for or under the lease, or respecting activities conducted under the lease, prior to the effective date of this resolution.

"Sec. 2. The Secretary is authorized, with the approval of the Attorney General of the United States and upon the application of any lessor or lessee of a mineral lease issued by or under the authority of a State, its political subdivision or grantee, on tidelands or submerged lands beneath navigable inland waters within the boundaries of such State, to certify that the United States does not claim any interest in such lands or in the mineral deposits within them. The authority granted in this section shall not apply to rights of the United States in lands (a) which have been lawfully acquired by the United States from any State, either at the time of its admission into the Union or thereafter, or from any person in whom such rights had vested under the law of a State or under a treaty or other arrangement between the United States and a foreign power, or otherwise, or from a grantee or successor in interest of a State or such person; or (b) which were owned by the United States at the time of the admission of a State into the Union and which were expressly retained by the United States; or (c) which the United States lawfully holds under the law of the State in which the lands are situated; or (d) which are held by the United States in trust

for the benefit of any person or persons, including any tribe, band, or group of Indians or for individual Indians.

"Sec. 3. In the event of a controversy between the United States and a State as to whether or not lands are submerged lands beneath navigable inland waters, the Secretary is authorized, notwithstanding the provisions of subsections (a) and (c) of section 1 of this joint resolution, and with the concurrence of the Attorney General of the United States, to negotiate and enter into agreements with the State, its political subdivision or grantee or a lessee thereof, respecting operations under existing mineral leases and payment and impounding of rents, royalties, and other sums payable thereunder, or with the State, its political subdivision or grantee, respecting the issuance or nonissuance of new mineral leases pending the settlement or adjudication of the controversy: *Provided, however, That the authorization contained in this section shall not be construed to be a limitation upon the authority conferred on the Secretary in other sections of this joint resolution. Payments made pursuant to such agreement, or pursuant to any stipulation between the United States and a State, shall be considered as compliance with section 1 (a) (4) hereof. Upon the termination of such agreement or stipulation by reason of the final settlement or adjudication of such controversy, if the lands subject to any mineral lease are determined to be in whole or in part submerged land of the Continental Shelf, the lessee, if he has not already done so, shall comply with the requirements of section 1 (a), and thereupon the provisions of section 1 (b) shall govern such lease. The following stipulations and authorizations are hereby approved and confirmed: (i) The stipulation entered into in the case of United States against State of California, between the Attorney General of the United States and the Attorney General of California, dated July 26, 1947, relating to certain bays and harbors in the State of California; (ii) the stipulation entered into in the case of United States against State of California, between the Attorney General of the United States and the Attorney General of California, dated July 26, 1947, relating to the continuance of oil and gas operations in the submerged lands within the boundaries of the State of California and herein referred to as the operating stipulation; (iii) the stipulation entered into in the case of United States against State of California, between the Attorney General of the United States and the Attorney General of California, dated July 28, 1948, extending the term of said operating stipulation; (iv) the stipulation entered into in the case of United States against State of California, between the Attorney General of the United States and the Attorney General of California, dated August 2, 1949, further extending the term of said operating stipulation; (v) the stipulation entered into in the case of United States against State of California, between the Attorney General of the United States and the Attorney General of California, dated August 21, 1950, further extending and revising said operating stipulation; (vi) the stipulation entered into in the case of United States against State of California, between the Attorney General of the United States and the Attorney General of California, dated September 24, 1951, further extending and revising said operating stipulation; (vii) the notice concerning 'Oil and Gas Operations in the Submerged Coastal Lands of the Gulf of Mexico' issued by the Secretary of the Interior on December 11, 1950 (16 F. R. 8835), as amended by the notice dated January 26, 1951 (16 F. R. 953); and as supplemented by the notices dated February 2, 1951 (16 F. R. 1203), March 5, 1951 (16 F. R. 2195), April 23, 1951 (16 F. R. 3623), June 25, 1951 (16 F. R. 6404), August*

22, 1951 (16 F. R. 8720), October 24, 1951 (16 F. R. 10998), and December 21, 1951 (17 F. R. 43), respectively.

"Sec. 4. (a) In order to meet the urgent need during the present emergency for further exploration and development of the oil and gas deposits in the submerged lands of the Continental Shelf, the Secretary is authorized, pending the enactment of further legislation on the subject, to grant to the qualified persons offering the highest bonuses on a basis of competitive bidding oil and gas leases on submerged lands of the Continental Shelf which are not covered by leases within the scope of subsection (a) of section 1 of this joint resolution: *Provided, however*, That, for a period of 5 years after the effective date of this joint resolution, such authority of the Secretary may be exercised within the seaward boundaries of a State only with the prior approval of the agency or official of the State, its political subdivision or grantee which under applicable law of the State or its political subdivision would have had authority to lease the area.

"(b) A lease issued by the Secretary pursuant to this section shall cover an area of such size and dimensions as the Secretary may determine, shall be for a period of 5 years and as long thereafter as oil or gas may be produced from the area in paying quantities, or drilling or well reworking operations as approved by the Secretary are conducted thereon, shall require the payment of a royalty of not less than 12½ percent, and shall contain such rental provisions and such other terms and provisions as the Secretary may by regulation prescribe in advance of offering the area for lease.

"(c) All moneys paid to the Secretary for or under leases granted pursuant to this section shall be deposited in a special fund in the Treasury to be disposed of as hereinafter provided.

"(d) The issuance of any lease by the Secretary pursuant to this section 4 of this joint resolution, or the refusal of the Secretary to certify that the United States does not claim any interest in any submerged lands pursuant to section 2 of this joint resolution, shall not prejudice the ultimate settlement or adjudication of the question as to whether or not the area involved is submerged land beneath navigable inland waters.

"Sec. 5. (a) Except as provided in subsection (b) of this section—

"(1) thirty-seven and one-half percent of all moneys received as bonus payments, rents, royalties, and other sums payable with respect to operations in submerged coastal lands lying within the seaward boundary of any State shall be paid by the Secretary of the Treasury to such State within 90 days after the expiration of each fiscal year; and

"(2) all other moneys received under the provisions of this joint resolution shall be held in a special account in the Treasury pending the enactment of legislation by the Congress concerning the disposition thereof.

"(b) The provisions of this section shall not apply to moneys received and held pursuant to any stipulation or agreement referred to in section 3 of this joint resolution pending the settlement or adjudication of the controversy.

"(c) If and whenever the United States shall take and receive in kind all or any part of the royalty under a lease maintained or issued under the provisions of this joint resolution and covering submerged coastal lands lying within the seaward boundary of any State, the value of such royalty so taken in kind shall, for the purpose of subsection (a) (1) of this section, be deemed to be the prevailing market price thereof at the time and place of production, and there shall be paid to the State entitled thereto 37½ percent of the value of such royalty.

"Sec. 6. The Secretary is authorized to issue such regulations as he may deem to be nec-

essary or advisable in performing his functions under this joint resolution.

"Sec. 7. (a) The President may, from time to time, withdraw from disposition any of the unleased lands of the Continental Shelf and reserve them for the use of the United States in the interest of national security.

"(b) In time of war, or when the President shall so prescribe, the United States shall have the right of first refusal to purchase at the market price all or any portion of the oil and gas produced from the submerged lands covered by this joint resolution.

"(c) All leases issued under this joint resolution, and leases, the maintenance and operation of which are authorized under this joint resolution, shall contain or be construed to contain a provision whereby authority is vested in the Secretary, upon the recommendation of the Secretary of Defense, during a state of war or national emergency declared by the Congress or the President after the effective date of this joint resolution, to suspend operations under, or to terminate any lease; and all such leases shall contain or be construed to contain provisions for the payment of just compensation to the lessee whose operations are thus suspended or whose lease is thus terminated.

"Sec. 8. Nothing herein contained shall affect such rights, if any, as may have been acquired under any law of the United States by any person on lands subject to this joint resolution and such rights, if any, shall be governed by the law in effect at the time they may have been acquired: *Provided, however*, That nothing herein contained is intended or shall be construed as a finding, interpretation or construction by the Congress that the law under which such rights may be claimed in fact applies to the lands subject to this joint resolution or authorizes or compels the granting of such rights of such lands, and that the determination of the applicability or effect of such law shall be unaffected by anything herein contained.

"Sec. 9. The United States consents that the respective States may regulate, manage, and administer the taking, conservation, and development of all fish, shrimp, oysters, clams, crabs, lobsters, sponges, kelp, and other marine animal and plant life within the area of the submerged lands of the Continental Shelf lying within the seaward boundary of any State, in accordance with applicable State law.

"Sec. 10. When used in this joint resolution, (a) the term 'submerged lands of the Continental Shelf' means the lands (including the oil, gas, and other minerals therein) underlying the sea and situated outside the ordinary low-water mark on the coast of the United States and outside the inland waters and extending seaward to the outer edge of the Continental Shelf; (b) the term 'seaward boundary of a State' shall mean a line 3 miles distant from the points at which the paramount rights of the Federal Government in the submerged lands begin; (c) the term 'mineral lease' means any form of authorization for the exploration, development, or production of oil, gas, or other minerals; (d) the term 'tidelands' means lands regularly covered and uncovered by the flow and the ebb of the tides; and (e) the term 'Secretary' means the Secretary of the Interior."

The PRESIDING OFFICER. Does the Senator from Wyoming wish at this time to take up the amendment which was excluded?

Mr. O'MAHOONEY. No, Mr. President, I yield the floor.

The PRESIDING OFFICER. The amendment in question will be passed over.

Mr. BRIDGES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. BRIDGES. Mr. President, I ask unanimous consent that the order for a quorum call be rescinded, and that further proceedings under the call be suspended.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBMERGED LANDS ON THE COAST OF WASHINGTON STATE

Mr. CAIN. Mr. President, the junior Senator from Washington has in hand a document which is truly remarkable. It may become, as I think it will, historic. I know its substance to be outrageous, unscrupulous and a prime demonstration of the willingness and determination of power-mad and grasping bureaucrats to destroy, bypass, and usurp functions which belong to, and must remain with, the Congress.

The letter to which I make such bold and pointed reference was written under date of February 15, 1952, by the Secretary of the Interior to the Governor of the State of Washington. I have been given to understand that this letter was actually received by the Governor of Washington State on last Friday, February 29. A copy of the letter was received by me this morning.

It is highly appropriate that I call the attention of the Senate to this letter while the pending business of the Senate deals with the submerged lands and resources of the States of the Union.

In his letter, which I shall shortly read in its entirety, the Secretary of the Interior maintains that the Federal Government, through the Interior Department, has and asserts "paramount rights, full dominion and power" over the coastal submerged lands of the sovereign State of Washington.

The letter in question, Mr. President, is on the stationery of the Interior Department, and reads as follows:

MY DEAR GOVERNOR LANGLEY: On June 23, 1947, the Supreme Court decided *United States v. California* (332 U. S. 19), and on June 5, 1950, the Court decided *United States v. Louisiana* (339 U. S. 699), and *United States v. Texas* (339 U. S. 707). Under the doctrine of those cases, the United States believes and asserts that the submerged area along the coast of the State of Washington lying seaward of the following line is subject to the paramount rights, full dominion, and power of the United States, and that such area is not now and never has been owned by the State of Washington:

Mr. President, the description of this line continues for approximately three pages, and I ask unanimous consent that the description be printed as a part of my remarks at this point.

The PRESIDING OFFICER. Is there objection?

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

Beginning at Point No. 12, the terminus of the International Boundary Line, United States and Canada, in Juan de Fuca Strait, midway between Bonilla Point on Vancouver Island, and Tatoosh Island Lighthouse in the State of Washington, said point being in latitude 48°29'38.11" and longitude 124°43'34.69";

Thence by a straight line in a southerly direction crossing the Strait of Juan de Fuca, to the point of ordinary low water at the westernmost extremity of Duncan Rock, near latitude 48°24'28" and longitude 124°44'27";

Thence by a straight line in a southerly direction to the westernmost point of the westernmost island of the Tatoosh Island group, near latitude 48°23'31" and longitude 124°44'41";

Thence southerly and southeasterly along the line of ordinary low water, to the southernmost extremity of said island, near latitude 48°23'30" and longitude 124°44'40";

Thence by a series of straight lines in a general easterly direction, connecting the southernmost extremities of two larger islands of the Tatoosh group, to the southernmost extremity of a third small island of said group, near latitude 48°23'22" and longitude 124°44'04";

Thence by a straight line crossing "Hole in the Wall," in a southeasterly direction, to the point of ordinary low water at the westernmost extremity of Cape Flattery near latitude 48°22'55" and longitude 124°43'50";

Thence in a general southeasterly direction along the line of ordinary low water of the Pacific Ocean to the point of ordinary low water at the southernmost extremity of Waatch Point, the northern headland of Mukkaw Bay, near latitude 48°20'13", and longitude 124°40'47";

Thence by a straight line in a southeasterly direction crossing Mukkaw Bay, to the point of ordinary low water on the northernmost extremity of the southern headland of said bay, near latitude 48°19'26" and longitude 124°40'10";

Thence in a general southerly direction along the line of ordinary low water of the Pacific Ocean to the point of ordinary low water on the western side of the west jetty at the mouth of Quillayute River near latitude 47°54'33", and longitude 124°38'35", except where said line of the ordinary low water is interrupted by streams or other tributary waterways entering the Pacific Ocean between said points, at which places the boundary is a straight line across the mouth of said waterways;

Thence in a straight line in an easterly direction across the mouth of Quillayute River and across both jetties at the mouth of said river to the point of ordinary low water of the ocean on the eastern side of the east jetty near latitude 47°54'30", and longitude 124°38'18";

Thence in a general southerly direction along the line of the ordinary low water of the Pacific Ocean to the point of ordinary low water on the north side of the north jetty at the entrance to Grays Harbor near latitude 46°55'36" and longitude 124°09'39", except where said line of ordinary low water is interrupted by streams, river, or other tributary waterways entering said ocean between said points, at which places the boundary is a straight line across the mouth of such waterways.

Thence by a straight line in a southerly direction crossing the entrance to Grays Harbor and both jetties at said entrance, to the point of the ordinary low water of the ocean on the south side of the south jetty, near latitude 46°54'21" and longitude 124°09'10";

Thence in a southerly direction along the line of ordinary low water of the Pacific Ocean to the point of said low water at the northern headland of the entrance of Willapa Bay near latitude 46°43'13", and longitude 124°05'00";

Thence by a straight line across the entrance of Willapa Bay to the point of ordinary low water on the northwesternmost extremity of Leadbetter Point, the southern headland of said bay, near latitude 46°38'40" and longitude 124°03'32";

Thence in a southerly direction along the line of the ordinary low water of the Pacific Ocean to the point of low water on the north side of the north jetty at the mouth of the Columbia River, near latitude 46°15'52" and longitude 124°05'10", except where such line of low water is interrupted by streams, river, or other tributary waterways entering the Pacific Ocean between said points, at which place the boundary is a straight line across the mouth of such waterways;

Thence on a straight line in a southeasterly direction toward the point of ordinary low water of the Pacific Ocean on the south side of the south jetty at the mouth of the Columbia River, crossing the north jetty, to the boundary between the States of Oregon and Washington which, for the purpose of this description, is considered to be the middle of the main ship channel entering Columbia River, near latitude 46°15'21", and longitude 124°04'13".

(The geographic features and positions referred to in this description are as shown on United States Coast and Geodetic Survey Charts No. 6002, edition of July 1942 corrected to July 23, 1951; No. 6102 edition of April 1946 corrected to September 17, 1951; supplemented by data from Chart No. 6151 edition of November 1949 corrected to July 9, 1951; No. 6185 edition of December 1948 corrected to March 12, 1951; No. 6195 edition of July 1945 corrected to October 2, 1950; and No. 6265 edition of July 1934 corrected to January 22, 1951.)

Mr. CAIN. Mr. President, I would say to the uninitiated and to the lay person that the description as laid down by the Secretary of the Interior merely means that the Federal Government lays claim to all the property in the State of Washington seaward from low water.

The letter continues, on its third page:

We understand that the State of Washington has issued oil and gas permits and leases to private parties on submerged lands situated seaward of the line described above. Under the doctrine of the California, Louisiana, and Texas cases, any such permits or leases are void, since that area has always been and is now outside the scope of the leasing power of the State of Washington or its agencies.

Therefore, the State of Washington is requested to take no further action inconsistent with the rights of the United States in the submerged lands of the continental shelf lying seaward of the line described above, and to regard any oil and gas permits or leases issued by it as ineffective to confer any rights respecting such lands.

With respect to any such oil and gas permits or leases, we would appreciate being advised of the names of the permittees or lessees, their addresses, the dates of issuance, and the areas covered.

Sincerely yours,

OSCAR L. CHAPMAN,
Secretary of the Interior.

Mr. President, a copy of this letter was sent by the Secretary of the Interior to Mr. George R. Stuntz, Special Assistant to the Attorney General, 1052 Olympia National Building, Seattle 4, Wash.

Now, Mr. President, let us get down to business, if we may, for a minute or two.

In this letter the Secretary of Interior expresses himself as believing that he can impose his will and dictate his wishes to the State of Washington by drawing an arbitrary line along the coast of the State of Washington delimiting its historically recognized rights and powers. The Secretary assumes the confiscatory power to strip the State of Washington

of its submerged lands and resources seaward from the ordinary point of low water-mark. It ought to be unnecessary for me to advise the Secretary of Interior that the citizens of Washington State will never voluntarily submit to this fantastic attempt to confiscate rights and property which belong to them.

Mr. President, it must be common knowledge that, with reference to the question of submerged lands, the Federal Government has not filed any suit against the State of Washington, nor has the Congress of the United States conferred any such power to sue on the Secretary of Interior.

The Secretary has employed audacity sufficient to enable him to demand that the State of Washington void leases it has already issued on its submerged coastal lands and cease the issuance of any further leases. The Secretary has demanded that the State of Washington immediately furnish him with every detail covering every lease which has already been issued.

I urge every one of my colleagues, whether they represent an inland or a coastal State, to bear this warning fact in mind. Every State in the Union is equally subject to the strange and dangerous doctrine of paramount power which the Federal Government believes that it has. I trust that each of my colleagues, particularly from all of the States along the Atlantic, Gulf, and Pacific coasts, such as Maine, Massachusetts, Connecticut, New York, Rhode Island, Delaware, Alabama, and Oregon will study this alarming letter by the Secretary of the Interior for every Member of the Senate ought to recognize and realize that the people of their States, and the States themselves, may too easily in the future suffer from a comparable disregard for and invasion of their rights.

This doctrine of paramount power which the Secretary of the Interior seeks to impose on the sovereignty of the State of Washington violates the guaranties provided by our Constitution which protect private property and the rights of States and unless this doctrine is stopped by the Congress can lead to the nationalization of the natural resources of our Nation regardless of the State in which they may be located. If the Federal Government, allegedly in the interest of national defense has this right of paramount power over the submerged lands and resources of Washington, California, Texas, and Louisiana, it has the same power over every farm, river, mine, and factory in every State in the Nation. Supreme Court Justice Reed is but one of many thoughtful students who hold this assertion I make to be true.

The letter of the Secretary of the Interior to the Governor of Washington State is unwarranted, without force of law, and ridiculous on its face. The Secretary publicly demands a greater production of oil for national defense, yet he arbitrarily orders the State of Washington to cease any further development of whatever tideland oil resources that great State may possess.

There is one redeeming feature about the letter written by the Secretary of

the Interior. It comes to us at the moment when submerged tidelands legislation is the pending business. Though the Secretary had no authority to impose any order or make any request of the State of Washington, his letter advises us most clearly what the Department of the Interior proposes to do with or without any authority from the Congress of the United States. I take it to be undeniably true that the Congress will prevent the Secretary of the Interior from dictating to any sovereign State until the Congress has by legislation adopted a course of action which it will require the Secretary of the Interior or any other Federal agent to follow literally.

Mr. LONG. Mr. President, will the Senator yield for a question?

Mr. CAIN. I yield.

Mr. LONG. The contention that the paramount rights of the Federal Government are such that a State has no control over submerged lands arises from the theory that the Federal Government existed prior to the States, and that the Federal Government is really not one of limited powers—a theory which might lead to all sorts of strange interpretations of the law.

Mr. CAIN. I could not agree with my colleague from Louisiana more strongly.

Mr. LONG. I believe the Senator was not in the Chamber when I read this passage from a message of President James Monroe in 1822, discussing that fallacy, which could conceivably be argued, and stating that the Federal Government had no such rights. He said, on page 150 of the Messages and Papers of the Presidents:

In short, it is not easy to perceive all the consequences into which such a doctrine might lead.

Mr. CAIN. I am sorry I was not present in the Chamber earlier this afternoon. However, because of my respect for the Senator's views on this question, I expect to read every word of what has been offered for the Record by the Senator from Louisiana.

Mr. LONG. I thank the Senator.

Mr. McFARLAND. Mr. President, I am hopeful that tomorrow we can keep the Senate in session at least until 5 o'clock. We are very anxious to complete consideration of the pending joint resolution. I know that there is a great deal of interest in the proposed legislation. There are a number of amendments to be disposed of. However, we also have a great deal of other proposed legislation to dispose of during this session. It is necessary that we proceed expeditiously. I hope Senators will be ready to speak upon the unfinished business tomorrow, so that we shall not have to adjourn earlier than 5 o'clock.

Mr. LONG. Mr. President, will the Senator yield?

Mr. McFARLAND. I yield.

Mr. LONG. Let me say to the distinguished Senator from Arizona that I know of several Senators who have been working on this subject. It is a very difficult and technical question in some respects. They wanted a little more time to prepare the speeches which they in-

tend to deliver on the subject. I believe they will not disappoint the Senator from Arizona in the future.

RECESS

Mr. McFARLAND. I move that the Senate stand in recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 4 o'clock and 17 minutes p. m.) the Senate took a recess until tomorrow, Thursday, March 6, 1952, at 12 o'clock meridian.

NOMINATION

Executive nomination received by the Senate March 5 (legislative day of February 25), 1952:

PUBLIC ADVISORY BOARD

Eric A. Johnston, of Washington, to be a member of the Public Advisory Board established under title I of the Foreign Assistance Act of 1948.

HOUSE OF REPRESENTATIVES

WEDNESDAY, MARCH 5, 1952

The House met at 12 o'clock noon.

Rev. Dr. Donald L. Crocker, First Methodist Church, Champaign, Ill., offered the following prayer:

O God, our Father, who art the Father of all mankind, we thank Thee for Thy graciousness to us. Especially we thank Thee for the great heritage which is ours as Americans, for the idealism and the purposes of the founding fathers.

We pray, our Father, that in all these troubled days of the world's history the principles of justice and freedom and concern for the oppressed may be lifted high in our land and that we may lead the nations of the earth in the paths of democracy and peace.

We pray, our Father, Thy blessing upon this House, and we pray that the Members here may seek to know Thy will and to build Thy Kingdom to the instrumentality of this great Nation.

In the spirit of Jesus Christ, we pray. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was 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 February 29, 1952:

H. R. 6273. An act to amend the act relating to the incorporation of Trinity College of Washington, D. C., in order to make the archbishop of the Roman Catholic archdiocese of Washington an ex officio member and chairman of the board of trustees of such college; and

H. J. Res. 314. Joint resolution designating September 17 of each year as Citizenship Day.

On March 3, 1952:

H. R. 3981. An act to amend the act of July 8, 1943 (57 Stat. 388), entitled "An act to authorize the Secretary of Agriculture to adjust titles to lands acquired by the United States which are subject to his administration, custody, or control";

H. R. 5235. An act to authorize and direct the Commissioners of the District of Columbia to make such studies and investigations deemed necessary concerning the location and construction of a bridge over the Potomac River, and for other purposes; and H. R. 4419. An act to amend the District of Columbia Teachers' Salary Act of 1947.

On March 4, 1952:

H. R. 4749. An act authorizing the Secretary of Agriculture to return certain lands to the Police Jury of Caddo Parish, La.

On March 5, 1952:

H. R. 2672. An act for the relief of the law firm of Harrington & Graham;

H. R. 3569. An act for the relief of Louis Campbell Boyd;

H. R. 4130. An act for the relief of Caroline Wu;

H. R. 4224. An act for the relief of Mrs. Elfriede Hartley;

H. R. 4977. An act for the relief of Mrs. Margherita Caroli; and

H. R. 5256. An act to secure the attendance of witnesses from without the District of Columbia in criminal proceedings.

COMMUNICATION FROM THE SECRETARY OF STATE (H. DOC. NO. 378)

The SPEAKER laid before the House the following communication from the Secretary of State, which was read and referred to the Committee on Foreign Affairs and ordered to be printed:

DEPARTMENT OF STATE,

Washington, D. C., March 4, 1952.

The Honorable SAM RAYBURN,
Speaker of the House of Representatives.

MY DEAR MR. SPEAKER: I have been directed by the President to acknowledge receipt of House Resolution 514, and to call attention to his statement of February 20, when, at his press conference, he responded to the question, "Have any commitments been made to Great Britain on sending troops anywhere?" by a categorical "No."

Sincerely yours,

DEAN ACHESON.

PRESIDENT'S AIRPORT COMMISSION

Mr. SASSCER. 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 Maryland?

There was no objection.

Mr. SASSCER. Mr. Speaker, earlier this week, with the hope of obtaining immediate remedial action, I forwarded certain facts and data to the President's Airport Commission, which, I feel, illustrate certain hazards to safety now prevailing at Washington National Airport.

As you know, the President, aware of widespread public reaction following the three tragic air accidents at Elizabeth, N. J., named a temporary commission to explore what can be done to protect "the safety, welfare, and peace of mind" of persons living near airports and, meanwhile, recognize "the importance of a progressive and efficient aviation industry."

and for the first time the State became debt free.

In order to eliminate freight rate discrimination against southern industry, Governor Arnall successfully instituted suit in the United States Supreme Court in the name of the State against the major railroad companies of the Nation charging monopolistic practices and discrimination. This was the first suit of its kind in the Nation's history.

He is author of two books, *The Shore Dimly Seen* (1946) and *What the People Want* (1947). He has contributed articles to such publications as the *Atlantic Monthly*, the *Nation*, the *Yale Review*, the *Virginia Quarterly*, and the *Southwest Review*, and has frequently appeared on national network radio and television programs.

After his governorship he engaged in the general practice of law in Atlanta. He also served as president of the Society of Independent Motion Picture Producers, with headquarters in Beverly Hills, Calif., and as president of the Dixie Insurance Co. He is a trustee of the University of the South. He was a member of the United States National Commission for UNESCO, and was a member of the United States Delegation of the 1949 General Conference of UNESCO in Paris.

Mr. Arnall was married in 1935 to Mildred Delaney Slemmons and they have two children, Alvan and Alice.

President Truman nominated Mr. Arnall as Director of Price Stabilization on February 7, 1952. He was confirmed by the United States Senate on February 18, and took the oath of office on February 21 in Atlanta. Then he took up his new duties in Washington on February 25.

CALL OF THE ROLL

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

The VICE PRESIDENT. The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Hill	Morse
Bennett	Hoey	Mundt
Benton	Holland	Murray
Bricke	Humphrey	Neely
Bridges	Hunt	Nixon
Byrd	Ives	O'Connor
Cain	Jenner	O'Mahoney
Capehart	Johnson, Colo.	Pastore
Carlson	Johnson, Tex.	Robertson
Case	Johnston, S. C.	Russell
Clements	Kem	Saltonstall
Connally	Kilgore	Schoeppel
Cordon	Knowland	Seaton
Dirksen	Langer	Smathers
Douglas	Lehman	Smith, Maine
Duff	Long	Smith, N. J.
Dworshak	Magnuson	Smith, N. C.
Ecton	Malone	Sparkman
Ellender	Martin	Stennis
Ferguson	Maybank	Thye
Flanders	McCarran	Tobey
Frear	McCarthy	Underwood
George	McClellan	Watkins
Gillette	McFarland	Welker
Green	McKellar	Wiley
Hayden	McMahon	Williams
Hendrickson	Millikin	Young
Hennings	Monroney	
Hickenlooper	Moody	

Mr. JOHNSON of Texas. I announce that the Senator from New Mexico [Mr. ANDERSON] is necessarily absent.

The Senator from New Mexico [Mr. CHAVEZ] is absent by leave of the Senate.

The Senator from Mississippi [Mr. EASTLAND], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Tennessee [Mr. KEFAUVER], and the Senator from Oklahoma [Mr. KERR] are absent by leave of the Senate.

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Mr. SALTONSTALL. I announce that the Senator from Maryland [Mr. BUTLER], the Senator from Massachusetts [Mr. LODGE], and the Senator from Ohio [Mr. TAFT] are necessarily absent.

The Senator from Maine [Mr. BREWSTER] and the Senator from Nebraska [Mr. BUTLER] are absent on official business.

The VICE PRESIDENT. A quorum is present.

CONTINUATION OF MUTUAL SECURITY PROGRAM—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 382)

The VICE PRESIDENT laid before the Senate a message from the President of the United States, which was read and referred to the Committee on Foreign Relations.

(For the President's message, see today's proceedings of the House of Representatives, pp. 1941-1946.)

MINERAL LEASES ON CERTAIN SUBMERGED LANDS

The VICE PRESIDENT. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the joint resolution (S. J. Res. 20) to provide for the continuation of operations under certain mineral leases issued by the respective States covering submerged lands of the Continental Shelf, to encourage the continued development of such leases, to provide for the protection of the interests of the United States in the oil and gas deposits of said lands, and for other purposes.

Mr. EILENDER. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Aiken	Hill	Morse
Bennett	Hoey	Mundt
Benton	Holland	Murray
Bricke	Humphrey	Neely
Bridges	Hunt	Nixon
Byrd	Ives	O'Connor
Cain	Jenner	O'Mahoney
Capehart	Johnson, Colo.	Pastore
Carlson	Johnson, Tex.	Robertson
Case	Johnston, S. C.	Russell
Clements	Kem	Saltonstall
Connally	Kilgore	Schoeppel
Cordon	Knowland	Seaton
Dirksen	Langer	Smathers
Douglas	Lehman	Smith, Maine
Duff	Long	Smith, N. J.
Dworshak	Magnuson	Smith, N. C.
Ecton	Malone	Sparkman
Ellender	Martin	Stennis
Ferguson	Maybank	Thye
Flanders	McCarran	Tobey
Frear	McCarthy	Underwood
George	McClellan	Watkins
Gillette	McFarland	Welker
Green	McKellar	Wiley
Hayden	McMahon	Williams
Hendrickson	Millikin	Young
Hennings	Monroney	
Hickenlooper	Moody	

The PRESIDING OFFICER (Mr. MAGNUSON in the chair). A quorum is present.

TALE OF A SHIRT

Mr. CAIN. Mr. President, it is good to see my colleague the senior Senator from Washington [Mr. MAGNUSON]

presiding over the session of the Senate at this time, because to him I wish to make reference very briefly.

The junior Senator from Washington holds in hand half a shirt. The shirt came to me in the mail today from a resident of Bellingham, in the great State of Washington. Enclosed with this pitiful shred of raiment was a short note, factual and tragic. This is what the note said:

HONORABLE SENATOR: Your colleague, WARREN MAGNUSON, is sharing with you this shirt off my back.

The collector of infernal revenue got the rest.

Respectfully,

IRA REAVIS.

To the Senate I would say that my colleague, the senior Senator from Washington, has, I assume, the other half of this shirt from the back of our common constituent, Ira Reavis, who we must believe is suffering from the rigors of the whistling winds of the March climate in Bellingham, close to the Canadian border, his blue, quivering flesh exposed for all to see. Our constituent does not feel that this shirt will be of any help to him in his present extremity. He concludes he is past hoping for that.

Half of a shirt is no shirt, so far as I am concerned, and is completely useless to me, as half a shirt must be to my colleague. Therefore, with some measure of candor and reality, as well, I would say only that the collector of internal revenue, now having in his possession everything that Mr. Reavis once called his own, I shall present this half of what is left of a once self-respecting shirt to my colleague from the State of Washington, so that everything our poor friend once claimed as his own will at long last be in the hands of those who have sought so graspingly to get it there—the administration and those who are devoted to its appetite.

MINERAL LEASES ON CERTAIN SUBMERGED LANDS

The Senate resumed the consideration of the joint resolution (S. J. Res. 20) to provide for the continuation of operations under certain mineral leases issued by the respective States covering submerged lands of the Continental Shelf, to encourage the continued development of such leases, to provide for the protection of the interests of the United States in the oil and gas deposits of said lands, and for other purposes.

Mr. LONG. Mr. President, at the outset, I believe I should explain that Senate Joint Resolution 20 does not by any means represent the views of the majority of the Senate Committee on Interior and Insular Affairs; nor does the committee report accurately reflect the views of the majority of that committee. The junior Senator from Louisiana, the junior Senator from Florida [Mr. SMATHERS], the junior Senator from Colorado [Mr. MILLIKIN] as well as the senior Senator from Nebraska [Mr. BUTLER], and the senior Senator from Oregon [Mr. CORDON], all feel that this measure does not properly protect the interests of the States and that other legislation more

favorable to the States should be enacted. Nevertheless, in order to get some proposed legislation before the Senate, we finally agreed to vote to report favorably Senate Joint Resolution 20, reserving the right to support any amendments or even a complete substitute. The junior Senator from Louisiana will support substitute legislation which will be designed to restore to the States their rights in the submerged lands within their boundaries.

In the last session of Congress the House of Representatives passed a bill to restore to the States the submerged lands within their boundaries and to permit the States to share in oil production beyond State boundaries to the extent of 37½ percent of all rentals, royalties, and bonuses which may be derived from present and future leases on the Continental Shelf.

Personally, I shall support the House bill if it is offered. If it is not offered, then I shall support a substitute similar to Senate Joint Resolution 940, which was introduced by the Senator from Florida [Mr. HOLLAND], together with more than 30 other Senators.

Mr. President, we are seeking to restore to the individual States the rights and property within their boundaries which always belonged to them prior to the decision of the United States Supreme Court in the California case in 1947.

In a broader sense we are seeking to protect the title and the rights of every American citizen who owns private property in this country. With very few exceptions, everyone who has made a study of the rights of the States to their submerged lands, has come to the conclusion that this property had always belonged to the States, that it has always been regarded as property of the States, that they have been improperly deprived of it, and that the title to this property should be restored to the States.

Of course, I realize that in these days it is popular in some circles to attempt to vest all powers in a great Central Government at Washington and to besmirch the name of local and State government. We are led to believe that it would be shameful, dishonest, and even reactionary to permit the people of the States to handle their own property, to finance their own education, and to administer their own local affairs for themselves. An effort has been made to create the impression that there would be something wrongful or shameful about restoring to the States property which has almost unanimously been regarded as theirs for 160 years, property over which the Federal Government has never in anywise been authorized by the Constitution or by the Congress to exercise powers of ownership.

Why this smear attack? Mr. President, the reason is that the people making it cannot possibly succeed in their scheme if the public finds them out for what they are. There is a scheme afoot to misinform and mislead the public, to make the legitimate operators appear to be criminals, in order that certain soldiers of fortune may have some chance to obtain hundreds of millions of dollars' worth of valuable property for

practically nothing by succeeding in the most fantastic claim-jumping scheme ever devised by the minds of men.

Mr. President, I believe the junior Senator from Louisiana can speak with reasonable grace insofar as the large oil companies are concerned. I have fought amendments which would have favored the oil interests, when I considered them to be wrong. Two years ago I opposed an amendment which would have permitted oil and gas sales to be treated as capital-gains transactions for tax purposes. I fought against treating coal royalties as capital-gains transactions. I fought vigorously the basing-point pricing bill, which most of the large business concern supported. As a member of the Committee on Small Business, I have done everything within my power to slow down the trend toward monopoly and to encourage the development of small, independent concerns. Nevertheless, I believe it is time that those of us who believe in our form of government should stop aiding the Communists by spreading the false propaganda that first one segment and next another major division of American business is composed of vicious, selfish, unpatriotic individuals.

The oil and gas industry, large and small alike, has done a magnificent job of discovering and producing the fuel to make this Nation great and to preserve our liberties in time of war. I am confident that there are other portions of the globe that possess just as much mineral wealth as does the continental United States of America. The enormous natural resources which we have developed are ours because of the initiative and the diligence of our businessmen in finding and developing our resources. They should not be penalized, but should be rewarded and recognized for their part in making this the greatest Nation in the history of the world. What is more, it is time we realized that unless those who favor Federal ownership are to be much more socialistic in their views than they claim to be, then the same oil and gas industry, the self-same businessmen, are going to have to produce the oil and gas and other mineral resources, even if the Federal Government takes exclusively to itself every square foot of submerged land on the Continental Shelf.

Mr. President, I pause here a moment to recall an incident which occurred in the Committee on Interior and Insular Affairs. A former Senator and very able attorney was appearing before our committee, in behalf of a group of persons whom he described as "little fellows" whom he would like to see possess the enormously valuable leases at Long Beach and Huntington Beach, Calif. When the point was made that, after all, great amounts of money are required in order to develop those resources, and when we asked how the so-called little fellows whom he represented, if they were really persons of small means, could have sufficient money to be able to develop those resources, it was suggested that if those persons acquired the leases, they could do business with the large oil and gas concerns, so as to have them develop the leases. This sugges-

tion would lead one to believe that in some instances, at least, the same persons who now are attempting to acquire the State leases have already proposed to the companies which are producing under the State leases that the same companies should continue to produce oil and gas there, even if the Federal applicants get title to those lands. In other words, the Federal applicants are saying that the State leases are dishonest; yet, the Federal applicants are proposing that the same persons who now are producing oil and gas from those leases should continue to produce oil and gas from the leases even if the present applicants get title to the land. Even the Truman administration has declared that the leases issued to the oil companies by the State governments should be ratified and that these companies should be permitted to develop those leases.

Therefore we should hear no more of this hue and cry against big business. It is an extremely costly undertaking for anyone to produce oil from the submerged land on the Continental Shelf. In some cases an individual oil well costs as much as \$1,000,000. Sometimes it is necessary to erect huge steel structures in the open sea, in 75 or 100 feet of water, in order to have a platform from which to drill. I am informed that some of the drilling platforms in the open sea are almost the equivalent of the steel framework of a 10-story office building. This is simply not the kind of undertaking that a small, independent concern can handle. The cost is too great, and the risk to capital almost defies imagination. A well of the same depth drilled on dry land might cost only \$15,000 or \$20,000, as compared with the cost of possibly \$1,000,000 for drilling the same well in the open sea. Therefore it should be easy to see why most of the companies producing oil from submerged lands are the major companies and the large independents rather than what may be called shoe-string operators.

Although this type of venture requires a large amount of capital, it is nevertheless extremely competitive. Thus we see in the State of Texas that the more recent leases have brought an average of \$20 per acre in contrast with the 50 cents per acre the same lease would bring under the terms of the present Federal Leasing Act. So let us have no more of this smokescreen; let us have an end to some of these fake issues; and let us decide for the people the only basic issues that should be involved, namely, the administration of the property and the disposition of revenue as between the Federal Government and the State governments.

In passing, Mr. President, let me say that I find that many of the major oil companies are today supporting legislation contrary to what the junior Senator from Louisiana believes should be enacted and contrary to the views of those of us who have been accused of going along with the oil companies on occasion. I understand that they are supporting in some respects Senate Joint Resolution 20, on the theory that

at least it protects their interests. I can only say that, so far as the junior Senator from Louisiana is concerned, the Senator from Wyoming, the Senator from Alabama, and other Senators are welcome to have the support of the oil companies in their advocacy of Senate Joint Resolution 20 in its present form. The oil companies did not make it possible for those of us who favored State ownership to succeed in enacting legislation, and I do not believe they will be able to do much more in aiding those who would like to pass Senate Joint Resolution 20 in its present form.

Now, Mr. President, let us briefly consider the actual question involved, namely, the title to the submerged land within State boundaries. I realize that when I argue that the States actually own their submerged lands, the Federal advocates will immediately say that I am attempting to argue with the Supreme Court and that this matter has been settled. They do not wish to look at the actual legal merits of the case for the States. Because the case for the States is so strong and the case against the States has been so weak, our ultra-liberal friends, who argue for Federal ownership of many things and Federal aid to everything, sometimes almost advocating Federal control of everything, dislike very much to be confronted with the actual facts of American history.

Before going into the legal merits of the case for the States I should like to make very clear that even if we accept as gospel and grant beyond question every word of the majority opinions in the California, Texas, and Louisiana cases, we must nevertheless realize that even the Supreme Court, which decided this case against the States, has recognized and has practically said that there were equities and considerations due the States which should not be ignored. The language of the Court in the California case has suggested that Congress would have to make final disposition of the submerged lands and that Congress would undoubtedly have occasion to consider the rights, the equities, and other considerations in favor of the States within whose boundaries much of the submerged land is located.

As an attorney I consider it to be my duty to respect the Court, and to uphold it, in order that it may properly function; yet, as a legislator and as a representative of one of the sovereign States of the Nation—and there are some of us who still believe that the States possess some degree of sovereignty—I do not believe that any person can properly present the cause of the States without criticizing the decisions of the Supreme Court in the California, Texas, and Louisiana cases.

Mr. CAIN. Mr. President, will the Senator yield for a question?

Mr. LONG. I yield to the Senator from Washington.

Mr. CAIN. I think I have understood the Senator from Louisiana to say that with reference to the California case the Supreme Court indicated that the Congress must pass upon and approve legislation to determine the final disposition of submerged land. Is that a correct interpretation?

Mr. LONG. Yes. I do not have the exact language at this moment, but as I recall, with reference to the State's argument, it was indicated that the Federal Government always recognized this land as being State property, that the States had done much to develop it, that the States had been conceded in many respects certain rights in this property, and that the Federal Government had acknowledged the States' rights in many cases. The Court, in holding this property to be subject to the paramount rights of the Federal Government, made a statement to the effect that it could not be presumed that Congress would not be fair to the States in disposing of this question. I do not have the exact language before me. I shall attempt to supply it during the course of the debate.

Mr. CAIN. I desire to ask a question, if I may, in regard to the Senator's interpretation of the Supreme Court's finding in the California case. How, against that interpretation, could it have been possible, though it was, as of date of February 15, for the Secretary of the Interior to write to the Governor of the sovereign State of Washington, advising him that, as of the moment he received the Secretary's letter, every gas and oil lease written by the State of Washington with reference to its tidelands was void? Can the Senator from Louisiana give me any valid reason why the Secretary of the Interior, or any other Federal agent, should take such an arbitrary action, in the absence of legislation to be finally approved by the Congress of the United States.

Mr. LONG. I have not made a study of that particular letter, but, from what the Senator tells me, it is my judgment that the Secretary of the Interior had no authority to do that. Incidentally, the Senator may notice that the Interior Department and the Justice Department frequently during the many years of the history of this controversy have informed the Congress, to the best of my understanding, that they had no authority to institute proceedings to claim this property, unless the Congress authorized it. Attempts were made in Congress to authorize that sort of procedure, but Congress always refused to do so. As a matter of fact, on one occasion the Nye resolution slipped through on the Unanimous Consent Calendar without an understanding on the part of Senators of what was involved. It was, however, ignominiously defeated in the House.

Mr. CAIN. The Senator's understanding is one I have shared for quite a long time; but I may say that the Secretary of the Interior, in his letter to the Governor of the State of Washington, said it was from the California decision that the Interior Department derived power sufficient to enable it to claim successfully that all of the outstanding leases between the State of Washington and private parties were void. The Senator does not know why the California decision gave to the Interior Department any such authority, implied or direct, does he?

Mr. LONG. I believe, as the Senator properly suspects, that this was merely

one more example of a Federal agency claiming powers which were never given to it by the Constitution or the laws of the country. Congress has not given such powers, and the agency is simply attempting to assert a claim, to grasp things to which, under the laws of the United States, it had no right, hoping that the appointees presently sitting on the Supreme Court bench would uphold them, in the event these matters were brought to the Court.

Mr. CAIN. I associate myself with the observations just made by my friend from Louisiana.

Mr. LONG. The Senator from Washington referred to the question of existing equities. Reading from the California case, he will find, on page 479 of the hearings, in the last paragraph, this statement:

We have not overlooked California's argument, buttressed by earnest briefs on behalf of other States, that improvements have been made along and near the shores at great expense to public and private agencies. And we note the Government's suggestion that the aggregate value of all these improvements are small in comparison with the tremendous value of the entire 3-mile belt here in controversy. But, however this may be, we are faced with the issue as to whether State or Nation has paramount rights in and power over this ocean belt, and that great national question is not dependent upon what expenses may have been incurred upon mistaken assumptions. Furthermore, we cannot know how many of these improvements are within and how many without the boundary of the marginal sea which can later be accurately defined. But beyond all this 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.

That would imply that at least Congress would expect to be fair about this matter and take into consideration the history of the Federal attempt to possess this property.

Mr. CAIN. That decision also indicates that an accurate line of demarcation between State and Federal jurisdictions will be determined at a subsequent date. I should like to ask the Senator from Louisiana who determines what properly belongs to the Federal and State jurisdictions, respectively?

Mr. LONG. The Senator will notice in the proceeding pending in California at this time a master is attempting to fix some line, which will be submitted to the Supreme Court. I notice in that connection that the Department of Justice of the United States is attempting to disclaim, insofar as the Government is concerned, as much as it possibly can disclaim, any right to inland waters of the United States. Of course, I believe that jeopardizes the defense of this Nation, because, as the Senator knows, we are entitled to the exclusive possession of our inland waters against enemy or hostile ships or aircraft.

Furthermore, the Government is at this time attempting to restrict our maritime zone as much as possible in an effort to deprive the States of oil without regard to the ultimate effect on national defense. The Department of Justice, I believe, represented by the Solicitor

General, attempted to argue this question insofar as the case between Norway and Great Britain was concerned, setting forth what they deemed to be the rule on the borderline between inside and outside water, and claiming that Norway should be bound; but the Court of International Justice simply said that that was not the established law, and it more or less cast it aside as having very little weight. The result was that Norway was permitted to claim on a much more broad theory, including those areas which this Nation attempts to disclaim for the other nations of the world.

Mr. CAIN. Mr. President, I asked my last question because the Secretary of the Interior said in his letter that all the lands lying seaward of a particular line belonged to the Federal Government, and as I understand the Senator from Louisiana, he has said that is not a determination to be made by any one of our many executive agencies, but must be determined through evidence acted on in a judicial proceeding. Is that correct?

Mr. LONG. That is correct. The Senator will keep in mind that the Federal Government has a vague concept of paramount rights which would give it the power to take all the resources under submerged lands, excluding the States from them. It is argued that there are international questions involved. It is entirely possible that one of these days we shall find the United Nations making a demand that all the submerged land be shared with all the other nations of the world, on the theory that our Federal advocates are today laying down the principle that it is subject to the paramount rights of the Government.

Mr. CAIN. If that principle is agreed to without action by the Congress, does it not necessarily follow that if the Secretary of the Interior wishes so to do he can claim title to and act accordingly with reference to any of the resources or waters of the United States?

Mr. LONG. There is no doubt in the mind of the junior Senator from Louisiana that these two executive departments are usurping much authority which is not properly authorized, and in my opinion they will continue to do so, so long as they can get away with it. Congress is the only body which has any power whatsoever to call them to a halt.

Mr. CAIN. That is to say that a curtailment of that usurpation must be determined within the Halls of Congress.

Mr. LONG. That is correct. It has been claimed for many years that Congress authorized them to claim this property. When they received no such authorization they went ahead and claimed it anyway, and they were successful. I believe that if their right to do this had been tested before the Supreme Court which was sitting on the bench when Franklin D. Roosevelt became President of the United States, there would have been an entirely different result.

Mr. CAIN. I was reluctant to interrupt the Senator, but I think his observations have not only been helpful to the junior Senator from Washington, but are exceedingly so to the Record as well.

Mr. HOLLAND. Mr. President, will the Senator from Louisiana yield?

Mr. LONG. I yield to the Senator from Florida.

Mr. HOLLAND. On the matter of the decisions of the Supreme Court of the United States, I think it would be timely at this point to have the Record show that in the California case the decision was split 6 to 2, with two Justices dissenting, and one Justice abstaining, the two Justices who dissented being Justice Reed and Justice Frankfurter, and that in the Texas case the Court was split 4 to 3, with two Justices abstaining, four ruling in behalf of the United States and three adversely thereto.

On the same point, Mr. President, if the distinguished Senator from Louisiana will permit me to do so, I should like to comment for the Record that not only is the Senator from Washington completely correct in his statement to the effect that the Department of the Interior has been highly arbitrary in its delineation of what property it says belongs to the Federal Government and what is the line beyond which the State of Washington dare not go, but that representatives of the Department of Justice have been equally arbitrary in their effort to delimit the inland waters in the pending Long Beach case. As authority for that statement I should like to read into the Record at this time the observations made by the distinguished Senator from Wyoming, the chairman of the committee [Mr. O'MAHONEY], who, after having heard the ridiculous claims made by the attorneys of the Department of Justice, made this statement which appears on page 155 of the hearings:

I will say again, so that it may be clear in the record, that my own opinion is from the examination of the photograph which was presented to this committee last year and from the examination of this map that the so-called Government-proposed line is too narrow in the sense that it is too far landward.

In my judgment, it does not accurately define the exterior boundaries of the inland navigable waters of this bay. In my judgment, the line should be very much farther seaward, and unless there is information of which I am not aware, which has not yet been presented to me, I am ready to say now that so far as I am concerned, it seems to me to be clear that the boundary of the inland navigable waters must of necessity under all of the facts of the case include all of the area within the city limits of the city of Long Beach.

I wanted to put that into the Record at this time because even the distinguished chairman of the committee who sponsored and is so ably handling the pending measure upon the Senate floor has, himself, by the comments which I have just read into the Record, excoriated the agencies of the Federal Government and the attorneys of the Department of Justice in their efforts in the pending court proceeding having to do with the Long Beach case, to deprive the State of the oil-bearing lands which the distinguished Senator from Wyoming says by all means belong to the State of California or to the city of Long Beach.

I think that makes even clearer than heretofore the practice which lies behind the complete impropriety and exaggerated arbitrariness of the position

taken by the Department of the Interior in the communication which was placed in the Record yesterday by the Senator from Washington [Mr. CAIN].

Mr. CAIN. Mr. President, will the Senator from Louisiana yield?

Mr. LONG. I yield.

Mr. CAIN. Would the Senator permit me to place in the Record excerpts which I think are pertinent to the doctrine of paramount rights, found in two paragraphs of the Secretary's letter of the 15th of last month to the Governor of the State of Washington?

Mr. LONG. Mr. President, I ask unanimous consent that that may be done.

The PRESIDING OFFICER (Mr. JOHNSON of Texas in the chair). Without objection, it is so ordered.

Mr. CAIN. The Secretary said:

We understand that the State of Washington has issued oil and gas permits and leases to private parties on submerged lands situated seaward of the line described above. Under the doctrine of the California, Louisiana, and Texas cases, any such permits or leases are void, since that area has always been and is now outside the scope of the leasing power of the State of Washington or its agencies.

Therefore, the State of Washington is requested to take no further action inconsistent with the rights of the United States in the submerged lands of the Continental Shelf lying seaward of the line described above, and to regard any oil and gas permits or leases issued by it as ineffective to confer any rights respecting such lands.

It seems to me that unless the Congress of the United States, and preferably in the near future by amending the proposed legislation now before the Senate, makes it very clear to the Secretary of the Interior that it is not for him arbitrarily to determine what does and does not belong to the States and to the Federal Government, respectively, the Secretary of the Interior would be on reasonably sound ground in inferring that he might assume powers with reference to the States to which we are satisfied he is not entitled.

Mr. LANGER. Mr. President, will the Senator from Louisiana yield?

Mr. LONG. I yield to the Senator from North Dakota.

Mr. LANGER. It seems to me that the argument of the Senator from Florida [Mr. HOLLAND] is the very exception that proves the rule, when he talks about Long Beach, and it seems to me a strong argument in favor the passage of the pending measure rather than an argument against it.

So far as the argument by the Senator from Washington [Mr. CAIN] is concerned, certainly somebody must have the power to decide where the line is under the law. There is no question in my mind that the Secretary of the Interior had a perfect right to write such a letter, and it was his duty to write it, in order to protect the interests of all the people of the United States, as I believe he did by writing the letter.

Mr. LONG. Mr. President, if I may comment on this colloquy. I should like to express the opinion that Congress itself should determine the line which is to be drawn between the States and the Federal Government with respect to ju-

risdiction. I believe Congress should assert the right of the Government to inland waters, if we desire to assert such a right, and that Congress, not the Justice Department, not Mr. Acheson, not Mr. Chapman, but the Congress of the United States, acting on behalf of the sovereignty of the Nation, should determine what it considers to be the protective belt along the coast, and what it considers to be inland waters of the United States.

Senators will find that there is no precedent which can be a guide in determining what are inland waters of the United States, except that Mr. Boggs, a very fine gentleman, a very scholarly gentleman, and a very minor official of the State Department, who once went to The Hague, drew a formula which he called a basis for discussion. He asked other gentlemen to agree with him that they would begin as a group of internationalists and discuss what inland water limits should be, and he submitted his formula as a basis.

Nobody agreed with him. Mr. Philip Perlman, acting on behalf of the United States of America, now claims that formula has settled international law affecting inland waters, and he has argued that before the World Court. Of course, that contention was completely dismissed as not at all representing the law of any country. It was pretty well established that such a formula could not in any way be accepted.

But I say that that is the situation in which we will find ourselves if Congress relinquishes its duty, and passes the determination on to someone else, which will ultimately mean that some minor official in an executive department will say what shall be done.

Mr. Boggs, who drew up this formula, is a geographer and a very fine gentleman. At the time he drew up his formula, he found that Chesapeake Bay was an inland water, according to his own formula.

When that fine gentleman was before our committee, I asked him about that, and he immediately recognized his mistake and said he supposed he would have to add to that formula bays which had been regarded as historic bays. On that basis, Chesapeake Bay would still be considered an inland water, although bays in other States, which we regard as just as historic, would not be regarded as inland waters.

Mr. DOUGLAS. Mr. President, will the Senator from Louisiana yield?

Mr. LONG. I yield to the very brilliant, able, and distinguished Senator from Illinois.

Mr. DOUGLAS. When the Senator from Louisiana and the Senator from Illinois begin to exchange compliments, both sincere, the superlatives of the language are taxed to the utmost.

I wondered if the very able Senator from Louisiana was aware of the fact that there was submitted to the Committee on Interior and Insular Affairs a bill, S. 1540, which specifically granted to the States title to all tidelands, so-called—namely, the lands between the low water mark and the high water mark, all subsurface rights underneath inland waterways, and bays and other enclosures. I

wondered if the Senator was aware of S. 1540, a copy of which I hold in my hand.

Mr. LONG. That raises a very interesting question.

Mr. DOUGLAS. I am asking the Senator if he is aware of that bill?

Mr. LONG. I am aware of it. Does the Senator from Illinois care to ask a further question about it?

Mr. DOUGLAS. Yes. Is the Senator from Louisiana aware of the fact that a group of Senators intend to offer to the so-called O'Mahoney bill, an amendment embodying the substance of S. 1540, so that there can be made explicit by statute what the Supreme Court in the California, Louisiana, and Texas cases declared to be the law, namely, that the submerged lands under inland waters belong now and always have belonged to the States?

In other words, the intention is to offer a proposal which will have the effect of renouncing any and all Federal claims to submerged lands beneath inland navigable waters within State boundaries, by affirming title to them in the States. Lands lawfully acquired by the United States are naturally excepted. S. 1540, as a proposed amendment, also will recognize any rights already granted by States to structures such as docks, piers, wharves, and so forth, jutting off into the off-coast sea.

The Supreme Court has specifically held that lands under inland waters belong to the States. The Government makes no claim to them. But it has been pointed out that future Government officials could conceivably make such a claim.

The amendment which we intend to offer will make sure that title to the lands under the lakes, including the Great Lakes, inland rivers, and harbors, lies now, and shall permanently lie, in the respective States, and not in the Federal Government.

Mr. President, I hope, therefore, in view of this assurance—

Mr. LONG. Mr. President, I hope the Senator will finally conclude his question. I am very much interested in this subject, but I hope he will conclude his question after a while, so that I may advert to it.

Mr. DOUGLAS. I should like to ask the Senator from Louisiana, in view of the assurance I have given them, why he continues to talk about something that is not involved in the submerged lands dispute. The issue is, Who is to control submerged lands seaward from the low-water mark, as the Senator from Wyoming pointed out in his initial address 2 days ago.

It is proposed, in the amendment which we intend to offer, to affirm title in all other submerged lands in the States. Does not that really remove a major portion of the objection of the amiable, estimable, and eloquent Senator from Louisiana, namely, the objection that the Federal Government will one day extend its claims to the inland submerged lands?

Mr. LONG. I somewhat regret that the Senator from Illinois has asked that question at this time, because I expect to deal with it rather thoroughly later.

Briefly, at this point, I should like to say that the basis upon which the Senator's State was considered as possessor and owner of lands beneath rivers and beneath the Great Lakes was a rule that was developed in England, namely, that the sovereign, the King, owned the beds under all tidewaters. It was said, "He owns the bed of the ocean and the branches of the ocean, so far as the sea doth flow," which means that as far as the tide runs or affects the current of the stream, the King owned the bed of the ocean and the arms of the ocean.

That was the rule prescribed before the United States ever became an independent nation. Thereafter it was determined in all cases which involved inland waters that that doctrine applied to the inland States where there was no ebb and flow of the tide, the real test being whether the water was navigable. Upon that basis the State sovereignty was considered to include ownership of the beds of navigable waters.

The theory upon which Michigan owns its share of the Great Lakes is exactly the same theory upon which the State of Louisiana owns its marginal sea. In the marginal sea Louisiana has 2,668,160 acres involved. On the other hand, in the Great Lakes Michigan has 24,613,760 acres. A quick comparison will show that Michigan has 10 times as much submerged lands in the Great Lakes as Louisiana has in the marginal sea.

So it is certainly very gracious for the Senators from Michigan to say, "Gentlemen, let us be sure that we quitclaim all the inland waters and protect our title to the Great Lakes, which, after all, are an international boundary. On the other hand, you should be willing to give up your title to the marginal gulf along your coast, while we are protected in our title to the Great Lakes."

That is ridiculous. In my opinion it is completely unfair; yet, of course, that is the proposal which is made by the Senator from Illinois. All title, so far as the State of Illinois is concerned, to the bed of Lake Michigan, and to all the inland waters, would be protected if we adopted the amendment proposed by the Senator from Illinois. Louisiana would simply lose her tidelands and lose the submerged lands in her marginal belt, with respect to which her people had been exercising just as many elements of ownership and sovereignty over the past 100 years as had the people of Michigan. So I say it is very gracious of the Senator from Illinois to protect everything in his State, and not protect the rights of other States.

As I view it, the great danger of socialism, if it ever comes to this country in its truest sense, is the down-hill proposition by which the majority of people get together and socialize a minority. Then a new majority is formed, and the next minority is socialized. Then another majority is formed, and another minority is socialized. The doctors, in fighting socialized medicine, asked other people to join with them in opposing such a proposal, on the theory that if their profession were socialized, some other profession would come next.

That is about the way the coastal States of Louisiana, California, and Texas feel when they find their tidelands or submerged lands in the marginal sea being taken by the Federal Government. They feel that other States which have inland waters, the possession of which is based upon the same rule upon which certain States claim their marginal seas, should support the same theory which gives the other States their inland waters.

Mr. HILL. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. HILL. I know that the Senator wishes to proceed with his speech, and I do not desire to interrupt him; but, of course, Louisiana's rights and titles to her inland waters are exactly the same as the rights and titles of other States to their inland waters. However, as the Senator knows, the claim to paramount rights of the Federal Government in the submerged lands is not based upon the same proposition as rights in inland waters. The Supreme Court decisions made it very clear that beyond the low-water mark there come into being national interests, national responsibilities, and national concerns, and that the rights of national governments are really derived from international relations.

Mr. LONG. If the Senator will read the Federal brief in the California case he will find that the Justice Department said that the whole theory under which the States control and own the beds of their navigable streams is unsound. The Department says that it does not ask that that doctrine be overruled. It simply asks that the same theory be not extended to the marginal sea. The basis on which the States own their inland waters originated in the right of the King in England to the marginal sea, which right was extended to rivers, streams, and bays, on the theory that they were arms of the sea. So, in a way, if the sovereignty had never claimed the bed of the sea, it would not have been claiming the beds of the rivers, harbors, and bays. Therefore, we would never have had the question of the State of Alabama owning the bed of Mobile Bay.

Mr. DOUGLAS. Mr. President, will the Senator yield for a further question?

Mr. LONG. I yield to my dear friend from Illinois.

Mr. DOUGLAS. Does the brief of an attorney govern in these matters, or is it the decision of the Court which governs?

Mr. LONG. It is entirely true that the brief is not governing, but let me point out what has been done.

As the Senator knows, every time the Federal Government wanted property underlying the tidewaters—if I may use that term—of the States, it asked to purchase it, or asked for a State grant, and the State would either sell or grant the property. Federal applicants asked for Federal leases in California. State applicants were undertaking to drill and to purchase oil in California. Under the strange Federal Leasing Act it was possible for a Federal applicant to pay a \$10 application fee and ask for lands

worth millions of dollars, at 50 cents an acre.

At the time this was done, Harold Ickes, the then Secretary of the Interior, signed many letters—17 or more—telling those people that the States owned that property. Mr. Ickes was an attorney of note. As the Secretary of the Interior he wrote in no uncertain terms that the State owned that property, and, therefore, he was powerless to grant any leases over it. After signing such letters Mr. Ickes changed his mind and developed a doubt in this matter. After he developed the doubt he decided to claim that property, and he did claim it. Later he stated that at one time he thought differently, but he was wrong and he had changed his mind. Later he stated that the Supreme Court was right.

Furthermore, the Senator from Illinois will find that the Supreme Court of the United States had time and time again made the statement that the sovereign, which was the State in this case, owned the beds of all tide waters, a rule derived from the old English rule that the sovereign owns the bed of the sea and all branches thereof, so far as the tide doth run. The Supreme Court often announced that rule, using the term "tide waters," not "tidelands." It held that the State owned the beds of all tidewaters. The rule having been announced about 52 times, Mr. Justice Black now says that there is language in those decisions strong enough to make us believe that for 160 years the Supreme Court thought that that property belonged to the States, until Mr. Ickes changed his mind, and until we had a court which did not think quite that way, and tended to be more liberal than some of its predecessors.

I know the Senator would probably suggest—

Mr. DOUGLAS. How does the Senator know what I am going to suggest, until he gives me an opportunity to ask a question?

Mr. LONG. Let me make this statement, and then I shall be glad to answer the Senator's next question. If it is a different question, I shall be glad to hear it.

I know that the Senator would probably feel that there is no way we can be sure that any Federal agent will never attempt to claim this property, indeed, I invite attention to the fact that on previous occasions the Federal Government, acting through the same agents, has asked the Court to overrule itself. The Philip Perlman who appeared before our committee and asked us to pass bills taking the Federal side, as opposed to State ownership, was the same Philip Perlman who, as I understand, asked the Supreme Court to overrule many prior decisions involving the famous "separate but equal" doctrine dealing with racial matters. I know that perhaps it met the approval of the senior Senator from Illinois when the Solicitor General asked the Supreme Court to overrule its prior decisions. If it did not, I should be curious to know why not.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. DOUGLAS. If the Senator will permit, I should like to make a brief prefatory statement as a basis for the question which I intend to ask.

The Senator from Louisiana has implied that there is great danger that the Federal Government will take the land between low-water mark and high-water mark, and the submerged land beneath inland bays and rivers. He has quoted in support of that argument the brief of the Government in one of the cases before the Supreme Court, and some of the early opinions of Secretary of the Interior Ickes.

I ask the Senator from Louisiana if a brief makes law, or if an administrative ruling makes law? Does not the Senator from Louisiana know that they do not make law? It is the decisions of the Supreme Court and the laws of Congress which make the law.

Again I wish to point out to the Senator from Louisiana that the Supreme Court in the three decisions affecting marginal belt noted apparently with approval, previous holdings of the Court that inland waters, submerged lands beneath rivers and bays, and land between the low-water mark and the high-water mark are the properties of the States. I again wish to assure the Senator from Louisiana that S. 1540, which for some reason or other apparently was not reported by the Committee on Interior and Insular Affairs, will be presented to the Senate by a group of Senators who oppose the quitclaim amendment, so as to make certain that the States will not lose their inland water rights.

The Senator from Louisiana need not fear the right of Louisiana to the submerged portion of the Mississippi River—Old Man River will still roll along—or the right of Louisiana to the land in the bayous and in the bays. We will not discriminate against the State of Louisiana. She will have the same rights Michigan and Illinois have.

What we do say is that the land beyond the low-water mark, seaward from the low-water mark, which has been declared on three separate occasions to be the property of the Federal Government, should remain in the hands of the Federal Government.

Does not what I have stated change the reasoning and the opinions of my very dear friend from Louisiana?

Mr. LONG. Mr. President, I would say to the Senator from Illinois that certainly I would be willing to agree that we should protect the title to inland waters in behalf of the States. But I should like to ask Senators whose inland waters are being protected to be fair to us who come from coastal States and go along with us in protecting the title to our tidewaters.

I may say to my good friend from Illinois that he comes from a State which is located on one of the Great Lakes. The Great Lakes area happens to be in a different category from ordinary inland waters. It is on an international boundary line. The courts have adjudicated it to be in a different category from the ordinary bays, lakes, and other inland waters.

I will say to the distinguished and able Senator from Illinois, insofar as the

Great Lakes question is concerned, that if he is able to prevent the State of Louisiana from protecting what it views to be its vital interests in the Gulf of Mexico, the junior Senator from Louisiana will be constrained to believe that he should treat the Great Lakes in the same manner that the Senator from Illinois would like to treat the marginal land off the coast of Louisiana.

Mr. President, we all know that one of the distinguishing characteristics of a tiger is that he eats raw meat. He is also known by his stripes. All I wish to say is that we all know how Government agents act. All of us have seen them acquire property which for 160 years they have been saying they did not own and which the courts for 160 years have said the Federal Government did not own.

Mr. HILL. Mr. President, will the Senator yield for a question?

Mr. LONG. Yes; I yield.

Mr. HILL. The Senator from Louisiana says that the Federal Government has stated that it does not own the submerged lands in the marginal sea. Can the Senator cite a statement to that effect from any authoritative source? The truth of the matter is that the claim to this land was made by Thomas Jefferson, as Secretary of State, speaking for the Government of the United States. This was noted in a footnote to the Supreme Court's opinion in the California case, which appears at page 477 of the hearings.

Mr. LONG. Mr. President, will the distinguished Senator from Alabama cite one statement in which the Secretary of State has stated that the Government owned the submerged lands?

Mr. HILL. He did not say that specifically, but that was the embodiment of what he did say.

The Senator from Louisiana cannot put his hand on one statement in which a representative of the Federal Government has done what the Senator from Louisiana has suggested. Mr. Ickes, it is true, at first followed the policy which had been laid down before he came into office, but after he had studied the question he decided that the policy was wrong and he carried the case to the Supreme Court.

Mr. LONG. I have here a copy of the letter which Mr. Ickes wrote. I believe he was the representative of the Federal Government who initiated the controversy.

Mr. Ickes wrote a letter under date of December 22, 1933. In passing, I may say that I asked Mr. Ickes if he had entertained such an opinion, and he said he had entertained it, but that later he had changed his mind. I am quoting from the letter Mr. Ickes wrote on December 22, 1933.

In the letter Mr. Ickes quotes from the Supreme Court decision:

With regard to grants of the Government for land bordering on tidewater, it has been definitely settled that it only extends to the high-water marks.

Mr. Ickes writes:

The foregoing is a statement of the settled law, and therefore no right can be granted

to you either under the Leasing Act of February 25, 1920 (41 Stat. 437), or under any public-land law to the bed of the Pacific Ocean, whether within or without the 3-mile limit. Title to the soil under the ocean within the 3-mile limit is in the State of California, and the land may not be appropriated except by authority of the State. A permit would be necessary to be obtained from the War Department as a prerequisite to the maintenance of structures on navigable waters of the United States, but such a permit would not confer any rights to the ocean bed. I find no authority of law under which any right can be granted to you to establish proposed structures in the ocean outside the 3-mile limit of the jurisdiction of the State of California, nor am I advised that any other branch of the Federal Government has any such authority.

Sincerely yours,

HAROLD L. ICKES,
Secretary of the Interior.

Mr. HILL. Mr. President, will the Senator from Louisiana yield?

Mr. LONG. Yes; I yield.

Mr. HILL. The Senator from Louisiana is correct. He asked the Secretary about that letter when the Secretary appeared before the committee.

Mr. LONG. I asked him whether he entertained that opinion.

Mr. HILL. No; the Senator from Louisiana read from the letter, just as he read from it today on the floor. Mr. Ickes stated that it was the policy which he had inherited. He said that he examined the policy and he thought that perhaps the policy was wrong. He was the one who, as the agent of the Government, insisted that the matter be taken to court for adjudication. The court adjudicated the question.

Mr. LONG. Mr. President, will the Senator from Alabama read the words of Mr. Ickes?

Mr. HILL. He says:

That was policy that I inherited and it was policy when I wrote the letter. It continued to be policy until this doubt came into my mind, and then I wanted the whole thing reviewed by the court.

Senator, I never hesitated to reverse myself when I found that I was wrong.

Later on, in answer to a question by the Senator from Montana [Mr. ECTON], Mr. Ickes said:

I was not the Supreme Court. It was not argued before me as a court. It was not argued before me even as Secretary of the Interior. I did follow the policy that I found in the Interior until I came to doubt it. Then I saw to it that it went before the proper tribunal, the Supreme Court of the United States.

The Supreme Court has clarified the whole thing. It has said the paramount interest is in the United States and not in the State of California.

Unless we want to overrule the Supreme Court, as the Senator from Louisiana so eloquently urges us to do, we must recognize that fact.

Mr. LONG. I am happy to say that that is what the former Secretary of the Interior, Mr. Ickes, said before the committee. I should like to say that in reading those words he himself says, until he decided to change his mind, that that was the policy of the Government of the United States of America so far as the Department of the Interior was

concerned. That is what the Senator from Alabama said was not the case.

Mr. HILL. Mr. President, will the Senator yield further?

Mr. LONG. I yield.

Mr. HILL. What the Secretary of the Interior said on this point, whether he be the present Secretary of the Interior or a former Secretary of the Interior, does not make the permanent policy of the Government of the United States, and even if it makes the policy of the Government, it does not decide the law of the land. The Supreme Court has declared the policy, through its interpretation of the law.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. LONG. If the Secretary of the Interior does not determine the policy insofar as submerged lands or public lands or any other lands owned by the Federal Government are concerned, I would be curious to know who determines that policy.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. HOLLAND. I merely wish to invite the attention of the distinguished Senator from Louisiana [Mr. LONG] and also of the distinguished Senator from Alabama [Mr. HILL] that by letter introduced into the RECORD yesterday by the junior Senator from Washington [Mr. CAIN] it appears that not so long ago as when Mr. Ickes was Secretary of the Interior but within the past few days the present Secretary of the Interior, Mr. Chapman, was presuming to do exactly what the Senator from Alabama says he should not do, namely, to decree and declare where the line of limitation existed between inland waters and those outside and to put up trespassing signs which give clear notice to the sovereign State of Washington that here was the line because the Secretary said so and that the State of Washington had better beware of going beyond that line. I simply wanted the RECORD to show at this time that the Secretary of the Interior now serving is doing exactly what the Senator from Alabama suggested a few minutes ago should never be done, and contrary to what is the sound policy of the United States.

Mr. DOUGLAS. Mr. President will the Senator from Louisiana yield to me?

The PRESIDING OFFICER (Mr. JOHNSON of Texas in the chair). Does the Senator from Louisiana yield to the Senator from Illinois?

Mr. LONG. I do not yield at this moment, Mr. President.

Mr. HILL. Mr. President, will the Senator from Louisiana yield to me?

Mr. LONG. I do not yield at this moment.

Mr. President, in line with what the Senator from Florida has stated, I should like to say that some persons seem to think that the Secretary of the Interior is determining the policy of the Federal Government and is acting in compliance with his official duties and requirements when he attempts to take property from the States and undertakes to say that

the Federal Government owns the property, and that whenever he does not attempt to do so he is not faithfully representing the United States of America and its Government.

Mr. KNOWLAND. Mr. President, will the Senator from Louisiana yield to me at this time?

Mr. LONG. I yield.

Mr. KNOWLAND. First of all, I should like to commend the able Senator from Louisiana on the presentation he is making. I wish to say to him that so far as California is concerned, for a period of more than 100 years the people of California have felt that they had title out to the 3-mile limit in the Pacific Ocean. That boundary was set by the Constitution of 1849 under which California came into the Union in 1850.

It is the general belief of the citizens of California, as represented officially by their State legislature and by their various harbor districts and port commissions, that the sound solution of this problem is substantially the so-called Holland substitute or the quitclaim bill which was passed once before by Congress.

In some of the statements the able Senator from Wyoming [Mr. O'MAHONEY] has made on the floor of the Senate he has hinted that there may be a presidential veto of such a measure. It seems to me that we should discharge our legislative responsibilities by doing all we can to have the Senate pass the most equitable and the soundest measure. Certainly that is our responsibility. If thereafter the President determines to veto it, then we shall have a chance to override the veto.

It seems to me that is the sound procedure, rather than for this legislative body to be intimidated by the thought that the President may veto the measure we regard as best, and that therefore we must pass a measure which fits into his general ideas.

Mr. LONG. I thank the Senator.

Mr. President, my liberal friends are much more liberal in some other respects than they are in this particular case. For instance, I recall how liberal they wanted to be in connection with the proposal to admit Alaska as a State of the Union. Of course, I believe that at this time Alaska is not ready for admission as a State of the Union. However, in that instance my liberal friends wanted to set aside 20,000,000 acres of land in Alaska and to permit the new State of Alaska to select the 20,000,000 acres from a total of 376,000,000 acres, if I correctly recall the figure—an area far larger than that involved in the tidelands controversy—and to have the right for a period of 5 years to make that selection, thus taking what Alaska wanted for her own use. Furthermore, the proposal by my liberal friends was that in the case of the remaining acres, those not owned by anyone, Alaska should be permitted to receive 37½ percent of all revenues received from oil, gas, and mineral production.

Mr. President, we should compare that proposed allowance by my liberal friends, insofar as the proposed new State of Alaska is concerned, with the proposal in the pending measure insofar as the

existing States are concerned, in the case of property which they always have regarded as their own, property which the Supreme Court in the past has always said the States regarded as their own, even though the present liberal Supreme Court today says that only the old, conservative Courts took that view.

My liberal friends have proposed that Alaska be given outright 20,000,000 acres of land. Yet, all the land of the marginal sea along the coasts of the United States amounts to a total of only a little more than 17,000,000 acres. The marginal sea acreage off the coast of California constitutes a total of 2,540,800. In the case of Louisiana, only approximately 2,600,000 acres are involved. In the case of Florida, a somewhat larger total acreage is involved, although no production at all is obtained from it. However, the grand total of all the acreage of the marginal sea, according to a table which I have before me, which I shall ask unanimous consent to have printed in the RECORD, is, as I have said, 17,029,120 acres.

Mind you, Mr. President, the States are not asking that they be permitted to select every oil dome on the marginal shelf, even though a similar proposal is made for Alaska by the gentlemen who are willing to give her so many opportunities. Furthermore, the land which my liberal friends are willing to have the Federal Government quitclaim in favor of Alaska is land which up until now the Federal Government has owned outright, whereas Mr. Justice Black of the Supreme Court has gone so far as to say that in the case of the land in the marginal sea, the States thought they owned that land all during their existence.

Mr. President, I ask unanimous consent to have the table to which I have referred, showing the acreage in the marginal sea, printed at this point in the RECORD.

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

States' submerged lands
[Expressed in acres]

State	Inland waters	Great Lakes	Marginal sea
Alabama	339,840		101,760
Arizona	210,560		
Arkansas	241,280		
California	1,209,600		2,540,800
Colorado	179,200		
Connecticut	70,400		384,000
Delaware	50,560		53,760
Florida	2,750,720		4,687,600
Georgia	229,120		192,000
Idaho	479,360		
Illinois	289,920	978,640	
Indiana	55,040	145,920	
Iowa	188,160		
Kansas	104,320		
Kentucky	183,040		
Louisiana	2,141,440		2,668,160
Maine	1,392,000		759,680
Maryland	441,600		59,520
Massachusetts	224,000		368,640
Michigan	764,160	24,613,760	
Minnesota	2,597,760	1,415,680	
Mississippi	189,440		136,320
Missouri	258,560		
Montana	526,080		
Nebraska	373,760		
Nevada	473,280		
New Hampshire	178,240		8,960
New Jersey	200,960		249,600
New Mexico	90,200		
New York	1,054,080	2,321,280	243,840
North Carolina	2,284,800		577,920
North Dakota	391,040		

States' submerged lands—Continued

[Expressed in acres]

State	Inland waters	Great Lakes	Marginal sea
Ohio	64,000	2,212,480	
Oklahoma	470,040		
Oregon	403,840		568,320
Pennsylvania	184,320	470,400	
Rhode Island	89,840		78,800
South Carolina	235,040		359,040
South Dakota	327,040		
Tennessee	182,400		
Texas	2,364,800		2,468,560
Utah	1,644,800		
Vermont	211,840		
Virginia	586,240		215,040
Washington	777,600		300,800
West Virginia	58,240		
Wisconsin	920,960	6,439,680	
Wyoming	261,120		
Total	28,960,640	38,595,840	17,029,120

Mr. LONG. Mr. President, as my colleague can gather from my remarks, I consider the decisions of the Supreme Court in the California, Louisiana, and Texas cases to be entirely wrong. When I differ with the position taken by the Supreme Court in those three recent cases, I think it is proper that I should say that not only is my view supported by the American Bar Association, but it is also supported by the National Association of Attorneys General. At one time that organization was unanimous, I believe, in taking that view. I believe that possibly one or two ultraliberal members of that organization would take a different view at this time, but I believe that is still the view of 90 percent of its members, a majority of whom represent States that do not have any submerged lands.

Mr. DOUGLAS. Mr. President, will the Senator from Louisiana yield to me at this time?

Mr. LONG. I yield.

Mr. DOUGLAS. Does the Senator from Louisiana say that the American Bar Association constitutes the Supreme Court of the United States? If so, we might as well close the building across the park from the Capitol Building, and let the American Bar Association decide these issues.

Mr. LONG. I did not say that. However, when I say that I believe the Supreme Court is wrong in these cases, I am pleased to see that the American Bar Association agrees with me.

Mr. KNOWLAND. Mr. President, will the Senator from Louisiana yield to me?

Mr. LONG. I yield.

Mr. KNOWLAND. Does not the Senator from Louisiana believe that the real policy-determining body of the United States is composed of the representatives of the people who now are trying to pass on what is a proper policy?

Mr. LONG. Certainly. Of course we are entitled to receive advice from persons who are able to give advice, either persons in the field of law or persons in other fields.

I feel sure that if the American Bar Association agreed with the position taken by the senior Senator from Illinois, he would consider that worth calling to our attention. So I am pleased to call to his attention the fact that the American Bar Association agrees with the position which I have announced here.

Mr. President, I should also like to note that the Conference of Governors also agrees with this position, and that this position is also supported by the National Association of Secretaries of States. Furthermore, it is supported by three of the seven Justices who participated in the Texas case, and by two of the nine Justices who participated in the California case. My view was also supported by the actions of the Federal departments over the years in seeking and accepting from the States from time to time grants of some of the same property the Federal advocates now claim they own.

The legal argument for the States starts with the premise that at one time there were 13 independent States which joined together to form the United States of America.

It is strange, Mr. President, that we should ever find ourselves arguing over the question of whether the States of this Nation were ever independent and sovereign, individually and in their own right. If we concede that point, which is a basic point in American history, in regard to the founding of this Government, I believe the entire case for the claim of the Federal Government to own this property falls.

All of us recall from our lessons in history that the United States of America is a government of limited powers and that the powers of the Central Government are derived from the Constitution which was written by delegates from each State and was not effective or binding upon those States until each of them had ratified it. We know that this is a government of limited powers and that all powers of a central government are considered to be derived from the Constitution; and, if there is any doubt of that fact, we have only to look at the tenth amendment. The last of the original Bill of Rights clearly states that all powers not delegated to the Central Government by this Constitution are reserved to the States or to the people. The Constitution was not binding to any State until that State had ratified it.

Yet, Mr. President, the advocates of Federal ownership, although some of their arguments were inconsistent, were ultimately upheld by the present Supreme Court on its argument that the States never had independence in their own right. Here we can see the danger of the so-called tidelands decisions. We find that in the Curtiss-Wright Export Case in 1935, Mr. Justice Sutherland, as a matter of obiter dicta, had expressed a theory which he had held as a Senator of the United States. This strange reasoning was to the effect that, inasmuch as the States had fought for their independence as a group, and inasmuch as they had acted as a group in foreign affairs, some form of a nebulous central government existed even before the States won their independence. Thus it was argued that in this vague manner all power to deal with foreign affairs originated in a central government, completely separate and independent of the States. Here we can see what damage can come from loose and unnecessary language in a court decision, be-

cause, in the California tidelands case, this language was seized upon by the court to deny the States title to valuable property which had been regarded as belonging to them for 150 years. Let me quote from three documents of American history, which in my mind confirm that the history which we learned in our grammar schools and high schools is correct. Quoting from the Declaration of Independence, the concluding lines state:

That these United Colonies are, and of right ought to be, free and independent States; that they are absolved from all allegiance to the British Crown, and that all political connection between them and the state of Great Britain, is and ought to be totally dissolved; and that as free and independent States they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent States may of right do.

Mr. President, if there was any doubt of their independence, why would Thomas Jefferson, in writing the Declaration of Independence, clearly state that these colonies are and of a right ought to be free and independent States? If they were not independent, then why was the word "independent" used in the sentence?

Notice that the Declaration of Independence, wherever it refers to the United States of America, always refers to the States in the plural. Nowhere does it refer to them as a state or a nation. At the same time the document refers to the state of Great Britain, which included England, Wales, Scotland, and Ireland, as a state. Certainly, if the framers of the Declaration of Independence had not clearly recognized that there were 13 sovereign and independent nations—and again I repeat "independent"—in all respects, then they could have used language which would have indicated that this Nation as an entity was declaring its independence. They could have said, for example, that these United States are a free and independent nation, or language to a similar effect that would have made clear their intention to declare the freedom and independence of one nation rather than that of 13 nations.

Mr. DOUGLAS. Mr. President, will the Senator yield for a question?

Mr. LONG. I yield to the Senator from Illinois.

Mr. DOUGLAS. Is not the able and distinguished Senator from Louisiana now speaking beside the point?

Mr. LONG. I believe the Senator will find it is fundamental to the question of Federal ownership.

Mr. DOUGLAS. That is, of the offshore lands?

Mr. LONG. Offshore, or along the coasts of the United States. It is fundamental that a Federal Government existed, other than that which was formed by the Constitution, acting through the States and their delegates, who were authorized to write such a constitution and to ratify it.

Mr. DOUGLAS. I should like to ask the Senator from Louisiana, Is not the real question, not whether the Original Thirteen Colonies were separate, or in-

dependent, but whether they owned the marginal sea beyond the low-water mark? In the California case, which is cited at page 476 of the report, the Court specifically addressed itself to that question, and I should like to have the Senator from Louisiana deal with the issue involved in the quotation there set forth.

Mr. LONG. If the Senator would ask that question in his own time, I would prefer it. I understand the question he is asking is, Does the question of whether the Federal Government ever had this international sovereignty prior to the time it was given by the States have anything to do with this question? I would say that if this is a United States Government of limited powers, spelled out in the Constitution, I challenge my good friend from Illinois to find in the Constitution where the States ever gave the Federal Government that property or the right to claim it. It was not stated in the Supreme Court decision that this power was so delegated.

Mr. DOUGLAS. The Senator from Louisiana is well aware of the fact, is he not, that the Supreme Court said:

Those who settled in this country were interested in lands upon which to live, and waters upon which to fish and sail. There is no substantial support in history for the idea that they wanted or claimed a right to block off the ocean's bottom for private ownership and use in the extraction of its wealth.

The Court went on to say:

Not only has acquisition, as it were, of the 3-mile belt been accomplished by the National Government but protection and control of it has been and is a function of national external sovereignty. See *Jones v. United States* (137 U. S. 202); *In re Cooper* (143 U. S. 472, 502). The belief that local interests are so predominant as constitutionally to require State dominion over lands under its land-locked navigable waters finds some argument for its support. But such can hardly be said in favor of State control over any part of the ocean or the ocean's bottom. This country, throughout its existence has stood for freedom of the seas, a principle whose breach has precipitated wars among nations.

Mr. LONG. I would say to the Senator that the charters of the Thirteen Original Colonies clearly included the lands along their borders, within their territorial limits. I would say further that if the Senator will read the decision in the California case again, as I know he has done many times, that being the original case setting forth this doctrine, he will find that throughout this case there is reference to the Curtiss-Wright Export case and that the Federal Government is claiming under its paramount rights. He will further find the theory expressed that the doctrine of paramount rights is not found in the Constitution, but is derived from the theory that the United States of America existed in some nebulous form, as an aggregate of all the Colonies, prior to the time they became members of the United States of America. I believe the Senator will find that situation to be intimately and inextricably interwoven with the theory of the paramount rights of the Federal Government. No such right was

delegated, and no one claims any such right was delegated.

That argument has been made and expressed very ably and at length by the distinguished Senator from Wyoming [Mr. O'MAHONEY], and insofar as it can be argued and supported, I think the Senator from Wyoming has done an excellent job of it. Certainly he considered it relevant to this case, as he developed his case based on that argument.

Mr. SMATHERS. Mr. President, if the Senator from Louisiana will yield to permit an inquiry of the Senator from Illinois, I should like to ask whether he would agree with me, relatively, that if the States ever owned the land, then, of course, they own it now. If he would agree that they at any time owned the land or that they once had it, then they could not be dispossessed of it. Would he not then agree that, Texas having been a republic, obviously it today owns its marginal lands?

Mr. LONG. Mr. President, American colonies, prior to the creation of the United States of America, were colonies of Great Britain, and as colonies of Great Britain they were controlled by the common law of England. The English courts held that the King owns the bed of the sea, insofar as it is capable of possession. There has been argument, time and time again, as to how far the sovereign could exercise his ownership or control of such property. The entire argument related to delimitation, as to exactly how far out the sovereign may claim. If the States ever possessed that sovereignty in their own right and ever delegated that power to the Federal Government, I should like to find out when it was. I do not find that the Federal Government argued in its brief that that power was delegated, and I do not find that it was made the basis of the Supreme Court's decision.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. DOUGLAS. Could it not be said that the very able Senator from Louisiana is now enunciating the doctrine of constitutional apostolic succession?

Mr. LONG. Mr. President, my very able friend from Illinois expresses himself so beautifully that some of us who are given to more simple expressions find ourselves unable to answer him. If I could use four-bit words instead of two-bit words. [Laughter.]

Mr. SMATHERS. Mr. President, will the Senator from Louisiana yield to me?

Mr. LONG. I yield.

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 their 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 tide-waters 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 eight 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. In fact, there was a bill, Senate bill 1540, specifically presented to the Committee on Interior and Insular Affairs, upon which the committee did not act, and which it is the intention of a large number of Senators to offer as an amendment to Senate Joint Resolution 20 in order to settle this issue.

While I am not of a suspicious nature, I sometimes think that this false issue is injected into the situation in order to frighten inland States and get their support for a measure depriving the other 45 States of their legitimate interests in the oil from the submerged lands seaward from the low-water mark.

Mr. LONG. Mr. President, the distinguished Senator from Illinois started this argument about inland waters long before I intended to get around to it. Since he started this controversy, I venture the assertion that he has spent more time talking during the past 2 hours than I have on my own time. I am pleased to yield, but I should like to continue with my speech, and I should like to say that insofar as the inland-water question is concerned, I am firmly of the opinion that those who are seeking to destroy the title of coastal States to submerged lands are the same persons who would claim anything they could for the Federal Government so long as it did not affect their States. I know that the very able Senator from Illinois has no worry until oil is discovered in the bed of Lake Michigan. Then he will find that the question has taken on some complications about which he had not thought hitherto.

Mr. ELLENDER. Mr. President, will my colleague yield?

Mr. LONG. I yield.

Mr. ELLENDER. As my distinguished colleague has pointed out, it has been the law from time immemorial, and recognized by the Supreme Court, that

tidal lands belong to the States. As a matter of fact, the Federal Government itself had to get permission whenever it desired to build facilities along the coasts.

What assurance can the distinguished Senator from Illinois give to the Senate that after the Government puts its foot in the door by claiming these coastal waters it will not go a step further and assert title to inland tidal waters? I should like to point out to my good friend from Illinois that there is a case now pending in the State of California, the Santa Margarita case, in which the Army, no doubt being stimulated by the decision of the Supreme Court, is now claiming the bed of the river. That question no doubt will come before the Supreme Court, possibly earlier than we expect, and the probabilities are that the Supreme Court, if it is composed of the same justices as are now sitting on that Court, may take the same position as was taken in the California case.

Does my colleague agree with that statement?

Mr. LONG. I am not too sure about the Santa Margarita case, because I have not had an opportunity to read it. My colleague, being a very able attorney, who was a member of the constitutional Convention of the State of Louisiana, has very profound judgment on these legal questions, and I should be willing to accept his appraisal of that case.

Mr. DOUGLAS and Mr. HILL addressed the Chair.

Mr. LONG. I believe I should yield to my distinguished friend from Illinois, because he was referred to in the statement of my colleague from Louisiana.

Mr. DOUGLAS. Mr. President, I appreciate the characteristic courtesy of the junior Senator from Louisiana. Since the senior Senator from Louisiana has asked me a question, I wonder if I may be permitted to reply to it?

Mr. LONG. I wish the Senator would withhold his request.

Mr. DOUGLAS. Since the question was asked of me and is now part of the parliamentary record, I am sure the Senator from Louisiana, with his customary kindness, will permit me to reply.

Mr. LONG. Could the Senator from Illinois confine his reply to perhaps 2 minutes?

Mr. DOUGLAS. I shall limit my reply to matters germane to the question.

Mr. LONG. As one who has spoken on germane questions at some length, on occasions. [Laughter.]

Mr. DOUGLAS. I assure the Senator that I do not intend to carry on a filibuster.

Mr. LONG. I yield 3 minutes to my distinguished friend.

Mr. DOUGLAS. I thank the Senator; I appreciate his yielding.

The senior Senator from Louisiana [Mr. ELLENDER] rattled the old skeleton, namely, that what we are trying to do is to take the tidelands from the States, to take the river beds, the rivers, and the inland waterways. I am sure that the senior Senator from Louisiana was not in the Chamber when I announced that a group of us who are opposed to the quitclaim bill have an amendment which will specifically renounce any pos-

sible claim of the Federal Government to lands under the lakes, river beds, inlets, or harbors, or land between low-water mark and high-water mark. That issue is going to be made clear. So please do not bring King Charles' head into the discussion, because King Charles does not exist.

Mr. LONG. Mr. President, I can only appeal to my distinguished friend from Illinois to consider what the position of the State of Illinois would be if oil had been discovered first in the Great Lakes rather than along the marginal sea of California, and to consider what the position of Illinois would be if it were here urging that its traditional title be recognized rather than that of the States of California, Texas, and Louisiana. I will say, Mr. President, that I believe if that were the case the Senator would then be more inclined, at least, to be of the opinion that if the Federal Government were successful in isolating the State of Illinois and taking the resources belonging to Illinois, other people might some day suffer from the same treatment which the Senator would propose for the States bordering the Gulf of Mexico, and the Pacific Ocean.

Mr. HILL. Mr. President, will the Senator from Louisiana yield for one question?

Mr. LONG. I yield to the very able Senator from Alabama.

Mr. HILL. The Senator was discussing the Santa Margarita case. Is not that a case in which the Government as a bona fide purchaser bought certain land with natural riparian rights, purchasing it for a Marine Corps base? That had nothing to do with tidelands.

Mr. KNOWLAND and Mr. DOUGLAS addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Louisiana yield; and if so, to whom?

Mr. LONG. I yield first to the Senator from California.

Mr. ELLENDER. I was about to suggest that the Senator yield to the Senator from California, because he is very familiar with the details of the case referred to.

Mr. KNOWLAND. I should like to say to the distinguished Senator from Alabama that the Santa Margarita case involves the Camp Pendleton area, in San Diego County, where there is a Marine base. It is true that the Federal Government purchased the land area with certain water rights. However, the Government has taken a position which at least the people of the local area, as well as the people of California, generally feel is an arbitrary position in regard to the State water law, because there is involved the question not only of riparian rights, but of prior use. As a result the Government has sued a large number of local residents, and has asserted the doctrine of paramount rights, which it claims is slightly different from the paramount-rights idea in the tidelands case, but which at least the citizens in that area believe has some relation to it. I expect to discuss the question in more detail, but I thought at least we should clear the RECORD at this point.

It is not the Army that is involved. It is the Marine Corps and the Navy which are interested, and the suit is being filed by the Department of Justice.

Mr. HILL. The Government was a bona fide purchaser of land with riparian rights.

Mr. KNOWLAND. But the water law of California is not based on riparian rights alone. There is the whole question of prior usage of water, and the Federal Government has asserted a doctrine which is contrary to the State water law.

I think the point in the mind of the Senator from Louisiana is that when there is this encroachment of Federal power, we have begun to ignore the basic laws of the States involved, and are attempting to write a new theory of law from the Federal point of view which is not in accordance with State statutes.

Mr. ELLENDER. That is exactly why I cited that case.

Mr. HILL. In this case, since the land was purchased for a Marine Corps reservation, there might be involved some question of defense.

Mr. KNOWLAND. Yes; but the mere fact that the land was purchased does not give the Federal Government, under the State law, the right to preempt water of the whole area when there are other people who have water rights to which they are entitled under the laws of the State of California.

Mr. LONG. Mr. President, I was discussing the theory of paramount rights of the Federal Government. The theory connected with the paramount rights doctrine is that the Federal Government derived some of its powers from a nebulous form of government which resided in the Thirteen Colonies prior to the time when the States joined together to draft the Articles of Confederation and later to frame the Constitution of the United States. So, in effect, these paramount rights are supposed to have been derived by the Federal Government in some way not from the Constitution, but from the authority in foreign affairs possessed by the representatives of the Colonies during the period of the Revolution.

I consider this to be a very dangerous doctrine, because if it is upheld in this instance, it will deprive the States of their rights in property comprising almost 29,000 square miles along the shore line.

Again I address myself to the question of whether a Federal Government ever existed other than that which was created by the States, and whether the Federal Government today has power other than that granted to it by the Constitution. That should have been a simple question, but I have heard the contrary argued by the chairman of our committee, I have heard it argued by a very able member of our committee, a former member of the President's Cabinet, the Senator from New Mexico [Mr. ANDERSON], I have heard it argued by Philip Perlman, Solicitor General of the United States, representing the Department of Justice, I have heard it urged by Mr. Mastin G. White, Solicitor of the Department of the Interior, and I have heard it argued on the floor by distinguished Senators. I believe we should

attempt to determine one of these days, and perhaps in this debate, whether the Federal Government existed or had powers other than those which are reposed in it by virtue of the Constitution of the United States, through the delegates of the States, and ratified by the States themselves acting through their conventions.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. LONG. I yield to the Senator from Texas.

Mr. CONNALLY. When the Senator speaks of paramount rights, that does not mean paramount rights as to everything. It means paramount rights within the functions of the Federal Government, such as defense, foreign relations, navigation and things of that kind. "Paramount rights" does not include the right to take away one's property. If that were the case, we could say the Government had paramount rights in everything in the United States, because in time of war, if the Federal Government wanted one's property, it could be taken without compensation.

Mr. LONG. That is correct.

Mr. CONNALLY. The Federal Government could take anything it needed, and justify its action by saying it had paramount rights. "Paramount rights" is a very elastic sort of device that has been created by the Supreme Court decision in the California case.

I, too, have paramount rights; but I do not have any paramount rights that do not belong to me. If the Federal Government has such rights, they are paramount to those of anyone else; and yet the Federal Government does not have any right to take the property of the people of the United States or of any State without just compensation, under the Constitution of the United States.

Mr. LONG. Some of the cases decided by the fine old Supreme Court, back in the days when constitutional law seemed to mean something different from what it does today, spelled out the paramount rights of the Federal Government and defined them, as I recall, just as the Senator from Texas has so ably explained. The paramount rights of the Federal Government in coastal waters and inland waters meant that it had rights over navigation.

For instance, if one wanted to operate an oyster bed, he would have to get permission from the Federal Government and give assurance that navigation would not be impeded. If he wanted to build a structure in the sea, he would have to get a navigation permit and keep lights upon the structure so that ships plying those waters would not collide with it.

Certainly there were paramount rights involving interstate commerce, and connected with the war-making power, so that the Government could protect the interests of the United States. But that did not give them the right to take property.

I hope the very distinguished Senator from Texas, who is chairman of the Committee on Foreign Relations, and who has spent so much time dealing with the preservation of the defense of the United

States, was present yesterday when the argument was made that the Federal Government has the duty of defending the shores of the States, and that, therefore, the Federal Government owns the soils under the waters along those shores because it has a duty to defend them.

I asked the question whether, merely because a German submarine during the war came as far north as 125 miles up the Mississippi River, to New Orleans, the Federal Government owned the bed of the Mississippi for 125 miles. That is just how ridiculous the argument seems to me to be.

Mr. CONNALLY and Mr. DOUGLAS addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Louisiana yield, and if so, to whom?

Mr. LONG. I yield first to the distinguished Senator from Texas.

Mr. CONNALLY. The Federal Government owes to all citizens the duty to defend them against foreign invasion. It has the paramount right to defend against foreign invasion. That does not mean it has the right to take the Senator's farm, his house, his other property, or anything else which he possesses, on the theory that the Government has paramount rights. The Federal Government has a paramount right to defend all its citizens, but it does not have any other paramount right under the clause of the Constitution involved.

Mr. LONG. I may say the position taken by the very able Senator from Texas, whom all of us so much admire, is the very position taken by Roscoe Pound, former dean of the Harvard Law School, who recognizes the paramount rights of the Federal Government as being political rights, but the existence of those rights does not mean that the Federal Government owns our property, merely because it has the right to defend it. That is a strange new concept which seems to be developing. There seem to be attorneys who are adopting that strange doctrine.

Whether it concerns some of my distinguished liberal friends on the floor, it does concern others, who seem to feel that today the submerged lands off Louisiana, Texas, and California are being taken because of the paramount rights of the Federal Government, a doctrine which they cannot completely understand. At some future date the Federal Government may claim Pike's Peak, because it has something to do with defending the Nation since a great radar station may be erected there.

Mr. HICKENLOOPER. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. HICKENLOOPER. The Senator from Louisiana has just referred to some of his liberal friends on the floor of the Senate. I would deeply appreciate it if the Senator would define what is a liberal. I have been searching for a proper and satisfactory definition of that term for a number of years. Can the Senator enlighten me and define for the RECORD what is a liberal? If he can do so, I shall appreciate it very much.

Mr. LONG. I believe I can define it by illustration. I knew of a case of a colored man who came before

the district judge of our State charged with grand larceny. The judge looked at the record and saw that the man was an habitual criminal. Even though the amount which had been stolen in the particular case was only approximately \$300, the judge looked sternly into the man's eye and said, "I sentence you to 10 years at hard labor in the State penitentiary." The young man stood there flabbergasted. The judge said, "Have you any comment you would like to make?" The young man replied, "Yes, Judge. It appears to me that you are doggone liberal with somebody else's time." [Laughter.]

It seems to me that in this instance our liberal friends are extremely liberal with the other fellow's property.

Mr. DOUGLAS. Mr. President—

Mr. LONG. I yield to my able and amiable friend from Illinois.

Mr. DOUGLAS. I appreciate the excellent story of my good colleague from Louisiana in giving a definition of a liberal. I thought he was going to say that a liberal was a man with a forward looking mind. That definition, I think, would be more appropriate.

Mr. LONG. Perhaps so. However, Mr. President, since my distinguished friend from Iowa has asked me a question, I should like to point out an inconsistency.

Mr. HICKENLOOPER. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. HICKENLOOPER. I thank the Senator for his very pointed illustration of what is a liberal. I believe that in many ways I agree with him. The definition of the usual self-anointed or self-appointed liberal resolves itself into the fact that not only is he very liberal with someone else's property, but the so-called liberals are becoming increasingly liberal with the power of the Federal Government over the inherent rights of the individual, which we always regarded as sacred, consideration for which, we thought, really constituted liberal attitudes and liberal positions. I feel that the rights of individuals, as well as of the States, are being seriously restricted under the guise of liberalism.

Mr. LONG. Since I have been using the term "liberal" I believe I should attempt to define it for the purposes for which I am using it.

My liberal friends, of whom I am thinking at the moment, are those who advocate additional Federal ownership, additional Federal control, and additional Federal aid to various and sundry projects.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. DOUGLAS. I do not know whether my good friend from Louisiana is referring to me or not; but let me say that so far as I am concerned, I am merely saying that the Federal Government should hold on to the property which the Supreme Court, in three separate decisions, has said belongs to it, namely, the land seaward of the low-water mark. We are not trying to add anything to the Federal Government. We are merely trying to hold on to what the Supreme Court says it already owns.

If the definition of the Senator from Louisiana is correct, namely, that a liberal is one who wants to take something from someone else for himself, or who wants to be generous with the resources of the Federal Government, then I should say that the Senator from Louisiana and his colleagues are among the most liberal Members of this body, because they want to take property from 48 States and confer it upon three States. So I welcome the Senator into the ranks of liberals. I include also the Senators from Texas and California—that is, if the Senator uses the word "liberal" in the Pickwickian sense.

Mr. LONG. I regret that my definition of "liberal" may in some sense have offended my able friends, whom I regard as liberals. I was speaking of a liberal in the domestic sense. Certainly my liberal friends do not take exactly the same attitude toward overseas areas that they take toward certain States. They have been extremely generous in their program for Europe and in their attitude toward Asia, and they have been extremely generous toward the proposed new State of Alaska.

They propose that over an area of 500,000 square miles, more than twice the size of Texas, the new State shall be able to select for itself more acreage and more area than exists in the entire coastal belt subject to the original boundaries of the States.

The State of Alaska would be able to select the best prospects, and pick out exactly the property it wanted. If it so desired, every time a mineral prospect was found during the next 5 years it could be included in the 20,000,000 acres selected by the State. So far as the State of Louisiana is concerned, if such a provision were applied to my State with respect to the submerged lands, from the shores to the limits of the Continental Shelf, we would be happy to settle for 1 percent of the area of land proposed to be given to Alaska.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. O'MAHONEY. I thought that one of the great complaints during the discussion of the Alaska statehood bill was that it did not give enough to Alaska. Certainly if we compare the proportion of land within the boundaries of Louisiana which became the property of Louisiana with the proportion of land within the boundaries of the proposed State of Alaska, which we were going to make the property of the proposed State of Alaska, Louisiana would have all the better of it.

Mr. LONG. The Senator very well knows that when the State of Louisiana came into the Union most of the property was subject to private ownership. On that basis it was not vacant and unappropriated land of the Government. It was not dealt with and disposed of in the same fashion as vacant and unappropriated public land in the State of Wyoming when that State came into the Union.

Mr. HILL. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. HILL. I do not want to impose upon the Senator.

Mr. LONG. I yield to my able, distinguished, and principled friend, though at this moment I do not agree with the principle which he advocates.

Mr. HILL. I thank the Senator. Most of the time we are in accord, and I am always happy and proud when I am side by side with the distinguished Senator from Louisiana.

With regard to the Santa Margarita case, to which reference was made, and with respect to which some discussion took place, I should like to read about three sentences from the decision of the lower court in that case, because I think they make clear exactly what that case is all about:

Some years ago, the Government of the United States filed a claim to water rights in Death Valley, under the laws of the State of California. Then one of the old-time residents diverted the spring at the source. And the Government of the United States came into court and asserted its rights under its appropriation, just as it is asserting its rights here as a riparian owner, and not by reason of any sovereignty.

I find nothing in this complaint which asserts any right to this water in the United States because it is the Government of the United States. It is asserting its right merely as owner of the Santa Margarita Rancho.

Mr. LONG. I thank the Senator from Alabama. I have scant knowledge of the particular case to which the Senator refers. I can only accept the judgment of others as to what that case means.

Mr. HILL. Mr. President, will the Senator further yield?

Mr. LONG. I yield.

Mr. HILL. Would the Senator accept in this case the decision of the Court?

Mr. LONG. Before stating whether I agree with that decision or not, I should have to reserve judgment until I had more carefully examined that case.

Mr. MILLIKIN. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. MILLIKIN. I merely wish to say, without having an intimate knowledge of the case, that that case has aroused the fears of all the arid and semi-arid States.

Mr. LONG. Mr. President, I represent, in part, a State which has very few problems so far as having too little water is concerned. Rather, its problem is that of trying to control far too much water, which flows through our State at floodtime. I am not too familiar with the question of water rights, and I must leave that question to Senators who are more expert in that field.

I was discussing the question whether or not the Federal Government had powers other than those granted by the Constitution, and whether the Federal Government, at the time the Constitution was drawn or, indeed, at the time the Articles of Confederation were drawn, had powers other than those contained in those documents.

In the treaty of peace with the King of England, article 1 reads:

His Britannic Majesty acknowledges the said United States, viz (which in layman's language means "namely"), 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 claim to the government, proprietary, and territorial rights of the same, and every part thereof.

Further in that treaty, in article 2, the King surrenders the territorial limits of the 13 States; and, speaking of the border on the Atlantic Ocean, the treaty uses the terms, "comprehending all islands within 20 leagues of any part of the shores of the United States."

We hear the argument that the States never claimed or had any interest in the beds of the waters off their shores. Yet, the King of England surrendered to the States all of his sovereign and territorial rights, "comprehending all islands within 20 leagues of any part of the shores of the United States."

Thus, clearly, the King at that time intended to surrender to the several States all rights of the British crown within 20 leagues, or 60 miles, of the shores of the original 13 States. Insofar as the original sovereignty of the States is concerned, it is interesting to note that in article 5 of that treaty it was agreed that the Congress, and I quote, "shall earnestly recommend it to the Legislatures of the respective States, to provide for the restitution of all estates, rights, and properties, which have been confiscated, belonging to real British subjects." And thereafter follow many other undertakings that the Congress also should "earnestly recommend" to the sovereign States. The treaty was signed by Richard Oswald, John Adams, B. Franklin, John Hay, Henry Laurens.

I find it interesting, Mr. President, to notice that the resolving clause of the Declaration of Independence fails to use the word "free" every time it refers to "States." However, in every instance, the word "States" is preceded by the word "independent." We all know that the Declaration of Independence was carefully drawn and well considered by those great American patriots, and it was written by the one American who, above all, had the ability to state clearly what he intended as probably no other American in history has been able to do. Likewise we know that the King of England dealt with the States of this Nation as free and independent States; and in the treaty of peace with those 13 States he not only referred to them in the plural as independent States, but he expressly enumerated them, mentioning each by name.

Mr. KNOWLAND. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. KNOWLAND. Does not the Senator from Louisiana feel, under the doctrine of paramount rights, which has come up so very late in our history, and under which we, at least, feel an attempt is being made to seize a part of the areas belonging to the coastal States, that either this administration or some future administration may finally come to the point of view that all subsurface minerals belong to the Federal Government, under some theory of paramount rights, and that such an ad-

ministration may extend the doctrine not only to include oil beneath the land of inland States but to include all minerals within inland States? In other words, it is the old theory of the camel getting its nose under the tent flap. Once having used this doctrine to break down what for more than 100 years has been the established process of recognizing what belonged to the States, the present administration or future administrations could extend it and gain control of minerals in the interior of the country.

Mr. LONG. The Senator from California is correct in his statement. In the course of my dissertation on this subject I intend to develop these theories, particularly the theory of paramount rights. The doctrine that because the Government has a duty to defend an area it is thereby given ownership of that area is very dangerous. If the doctrine is extended, or similar theories are put into effect, which operate against the property of the people of the Nation and of the individual States, we shall find that we have a Government which our forefathers did not contemplate, and that the Government which they founded has been worn away by the kind of attrition which we see operating in this instance.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. CONNALLY. Does not the Constitution provide specifically that private property shall not be taken for public use without just compensation?

Mr. LONG. Of course it does.

Mr. CONNALLY. Is that not fundamental law?

Mr. LONG. It is.

Mr. CONNALLY. Does it not apply to every piece of property and every bit of land in the country?

Mr. LONG. Of course it does. As the Senator from Texas so well knows, Texas and Louisiana would not be complaining if the Federal Government of necessity took some State property by first coming to the State and saying, "We will pay you fair compensation for it." That is not what is being done in this instance.

Having discussed the treaty with the King of England, I should now like to discuss briefly the Articles of Confederation.

We know that prior to the adoption of the Constitution of the United States the Colonies joined together under certain Articles of Confederation. Article II made this statement:

Each State retains its sovereignty, freedom and independence, and every power, jurisdiction and right, which is not by this confederation expressly delegated to the United States, in Congress assembled.

Article III reads as follows:

The said States hereby severally enter into a firm league of friendship with each other, for their common defense, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other, against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretence whatever.

Mr. President, in some respects the Articles of Confederation were hardly more binding than the North Atlantic Pact is today binding upon the North Atlantic community.

I recommend the reading of these Articles of Confederation in their entirety to anyone who entertains the idea of our present Federal bureaucrats that the States never possessed complete sovereignty each in its own right. By reading the Articles of Confederation anyone can see that prior to the signing of the American Constitution the Central Government had little more authority over the individual States than the United Nations have today over the nations of the world.

Thus, when the Constitution of the United States was adopted in 1787, we had the first instance in which the Congress actually acquired true and effective power and when the Central Government obtained substantial elements of sovereignty which had previously existed in the States. But here let me again stress that the Constitution of the United States expressly limited the elements of sovereignty transferred to the National Government to those that were included within that document. As we know, the ratification by the State of Virginia, then the largest in the Nation, was conditioned upon the understanding that a Bill of Rights would be agreed to; and the last article of that Bill of Rights—article X—makes this significant statement, lest there be any misunderstanding by power-seeking agents of the Federal Government:

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.

Therefore, Mr. President, in 1787 it should have been clear that this was a government of limited powers, which powers were expressly spelled out in the Constitution. Yet, during the past 20 years we have seen such tremendous drives, such inconceivable pressure, for vast additional powers in the hands of the Executive and his agents, that today we are told that these great events of American history, the adoption and ratification of the American Constitution, were idle and useless things. We are told that the Central Government existed long before its creators established it, long before its powers were given to it by the consent of the people acting through their State Governments, and that these vast implied powers existed where heretofore men had never suspected their existence.

If any Senator yet remains in doubt that the Thirteen Original States of this Nation were individually independent and that those States possessed elements of sovereignty, I can only say that their doubts would be removed if only they would read and carefully study the American Declaration of Independence, the American Articles of Confederation, and the American Constitution. Particularly would I like to call attention to the particular excerpts from those great historic documents, which I now ask unanimous consent, to make a part of this RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

CONSTITUTION OF THE UNITED STATES
AMENDMENT X

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.

EXCERPTS FROM THE DECLARATION OF
INDEPENDENCE

We, therefore, the Representatives of the United States of America in general Congress assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the name, and by authority of the good people of these Colonies, solemnly publish and declare that these United Colonies are and of right ought to be free and independent States; that they are absolved from all allegiance to the British Crown, and that all political connection between them and the state of Great Britain, is and ought to be totally dissolved; and that as free and independent States, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent States may of right do. And for the support of this Declaration, with a firm reliance on the protection of divine providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor.

EXCERPTS FROM ACT OF CONFEDERATION OF THE
UNITED STATES OF AMERICA

ARTICLES OF CONFEDERATION AND PERPETUAL UNION, BETWEEN THE STATES OF NEW HAMPSHIRE, MASSACHUSETTS-BAY, RHODE ISLAND AND PROVIDENCE PLANTATIONS, CONNECTICUT, NEW YORK, NEW JERSEY, PENNSYLVANIA, DELAWARE, MARYLAND, VIRGINIA, NORTH CAROLINA, SOUTH CAROLINA, AND GEORGIA

ARTICLE I. The style of this confederacy shall be "The United States of America."

ART. II. Each State retains its sovereignty, freedom and independence, and every power, jurisdiction and right, which is not by this confederation expressly delegated to the United States in Congress assembled.

ART. III. The said States hereby severally enter into a firm league of friendship with each other, for their common defense, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other, against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretense whatever.

ART. VIII. All charges of war, and all other expenses that shall be incurred for the common defense or general welfare, and allowed by the United States in Congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several States, in proportion to the value of all land within each State, granted to or surveyed for any person, as such land and the buildings and improvements thereon shall be estimated according to such mode as the United States in Congress assembled shall from time to time direct and appoint.

The taxes for paying that proportion shall be laid and levied by the authority and direction of the legislatures of the several States within the time agreed upon by the United States in Congress assembled.

Mr. LONG. Mr. President, this understanding of the formation of the American Government, contrary to the views of certain liberal Democrats in public life today, had been proclaimed and followed by the Supreme Court of the United States down through the years in certain Supreme Court deci-

sions, excerpts from which I now ask consent to insert in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

Martin v. Waddell (18 Peters 367 (1842)): "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 for their own common use, subject only to the rights since surrendered by the Constitution to the General Government.

"And when the people of New Jersey took possession of the reins of government and took into their own hands the powers of sovereignty, the prerogatives and regalities which before belonged either to the Crown or the Parliament became immediately vested in the State."

Smith v. Maryland (18 How. 74 (1855)): "Whatever soil below low water is the subject of exclusive propriety and ownership belongs to the State on whose maritime border and within whose territory it lies, subject to any lawful grants of that soil by the State, or the sovereign power which governed its territory before the Declaration of Independence."

Manchester v. Massachusetts (139 U. S. 240 (1891)):

"By the definitive Treaty of Peace of September 3, 1783, between the United States and Great Britain (8 Stat. 81), His Britannic Majesty acknowledged the United States, of which Massachusetts Bay was one, to be free, sovereign, and independent States, and declared that he treated with them as such, and, for himself, his heirs and successors, relinquished all claims to the government, proprietary, and territorial rights of the same and every part thereof. Therefore, if Massachusetts had continued to be an independent nation, her boundaries on the sea, as defined by her statutes, would unquestionably be acknowledged by all foreign nations, and her right to control the fisheries within those boundaries would be conceded.

"The title thus held is subject to the paramount rights 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 over the fisheries. These remain under the exclusive control of the State, which has consequently the right, in its discretion, to appropriate its tidewaters and their beds to be used by its people as a common for taking and cultivating fish, so far as it may be done without obstructing navigation. Such an appropriation is in effect nothing more than a regulation of the use by the people of their common property."

Johnson v. McIntosh (8 Wheat. 543 (1823)):

"By the treaty which concluded the war of our Revolution, Great Britain relinquished all claim, not only to the government, but to the 'property' and territorial rights of the United States whose boundaries were fixed in the second article. By this treaty, the powers of government, and the right to soil, which had previously been in Great Britain, passed definitely to these States."

Mr. LONG. Mr. President, I hold in my hand volume II of The Message and Papers of the Presidents, in which is contained a document which, although referred to a day or so ago as irrelevant by the senior Senator from Wyoming, has great bearing on the peculiar doctrine advanced by the Supreme Court in the California, Louisiana, and Texas cases, as well as great bearing on the doctrine advanced today by representatives of the Federal Government.

In 1822 the Congress had passed by a rather overwhelming vote "An act for the preservation and repair of the Cumberland Road." On May 4, 1822, our President, James Monroe, addressed to the House of Representatives a veto message withholding his approval of the act "with deep regret." The gist of the veto message was to the effect that the Congress did not possess the power under the Constitution to pass such a law.

The veto message was rather brief. In its concluding moment, the President said:

Having at the commencement of my service in this high trust considered it a duty to express the opinion that the United States do not possess the power in question, and to suggest for the consideration of Congress the propriety of recommending to the States an amendment to the Constitution to vest the power in the United States, my attention has been often drawn to the subject since, in consequence whereof I have occasionally committed my sentiments to paper respecting it. The form which this exposition has assumed is not such as I should have given it had it been intended for Congress, nor is it concluded. Nevertheless, as it contains my views on this subject, being one which I deem of very high importance, and which in many of its bearings has now become peculiarly urgent, I will communicate it to Congress, if in my power, in the course of the day, or certainly on Monday next.

As it happened, it was on the same day that President Monroe submitted the paper alluded to in the veto message. It begins on page 144 of this volume and is entitled, "Views of the President of the United States on the Subject of Internal Improvements," which in reality is a misnomer, since in the third paragraph he states that in order to do justice to the subject "it will be necessary to mount to the source of power in these States and to pursue this power in its gradations and distribute among the several departments in which it is now vested. The great division is between the State governments and the general government."

That, in reality would have been more nearly a proper title for the treatise to bear, since it is a very exhausting study of that question, consuming nearly 40 pages of the volume. It explores the question from the time of the colonial charters through the final establishment of a central government under the Constitution.

Before calling attention to certain pertinent points in the message, it would be well for us to remember that President Monroe was expertly qualified to address himself to this subject. He was, as we recall, our fifth President, having been elected to that high office after a distinguished public career. He had served in the Army during the Revolution, and was wounded at the Battle of Trenton. Subsequently, he studied law under Thomas Jefferson. During the life of the Government under the Articles of Confederation, he was a Member of the Congress. When the question of the ratification of the Constitution was before the Convention in Virginia, he was among those leading the opposition to its ratification. He was Minister to France under President Washington, and

participated in the negotiations leading to the Louisiana Purchase. He also had other diplomatic missions during the Jefferson administration. He was Secretary of State under President Madison from 1811 to 1817, and served a brief period as Secretary of War. In addition to his own participation in the great affairs of his day, it is worthy to note that he was a friend and confidante of Thomas Jefferson and James Madison, who had even more prominent parts in the erection of our Government. It is altogether reasonable to assume that he was well acquainted with their views and the views of other participants in that great drama.

It is significant to emphasize the fact that his own prominence was largely in the field of foreign affairs and international relationships, which gives additional weight to his views on sovereignty, in that our international relationships were used as a peg upon which to hang the untenable position assumed by the Supreme Court in the cases at issue here. To President Monroe sovereignty was sovereignty. It was not something to be broken into little bits and parcels to be used at the whim or caprice of the moment.

Now having qualified my witness, Mr. President, I should like to refer to President Monroe's message dated May 4, 1822. In this connection I ask unanimous consent to have printed as an exhibit to my remarks, and at the end thereof, the first several pages of this message. Since the message is very lengthy, I shall not ask to have all of it printed in the Record, but only the parts pertinent to the present discussion. I make that request in order that Senators may understand that although at this time I shall read only certain excerpts from the message, I shall not intentionally omit any important part as regards the subject under consideration at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit A.)

Mr. LONG. Mr. President, I think it is proper for Senators to consider this message in connection with the point of whether the United States derived its powers from the States, and only from the States, or whether the Nation had powers prior to the adoption of the Constitution and the establishment of the Government of the United States, and whether the Federal Government today has any powers other than those granted to it by the States under the Constitution.

I read now from the message of President Monroe, beginning at about the fourth paragraph:

Before the Revolution the present States, then colonies, were separate communities, unconnected with each other except in their common relation to the Crown. Their governments were instituted by grants from the Crown, which operated, according to the conditions of each grant, in the nature of a compact between the settlers in each colony and the Crown. All power not retained in the Crown was vested exclusively in the colonies, each having a government consisting of an executive, a judiciary, and a legis-

lative assembly, one branch of which was, in every instance, elected by the people.

Mr. President, I now skip one sentence, and then resume the reading:

In resisting the encroachments of the parent country and abrogating the power of the Crown the authority which had been held by it vested exclusively in the people of the colonies. By them was a Congress appointed, composed of delegates from each colony, who managed the war, declared independence, treated with foreign powers, and acted in all things according to the sense of their constituents. The Declaration of Independence confirmed in form what had before existed in substance. It announced to the world new States, possessing and exercising—

Mr. President, I stress the next word—complete sovereignty, which they were resolved to maintain. They were soon after recognized by France and other powers, and, finally, by Great Britain herself in 1783.

Soon after the power of the Crown was annulled the people of each colony established a constitution or frame of government for themselves, in which these separate branches—legislative, executive, and judiciary—were instituted, each independent of the others. To these branches, each having its appropriate portion, the whole power of the people not delegated to Congress was communicated, to be exercised for their advantage on the representative principle by persons of their appointment, or otherwise deriving their authority immediately from them, and holding their offices for stated terms.

Mr. President, I now skip to page 147 of this volume, where the fifth President inserted the Articles of Confederation, and commented upon them. Speaking of the Articles of Confederation, he said:

This bond of union was soon found to be utterly incompetent to the purposes intended by it. It was defective in its powers; it was defective also in the means of executing the powers actually granted by it. Being a league of sovereign and independent States, its acts, like those of all other leagues, required the interposition of the States composing it to give them effect within their respective jurisdictions. The acts of Congress without the aid of State laws to enforce them were altogether nugatory. The refusal or omission of one State to pass such laws was urged as a reason to justify like conduct in others, and thus the Government was soon at a stand.

The experience of a few years demonstrated that the Confederation could not be relied on for the security of the blessings which had been derived from the Revolution. The interests of the Nation required a more efficient Government, which the good sense and virtue of the people provided by the adoption of the present Constitution.

Mr. President, I now skip about two sentences, and I read:

Conscious of their incompetency to secure to the Union the blessings of the Revolution, they promoted the diminution of their own powers and the enlargement of those of the general Government in the way in which they might be most adequate and efficient.

I now skip to page 148:

The Confederation was a compact between separate and independent States, the execution of whose articles in the powers which operated internally depended on the State governments.

Mr. President, I skip now to page 149. This is very significant:

In thus tracing our institutions to their origin and pursuing them in their progress and modifications down to the adoption of this Constitution two important facts have been disclosed, on which it may not be improper in this stage to make a few observations. The first is that in wresting the power, or what is called the sovereignty, from the Crown as it passed directly to the people. The second, that it passed directly to the people of each Colony and not to the people of all the Colonies in the aggregate; to 13 distinct communities and not to one.

I now skip to the end of that page:

And that the power wrested from the British Crown passed to the people of each colony the whole history of our political movement from the emigration of our ancestors to the present day clearly demonstrates. What produced the Revolution? The violation of our rights. What rights? Our chartered rights. To whom were the charters granted, to the people of each colony or to the people of all the Colonies as a single community? We know that no such community as the aggregate existed, and of course that no such rights could be violated. It may be added that the nature of the powers which were given to the delegates by each colony and the manner in which they were executed show that the sovereignty was in the people of each and not in the aggregate. They respectively presented credentials such as are usual between ministers of separate powers, which were examined and approved before they entered on the discharge of the important duties committed to them. They voted also by colonies and not individually, all the members from one colony being entitled to one vote only. This fact alone, the first of our political association and at the period of our greatest peril, fixes beyond all controversy the source from whence the power which has directed and secured success to all our measures has proceeded.

Had the sovereignty passed to the aggregate, consequences might have ensued, admitting the success of our Revolution, which might even yet seriously affect our system. By passing to the people of each colony the opposition to Great Britain, the prosecution of the war, the Declaration of Independence, the adoption of the Confederation and of this Constitution are all imputable to them. Had it passed to the aggregate, every measure would be traced to that source; even the State governments might be said to have emanated from it, and amendments of their constitutions on that principle be proposed by the same authority. In short it is not easy to perceive all the consequences into which such a doctrine might lead.

How true, O, Mr. President, how true!

It is obvious that the people in mass would have had much less agency in all the great measures of the Revolution and in those which followed than they actually had, and proportionably less credit for their patriotism and services than they are now entitled to and enjoy. By passing to the people of each colony the whole body in each were kept in constant and active deliberation on subjects of the highest national importance and in the supervision of the conduct of all the public servants in the discharge of their respective duties. Thus the most effectual guards were provided against abuses and dangers of every kind which human ingenuity could devise, and the whole people rendered more competent to the self-government which by an heroic exertion they had acquired.

Mr. President, it may be that Mr. Philip Perlman, Mr. Mastin White, and the distinguished senior Senator from Wyo-

ming [Mr. O'MAHONEY] are correct in their view of history, but I can at least produce testimony of an eyewitness who felt that that was not the way it happened. That reminds me of a story which was told by a Confederate veteran about the Battle of Shiloh. The veteran, somewhat aged, and having been a sometime private in the Confederate Army, told of the great victory which the Confederates had achieved at Shiloh—how, when the Yankees crossed the river, the Confederates routed them and sent the Union forces back in wild retreat. It so happened that in the back of the audience there was another Confederate veteran, who also had been at Shiloh. At this point he interjected, "Well, John, if you will pardon me for saying so, that is not the way it happened. The way I recall it, the battle started out all right, but about the second day, those fellows just whipped the daylights out of us." The man who was telling the story replied, "Well, there you go. That is just one more great event of history which has been ruined by a doggone eyewitness."

Mr. President, I believe the story of the formation of this Government as told by Mr. Perlman, by Mr. White, and by the distinguished senior Senator from Wyoming [Mr. O'MAHONEY], is in the category of one more great event of history spoiled by an eyewitness.

I have read the great dissertation of President Monroe on the formation of this Government, which is completely different from the point of view of modern Federal advocates of additional Federal power.

What do we see here?

We see the Executive exercise powers that no one ever dreamed he possessed in the field of foreign affairs; and we saw him upheld by the Supreme Court, on a more or less unheard-of theory of American history, that no high school history teacher could explain to her class. In pursuance of such vast implied powers the Attorney General of the United States since 1947 has taken unto the United States 29,000 square miles of submerged lands, greater in area than the State of Texas, based on a theory that the States of this Nation never formed a union at all, but that, rather, the Nation existed before the States.

Where do we go from here? How long will it be, if this trend continues, before we will be told that those beautiful words of the American Creed are meaningless when they speak of the United States of America deriving its powers from the just consent of the governed? How long will it be before we will be told that that was also a foolish misconception and that the Central Government always had vast powers which no one ever heard of or dreamed of until a powerful and ambitious agent needed those powers to take unto the Federal Government property or rights which we had always thought belonged to the individual citizens?

The junior Senator from Louisiana is an attorney of sorts, having practiced only a few years; yet I am compelled to say that it never occurred to me that I would have to argue in any forum that

the States of this Nation were at one time sovereign and that the Central Government of the United States is one of limited powers which were carefully spelled out in the American Constitution and the amendments thereto. And yet, since I am compelled to make this argument, I feel that I should document it by quoting from some of the Supreme Court decisions, prior to the New Deal or Fair Deal Supreme Court decisions, but the same Court nevertheless. At a time when its membership was composed of men, some of whom lived at the inception of this Nation, let me quote from the old case of *Martin against Wadell*, which dealt with the title to submerged lands. In that case, reported in 16 Peters 367 in the year 1842, we had a controversy involving the right of the claimant to take oysters from the bed of Raritan Bay, an arm of the sea, within the tidal limits of the State of New Jersey. One claimant claimed his rights based upon a royal grant from the British Crown dating back to the year 1674. The other contestant claimed by virtue of a grant from the then young State of New Jersey. The Court held that the bed of the bay belonged to the State and State ownership was upheld. Let me read from the language of the Court 110 years ago:

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 for their own common use, subject only to the rights since surrendered by the Constitution to the General Government. And when the people of New Jersey took possession of the reins of government and took into their own hands the powers of sovereignty, the prerogatives and regalities which before belonged either to the Crown or the Parliament, became immediately vested in the State.

My, how much better it makes me feel, Mr. President, to find that at least the men who lived in the day when our Government was formed looked upon the formation of this Government, the original sovereignty of the individual States, and the limited powers of the Federal Government, exactly as it was taught to me by a dear old lady in grammar school.

In passing, I am somewhat amused that the advocates of Federal ownership of submerged lands have joined themselves together in a bloc to foster Federal aid to education as a part of their double-barreled proposal to expand Federal powers. Might I suggest to them that, if they ever succeed in achieving their objectives of depriving States of property and acquiring Federal powers in the field of education all in one measure, they should immediately recall all history books authorized by the State governments in the public schools and rewrite the history of the formation of this Government in accord with the theory expressed by Mr. Justice Clark and our Solicitor General, Mr. Philip Perlman. It would be entirely appropriate since it was this theory of the formation of the American Government, unheard of a generation ago, which gave rise to their proposal.

Now I propose to develop further the previous declarations of that dear old-fashioned court prior to the days of the New Deal and Fair Deal theories of constitutional government and prior to the new look that our constitutional law has acquired since the days when the Executive began to appoint justices whom he would expect to entertain views that the Federal Government should have vast powers which prior justices of that Court had denied to exist. Let us take the case of *McCready* against Virginia, decided by the dear old-fashioned justices in the early days of 1877, reported in 94 United States 391. There the question involved was whether the State of Virginia could prohibit the citizens of other States from planting oysters in the Ware River, a stream that is governed by the ebb and flow of the tide. Citing a number of previous cases the Court held:

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.

You know, Mr. President, the term "tidewaters" is not a difficult term to understand. In the law it refers to all water affected by the rise and fall of the tide. We are told that the nation of England, from which we derive our common law, has much use for the tide-water test. In that country, different in its geography from the United States, as Senators are well aware, almost all waters which are subject to navigation are affected by the rise and fall of the tide. Their current is greater when the tide falls, and the direction of the current changes as the tide rises, in some instances as much as 20 feet. By reference to England, it would readily be seen that very little navigation would exist on streams not subject to the rise and fall of the tide. Therefore England never had to concern itself with the problems of determining whether or not a stream would be regarded as navigable in the same respect as the United States, because it was convenient for that great nation to adopt the tide-water test and regard a stream as one over which the King exercised jurisdiction and one of which the King owned the beds because it was affected by the rise and fall of the tide. The prevailing view in England was that the King owned and possessed the bed of the sea and that, since a river or bay was affected by the rise and fall of the tide, it was an arm of the sea and thus its bed was also owned and possessed by the sovereign. The only waters which could not be regarded as tidewater would be those which were so far inland that the rise and fall of the tide would not affect them. Therefore, when the court in 1877 stated that the State of Virginia owned the beds of all tidewater, it was using a term which refers to the open sea where the tide operates without modification as well as those streams which are merely affected by the rise and fall of the tide on the open sea. Those words from the *McCready* against Virginia case gave these young attorneys of the Department of Justice much difficulty when they undertook to acquire the submerged lands

within State boundaries. They found it necessary to persuade the Supreme Court that words do not mean what they say and that the reference to tidewater by the Supreme Court in 1877 did not mean land beneath the open sea as well as land under rivers, bays, and harbors.

But I am inclined to guess, Mr. President, that the Court in 1877, at a time when the Justices were not as much harried by the hurly-burly of modern-day living, probably chose its words even more carefully than Justices find the time to use today.

In the case of *Smith* against Maryland, reported in 18 Howard 74 in 1855, the Court was dealing with the submerged lands in the Chesapeake Bay. In sustaining State title thereto of the State of Maryland, the Court stated the long-settled rule:

Whatever soil below low water is the subject of exclusive propriety and ownership, belongs to the State on whose maritime border, and within whose territory, it lies, subject to any lawful grants of that soil by the State or the sovereign power which governed its territory before the Declaration of Independence.

Of course, Mr. President, we all recognize that power to regulate navigation was granted to the Federal Government under the commerce clause of the Constitution. We all recognize that the power which enables warships to enter into the coastal waters was granted under the theory that the Congress had a right to provide for the national defense. But the courts on various occasions have spelled out that those powers did not grant authority over the bed of the sea, that they did not deprive States of their property. As a matter of fact, one of the Articles of Confederation expressly spelled out that the Federal Government should not take State property, and that State property was not thereby conveyed to the Government.

At least I believe that Senators should get this much straight in their minds, based on the many Supreme Court decisions which have discussed the initial sovereignty of the States of this Nation, that each State was sovereign in its own right prior to the formation of this Government by the signing of the United States Constitution.

I know that some Senators will doubt that the question of the original sovereignty of the independent States of this Nation has anything to do with the tidelands controversy. I know that Senators find it difficult to believe that Federal title to the lands within State boundaries is based upon this ridiculous distortion of American history. But it is, Mr. President; and, if Senators will read the committee hearings, copies of which are on their desks, they will see this theory of government expounded by the very able and brilliant chairman of our committee, the Senator from Wyoming. They will see it there urged by the able Senator from New Mexico [Mr. ANDERSON], whom we all admire, and who has attained a distinction that few of us will ever achieve, namely, that of having been a member of the Cabinet of the President of the United States. They will see that theory of government

argued and supported by Mr. Philip Perlman, the Solicitor General of the United States, and they will see it there urged by Mr. Mastin G. White, Solicitor of the Department of the Interior. They will see the same theory of government, which I regard as extremely dangerous, expressed, I regret to say, in the California tidelands case as a necessary link of the logic upon which Mr. Justice Black wrote the majority opinion and held that things are not what they seem to be, and that the States do not own the submerged lands along their shores.

Mr. President, sometimes we fail to see the forest for the trees. The President of the United States, together with his executive departments, has vast powers and authorities over the day-to-day life and business of every American citizen, such power as our forefathers, in their most fantastic dreams, could never have foreseen. Much of this power has been conferred by acts of Congress and has been upheld by the Supreme Court of the United States. The Constitution of the United States has been construed as permitting the Executive powers which no one thought existed 50 or 75 years ago. It has been done in many instances without amending the Constitution.

How has this been accomplished? It has been accomplished by naming justices to the Supreme Court whose writings and whose speeches gave clear evidence that they would find some way of reading between the lines of the Constitution to find new powers which no one had dreamed to be there. They have found the Federal power to regulate commerce between the States to be susceptible of an interpretation that would permit the Federal Government to control every movement, every action, and almost every thought of an ordinary shoeshine boy because he was in competition with a bootblack who once polished the shoes of a traveling salesman. They have found the power of the Federal Government to enter the field of power and electricity without ever amending the Constitution because the right to regulate commerce had a relationship to navigation which permitted the Federal Government to build dams for navigation purposes which incidentally generated power. They have found the power to build electricity lines because the right to facilitate navigation made possible the right to construct the dams, causing the incidental creation of electric power, leading to the inevitable conclusion that the Federal Government had the right to market that which it found on its hands. And so on, ad infinitum.

When is all of this going to stop? Will we ever reach a turning point when we begin to turn the Government back to the people themselves in their own communities, where each individual may make his voice effectively heard in deciding how much he should pay his school teacher, how much he should pay for roads, how much he should pay for garbage collection, how late he will permit his neighbors to stay up at night, and how much noise he will permit as disturbance of his peace of mind, what time he will go to work in the morning,

and what time he will quit in the evening?

We have a dangerous thing in these vast new powers of the Federal Government if our Government continues to take from the States and the local governments their functions and their rights. It will injure the ordinary American citizen in ways that I cannot at this moment anticipate. As a Member of the Senate I have had occasion to observe how laws are passed, and how decisions are sometimes made in compliance with pressure groups who could not possibly have forced the enactment of similar legislation through their local town council. Those pressure groups sometimes were interested in only one vote, only one measure during one particular Congress; and the votes of their members would be for or against a Member of the Congress based entirely upon that one part of his record; while the general public, paying the bill for many of the enactments of Congress, has an enormous number of details to consider when confronted with the record of a Senator or a Representative in a political campaign and any one vote is seldom significant. Their votes are seldom based on how a candidate has voted on any particular measure.

So much for the fact that sovereignty once existed in the independent States of this Nation. Having established that the 13 States of this Nation were once sovereign in their own rights, the second premise is that as sovereign States they possessed the beds of all navigable waters, whether inland or not. So the court stated in Martin against Waddell, in 1843, and 2 years later, in the Pollard case, and so the court stated in the cases that followed the Pollard case. It is true that those cases did not deal with the open sea, but they announced a rule which had its origin in the open sea. In other words, the original rule was that the King possessed the bed of the sea, and that bays, estuaries, rivers, and harbors were arms of the sea, and that he possessed the beds of those arms of the sea by virtue of the fact that he possessed the beds of the sea itself. This was a rule derived from English law and, as Senators know, the common law of England was early adopted as the law of the United States. For example, in the year 1610, in the case of Royal Fishery of the River Bane, the Privy Council of England made this statement:

The reason for which the King hath an interest in such navigable river, so far as the sea flows and ebbs in it, is because such river participates of the nature of the sea so far as it flows . . . and the King hath the same branches of the sea and navigable rivers, so high as the sea flows and ebbs in them, which he hath in the high sea.

Mr. President, that is how the inland States have the right to claim sovereignty over the beds of rivers. It was decided that the sovereign possessed the bed of the sea; and because he possessed the bed of the sea, he possessed the beds of the arms of the sea which were covered by tidewaters.

Some Senators today would tell us that when reference is made to tidewaters it relates to a little strip between high water and low water on the beach.

That is not what the court had in mind, for true tidewater, so far as English law is concerned, refers to the water of the sea.

Mr. SALTONSTALL. Mr. President, will the Senator yield for a question?

Mr. LONG. I yield.

Mr. SALTONSTALL. Possibly the Senator has covered the point I have in mind. I am sorry I have not heard all of his argument.

Along the line of the subject the Senator has been discussing, about half the city of Boston, which is the principal city of Massachusetts, is built on made land, that is, filled-in land, which was originally covered by tidewaters. Some of it was swamp, much of it tidewater land, where the tide would ebb and flow.

If this doctrine, which is advocated by the Supreme Court, were carried to its full extent, would it not becloud title to all the land which is now made land? Houses, churches, hotels, and places of business are built on piles. Would there not be a tendency to becloud the title to all such land?

Mr. LONG. Of course, there would. I believe that I have seen somewhere a case—perhaps it is the case of the city of Long Beach—in which the Federal Government even now claims that there is some question as to whether the city can remove certain soil from within the harbor. I will check that case. Certainly when the Federal Government contends that it owns, so far as it is capable of ownership, the beds of all water from low watermark out into the sea, it may well assert its right to claim the land against anyone who proceeds to reclaim some of that soil.

Representatives of the Federal Government who today claim the oil belonging to the coastal States might be willing to go along with a proposal to grant away what they consider to be Federal rights to reclaimed property, although they have not offered to do so up to this time. They might be willing to go along with some such proposal, if they were able to do what they would like to do to the States of Louisiana, California, and Texas, where they find oil to exist below the surface of the marginal belt.

Nevertheless, the title which exists in those who have reclaimed land along the Atlantic Ocean is in exactly the same category as the title of the person who erects an oil derrick offshore in the Gulf of Mexico. The two titles lie in the same position, as I shall try to develop.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. SALTONSTALL. Unless a quit-claim bill or something similar is finally enacted by Congress, it is entirely within the realm of possibility that a claimant could dispute the title to any property consisting of filled-in land.

Mr. LONG. Of course, it is possible. There can be absolutely no doubt about it. As a matter of fact, our committee, so far as the State of Florida is concerned, has already had occasion to consider the title and discuss the question whether or not we could appropriately recommend that certain land be turned over to individuals, because we felt that

the tidelands question might be involved in a case in which there might be an accretion from the sea. I am certain that the question will arise as to whether man-made islands can belong to the States. It would be a simple matter, in the Gulf of Mexico, where oil has been found off Louisiana, for a person to pump in a few feet of sand and make an island. If the State owned the island, it would have the right to produce the oil under it. If an attempt were made to do so, the Federal Government would come forward and say, "No; you cannot reclaim that land, because we want the oil under it."

That is the sort of problem which arises. It is my opinion—and I believe that any able attorney would so advise the Senator from Massachusetts—that this claim by the Federal Government places in jeopardy the rights with respect to every harbor where a breakwater has been built in the sea, and the rights with respect to every port. It places in doubt the rights with respect to man-made construction within the sea as well as land reclaimed from it.

As the Senator from Florida [Mr. HOLLAND] knows, there is a question with respect to land which has been reclaimed, and upon which expensive hotels have been built in Florida. There is a question as to whether the title to the property on which those hotels were constructed is clear.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. LONG. I am very glad to yield to the Senator from Florida.

Mr. HOLLAND. The distinguished Senator made reference to the particular situation which exists at several points on the coast of Florida. The case is particularly clear at Miami Beach. The original site of Miami Beach was a mangrove bar—a bit of sand with a great many mangrove trees growing on it or in the water near it. From that small beginning, by pumping sand from the bay behind and from the Atlantic in front, Miami Beach as it now exists began to be constructed and to take shape. As it is now, some of the most valuable property in Miami Beach, over a course of many miles north and south along the beach, lies upon what are extensions of the original beach, that is, built-up land, or made land, constructed into the open waters of the Atlantic. There can be no question as to whether or not the waters involved might have been inland waters, because they are not inland. They are on the exposed frontage on the Atlantic Ocean. So much is that the case that in order to retain physical permanence after the sand is pumped in, it is necessary to have an elaborate and very expensive set of groins, bulkheads, and other construction objects built into the Atlantic Ocean to prevent the erosion of the soil as it has been thrown up there to become the location of expensive buildings.

So, as the Senator from Florida hopes to show to the Senate at the proper time, by means of a picture which he has, there are literally hundreds of such groins built of concrete and steel, extending out into the open waters of the Atlantic, holding together lands which

have been built up, and upon which lands hotels and apartments of an aggregate value of many millions of dollars have been erected.

The State of Florida thinks that those who pretend that the question of oil is the sole substantial question involved in the pending legislation must be completely blind to the fact that an enormous development has taken place along the lines just indicated by the Senator from Florida.

Mr. SALTONSTALL. Mr. President, will the Senator from Louisiana yield to permit me to ask a question of the Senator from Florida?

Mr. LONG. I am glad to yield to the Senator from Massachusetts for that purpose.

Mr. SALTONSTALL. Does not the Senator from Florida agree with me with relation to what I tried to point out regarding the city of Boston in connection with title to all the made land, such as the Senator has been describing. The title to such land would be thrown in doubt, would it not?

Mr. HOLLAND. If the Senator will allow me to say so, the Senator from Florida made some study of that very question. He knew that the distinguished Solicitor General of the United States, Mr. Perlman, had that subject brought to his attention as he was testifying before the Senate committee. He had stated that, in addition to other inland waters, there were certain exceptions which were held to be inland waters, which exceptions were historic bays, which might have a width of more than 10 miles across the mouth, 10 miles being the maximum limit, generally speaking. He cited Massachusetts Bay as one of the historic exceptions. He also stated that in his opinion Chesapeake Bay was a historic exception. The distinguished Solicitor General comes from the State of Maryland. But when it came to San Pedro Bay, in California, he was asked the question as to whether San Pedro Bay, which is a historic bay, was also an exception, and he said no, that it was not, that in his judgment part of it was a bay, and part of it would lie in the open sea.

Then the remark was made, I believe, by the distinguished Senator from Oregon [Mr. CORDON], very appropriately, as I thought, that, after all, it was a question of opinion on the part of the able Solicitor General as to what was inland water and what was not, under present rulings.

The Solicitor General then answered, very lamely, in substance that "of course in each instance the question will depend upon what the decision of the Supreme Court of the United States is in the particular case."

So I say that the Senator from Massachusetts is certainly within his rights in feeling a real degree of apprehension as to what might happen with reference to the valuable properties in the city of Boston which are erected upon made land in Back Bay or Massachusetts Bay. The same question creates grave apprehension in the minds of both Senators from Florida, and numerous other Senators. I note the presence of one of the

distinguished Senators from New Jersey [Mr. HENDRICKSON]. He understands that there are some such questions applicable to New Jersey, which are of great concern to the Senators from that State, which, like the State of Massachusetts, is one of the Original Thirteen States. The Senator from Florida will gladly yield at this time for any expression which the Senator from New Jersey cares to make, if he secures the permission of the Senator from Louisiana [Mr. LONG], who has the floor.

Mr. HENDRICKSON. Mr. President, the junior Senator from New Jersey would like to say that we have in the State of New Jersey along the coastline many of precisely the same problems which confront the people of the State of Florida and the people of other States. We are deeply concerned about this problem.

I should like to compliment and congratulate the distinguished Senator from Louisiana on the splendid presentation of a very difficult subject which he is making this afternoon.

I heard him refer a few minutes ago to the case of Martin against Waddell. It has been some years since the junior Senator from New Jersey had occasion to consult that case, but he has a general knowledge of it. I believe it applies very specifically to many of the problems which confront us on the floor today.

In that connection I should like to say that since our country was founded the State of New Jersey and its people have contributed a great deal to the basic law of America. It is the sincere hope of the junior Senator from New Jersey that on the very vital issue now confronting us the two Senators from New Jersey will make another contribution to the solution of a very difficult legal problem.

Mr. LONG. Mr. President, I am very much indebted to the able and learned Senator from New Jersey. All of us admire him for his ability and his legal knowledge, as well as for the fairness and leadership which he has demonstrated on the floor. The State of Louisiana came into the Union as one of the earlier States to be admitted after the Original Thirteen States had formed this Nation. It was our understanding that we had acquired statehood on an equal footing with all other States.

I am pleased to see that the right which I asserted on the floor for the State of Louisiana was originally decided by the Supreme Court in a New Jersey case involving New Jersey waters.

Mr. HENDRICKSON. As I recall, the case was decided in the New Jersey courts before it reached the United States Supreme Court.

Mr. LONG. Mr. President, I thank the Senator from New Jersey for adding to my knowledge of the law.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. HOLLAND. I wish to add my strong praise to the encomiums which have already been voiced by the Senator from Massachusetts [Mr. SALTONSTALL] and the Senator from New Jersey [Mr.

HENDRICKSON], as well as by other Senators, to the Senator from Louisiana [Mr. LONG] for his very able and scholarly discussion of these vital questions.

I may say, too, that I am glad that the question has taken the exact turn which it has in the last few minutes of the debate, because it is now beginning to be completely apparent that Senators who want to discuss this whole question from the standpoint of oil are missing the principal point involved in this vital question.

It must be remembered that oil is expendable. The measure before us is designed to expend all of the oil in the so-called offshore lands. After the oil is gone within a few years—perhaps 15, 20, or 25 years, or whatever the time may be—problems such as those suggested by [Mr. SALTONSTALL], by the Senator from New Jersey [Mr. HENDRICKSON], by the Senator from Florida, and by other Senators, will still be vital to the continued development and growth and prosperity of the twenty-odd maritime States, as well as similarly to all of the States which are located on the Great Lakes.

The Senator from Florida would like to invite attention to the fact that in addition to the dozens if not hundreds of hotels and apartment houses and the many other structures, such as the great bulkheads which make possible these structures, which have been built on built-up land along the Atlantic shore, there are a very large number of important and highly expensive piers which have been built into the Atlantic, Gulf, and Pacific, all of which are affected by the theory of the decisions of the Supreme Court in the California, Louisiana, and Texas cases, under which such structures now exist by sufferance on Federal land.

For example, such piers exist in the State of New Jersey, so ably represented by the Senator who preceded me. They are to be found in Atlantic City. I believe the Steel Pier in Atlantic City juts out into the Atlantic Ocean a quarter of a mile, or perhaps a half mile. It is built of steel and concrete and has in its spacious area a theater, dining rooms, many stores, and many places of recreation. Certainly it cost many millions of dollars to build. The Heinz Pier is another illustration of the same type of investment which will be jeopardized unless Congress meets this challenge and enacts such legislation as to give legal standing again to such structures as the ones just mentioned. Illustrations can be repeated by the dozens.

I see on the floor the distinguished Senator from Georgia [Mr. GEORGE]. In his State I know there are such structures as there are in the Carolinas and Maryland. In my own State of Florida there are similar structures at Jacksonville Beach, Daytona Beach, Palm Beach, and Miami Beach. Such a structure at Miami Beach has a great theater located at the end of it.

It is simply ridiculous for Senators sponsoring the pending joint resolution to give the impression to the general public that the principal interest in this

field has to do with a temporary problem, namely, the recovery and utilization of the oil, when the permanent problem is whether or not the States are going to be deprived of the right to control the lands immediately adjoining them, which do relate so vitally to their continued growth, expansion, and development, and to the people and industries of those States.

Mr. President, I am extremely glad that the Senator from Louisiana has delved into this particular field and that the other Senators who joined in this discussion have shown that the long-range problem which so vitally affects the future growth and the future development of every maritime State and every Great Lakes State far transcends both in money value and in importance to those States and to the Nation as a whole the mere question of what we are to do about the oil.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. LONG. I thank the Senator from Florida for his contribution. I know that he has made a study of the question and I know that he is very much interested in the rights of all States as well as in the national welfare.

I now yield to the able Senator from Massachusetts.

Mr. SALTONSTALL. Mr. President, I agree with the Senator from Louisiana in what he said to the Senator from Florida, and I appreciate what the Senator from Florida and the Senator from Louisiana have said with relation to the title of lands, because it seems to me that that is very fundamental and far-reaching. It is not merely a question of today or tomorrow, as the Senator from Florida has pointed out.

I should like to ask the Senator one more question on a slightly different phase of the same subject. This issue arose because of the greater importance of oil. Until that time it had never been discussed in the way it is now being discussed. As I understand, the joint resolution as reported by the committee makes certain exceptions; for instance it makes an exception of the iron ore under the Great Lakes and of the shellfish along the seacoast and of fishing within the 3-mile limit, and so forth. Those are exceptions which will be made by this measure if it becomes law.

However, let us assume that following the enactment of this measure a discovery is made within the 3-mile limit. In that event, would not an exception have to be made regarding that discovery, if the State concerned were going to license the taking of the mineral or the shellfish or whatever the discovery might be? In short, if we pass this measure, thus making exceptions of certain things which are known today, a future discovery will have to be the subject of further legislation, will it not?

Mr. LONG. Certainly that is true; the Senator from Massachusetts is entirely correct.

Furthermore, so far as concerns the quitclaim provision, as it is called, the version I have read contains a provision to the effect that the Federal Government passes on to the States its admin-

istration of sponges and fish. I point out that such a provision is never in any way irrevocable; for if an administration at a later time felt that it had a majority of Congress and it then wished to change its mind about the matter, I believe it would have a right to do so.

Mr. SALTONSTALL. Mr. President, will the Senator from Louisiana yield further to me?

Mr. LONG. I yield.

Mr. SALTONSTALL. In other words, ownership means preservation of all the rights to the property concerned. Therefore, if the Federal Government owns all this land, there should be no exceptions at all, whether in the case of shellfish, oil, or anything else. On the other hand, if the States own all this land, the present situation would continue, and there would be no exceptions. Am I correct as to that?

Mr. LONG. Certainly the Senator from Massachusetts is correct in regard to that point.

Mr. HOLLAND. Mr. President, will the Senator from Louisiana yield to me at this point?

Mr. LONG. I yield.

Mr. HOLLAND. I am exceedingly happy that the distinguished Senator from Massachusetts has brought out the point that the committee did, in its grace and generosity, but at the insistence of the Senator from Louisiana, place in the pending measure one exception, which is to be found in section 9. I think it appropriate to read that into the Record at this point. Section 9 is a committee amendment which was inserted, as I have said, at the direct insistence of the Senator from Louisiana, although not in his words:

SEC. 9. The United States consents that the respective States may regulate, manage, and administer the taking, conservation, and development of all fish, shrimp, oysters, clams, crabs, lobsters, sponges, kelp, and other marine animal and plant life within the area of the submerged lands of the Continental Shelf lying within the seaward boundary of any State, in accordance with applicable State law.

I call the attention of the distinguished Senator from Massachusetts to the fact that that provision applies only, and is carefully limited to, "marine animal and plant life." It does not include shells or sand or gravel or rare minerals, which in my State have from time to time been produced. That provision does not include the questions of the bottoms that are used for piers or for filling to build hotels and the like. That provision does not include many, many other property uses of the permanent lands beneath the off-shore water, but is limited only to marine animal and plant life, and is limited to an expression that is permissive only so long as it is permitted to continue by fiat of Congress, because no permanent right is given and no property right is conveyed. The provision simply is that the United States consents that the respective States may "regulate, manage, administer," and so forth, under their State law.

Mr. SALTONSTALL. Mr. President, will the Senator from Louisiana yield to

me, to permit me to ask a question of the Senator from Florida?

Mr. LONG. I yield.

Mr. SALTONSTALL. Do I correctly understand that the Senator from Florida, who is a distinguished lawyer, agrees that these rights are those which ordinarily come from ownership; and that in giving up these rights, the Federal Government makes specific exemptions; and therefore any discoveries would have to go through the process of Congressional action before they would be accepted and would be available to the States, so that they could issue licenses and obtain advantage of ownership and of the business which could be derived from such ownership?

Mr. HOLLAND. The Senator from Massachusetts is entirely correct. The point goes even further than that. Section 9, the only generous, gracious restoration of any part of the States' former rights, is a permissive section, to operate only so long as the grace of Congress permits, and to relate only to the marine, animal and plant life to be found there, but never to relate to the more permanent things found in the bottoms or adjoining the shores of the respective States.

Mr. LONG. Mr. President, I believe the point made by the Senator from Florida is very well taken, namely, that insofar as this proposed legislation would confer upon the States some right with respect to sponges, fish, and other animal life in the sea, it is given in a form by which it can be taken back.

Let me say that I had nothing to do with drafting that provision. It was drafted in the hope that, as a result, the States would not fight so vigorously for what they have all along insisted is one of their rights.

Mr. HOLLAND. Mr. President, will the Senator from Louisiana yield at this point?

Mr. LONG. I yield.

Mr. HOLLAND. Does the Senator from Louisiana take the position that this position is a sop designed to persuade the States to yield without much struggle—a point which otherwise they would not yield without a great struggle?

Mr. LONG. Yes. The Senator from Florida has stated the point much better than I would have been able to state it.

Mr. President, I have stressed to some degree that the very basis upon which the States own the beds of the inland waters is the doctrine derived from the theory that the king owns the bed of the sea. The same doctrine would apply to the bed of the Great Lakes.

In commenting on the case of *Illinois Central Railroad Company v. Illinois* (146 U. S. 387 (1892)) Mr. John Bassett Moore, one of the most famous writers on international law, made the following statement:

So, also, by the common law, the dominion over and ownership by the Crown of lands within the realm under tidewaters is not founded upon the existence of the tide over the land, but upon the fact that the waters are navigable, tidewaters and navigable waters being used as synonymous terms in England.

Mr. President, it should be reasonably apparent that the very basis upon which the State of Illinois owns and claims the bed of the Great Lakes is exactly the same basis and exactly the same doctrine and exactly the same theory upon which the coastal States own the bed of their marginal belts.

It is very gracious of the Senator from Illinois to propose that Illinois' title to the land lying under the Great Lakes should be confirmed, while title to the land under the belts of the coastal States should not be confirmed. Certainly that would solve all the problems so far as the State of Illinois is concerned, but I regret to say that it would not solve all the problems of the coastal States.

Thus, Mr. President, the rule laid down by the Supreme Court of the United States in 52 decisions prior to the distinction laid down by the New Deal Court was not an inland-water rule at all. It was anything but an inland rule; it was a rule of the ownership of the open sea and the submerged lands covered by waters which partook of the nature of the sea, which had been applied to inland waters by the Supreme Court. Is it any wonder that when Mr. Justice Black read such language and decided contrary to it, he made this significant statement:

This Court has followed and reasserted the basic doctrine of the Pollard case many times and in so doing it has used language strong enough to indicate that the Court then believed that the States not only owned tide-lands and soil under navigable inland waters—

I emphasize the next few words, Mr. President:

but also owned soils under all navigable waters within their territorial jurisdiction, whether inland or not.

The next sentence of that paragraph by Mr. Justice Black is simply mistaken. That is why, in my judgment, the American Bar Association, the National Association of Attorneys General, and most reputable attorneys who have made a study of this question seem to agree that something should be done about the California decision. Mr. President, here is the statement with which I disagree:

All of these statements were—

Meaning the previous statements of the Court—

however, merely paraphrases or off-shoots of the Pollard inland-water rule, and were used, not as an enunciation of a new ocean rule, but in explanation of the old inland-water principle.

As a matter of fact, the Pollard case followed the case of Martin against Waddell, of 3 years before, which dealt with Raritan Bay, New Jersey, an arm of the sea. Mr. President, that statement by Mr. Justice Black, in my opinion, merely happens to be wrong. The Pollard case and other cases involving the beds of the rivers amounted to applying the tide-waters rule to inland waters, just the reverse of what Mr. Justice Black was urging. It is true that the tidewater rule had never been decided in an American case involving the open sea but only with regard to arms of the sea, such as

bays, sounds, and estuaries. Nevertheless, it was a rule derived from the law of England, in which that was clearly recognized to be the case.

As Senators know, the common law of England was transplanted to the United States and the Supreme Court of the United States recognized and pursued the common law of England. Therefore, Mr. President, we should reach the conclusion that the States were once sovereign, each in its own right. In that capacity, each State owns the beds of its navigable waters, the beds of its tidewaters, if you please, as an attribute of its complete sovereignty.

Interpolating, Mr. President, I am pleased to note the presence on the Senate floor, while I have been speaking, of the distinguished senior Senator from Georgia. I hope that our distinguished colleague, who certainly, in my judgment, is one of the most learned attorneys in this country, will have opportunity to read my comment upon the novel theory which we have heard expressed here, that the United States Government existed prior to its formation under the Articles of Confederation and the Constitution of the United States; and that, having existed, either contemporaneously with or prior to the existence of the independent States, it therefore had paramount powers, other than those granted in the Constitution. That doctrine is being argued today. The junior Senator from Louisiana has heard it argued by Members of this body, as well as by the Solicitor General of the United States and the Solicitor of the Interior Department. The junior Senator from Louisiana has made every effort to document his statement that that theory of the formation of the American Government is untrue, and that it is a very dangerous theory when used as the basis of an argument that the Federal Government possesses vast powers which no one ever thought it possessed. I certainly hope, and I shall be flattered if my hope is fulfilled, that the senior Senator from Georgia, when he has the RECORD before him tomorrow, will find time to examine my effort to answer that argument.

I continue. Having reached that conclusion, we can read to our hearts' content those two great documents, the Articles of Confederation and the Constitution, but nowhere do we find that the States surrendered any of their rights to the beds of their navigable streams, nor the submerged lands beneath their tidewaters to the Central Government. Quite the contrary, we find that the Articles of Confederation, in article I, said:

The stile of this confederacy shall be "The United States of America."

Article II then said:

Each State retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right which is not by this confederation expressly delegated to the United States in Congress assembled.

It is strange, in a way, that the Articles of Confederation began by reserving all rights to the States not expressly

granted. There were no implied powers under the Articles of Confederation. The Constitution of the United States in amendment X declares that—

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.

Unfortunately, it did not employ the phrase "all powers not expressly given are reserved," which has led to the vast implied powers which we have seen develop since that time.

Quite the contrary, we observe that the States reserved all of their powers. The tenth amendment to the American Constitution, the last article of the Bill of Rights, as I have previously stated, set forth that "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."

Mr. President, I have labored perhaps at length to explain this point, but I hope it is by this time crystal clear that the States once possessed the beds of all navigable waters prior to the formation of the Government under the American Constitution. Nowhere in the Constitution nor the Articles of Confederation did they surrender that element of their sovereignty.

There is a novel and questionable argument, Mr. President—

Mr. HILL. Mr. President, will the Senator yield for a question?

Mr. LONG. I yield.

Mr. HILL. The Senator referred to the statement in the California case with reference to the Pollard case, and he read correctly a part of what the Court said. I wish he would read the remainder of the paragraph from which he read.

Mr. LONG. I read it, and said I did not agree with it.

Mr. HILL. Did the Senator read the entire paragraph?

Mr. LONG. I read that paragraph and said I did not agree with it. I presume the Senator agrees with what follows. I do not agree with what follows.

Mr. HILL. Did the Senator read what follows?

Mr. LONG. I read a part of what follows.

Mr. HILL. Did the Senator read the entire paragraph?

Mr. LONG. I read the part that follows, in which Mr. Justice Black said that the Pollard case was merely announcing the old inland-water rule, and he did not propose to apply it to the open sea.

Mr. HILL. If the Senator will yield further, I should like to read the remainder of the paragraph.

Mr. LONG. Go right ahead.

Mr. HILL. It reads:

All of these statements were, however, merely paraphrases or offshoots of the Pollard inland-water rule, and were used, not as enunciation of a new ocean rule, but in explanation of the old inland-water principle. Notwithstanding the fact that none of these cases either involved or decided the State-Federal conflict presented here, we are urged to say that the language used and

repeated in those cases forecloses the Government from the right to have this Court decide that question now that it is squarely presented for the first time.

I thank the Senator. I wanted that in the RECORD.

Mr. LONG. The Senator is perfectly welcome. I should merely like to say with reference to that statement, that I believe the explanation of my difference with that opinion has already been stated for the RECORD, although I should perhaps further say that what Mr. Justice Black referred to as an old inland-water rule, in my judgment, and in the judgment of some of the best legal authorities in this country, was never an old inland-water rule. It was and had been the rule, before it was ever applied to the arms of the sea, which were the beds of rivers which were subject to the ebb and flow of the tide. It was adopted and applied in this country to inland waters which, of course, being navigable, were regarded as having some of the same elements, although they were not subject to the ebb and flow of the tide.

Mr. President, I should now like to direct my attention to the novel and questionable argument of the Solicitor General of the United States, that the beds of the ocean along the shores of a State are not susceptible of ownership. Why should such a thing be true as long as the coastal State can prevent other people from trespassing on that property by force of arms or any other method? Why cannot they possess the bed of the shallow water along the ocean shore just as easily as the bed of the Chesapeake Bay. It is true that the United States Government has the duty and obligation to defend the shores of this Nation. But so what. The United States Government also has the duty to defend the Chesapeake Bay and Long Island Sound. It has the duty to defend the rivers.

As a matter of fact, I asked the question yesterday, whether we were going to pin Federal ownership of the marginal belt on the defense power of the Government. If so, then I would assume that if a submarine entered Mobile Bay, the Federal Government would have the duty to chase it out, and that would give it title to Mobile Bay. That, Mr. President, simply does not make sense to the junior Senator from Louisiana. The Federal Government has the duty to defend the Great Lakes, and, for that matter, the United States Government has the duty to defend Pike's Peak, or the Empire State Building. Does that obligation of the Federal Government prevent all that property from being separately owned either by States or by individuals? The argument is absolutely ridiculous, and, just as pointed out by Mr. Justice Reed, of the Supreme Court, itself, the argument could be just as well used to excuse and justify the seizure of all the natural resources of the United States.

Mr. President, when we look at the California case we can say that it would make just as much sense for the United States Supreme Court to say that the paramount right of our Federal Government with its duties to defend this Nation and all property located within this country is so great as to exclude the rights of individual property ownership.

In other words, it would make just as much sense for the Supreme Court to say that the Federal Government owns every farm, home, or factory in America because of the paramount rights of the Federal Government as it does to say that the Federal Government owns the beds of navigable waters within State boundaries.

I am not alone in my concern regarding this decision. The American Title Association feels that a decision such as that in the California case is potentially a threat to the title of the individual American to his home or his farm. Former Dean Roscoe Pound of the Harvard Law School said:

It is a startling proposition to tell Americans that sovereignty, which we have thought of as political, must be proprietary as well, must include ownership of the soil.

The Supreme Court, speaking through Mr. Justice Black, said that the paramount rights of the Federal Government were such as to transcend that of a mere property owner. I would like to quote the words of the Saturday Evening Post in its recent editorial on this subject: "What do they mean 'mere'?"

Now, Mr. President, I come to the States which were not members of the Original Thirteen States of this Nation. They were admitted to this Nation on an equal footing with all the other States. Thus in *Pollard v. Hagan* (3 How. 212 (1845)), it was held that inasmuch as the State of Alabama came into the Nation on an equal footing with other States that it had the same rights of sovereignty and jurisdiction as to navigable waters and subsoils thereof as the original 13 States. In *The Abby Dodge* case (223 U. S. 166 (1912)), the effect of the equal-footing clause conveyed to the State of Florida the ownership of the sponges in its tidal waters so far as they are capable of ownership while in the sea. Such was the effect to convey title to the land in San Pedro Harbor to the State of California in the case *Borax Consolidated v. City of Los Angeles* (296 U. S. (1935)).

I ask unanimous consent at this point to make a part of this RECORD a brief with pertinent quotations from other Supreme Court decisions holding the same thing, namely, that it was the effect of the equal-footing clause in the admission of the new States of the Union, to convey to its new States the same attributes of sovereignty possessed by the Original Thirteen States.

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

THE NEW STATES (ADMITTED ON EQUAL FOOTING WITH THE ORIGINAL THIRTEEN)

Pollard v. Hagan (3 How. 212 (1845)): Plaintiffs claimed a lot of ground below both high- and low-water mark in Mobile Bay, under United States patent, issued before Alabama was admitted to statehood. The defendant claimed under grant from the State.

The Court said that this was the first time it had been called upon to draw the line that separates the sovereignty and jurisdiction of the Government of the Union and the State governments, over the subject in controversy, although many of the principles which entered into the question had been settled by previous decisions of the Court.

The Court held that when Alabama was admitted into the Union on an equal footing with the Original States, it succeeded to all of the rights of sovereignty and jurisdiction which Georgia possessed, except so far as such right was diminished by the public lands remaining in the possession and under the control of the United States and that if an express stipulation had been inserted in the agreement for the admission of Alabama as a State, granting the municipal right of sovereignty to the United States, such stipulation would have been void and imperpetual, "because the United States have no constitutional capacity to exercise municipal jurisdiction, sovereignty, or eminent domain, within the limits of a State or elsewhere, except in the cases in which it is expressly granted."

The Court said further that the surrender made by the States of their waste and unappropriated lands, public lands, to the United States under resolution of the old Congress, of September 8, 1780, to aid in paying the public debt of the Revolution, ended as soon as such purposes could be accomplished, and then the power of the United States over such lands was to cease.

To exercise rights not granted, the Court characterized as repugnant to the Constitution and inconsistent with the deeds of cession.

"Then to Alabama," the Court said, "belong the navigable waters, and soils under them * * * subject to the rights surrendered by the Constitution to the United States" and that "no compact that might be made between her (Alabama) and the United States could diminish or enlarge these rights."

"For, although the territorial limits of Alabama," the Court added, "have extended all her sovereign power into the sea; it is there, as on the shore, but municipal power, subject to the Constitution of the United States, and the laws which shall be made in pursuance thereof."

This landmark case follows the prior jurisprudence and is important all the more for the enunciation therein made that the new States have the same rights, sovereignty, and jurisdiction as to navigable waters and the subsoils thereof as the Original Thirteen States.

Louisiana v. Mississippi (202 U. S. 1 (1905)): This suit involves the powers of two contesting States to control the oyster industry and the taking of oysters claimed by both States to be within the boundaries of each.

The Court held that under the Treaty of Cession in 1803 between France and the United States and the act of April 1812, admitting Louisiana into the Union, the waters in question were within the boundaries of the State of Louisiana.

In the course of its opinion, the Court said:

"The maritime belt is that part of the sea, in contradistinction to the open sea, is under the sway of the riparian States, which can exclusively reserve the fisheries within their respective maritime belts for their own citizens, whether fish, or pearls, or amber, or other products of the sea."

(The term "sway" is defined in Webster's dictionary as synonymous with "power, empire, sovereignty.")

The Abby Dodge (223 U. S. 166 (1912)): The defendant was convicted under a Federal statute prohibiting the landing of sponges taken by means of diving apparatus from waters of the Gulf of Mexico and the straits of Florida.

The Court cited *McCready v. Virginia*, *Pollard v. Hagan*, *Smith v. Maryland*, and other cases herein briefed, as well as others, in saying that if the statute applied to sponges taken from land under water within the territorial limits of the State of Florida, or other States, the repugnancy of the statute to the

Constitution would be plainly established. Referring to the case of *Manchester v. Massachusetts* (see pp. 11-12, here'n), the Court pointed out that aquatic life "so far as they are capable of ownership while so running" belong to the States and are subject to their control, if found within the marginal waters of such States.

Borax Consolidated v. City of Los Angeles (296 U. S. 10 (1935)): This action was brought by the city of Los Angeles (defendant in writ) claiming under a grant from the State of California, to quiet title to land in San Pedro Harbor, the other party claimed under a preemption patent from the United States.

Holding for plaintiff, under State grant, the Court held, among other things, that State ownership of tidelands extends to the mean high-water mark; that such property, acquired by the United States from Mexico, had been held in trust for the State of California.

Knight v. United Lands Association (142 U. S. 161): Error to the Supreme Court of California to review a judgment in favor of plaintiff, in an action of ejectment for the recovery of a block of land in the city of San Francisco, below high-water mark at the time of the conquest of California with Mexico.

The Court held:

"It is the settled rule of law in this Court that absolute property in, and dominion and sovereignty over, the soils under the tidewaters in the original States 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 Thirteen States possess within their respective borders."

Mumford v. Wardwell (6 Wall. 423 (1867)): This was a contest over a lot of ground below high tide in California waters. Among other things, the Court held:

"It is the settled rule of law in this Court 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" (quoting from *Pollard v. Hagan*, supra).

New Orleans v. United States (152 U. S. 1 (1894)): The United States sought in this action to enjoin the officials and inhabitants of New Orleans, La., from selling lots included in the vacant lands forming part of the common, or quay, by asserting the claim that such property inured to the United States by the Treaty of Cession in 1803.

The Court discussed the laws of France in much detail, and cited Domat for the following statement:

"There are two kinds of property destined to the common use of man, and of which everyone has the enjoyment. The first of those are so by nature—as rivers, the sea, and its shores. The second, which derive their character from the destination given by man, such as streets, highways, churches, market houses, courthouses, and other public places."

Among other pronouncements, the Court said:

"The King of Spain, like the King of France, had the power to give permission to construct buildings on grounds dedicated to public use * * *; but this does not show that either sovereign had the power to alien such lands.

"This common (quay) having been dedicated to public use, was withdrawn from commerce, and from the power of the King rightfully to alien it."

"The State of Louisiana was admitted into the Union on the same footing as the origi-

nal States. Her rights of sovereignty are the same, and by consequence no jurisdiction of the Federal Government, either for purposes of police or otherwise, can be exercised over this public ground."

"All powers which properly appertain to sovereignty, which have not been delegated to the Federal Government, belong to the States and the people."

This case is important in two main respects: (1) The sea and its shores were declared to be owned by the State, and (2) such property was referred to as being inalienable.

Shively v. Bowlby (152 U. S. 1 (1894)): The land in controversy, located in Oregon, was submerged in waters beyond the high-water mark. The plaintiff claimed under a State grant, the defendant under a United States patent. (Oregon tidelands at mouth of Columbia River in contest.)

In rendering judgment for plaintiff, the Court held:

"By the common law, both the title and the dominion of the sea, and of rivers and arms of the sea, where the tide ebbs and flows, and of all the lands below high-water mark, within the jurisdiction of the Crown of England, are in the King. * * * The common law of England upon this subject, at the time of the emigration of our ancestors, is the law of this country, except as it has been modified, by the charters, constitutions, statutes or usages of the several colonies and States, or by the Constitution and laws of the United States."

There was also mentioned in the opinion the rights of new States as being equal to the Original Thirteen.

"Upon the admission of Oregon into the Union, the tidelands became the property of the State, and subject to its jurisdiction and disposal."

Skiriotes v. Florida (313 U. S. 313 (1941)): A case, in certain respects, similar to the *Abby Dodge*, supra. A Federal statute was under consideration, prohibiting the use of diving equipment in the taking of sponges from the Gulf of Mexico and the Florida Straits.

The Court sanctioned the right of the State to regulate the taking of sponges from its territorial waters, dismissing the contention that international law was involved.

United States v. Mission Rock Co. (189 U. S. 391 (1920)): Title to tidelands contiguous to and surrounding San Francisco Bay was at issue in this case. As against a grantee of the State to reclaim such lands, the opposing party claimed that the area had been reserved by order of the President of the United States for naval purposes.

The State-grantee prevailed. Said the Court:

"Although the title to the soil under the tidewaters of the bay was acquired by the United States by cession from Mexico, equally with title to the upland, they held it in trust for the future State."

Illinois Central Railroad Co. v. State of Illinois (146 U. S. 387 (1892)): A segment of the subsoil of Lake Michigan was in controversy herein.

The Court pointed out the settled law of the land as to State ownership of tidelands, citing *Pollard v. Hagan* (3 How. 212) and *Weber v. Harbor Commissioners* (18 Wall. 57) then it added significantly:

"We hold, therefore, 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."

Weber v. Board of State Harbor Commissioners (18 Wall. (85 U. S. 57) (1873)):

This suit involved lands under an arm of the sea in California waters.

The Court said in part in its opinion:

"The title to the shore of the sea, and of the arms of the sea, and in soils under the tidewaters, is, in England, in the King, and in this country, in the State."

UNITED STATES SUPREME COURT CASES RECOGNIZING STATE OWNERSHIP OF LANDS BENEATH ALL NAVIGABLE WATERS WITHIN THE STATE'S BORDERS

1. Salt water and tidelands

Pollard's Lessee v. Hagan (3 How. (44 U. S.) 212, 229, 230) (Alabama—Mobile Bay); *Goodtitle v. Kibbe* (9 How. (50 U. S.) 471, 478) (Alabama—shore of a navigable river); *Smith v. Maryland* (18 How. (59 U. S.) 71, 74) (Maryland—soil beneath low watermark in Chesapeake Bay); *Numford v. Wardwell* (6 Wall. (73 U. S. 423, 435, 436) (California—navigable waters and soils under same); *Weber v. Board of Harbor Comm'rs.* (18 Wall. (85 U. S.) 57, 65, 66) (California—shore and arms of the sea); *McCready v. Virginia* (94 U. S. 391, 394, 395) (Virginia—oyster beds in tidewaters); *San Francisco v. Le Roy* (138 U. S. 656) (670-672) (California tidelands in San Francisco Bay).

Knight v. U. S. Land Assn. (142 U. S. 161) (183, 201) (California—San Francisco Bay); *Shively v. Bowlby* (152 U. S. 1) (57, 58) (Oregon—tidelands at mouth of Columbia River); *Mobile Transp. Co. v. Mobile* (187 U. S. 479, 482) (Alabama—Mobile River); *United States v. Mission Rock Co.* (189 U. S. 391, 404) (California—submerged lands and tidelands in San Francisco Bay).

Greenleaf Lbr. Co. v. Garrison (237 U. S. 251, 269) (Virginia—Elizabeth River); *The Abby Dodge* (223 U. S. 166) (Florida—sponge beds in Gulf of Mexico); *Port of Seattle v. Oregon and Washington R. R. Co.* (255 U. S. 56, 63) (Washington—port of Seattle); *Borax Consolidated v. City of Los Angeles* (296 U. S. 10, 15, 16) (California—tidelands, San Pedro Bay); *United States v. O'Donnell* (303 U. S. 501, 519) (California—San Francisco Bay).

2. Navigable rivers

St. Clair v. Lovington (90 U. S. 49) (Illinois—Mississippi River); *Barney v. Keokuk* (24 U. S. 324) (Iowa—Mississippi River); *Shively v. Bowlby* (151 U. S. 1) (Oregon—Columbia River); *St. Anthony v. Board* (168 U. S. 349) (Minnesota—Mississippi River); *Scott v. L. Hig* (227 U. S. 229) (Idaho—Snake River); *Donnelly v. United States* (228 U. S. 243) (California—Klamath River); *Oklahoma v. Texas* (258 U. S. 574) (Oklahoma—Red River); *United States v. Utah* (283 U. S. 52) (Utah—Colorado River).

3. Great Lakes

Illinois Central Railroad Co. v. Illinois (146 U. S. 387) (Illinois—shores and beds of Lake Michigan); *Massachusetts v. New York* (271 U. S. 65) (New York—submerged lands, Lake Ontario).

4. Inland lakes

Hardin v. Jordan (140 U. S. 371) (Illinois—Inland lake); *McGilvra v. Ross* (215 U. S. 70) (Washington—nontidal lakes); *United States v. Holt State Bank* (270 U. S. 49) (Minnesota—Inland lakes); *United States v. Oregon* (295 U. S. 1) (Oregon—Inland lakes and channels).

5. Bays and sounds

Louisiana v. Mississippi (202 U. S. 1) (Channel, Breton Sound, leading to Channel Islands); *Manchester v. Massachusetts* (139 U. S. 240) (Massachusetts—Buzzard's Bay).

Mr. LONG. Thus once the Federal proponents are compelled to concede the sovereignty of the Original Thirteen States, there is such a mass of Supreme Court holdings supporting the meaning of the equal-footing clause that the new

States possess those same attributes of sovereignty which included the ownership of the beds of navigable waters, that there is then no escaping the conclusion that new States, such as Louisiana and California, acquired the same rights as the Original States.

Of course, it has been contended by the Federal Government that the States never owned and never claimed the property along their coasts. Of course, Mr. President, it is not necessary to prove that the property had been claimed in order to prove that it was owned, but nevertheless there is ample evidence that the tidewaters and the land beneath those waters, both inland and on the open sea, were regarded as belonging to the adjacent State.

The colonial charters of the Original States show that these colonies were regarded as including the sea adjoining their coasts.

In addition, Mr. President, there are many instances of the Federal Government having recognized the title of the States by acquiring certain property in the submerged lands and in the open sea by purchase or grant from the States. Furthermore, we have the pronounced declarations and letters of Federal officials expressly conceding that this property belonged to the States. Likewise, we know by practice that the citizens of many of the States have made their living in the marginal sea catching shrimp and fish, extracting shells, oysters, and clams. Some of them have reclaimed land upon the sea to build hotels and other modern structures. In all these things they were regulated by the States. They were subject to the laws of the States and, insofar as they acquired property rights in the marginal sea, they always acquired them from the States. States and municipalities thereof have constructed breakwaters and harbors. Likewise they have dredged channels, making use of submerged lands which everyone regarded as belonging to them. Now we are told that all of these things are to be changed by this new concept of paramount power in the Federal Government.

Mr. President, I prefer the kind of law that had been laid down and expressed time and again by the courts throughout the last 150 years. I fear that the Fair Deal decisions, if the California case is any example, will be far more destructive to the fabric of our constitutional and private law than the New Deal decisions. I believe it is time we turned back this down-hill rush of Federal agents for vast additional powers. It is time we restored to the States that thin band of property that surrounds the United States within the boundaries of the several States of this Nation. That property comprehends less than 10 percent of the submerged lands on the Continental Shelf. Our geologists tell us that there is an equal chance to find oil in the remaining 90 percent of the lands on the Continental Shelf as there is in that area, close to shore.

Why do they have to have the last drop of oil in order to enhance the powers of the Federal Government?

The need for Federal revenues is not so great that we must upset our form of

government, that we must distort and do violence to the history of our country and jeopardize the rights of our people by the adoption of a new and revolutionary doctrine and new theories of the origin of the American Government which may tend fundamentally to alter the nature of this American Government.

EXHIBIT A

WASHINGTON, May 4, 1822.

To the House of Representatives:

I transmit the paper alluded to in the message of this day, on the subject of internal improvements.

JAMES MONROE.

VIEWS OF THE PRESIDENT OF THE UNITED STATES ON THE SUBJECT OF INTERNAL IMPROVEMENTS

It may be presumed that the proposition relating to internal improvements by roads and canals, which has been several times before Congress, will be taken into consideration again either for the purpose of recommending to the States the adoption of an amendment to the Constitution to vest the necessary power in the General Government or to carry the system into effect on the principle that the power has already been granted. It seems to be the prevailing opinion that great advantage would be derived from the exercise of such a power by Congress. Respecting the right there is much diversity of sentiment. It is of the highest importance that this question should be settled. If the right exist, it ought forthwith to be exercised. If it does not exist, surely those who are friends to the power ought to unite in recommending an amendment to the Constitution to obtain it. I propose to examine this question.

The inquiry confined to its proper objects and within the most limited scale is extensive. Our Government is unlike other governments both in its origin and form. In analyzing it the differences in certain respects between it and those of other nations, ancient and modern, necessarily come into view. I propose to notice these differences so far as they are connected with the object of inquiry, and the consequences likely to result from them, varying in equal degree from those which have attended other governments. The digression, if it may be so called, will in every instance be short and the transition to the main object immediate and direct.

To do justice to the subject it will be necessary to mount to the source of power in these States and to pursue this power in its gradations and distribution among the several departments in which it is now vested. The great division is between the State governments and the General Government. If there was a perfect accord in every instance as to the precise extent of the powers granted to the General Government, we should then know with equal certainty what were the powers which remained to the State governments, since it would follow that those which were not granted to the one would remain to the other. But it is on this point, and particularly respecting the construction of these powers and their incidents, that a difference of opinion exists, and hence it is necessary to trace distinctly the origin of each government, the purposes intended by it, and the means adopted to accomplish them. By having the interior of both governments fully before us we shall have all the means which can be afforded to enable us to form a correct opinion of the endowments of each.

Before the Revolution the present States, then colonies, were separate communities, unconnected with each other except in their common relation to the Crown. Their governments were instituted by grants from the Crown, which operated, according to the con-

ditions of each grant, in the nature of a compact between the settlers in each colony and the Crown. All power not retained in the Crown was vested exclusively in the Colonies, each having a government consisting of an executive, a judiciary, and a legislative assembly, one branch of which was in every instance elected by the people. No office was hereditary, nor did any title under the Crown give rank or office in any of the Colonies. In resisting the encroachments of the parent country and abrogating the power of the Crown the authority which had been held by it vested exclusively in the people of the Colonies. By them was a Congress appointed, composed of delegates from each colony, who managed the war, declared independence, treated with foreign powers, and acted in all things according to the sense of their constituents. The Declaration of Independence confirmed in form what had before existed in substance. It announced to the world new States, possessing and exercising complete sovereignty, which they were resolved to maintain. They were soon after recognized by France and other powers, and finally by Great Britain herself in 1783.

Soon after the power of the Crown was annulled the people of each colony established a constitution or frame of government for themselves, in which these separate branches—legislative, executive, and judiciary—were instituted, each independent of the others. To these branches, each having its appropriate portion, the whole power of the people not delegated to Congress was communicated, to be exercised for their advantage on the representative principle by persons of their appointment, or otherwise deriving the authority immediately from them, and holding their offices for stated terms. All the powers necessary for useful purposes held by any of the strongest governments of the Old World not vested in Congress were imparted to these State governments without other checks than such as are necessary to prevent abuse, in the form of fundamental declarations or bills of right. The great difference between our governments and those of the Old World consists in this, that the former, being representative, the persons who exercise their powers do it not for themselves or in their own right, but for the people, and therefore while they are in the highest degree efficient they can never become oppressive. It is this transfer of the power of the people to representative and responsible bodies in every branch which constitutes the great improvement in the science of government and forms the boast of our system. It combines all the advantages of every known government without any of their disadvantages. It retains the sovereignty in the people, while it avoids the tumult and disorder incident to the exercise of that power by the people themselves. It possesses all the energy and efficiency of the most despotic governments, while it avoids all the oppressions and abuses inseparable from those governments.

In every stage of the conflict from its commencement until March 1781, the powers of Congress were undefined, but of vast extent. The assemblies or conventions of the several colonies being formed by representatives from every county in each colony and the Congress by delegates from each colonial assembly; the powers of the latter for general purposes resembled those of the former for local. They rested on the same basis, the people, and were complete for all the purposes contemplated. Never was a movement so spontaneous, so patriotic, so efficient. The Nation exerted its whole faculties in support of its rights, and of its independence after the contest took that direction, and it succeeded. It was, however, foreseen at a very early stage that although the patriotism of the country might be relied on in the struggle for its independence, a well-digested compact would be necessary to pre-

serve it after obtained. A plan of confederation was in consequence proposed and taken into consideration by Congress even at the moment when the other great act which severed them from Great Britain and declared their independence was proclaimed to the world. This compact was ratified on March 21, 1781, by the last State, and thereupon carried into immediate effect.

The following powers were vested in the United States by the Articles of Confederation. As this, the first bond of union, was in operation nearly 8 years, during which time a practical construction was given to many of its powers, all of which were adopted in the Constitution with important additions, it is thought that a correct view of those powers and of the manner in which they are executed may shed light on the subject under consideration. It may fairly be presumed that where certain powers were transferred from one instrument to the other and in the same terms, or terms descriptive only of the same powers, that it was intended that they should be construed in the same sense in the latter that they were in the former.

Article I declares that the style of the Confederacy shall be "The United States of America."

Article II: Each State retains its sovereignty, freedom, and independence, and every power and right which is not expressly delegated to the United States.

Article III: The States severally enter into a firm league of friendship with each other for their common defense, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other against all force offered to or attacks made upon them on account of religion, sovereignty, trade, etc.

Article IV: The free inhabitants of each State, paupers, vagabonds, and fugitives from justice excepted, shall be entitled to all the privileges and immunities of free citizens in the several States, etc. Fugitives from justice into any of the States shall be delivered up on the demand of the executive of the State from which they fled. Full faith and credit shall be given in each State to the records and acts of every other State.

Article V: Delegates shall be annually appointed by the legislature of each State to meet in Congress on the first Monday in November, with a power to recall, etc. No State shall appoint less than two nor more than seven, nor shall any delegate hold his office for more than three in six years. Each State shall maintain its own delegates. Each State shall have one vote. Freedom of speech shall not be impeached, and the members shall be protected from arrests, except for treason, etc.

Article VI: No State shall send or receive an embassy or enter into a treaty with a foreign power. Nor shall any person holding any office of profit or trust under the United States or any State accept any present, emolument, office, or title from a foreign power. Nor shall the United States or any State grant any title of nobility. No two States shall enter into any treaty without the consent of Congress. No State shall lay any imposts or duties which may interfere with any treaties entered into by the United States. No State shall engage in war unless it be invaded or menaced with invasion by some Indian tribe, nor grant letters of marque or reprisal unless it be against pirates, nor keep up vessels of war nor any body of troops in time of peace without the consent of Congress; but every State shall keep up a well-regulated militia, etc.

Article VII: When land forces are raised by any State for the common defense, all officers of and under the rank of colonel shall be appointed by the legislature of each State.

Article VIII: All charges of war and all other expenses which shall be incurred for the common defense or general welfare shall

be defrayed out of a common treasury, which shall be supplied by the several States in proportion to the value of all the land in each State granted to individuals. The taxes for paying each proportion shall be levied by the several States.

Article IX: Congress shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the sixth article; of sending and receiving Ambassadors; entering into alliances, except, etc.; of establishing rules for deciding what captures on land and water shall be legal; of granting letters of marque and reprisal in time of peace; appointing courts for the trial of piracies and felonies on the high seas; for deciding controversies between the States and between individuals claiming lands under two or more States whose jurisdiction has been adjusted; of regulating the alloy and value of coin struck by their authority and of foreign coin; fixing the standard of weights and measures; regulating the trade with the Indians; establishing and regulating post offices from one State to another and throughout all the States, and exacting such postage as may be requisite to defray the expenses of the office; of appointing all officers of the land forces except the regimental; appointing all the officers of the naval forces; to ascertain the necessary sums of money to be raised for the service of the United States and appropriate the same; to borrow money and emit bills of credit; to build and equip a Navy; to agree on the number of land forces and to make requisitions on each State for its quota; that the assent of nine States shall be requisite to these great acts.

Article X regulates the powers of the committee of the States to sit in the recess of Congress.

Article XI provides for the admission of Canada into the Confederation.

Article XII pledges the faith of the United States for the payment of all bills of credit issued and money borrowed on their account.

Article XIII: Every State shall abide by the determination of the United States on all questions submitted to them by the Confederation, the Articles of the Confederation to be perpetual and not to be altered without the consent of every State.

This bond of union was soon found to be utterly incompetent to the purposes intended by it. It was defective in its powers; it was defective also in the means of executing the powers actually granted by it. Being a league of sovereign and independent States, its acts, like those of all other leagues, required the interposition of the States composing it to give them effect within their respective jurisdictions. The acts of Congress without the aid of State laws to enforce them were altogether nugatory. The refusal or omission of one State to pass such laws was urged as a reason to justify like conduct in others, and thus the Government was soon at a stand.

The experience of a few years demonstrated that the Confederation could not be relied on for the security of the blessings which had been derived from the Revolution. The interests of the Nation required a more efficient Government, which the good sense and virtue of the people provided by the adoption of the present Constitution.

The Constitution of the United States was formed by a convention of delegates from the several States, who met in Philadelphia, duly authorized for the purpose, and it was ratified by a convention in each State which was especially called to consider and decide on the same. In this progress the State governments were never suspended in their functions. On the contrary, they took the lead in it. Conscious of their incompetency to secure to the Union the blessings of the Revolution, they promoted the diminution of their own powers and the enlargement of those of the general Government in the way in which they might be most adequate and efficient. It is believed that no other exam-

ple can be found of a Government exerting its influence to lessen its own powers, of a policy so enlightened, of a patriotism so pure and disinterested. The credit, however, is more especially due to the people of each State, in obedience to whose will and under whose control the State governments acted.

The Constitution of the United States, being ratified by the people of the several States, became of necessity to the extent of its powers the paramount authority of the Union. On sound principles it can be viewed in no other light. The people, the highest authority known to our system, from whom all our institutions spring and on whom they depend, formed it. Had the people of the several States thought proper to incorporate themselves into one community, under one government, they might have done it. They had the power, and there was nothing then nor is there anything now, should they be so disposed, to prevent it. They wisely stopped, however, at a certain point, extending the incorporation to that point, making the National Government thus far a consolidated Government, and preserving the State governments without that limit perfectly sovereign and independent of the National Government. Had the people of the several States incorporated themselves into one community, they must have remained such, their Constitution becoming then, like the constitution of the several States, incapable of change until altered by the will of the majority. In the institution of a State government by the citizens of a State a compact is formed to which all and every citizen are equal parties. They are also the sole parties and may amend it at pleasure. In the institution of the Government of the United States by the citizens of every State a compact was formed between the whole American people which has the same force and partakes of all the qualities to the extent of its powers as a compact between the citizens of a State in the formation of their own constitution. It cannot be altered except by those who formed it or in the mode prescribed by the parties to the compact itself.

This Constitution was adopted for the purpose of remedying all defects of the Confederation, and in this it has succeeded beyond any calculation that could have been formed of any human institution. By binding the States together the Constitution performs the great office of the Confederation; but it is in that sense only that it has any of the properties of that compact, and in that it is more effectual to the purpose, as it holds them together by a much stronger bond; and in all other respects in which the Confederation failed the Constitution has been blessed with complete success. The Confederation was a compact between separate and independent States, the execution of whose articles in the powers which operated internally depended on the State governments. But the great office of the Constitution, by incorporating the people of the several States to the extent of its powers into one community and enabling it to act directly on the people, was to annul the powers of the State governments to that extent, except in cases where they were concurrent, and to preclude their agency in giving effect to those of the General Government. The Government of the United States relies on its own means for the execution of its powers, as the State governments do for the execution of theirs, both governments having a common origin or sovereign, the people—the State governments the people of each State, the National Government the people of every State—and being amenable to the power which created it. It is by executing its functions as a Government, thus originating and thus acting that the Constitution of the United States holds the States together and performs the office of a league. It is owing to the nature of its

powers and the high source from whence they are derived—the people—that it performs that office better than the Confederation or any league which ever existed, being a compact which the State governments did not form, to which they are not parties, and which executes its own powers independently of them.

There were two separate and independent governments established over our Union, one for local purposes over each State by the people of the State, the other for national purposes over all the States by the people of the United States. The whole power of the people, on the representative principle, is divided between them. The State governments are independent of each other, and to the extent of their powers are complete sovereignties. The National Government begins where the State governments terminate, except in some instances where there is a concurrent jurisdiction between them. This Government is also, according to the extent of its powers, a complete sovereignty. I speak here, as repeatedly mentioned before, altogether of representative sovereignties, for the real sovereignty is in the people alone.

The history of the world affords no such example of two separate and independent governments established over the same people, nor can it exist except in governments founded on the sovereignty of the people. In monarchies and other governments not representative there can be no such division of power. The government is inherent in the possessor; it is his, and cannot be taken from him without a revolution. In such governments alliances and leagues alone are practicable. But with us individuals count for nothing in the offices which they hold; that is, they have no right to them. They hold them as representatives, by appointment from the people, in whom the sovereignty is exclusively vested. It is impossible to speak too highly of this system taken in its twofold character and in all its great principles of two governments, completely distinct from and independent of each other, each constitutional, founded by and acting directly on the people, each competent to all its purposes, administering all the blessings for which it was instituted, without even the most remote danger of exercising any of its powers in a way to oppress the people. A system capable of expansion over a vast territory not only without weakening either government, but enjoying the peculiar advantage of adding thereby new strength and vigor to the faculties of both; possessing also this additional advantage, that while the several States enjoy all the rights reserved to them of separate and independent governments, and each is secured by the nature of the Federal Government, which acts directly on the people, against the failure of the others to bear their equal share of the public burdens, and thereby enjoys in a more perfect degree all the advantages of a league, it holds them together by a bond altogether different and much stronger than the late confederation or any league that was ever known before—a bond beyond their control, and which cannot even be amended except in the mode prescribed by it. So great an effort in favor of human happiness was never made before; but it became those who made it. Established in the new hemisphere, descended from the same ancestors, speaking the same language, having the same religion and universal toleration, born equal and educated in the same principles of free government, made independent by a common struggle and menaced by the same dangers, ties existed between them which never applied before to separate communities. They had every motive to bind them together which could operate on the interests and affections of a generous, enlightened, and virtuous people, and it affords inexpressible consolation to find that these motives had their merited influence.

In thus tracing our institutions to their origin and pursuing them in their progress and modifications down to the adoption of this Constitution two important facts have been disclosed, on which it may not be improper in this stage to make a few observations. The first is that in wresting the power, or what is called the sovereignty, from the Crown it passed directly to the people. The second, that it passed directly to the people of each Colony and not to the people of all the Colonies in the aggregate; to 13 distinct communities and not to one. To these two facts, each contributing its equal proportion, I am inclined to think that we are in an eminent degree indebted for the success of our Revolution. By passing to the people it vested in a community every individual of which had equal rights and a common interest. There was no family dethroned among us, no banished pretender in a foreign country looking back to his connections and adherents here in the hope of a recall; no order of nobility whose hereditary rights in the Government had been violated; no hierarchy which had been degraded and oppressed. There was but one order, that of the people, by whom everything was gained by the change. I mention it also as a circumstance of peculiar felicity that the great body of the people had been born and educated under these equal and original institutions. Their habits, their principles, and their prejudices were therefore all on the side of the Revolution and of free republican government.

Had distinct orders existed, our fortune might and probably would have been different. It would scarcely have been possible to have united so completely the whole force of the country against a common enemy. A contest would probably have arisen in the outset between the orders for the control. Had the aristocracy prevailed, the people would have been heartless. Had the people prevailed, the nobility would probably have left the country, or, remaining behind, internal divisions would have taken place in every State and a civil war broken out more destructive even than the foreign, which might have defeated the whole movement. Ancient and modern history is replete with examples proceeding from conflicts between distinct orders, of revolutions attempted which proved abortive, of republics which have terminated in despotism. It is owing to the simplicity of the elements of which our system is composed that the attraction of all the parts has been to a common center, that every change has tended to cement the union, and, in short, that we have been blessed with such glorious and happy success.

And that the power wrested from the British Crown passed to the people of each colony the whole history of our political movement from the emigration of our ancestors to the present day clearly demonstrates. What produced the Revolution? The violation of our rights. What rights? Our chartered rights. To whom were the charters granted, to the people of each colony or to the people of all the colonies as a single community? We know that no such community as the aggregate existed, and of course that no such rights could be violated. It may be added that the nature of the powers which were given to the delegates by each colony and the manner in which they were executed show that the sovereignty was in the people of each and not in the aggregate. They respectively presented credentials such as are usual between ministers of separate powers, which were examined and approved before they entered on the discharge of the important duties committed to them. They voted also by colonies and not individually, all the members from one colony being entitled to one vote only. This fact alone, the first of our political association and at the period of our greatest peril, fixes beyond all controversy the source from whence the power

which has directed and secured success to all our measures has proceeded.

Had the sovereignty passed to the aggregate, consequences might have ensued, admitting the success of our Revolution, which might even yet seriously affect our system. By passing to the people of each colony the opposition to Great Britain, the prosecution of the war, the Declaration of Independence, the adoption of the Confederation and of this Constitution are all imputable to them. Had it passed to the aggregate, every measure would be traced to that source; even the State governments might be said to have emanated from it, and amendments of their constitutions on that principle be proposed by the same authority. In short it is not easy to perceive all the consequences into which such a doctrine might lead. It is obvious that the people in mass would have had much less agency in all the great measures of the Revolution and in those which followed than they actually had, and proportionably less credit for their patriotism and services than they are now entitled to and enjoy. By passing to the people of each colony the whole body in each were kept in constant and active deliberation on subjects of the highest national importance and in the supervision of the conduct of all the public servants in the discharge of their respective duties. Thus the most effectual guards were provided against abuses and dangers of every kind which human ingenuity could devise, and the whole people rendered more competent to the self-government which by an heroic exertion they had acquired.

OPINION OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA IN RE FEDERAL TRIAL EXAMINERS CONFERENCE ET AL. v. ROBERT RAMSPECK ET AL.

Mr. HENDRICKSON. Mr. President, I hold in my hand the opinion of Chief Judge Bolitha J. Laws of the United States District Court for the District of Columbia, in the case of Federal Trial Examiners Conference and Others against Robert Ramspeck and Others.

This was an action brought by the trial examiners against the Civil Service Commission for the purpose of getting a judicial determination with respect to the Commission's administration of section 11 of the Administrative Procedure Act.

This is a matter in which, as Senators may remember, the chairman of the Committee on the Judiciary has been much interested. His correspondence with Mr. Ramspeck, Chairman of the Civil Service Commission, with regard to this matter has been printed as a Senate document—Senate Document No. 82—and I think most of my colleagues are familiar with it.

I do not want to go into detail with regard to Judge Laws' opinion; but I do want to say that I think it an extremely able opinion, and I hope that Senators who are interested in administrative procedure, and particularly in the status of trial examiners, may find time to read this opinion.

It is interesting to note that the opinion quotes, at some points, the views of the senior Senator from Nevada; and that the court's decision supports fully the position he has taken in the past.

I now ask unanimous consent, Mr. President, that the full text of this opinion may be printed in the RECORD at this point as a part of my remarks.

TRUCE ETERNAL

All who have loved some other lad,
 Be good to mine
 As, in the lands afar, his grave
 You make a shrine:
 For he, who has with friendly folk
 A haven found,
 Knows—in this bit of home—an ever
 Hallowed ground.
 Still seas, whose depths may lave a youth
 With gentleness,
 Give sanctuary where he met
 Swift death's caress.
 Or, greensward on a mountain slope,
 More verdant be
 As shroud for him to wear
 Through all eternity.

Her love, our lad, their dear one,
 Where'er you are today,
 Let your gift be truce eternal—
 For this, O Lord, we pray.

MINERAL LEASES ON CERTAIN SUBMERGED LANDS

The VICE PRESIDENT. The Chair lays before the Senate the unfinished business, which is Senate Joint Resolution 20, the so-called submerged-lands bill.

FOR DEFENSE AND THE NATION'S STRENGTH BUILD HELLS CANYON DAM

Mr. MORSE. Mr. President, in behalf of myself, the Senator from Washington [Mr. MAGNUSON], the Senator from Montana [Mr. MURRAY], the Senator from New York [Mr. LEHMAN], the Senator from Alabama [Mr. HILL], and the Senator from Tennessee [Mr. KEFAUVER], I have introduced today a bill to authorize the construction, operation, and maintenance of the initial phase of the Snake River reclamation project by the Secretary of the Interior.

The bill deals primarily with the construction of a proposed dam to be known as the Hells Canyon Dam. The project is of such great importance to the defense of the country and to the national economy that I propose today, for the purpose of the RECORD, to discuss and explain the bill in considerable detail.

In the interest of complete continuity of exposition, I announce now, at the beginning of my speech that I shall not yield until I have completed it. From the standpoint of future use of this speech by the proponents of the bill, it is desired to have it in such form that it may be reprinted and used as a reference work in connection with the proposed Hells Canyon Dam.

I think my colleagues know that I am always happy to yield whenever I have finished an argument on a subject. In this instance it will require the entire speech for the finishing of the argument, and I shall be happy to yield at the end of the speech.

Mr. President, if I were to give a title to my exposition of the proposed bill for the construction of Hells Canyon Dam, I would entitle it: "For Defense and the Nation's Strength Build Hells Canyon Dam."

On rare occasions in the life of a Member of Congress comes the opportunity to introduce legislation which if enacted will result in the attainment of an ob-

jective that will forever serve the people of his region and the Nation.

Such was the legislation which some 50 years ago gave birth to the Federal Reclamation Act signed by President Theodore Roosevelt, opening up vast domains of arid but fertile land in the West to irrigation and development, and creating bustling cities and towns now so important to the national economy. Such was the legislation introduced by Senator Hiram Johnson, of California, which authorized the construction of the great Hoover Dam in the Southwest—the dynamo that through power development and irrigation has helped make California the fastest growing State in the Union. And such was the legislation introduced by Senator Charles McNary from my State of Oregon that led to the construction of the Bonneville Dam and created the Federal Power Marketing Agency in the Pacific Northwest and initiated the development of the vast hydroelectric potential of the Columbia River system which has provided such tremendous benefits to the Nation and the defense program in the past 10 years.

Such is the legislation I propose to offer to this body today. Here again is an opportunity to take another bold stroke toward strengthening the Nation and permanently enriching our people by wise use of a natural resource.

I am recommending to the Senate today the authorization and construction of a large multiple-purpose, economical sound dam in the Hells Canyon area of the Snake River in the Pacific Northwest, which will, in 50 years, repay 100 percent of the reimbursable costs to the Federal Treasury with interest. The great bulk of the entire cost will be returned; only 12 percent is allocated to nonreimbursable purposes of flood control, recreation and navigation. Although this is a relatively small allocation, dollarwise, these purposes are highly important.

I urge the Senate to support this authorizing legislation as forward-looking action on the part of the Congress in assuring orderly resource development in our great Columbia River Basin for the benefit of the people not only of Oregon but of those in neighboring States and for the Nation at large, in time of war and in time of peace. Like the Senators and Representatives who fought for the mighty Grand Coulee Dam, the Hoover Dam, the Shasta Dam, and the Bonneville Dam, those of us who now announce our support of the great Hells Canyon Dam and those who join us by working for our proposal will one day, years from now, when the huge development has been completed and its benefits have been felt in every corner of these United States, warm with honest pride at the part we have played in bringing it about. It is in the light of this genuine enthusiasm for building on one of America's greatest remaining dam sites, one of the finest dams ever conceived by man, and it is in the sincere belief that its construction is in the best interests of the American people, to be attested to in decades ahead, as it has in the case of Grand Coulee and Hoover, that I present today the case for the Hells Canyon Dam.

I present the case today, because the dam is needed today.

Inability to provide for the immediate expansion of industry on a firm power basis in the Pacific Northwest is holding back not only the economic growth and development of this region but the defense of the Nation. The electro-process industries, using large amounts of Columbia River energy, are of prime importance to the defense program. They include industries such as aluminum, magnesium, chlorine and caustic soda, chlorates, ferro-alloys, calcium carbide, and hydrogen peroxide. In peacetime, electro-process industries have been among the fastest growing industries of the Nation. In wartime, as a result of the needs for war production, electro-process industries in the United States used about four times as much electric energy as in 1939, while electric energy requirements for all other manufacturing industries had not even doubled during the same period of time.

During the next year, 1952-53, the Pacific Northwest will be short an average of about 650,000 kilowatts if minimum water-year conditions prevail. Despite the construction under way on the main stem of the Columbia and elsewhere, not until 1958 can any substantial amount of new industrial load be served.

The Northwest country, in which we seek to build this concrete giant, is a region of vast natural resources. The Nation's second largest stream, the Columbia, and its many tributaries, course through the four States of Oregon, Washington, Montana, and Idaho, of which our Northwest is comprised. They also draw upon portions of the great States of Wyoming, Utah, and Nevada. The Northwest is an area of abundant water supply, rivers flowing into the valleys from steep mountains, an area possessed of some of the world's finest natural dam sites, but limited by the number of unpopulated canyons where great reservoirs may be created with minimum disturbance to existing economy. Its land is fertile, and, where now arid or semiarid, needs only water to make it productive. Vast deposits of minerals await development. One-third of the Nation's hydroelectric potential exists in the Columbia Basin.

The domain of this mighty river and that of its principal tributaries, such as the Snake, is vast and rich. But the Columbia River system is a giant working only part time. One of our most valuable water resources is going to waste. True economy calls for orderly development of these waters. We must utilize them to irrigate our dry but fertile land, to reduce their flows to below damaging flood stages, and finally to pass them through power plants in their journey to the sea, so that the wheels of industry and the motors on the farms can create new wealth for the Nation. True economy calls for the building of the Hells Canyon Dam.

The people of the Northwest know the value of water. They knew it long before New York City had its bathless Thursdays. They know that without the run-off in the streams stored behind man-made barriers, many of its residents could scarcely maintain them-

State, I am very happy indeed to be a cosponsor of the proposed legislation, because I believe that the development of this power will be of great benefit to the entire country.

I feel about the development of this power the same as I feel regarding the development of power on the Niagara River and on the St. Lawrence River. Here we have great potential power going to waste. We are not making any attempt to harness it. We are not making any attempt to give the people of the area affected and the people of the Nation as a whole the benefit of low-cost power which will be available in great quantities if the project is developed and operated in the public interest.

Mr. President, Canada understands the situation. Canada is going ahead with the development of the power of the Niagara River and of the St. Lawrence River. However, we stand idly by and allow that power to run to waste. The same thing holds true of the power project in Hells Canyon.

I very much hope the Senate will approve and authorize the project, in the interest not only of Oregon and Idaho, but also of the entire Nation.

JUSTICES OF THE SUPREME COURT AS CHARACTER WITNESSES

Mr. FERGUSON. Mr. President, will the Senator from California yield to me a moment or two?

Mr. KNOWLAND. I shall be very glad to yield to the Senator from Michigan.

Mr. FERGUSON. Mr. President, in the press of yesterday I read an item with respect to a bill which is being considered by the House, forbidding Supreme Court Justices—and I believe it includes also judges of other courts of record of the United States—from appearing as character witnesses in the trial of cases.

I believe it would be of interest to everyone to know that at the time of the Hiss trial Mr. Justice Stanley Reed, Associate Justice of the Supreme Court, was subpoenaed as a character witness. I have before me a photostatic copy of the subpoena, and I should like to read it into the RECORD at this point:

THE PRESIDENT OF THE UNITED STATES
To Mr. Justice STANLEY F. REED, *United States Supreme Court, Greeting:*

We command you that all and singular business and excuses being laid aside you and each of you appear and attend before the judge of the district court of the United States of America for the Southern District of New York, at a stated term of said court to be held at the United States Courthouse, room No. 318, in the borough of Manhattan, city of New York, in and for the Southern District of New York, on the 6th day of June 1949, at 10:30 o'clock in the forenoon, to testify and give evidence in a certain cause pending in the said court and then and there to be tried between United States of America against Alger Hiss, defendant, on the part of the defendant.

And this you or any of you are not to omit, under the penalty upon you and every of you of \$250.

Witness the Honorable John C. Knox, judge of the district court of the United States for the Southern District of New

York, in the city of New York, on the 31st day of May 1949.

WILLIAM V. CONNELL, *Clerk.*
(Debevoise, Plimpton, and McLean, attorneys for defendant.)

Mr. President, I am informed from reliable sources that no return on this subpoena was ever made in court. Therefore it has never been an official document. I have read the subpoena into the RECORD so that the Members of the House may have the benefit of the fact that the subpoena was issued and served on Mr. Justice Reed.

CORRESPONDENCE BETWEEN SENATOR MUNDT AND MR. NEWBOLD MORRIS

Mr. MUNDT. Mr. President, will the Senator from California yield?

Mr. KNOWLAND. I am very glad to yield to the Senator from South Dakota.

Mr. MUNDT. Mr. President, on February 5, 1952, I addressed an open letter to Mr. Newbold Morris, Special Assistant Attorney General, Justice Department, Washington, D. C., in connection with a statement published by Representative CHARLES POTTER, of Michigan, and Mr. Morris' reply thereto. I am happy to inform the Senate that as of March 3, 1952, I received a reply from Mr. Newbold Morris. Inasmuch as the Senator from Michigan [Mr. FERGUSON] inserted the text of my original letter to Mr. Morris in the RECORD, I ask unanimous consent that in the Appendix of the RECORD for Monday next there may appear the reply that I received from Mr. Newbold Morris, together with a copy of a letter I have addressed to him in reply thereto.

The PRESIDING OFFICER (Mr. TOBEY in the chair). Without objection, it is so ordered.

MINERAL LEASES ON CERTAIN SUBMERGED LANDS

The Senate resumed the consideration of the joint resolution (S. J. Res. 20) to provide for the continuation of operations under certain mineral leases issued by the respective States covering submerged lands of the Continental Shelf, to encourage the continued development of such leases, to provide for the protection of the interests of the United States in the oil and gas deposits of said lands, and for other purposes.

Mr. KNOWLAND. Mr. President, I should like now to proceed with my remarks.

Mr. CAIN. Mr. President, will the Senator from California yield to me?

Mr. KNOWLAND. I yield.

Mr. CAIN. Mr. President, on Wednesday of this week I read to the Senate a copy of a letter which the Secretary of the Interior had written under date of February 15, 1952, to the Governor of the State of Washington.

At this moment I wish to reread three paragraphs of that letter:

We understand that the State of Washington has issued oil and gas permits and leases to private parties on submerged lands situated seaward of the line described above. Under the doctrine of the California, Louisiana, and Texas cases, any such permits or leases are void, since that area has always

been and is now outside the scope of the leasing power of the State of Washington or its agencies.

Therefore, the State of Washington is requested to take no further action inconsistent with the rights of the United States in the submerged lands of the Continental Shelf lying seaward of the line described above, and to regard any oil and gas permits or leases issued by it as ineffective to confer any rights respecting such lands.

With respect to any such oil and gas permits or leases, we would appreciate being advised of the names of the permittees or lessees, their addresses, the dates of issuance, and the areas covered.

Sincerely yours,

OSCAR L. CHAPMAN,
Secretary of the Interior.

Mr. President, against that background I wish to read a letter which I addressed this morning to the Honorable Gordon Persons, Governor of the State of Alabama, and to every other Governor in the United States:

UNITED STATES SENATE,
Washington, D. C., March 6, 1952.
The Honorable GORDON PERSONS,
Governor of the State of Alabama,
Montgomery, Ala.

MY DEAR GOVERNOR PERSONS: Your State could be the next to feel the lash of the "paramount power" whip being so recklessly wielded by Secretary of the Interior Oscar Chapman.

My State of Washington has just been stung. I am enclosing a copy of a dictatorial action Mr. Chapman has arbitrarily taken, telling the citizens of Washington, in effect, to get out and stay out of lands which historically have belonged to them—the submerged coastal lands within the State's boundaries. Also enclosed is a copy of my statement on this matter to the United States Senate.

Mr. Chapman's letter came without warning, without the formality of a lawsuit or court decision involving Washington, and without any authority whatsoever from Congress. A similar letter to you and your citizens could even now be in process in the back offices of the Interior Department.

Legislation dealing with the submerged lands of all the States is pending in Congress. Efforts are being made to put over legislation (S. J. Res. 20) which would establish Federal Government control of these lands.

Do not be misled by proponents of this legislation that only Washington, California, Texas, and Louisiana are affected. The doctrine of "paramount rights, full dominion, and power" has equal force and application to natural resources in all States.

With this subject currently before the Senate, it is highly important that you and the people of your State make your views known as soon as possible to your congressional representatives. Senate bill 940, introduced by Senator SPESSARD L. HOLLAND, of Florida, and 34 other Senators, including myself, would stop this dangerous doctrine in its tracks.

Your subscriber is addressing an identical letter today to the Governor of every other State in the Union and to the attorney general of each State.

I would appreciate your comments, and hope we can count on your active support.

Sincerely,

HARRY P. CAIN,
United States Senator.

Mr. President, I am most grateful to the Senator from California for his indulgence.

Mr. KNOWLAND. Mr. President, let me say to the Senator from Washington that I think he has made a very fine con-

tribution to the tidelands discussion. Certainly, as we have pointed out on the floor on several occasions, it is the old story of the camel getting his nose under the tent. The Senator from Washington has performed a useful service in calling to the attention of the governors of all 48 of the States the fact that once this doctrine is supported, some other administration, some other government in power, might extend the doctrine to other natural resources, to the detriment of the respective States and their people.

Mr. MAGNUSON subsequently said: Mr. President, I merely want to say to my colleague from the State of Washington that I am in entire accord with his remarks. I, too, have telegraphed the interested people in my State to the effect that I thought the letter of the Secretary of the Interior was not only premature, but clearly without authority, particularly in view of the fact that there is pending on the floor of the Senate proposed legislation which is intended to clear up some of the questions involved. Why the letter was sent at this time I do not know, but again I say it was premature, and, in my opinion, completely without legal authority until the Congress of the United States settles the matter by legislation.

Mr. CAIN. Mr. President, my colleague and I are then in complete agreement that the Secretary of the Interior, in the absence of legislative authority, had no right of any kind to address the Governor of the State of Washington as he recently did.

Mr. MAGNUSON. Certainly. As a matter of discretion, he should at least have waited until Congress had a chance to settle the question.

Mr. CAIN. Although the two Senators from Washington often disagree on questions, we are associated on this particular question.

Mr. WELKER. Mr. President, will the Senator from California yield?

Mr. KNOWLAND. I yield.

Mr. WELKER. Mr. President, I commend the Senators from the State of Washington and the senior Senator from the State of California on their observations with respect to the Secretary of the Interior and his attempt to usurp the rights of the State of Washington and other States. It having been developed by the able junior Senator from Oregon [Mr. MORSE], assisted by his quarterbacks from outlying States, the Senator from New York [Mr. LEHMAN], the Senator from Montana [Mr. MURRAY], the Senator from Tennessee [Mr. KEFAUVER], and the Senator from Washington [Mr. MAGNUSON], all of whom are Democrats, I want to say to the Senate that the people of my State of Idaho are worried just as is the junior Senator from Washington when the shadow of Oscar Chapman, that so-called free-enterprise boy, hovers over the State of Idaho. When that happens, Idahoans run for cover. They are worried just like the Senators from Washington and California are worried. In Idaho we are concerned about Hells Canyon just as is the junior Senator from Washington, the senior Senator from California, and the senior Senator from Washington. At the appropriate time I want to discuss

this free enterprise boy, Oscar Chapman, Secretary of the Interior, and what he intends to do with the people in the State of Idaho in connection with the Hells Canyon project.

I thank the distinguished senior Senator from California for yielding.

PROPOSED REORGANIZATION OF INTERNAL REVENUE BUREAU

Mr. MUNDT. Mr. President, will the Senator yield?

Mr. KNOWLAND. I yield to the Senator from South Dakota.

Mr. MUNDT. Mr. President, reading the bulletin board on which press dispatches are published is always an interesting pastime, usually informative, and occasionally revealing as to the confusion and conflicts and inconsistencies which plague our Government at the present time. I noticed a moment ago in the marble room that a dispatch came in from the press services at 12:28 today, in which President Truman is quoted as follows:

President Truman demanded that the Senate approve his proposed reorganization of the Internal Revenue Bureau if it really wants to do something about cleaning up corruption in Government.

At 1:57, on the same page, from the same wire service, another dispatch comes from the White House, which reads:

President Truman instructed all Federal agencies today to refuse to turn over to House investigators information on cases the Justice Department has failed to prosecute in the past 6 years.

Since delinquent taxes and corruption are clearly involved as subject matter in both of those dispatches, I think it would take either a Philadelphia lawyer or a man from Missouri to find any consistency between those two dispatches which came in such quick succession.

If I may, I now quote a few sentences from the letter which the President sent to the Senate today, dealing with the reorganization of the Internal Revenue Department, in which, near the end, he says:

I would hate to think that the Senate will consider this matter on a partisan basis. However, I have noticed that five of the six Republican Senators on the committee voted against this reorganization plan to provide increased efficiency and integrity in the Bureau of Internal Revenue. Those five Senators—like many of their Republican colleagues—have made a great cry about cleaning up any graft and corruption in government. I think it is fair to ask whether they really want to do something to assure clean, efficient government or whether all their talk is pure politics.

As one of the five Republican Senators referred to in the President's billet-doux I may say that certainly I had no partisan reasons for having voted against the President's reorganization plan in the committee, because I have not had any patronage in the nearly 14 years during which I have served in Congress; so surely I am not trying to continue into the future something which I have not had in the past.

I may point out also, Mr. President, that the sudden speed with which the

President is now urging the reorganization plan comes in the twilight of his administration, when he is nearing the end of 7 years, following 13 years in the Presidency by his close political friend and predecessor, Franklin Roosevelt. Hence this deathbed repentance, politically speaking, is not very persuasive.

There has been a long time of 20 years during which these reforms could have been brought about. The reorganization proposal discussed in this letter is one which would increase rather than decrease the authority of exactly the same officials who have been in charge of the Internal Revenue Bureau in the blackest hour of its history, during which in well over 10 percent of the offices involved public officials have been either indicted or convicted, or have publicly confessed to malfeasance, to dishonesty, and to corruption.

So I am not very much impressed either by the consistency of the press dispatches emanating from the White House today, or by this belated effort to rush through a plan which might becloud the issue as to what needs to be done to bring about honesty in government, which is, to infuse honesty in the top-level officials and to place in charge of Government bureaus and departments people who consider public office a public trust.

Mr. KNOWLAND. Mr. President, will the Senator yield at that point?

Mr. MUNDT. Surely.

Mr. KNOWLAND. Do I correctly understand that, according to the second dispatch, the President has authorized the Attorney General to defy the request of a committee of the House of Representatives to get information which they feel is necessary in the discharge of their constitutional duties?

Mr. MUNDT. Even worse than that, he not only has authorized it, but he has instructed all Federal agencies to defy the authority of Congress.

Mr. KNOWLAND. Is it not a fact that in the performance of its constitutional duties, if the facts should warrant, the power of impeachment rests first in the House of Representatives, to vote articles of impeachment?

Mr. MUNDT. Precisely; and it is the House of Representatives that is defied in this rather arrogant announcement from the White House today.

Mr. KNOWLAND. I think the American people will be very much disturbed by this additional indication on the part of the President of the United States and the executive branch of the Government to cover up something, which I am sure has been shocking to all Americans, regardless of their partisan affiliations. As the able Senator from South Dakota has pointed out, I believe Americans generally subscribe to the statement quoted by a great Democratic President, Grover Cleveland, that "Public office is a public trust," and that certainly when the House of Representatives or the Senate is seeking to carry out its constitutional obligation, the President should be co-operating with the legislative branch of the Government in cleaning up corruption wherever it exists, and should not be throwing obstacles in the way

of the elected representatives of the people, either in the Senate or in the House of Representatives.

Mr. MUNDT. I quite agree.

Mr. GEORGE. Mr. President, will the Senator yield?

Mr. MUNDT. I will yield in a moment. It seems to me that, in view of this order from the White House to the Government agencies to cover up, rather than to clean up, the President's new clean-up man, Mr. Newbold Morris, who is about to send out thousands of questionnaires asking for information from employees in the Government, might as well keep his letters at home and save his franking privilege; because now the employees have been ordered not to report, unless the President, of course would use a double standard of morality, one which applies differently to individual employees reporting to the President than it does to public officials reporting to Congress and the country.

Mr. KNOWLAND. Does not the able Senator from South Dakota think that the Congress of the United States does not have to sit back and take this kind of Executive obstruction because, under the Constitution, the Congress has control of the purse strings? The founders of the Republic recognized the dangers inherent in an Executive who would seek to gather unto himself too much power, and therefore deliberately placed control of the purse strings in the hands of the elected representatives of the people. By the use of this power the Congress of the United States may be able to force a showdown with the President of the United States. I refer to the control of appropriations.

Mr. MUNDT. I certainly join the Senator from California in his hope in that connection, and I trust that the House of Representatives, which has been pushed around so much and so long by this administration, this time will stand up and fight back.

Mr. KNOWLAND. I desire to say to the Senator from South Dakota that, as a member of the Appropriations Committee of the Senate, I shall be very glad to join with both those on our side of the aisle and those on the other side of the aisle who believe that the Congress of the United States should not be foreclosed from getting information which is necessary in order to carry out our constitutional obligations. I now yield to the Senator from Georgia.

The PRESIDING OFFICER (Mr. HOLLAND in the chair). The Senator from Georgia is recognized.

Mr. GEORGE. Mr. President, I appreciate the courtesy of the distinguished Senator from California in yielding. I wanted to call the attention of my distinguished friend from South Dakota to the fact—the obvious fact—that the President's remarkable letter of this date, which is about the fourth letter which he has submitted upon his plan No. 1 while it was being considered in a due and orderly manner by a committee of this Congress, is intended not to bring clean, fair, decent administration in Government, but is intended to remove the issue of corruption from the 1952 campaign; and I do not think that fact ought to be overlooked. If the Senator

will permit me, I should like to make a further statement.

Mr. KNOWLAND. I am glad to yield further to the Senator from Georgia.

Mr. GEORGE. A trial is now in progress in the President's own State of Missouri, the trial of a former collector of internal revenue for that State. Assuredly the President's letter is a plain confession that he is not capable of appointing clean, decent, and honorable men to fill high public office in that State, because it is known that when Mr. Finnegan, who is now on trial, was named, the two Senators from Missouri were Republicans, and they had no voice whatever in naming Mr. Finnegan to that office. Surely the President was not embarrassed by senatorial considerations in that case.

One of the most glaring cases going through the courts is the case of the collector of internal revenue at Boston. When that gentleman was appointed as collector of internal revenue at Boston the two Senators from Massachusetts were and are now Republicans. So the President was wholly unembarrassed by any senatorial interference with his prerogative.

The letter of the President is manifestly intended to remove the issue of corruption from the campaign of 1952, and it is an ineffective effort. That is the interest of the President, and in that light only can his remarkable letter of today be read and interpreted. That is the interpretation which the American people will place upon the letter.

I hope my distinguished friend will not think that the President is concerned that some Member of the Senate is about to corrupt him by retaining a patronage system, when one instance is already established in the courts, at least prima facie, and in another instance the trial is proceeding, in connection with appointments for which the President himself should be held directly responsible.

Mr. KNOWLAND. Mr. President, the Senator from Georgia has made a very important statement on the floor of the United States Senate. While it may well be that the effort of the President in his letter may have been to remove the issue of corruption from the campaign, I do not believe the American people will permit it to be removed in such a cavalier fashion.

MINERAL LEASES ON CERTAIN SUBMERGED LANDS

The Senate resumed the consideration of the joint resolution (S. J. Res. 20), to provide for the continuation of operations under certain mineral leases issued by the respective States covering submerged lands of the Continental Shelf, to encourage the continued development of such leases, to provide for the protection of the interests of the United States in the oil and gas deposits of said lands, and for other purposes.

Mr. KNOWLAND. Mr. President, there have been suggestions made on the floor of the Senate that since the President vetoed the previous tidelands legislation on August 1, 1946, that he is likely to do so again unless an acceptable bill such as the pending measure,

Senate Joint Resolution 20, is passed by the Senate.

I am unimpressed by such arguments, and point out that should the Senate yield to such subtle intimidations we will be abdicating our legislative responsibility.

As I view our constitutional duty, it is to pass legislation which in our judgment best meets the issue. When by the normal legislative procedures the two Houses of Congress have acted, then the President of the United States, under the Constitution, may either approve or veto such a proposal.

If vetoed by the President, the Congress again has the opportunity of acting by repassing the bill by a two-thirds vote.

During the past 20 years there has been a constant encroachment by the executive on powers which do not belong in that branch of the Government.

There are some who are losing sight of the fact that the Congress is a coequal branch of the Government. If we are not to abdicate our constitutional responsibilities, I think that it is important that we constantly remind both the executive branch of the Government and ourselves of this fact.

The State of California, for the period of almost a century following its admission to statehood in this Nation, in 1850, was led to believe, and proceeded upon the assurance, that it was the owner of all lands beneath navigable waters within its boundaries. Under its constitution, article XXI, section 1, these boundaries extend seaward from the coast three English miles, and include all the islands, harbors, and bays along and adjacent to the coast. In the Government code of our State it is prescribed that this boundary extends three English nautical miles seaward of lines drawn along the outer sides of the outermost of the islands, reefs, and rocks along and adjacent to the coast and across intervening waters.

This is not a partisan matter so far as California is concerned. Our legislature, by overwhelming vote of both Republicans and Democrats, our congressional delegation, without regard to partisan affiliations, and our State officials, Governor Warren, a Republican, and Attorney General Brown, a Democrat, all agree on this point, and as indicated in my prior statement, that area is as much a part and parcel of the State of California as are the great inland valleys of the Sacramento and the San Joaquin.

California's ownership of the submerged lands within its boundaries was recognized by all agencies of the Federal Government during the entire period of its statehood, up until a little over a decade ago. During this time the Federal Government purchased from the State or its grantees many parcels of these lands for its use. Others it condemned, under the power of eminent domain, paying just compensation therefor in accordance with the fifth amendment to the United States Constitution. In numerous instances, the State and its grantees have, in a spirit of helpful cooperation, by gift deed, conveyed many parcels of these lands to the Federal Government. But in every instance that

Government always required a formal conveyance to it before any of its funds were expended upon any such lands.

The State's title was never disputed, and no question as to its validity ever arose until, under leases made by it in accordance with State law, exploration for hydrocarbon substances was made, wells were drilled, and petroleum products were discovered and produced therefrom. Following this, applications were filed for leases with the Department of the Interior of the Federal Government covering the same areas under lease by the State. While these applications were denied by the Secretary of the Interior, with the express statement of the Secretary that "title to the soil under the ocean within the 3-mile limit is in the State of California and the land may not be appropriated except by the authority of the State," the Secretary later changed his mind and at his instance a suit was commenced in the United States Supreme Court by the Federal Government seeking to establish Federal ownership of these submerged lands.

While that Court announced that California was not the owner of these lands, it declined to hold that the United States was the owner, and set up the doctrine of so-called paramount rights, under which it held the United States to be possessor of full dominion and power over all these lands and their resources. Since that time title to and jurisdiction over an area in excess of 2,000,000 acres of such lands within California's boundaries have been cast into a state of confusion and uncertainty.

What we desire to emphasize at this time is the matter of high principle here involved. This principle is something which transcends considerations of disputed boundaries, of controversies over divergent legal concepts, or of differences of opinion as to the disposition of financial returns. It strikes at the very roots of the basic principles of our accepted form of government.

We believe that the time is long overdue when this situation should and must be remedied by definite, conclusive action on the part of the Congress, which possesses complete authority in this field, and which, in effect, has been invited to act by the Supreme Court's decision.

It is our view that the so-called interim measure now under consideration by the Senate is inadequate to bring about the desired and necessary result, and that this can only be achieved by the enactment of a statute which will restore to the States, and firmly establish and vest in them, title to all lands beneath navigable waters within their boundaries. This, we believe, constitutes the only method of bringing about a sound, a fair, and a righteous solution of the existing controversy, so fraught with complexity, confusion, and uncertainty, and to properly protect the matters of high principle here involved.

As I have previously pointed out, the Court, while asserting the paramount rights of the Federal Government, did not claim Federal ownership—and I underscore the word "ownership"—though it did divest California of ownership.

Mr. President, I think it would be of some interest at this time to place in the

Record the remarks of two of the Justices who dissented from the decision in the California case.

The first extract I shall read is from page 480 of the hearings before the Committee on Interior and Insular Affairs, United States Senate, Eighty-second Congress, first session, on Senate Joint Resolution 20, which were held from March 28 to April 10, 1951.

Mr. Justice Reed, dissenting, said, in part:

If the original States did claim, as I think they did, sovereignty and ownership to the 3-mile limit, California has the same rights in the lands bordering its littoral.

This ownership in California would not interfere in any way with the needs or rights of the United States in war or peace. The power of the United States is plenary over these undersea lands precisely as it is over every river, farm, mine, and factory of the Nation. While no square ruling of this Court has determined the ownership of those marginal lands, to me the tone of the decisions dealing with similar problems indicates that, without discussion, State ownership has been assumed. *Pollard v. Hagan*, supra; *Louisiana v. Mississippi* (202 U. S. 1, 52); *The Abby Dodge* (223 U. S. 166); *New Jersey v. Delaware* (291 U. S. 361; 295 U. S. 694).

Mr. Justice Frankfurter, in his dissent, said:

The Court, however, grants the prayer but does not do so by finding that the United States has proprietary interests in the area. To be sure, it denies such proprietary rights in California. But even if we assume an absence of ownership or possessory interest on the part of California, that does not establish a proprietary interest in the United States. It is significant that the Court does not adopt the Government's elaborate argument, based on dubious and tenuous writings of publicists. See Schwarzenberger, *Inductive Approach to International Law* (60 Harv. L. Rev. 539, 559), that this part of the open sea belongs, in a proprietary sense, to the United States. See *American Banana Co. v. United Fruit Co.* (213 U. S. 347, 351). Instead, the Court finds trespass against the United States on the basis of what it calls the national dominion by the United States over this area.

Further on in his dissent, Mr. Justice Frankfurter said:

To declare that the Government has national dominion is merely a way of saying that vis-à-vis all other nations the Government is the sovereign. If that is what the Court's decree means, it needs no pronouncement by this Court to confer or declare such sovereignty. If it means more than that, it implies that the Government has some proprietary interest. That has not been remotely established except by sliding from absence of ownership by California to ownership by the United States.

In view of those two extracts from the dissents by Mr. Justice Reed and Mr. Justice Frankfurter, I wish to read from the opinion of the Court itself. I now read from page 479 of the hearings. The Court said:

We have not overlooked California's argument, buttressed by earnest briefs on behalf of other States, that improvements have been made along and near the shores at great expense to public and private agencies. And we note the Government's suggestion that the aggregate value of all these improvements are small in comparison with the tremendous value of the entire 3-mile belt here in controversy. But, however this

may be, we are faced with the issue as to whether State or Nation has paramount rights—

I underscore "paramount rights"—

in and power over this ocean belt, and that great national question is not dependent upon what expenses may have been incurred upon mistaken assumptions. Furthermore, we cannot know how many of these improvements are within and how many without the boundary of the marginal sea which can later be accurately defined. But beyond all this 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. See *United States v. Texas* (162 U. S. 1, 89, 90); *Lee Wilson & Co. v. United States* (245 U. S. 24, 32.)

Mr. LONG. Mr. President, will the Senator yield?

Mr. KNOWLAND. I yield.

Mr. LONG. Our liberal friends put those of us who represent coastal States in a position of trying to rob the Federal Government or to deprive the Federal Government of something that properly belongs to the Federal Government.

As a matter of fact, granting everything in these court decisions—which I believe to be wrong, in improperly depriving the States of their property—is it not true that based upon the language of the Court, the Court itself, speaking through Mr. Justice Black, who decided the case in favor of the Federal Government, said that Congress was expected to pass upon this question, and deal fairly with the States.

Mr. KNOWLAND. The Senator from Louisiana is absolutely correct.

Mr. LONG. History affords some evidence of the manner in which the Federal Government has handled Federal property in interior States. Let us consider the State of Wyoming, represented in part very ably by its senior Senator [Mr. O'MAHONEY]. The Federal Government had much vacant and unappropriated land in that State, but under the Federal Leasing Act, when minerals are found there on Federal lands, 37½ percent goes to the State and the other 62½ percent is divided, 10 percent going to administrative expenses and 52½ percent, as I understand, to the reclamation fund, most of which would be used in the same State to develop it. It is more than the junior Senator from Louisiana can understand, when Senators from those States have worked out such a favorable arrangement for the use of such funds for the benefit of their States, why they should take a completely contrary attitude toward the coastal States, even if this property be viewed entirely as Federal property.

Mr. KNOWLAND. I agree with the Senator. I think there is great misconception regarding the tidelands legislation, and the point of view of not only the coastal States, but many other States which are rightfully concerned, as they well should be. The able junior Senator from Washington [Mr. CAIN] pointed that out in connection with his remarks concerning the recent letter from Secretary Chapman to Governor Langlie, of Washington.

In some quarters there seems to be a failure to understand that if we once embark down this path, we open up new vistas to some future government which might be in power, particularly when, over a period of 150 years in some cases, and in the case of California for almost 100 years, the proposition was unchallenged that the tidal areas, out to the 3-mile limit, were part and parcel of the State. To have a Supreme Court decision upset that principle and take an entirely contrary position, and then to assert that the Congress of the United States, representing the several States, has not the power or duty or responsibility to act, simply does not make sense to me.

Mr. LONG. If the Senator will consider the reasoning of the Supreme Court opinion in the California case, he will find the court saying, in substance, "It is true that previous courts have used language to the effect that this property belongs to the States, but that language was used in cases involving bays, harbors, and inland waters. The facts involving outside waters were not precisely before the Court at that point. Therefore, notwithstanding the fact that in 52 previous cases the courts had decided that this property belongs to the States, we have the facts before us for the first time, and we are going to decide that this property belongs to the Federal Government."

Mr. KNOWLAND. I will say to the able Senator from Louisiana that it has been my privilege in part to represent California in the Senate for 7 years. During that period of 7 years I have seen the constant encroachment by the Federal Government, not only on the powers of the legislative branch of the Government, but also on the rights of the States. I think I am becoming as ardent a States'-righter as are the able Senator from Louisiana and some of his colleagues from the South.

I think there is no more important issue before the American people today than that of the constant encroachment of the executive upon the legislative functions of the Government, and by the Federal Government upon the rights of the States. It seems to me that here and now is the time and place for the Congress of the United States to face up to this very vital issue.

Mr. LONG. I very much appreciate the Senator's statement. He is making an excellent speech, as he always does. I should like to add one point.

In my opinion, these properties belong to the States. The best illustration I can think of is that, although the Federal Government seeks to claim all the oil under submerged lands along the shores of our States, at the same time it will recognize that the local people should control everything except the oil. For example, until oil was discovered, there was the problem of regulating the taking of oysters and shrimp off Louisiana. Everyone recognizes that the local people are more interested in conserving the supply of shrimp and oysters than would be some bureaucrat in Washington, who would not be particularly concerned if all the shrimp and oysters were exhausted. So the local people were recog-

nized as the ones who should control the taking of shrimp, oysters, clam shells, and things of that kind, because it vitally affects their livelihood from day to day, and if the supply were not properly conserved, and if proper conservation methods were not followed, the people would lose their livelihood.

What regard do we see for the livelihood of those people on the part of Federal bureaucrats? One hundred million dollars' worth of equipment is tied up, and people are going out of business right and left, without the least concern on the part of officials in Washington, unless they can obtain laws which will extend their control over the lives and conditions of the people, as a price for permitting legislation which would allow them to operate in the coastal waters.

Mr. KNOWLAND. The Senator is correct.

Another thing which is misunderstood, particularly on the part of some sections of the press and some columnists, is this:

So far as the oil companies themselves are concerned, it makes little difference to them whether they lease from the Federal Government or from the State government. Those who are concerned with this question are not members of the industry. They are the people of my State, represented, as I pointed out previously, without regard to partisanship, by the elected representatives in the State legislature, by the boards of port commissioners, by the State elected officials without regard to partisanship, by the Representatives in the House of Representatives, without regard to partisanship, and by two Members of this body. All of us feel that this question affects the people of California, and not the oil industry, because, from the industry point of view, oil companies could lease either from the Federal Government or from the State government.

We feel that there is as great an encroachment upon California as though the Federal Government were to extend the doctrine of paramount rights and come into the great Sacramento Valley or the San Joaquin Valley and begin to seize property for Federal use.

Though some may say that the idea is far-fetched, there might come a time when, through inadvertence or otherwise, a President of the United States with socialistic tendencies might be elected, and he might be surrounded by a socialistic administration, which would finally pack the Supreme Court with those who felt the same way. It would not be much of a step to move from the doctrine of paramount rights, under which a part of our State is seized, into the seizure of other rights, such as subsurface rights, surface rights, or, even stepping beyond that, if we once set off the chain reaction, industry and business which might exist above the surface.

That is why we are so vitally concerned in what we feel is a fundamental principle. Some of our friends on the other side say, "Why can you not compromise and take this interim bill, or why can you not accept a little compensation, since some of the money would come back to the States? Why can you not accept a

part of the donation as a grant for education?"

The reason is that we cannot compromise with principle. This is such a vital issue that we are going to fight it out, and we are not going to yield to the effort to take from the States that which, for more than 100 years, has rightfully belonged to them.

Mr. LONG. I thank the Senator.

Mr. KNOWLAND. Mr. President, I do not subscribe to the "Robin Hood" theory which some advance, that because fairly recently oil has been discovered, and other minerals may be discovered under the borders of the State, which extend out to the 3-mile limit in the case of California, and in the case of Texas, extend out some 10 or 10½ miles, and in varying degrees in other States, the Federal Government is entitled, under the "Robin Hood" theory, to take from those who have to give to those who have not.

I think that is a very dangerous doctrine for the Senate to give endorsement to either directly or indirectly. It so happens that there are other resources which are important to the States, resources which have nothing to do with petroleum or petroleum products. I say to our friends in the interior that if they want to go along with this "Robin Hood" theory that the Federal Government, because it has the power, can come in and seize that which has not belonged to it and use it for any purpose, they are opening the door to a future government's use of the same power to take from them that which they have a right to consider belongs to them.

In the New York Times of February 21 there appeared an article, written by William L. Laurence, who I believe is a writer on scientific subjects for the Times. The article is entitled "New Process Desalts Sea Water; Promises Vast Help to Arid Areas."

I shall not read the whole article. It says, in part:

A revolutionary new process for desalting sea water, promising to open vast and new reservoirs of fresh water for use in agriculture, industry, and the home, wherever water is now scarce, was demonstrated here today at the national meeting of the American Research and Development Corp.

I ask unanimous consent that the entire article be printed in the RECORD at this point in my remarks.

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

NEW PROCESS DESALTS SEA WATER; PROMISES
VAST HELP TO ARID AREAS
(By William L. Laurence)

BOSTON, February 20.—A revolutionary new process for desalting sea water, promising to open vast new reservoirs of fresh water for use in agriculture, industry, and the home, wherever water is now scarce, was demonstrated here today at the national meeting of the American Research and Development Corp.

The process is based on the use of electrical energy in conjunction with new synthetic membranes that, according to scientists, makes possible for the first time the continuous economical desalting of sea water, brackish water, and industrial solutions.

The membranes do their work by a chemical process known as "ion exchange," in which positive and negative electrical charges

are interchanged, leading to the separation of certain minerals and salts according to the electrical charges they carry.

A stream of sea water fed to a unit using the membranes emerges split into two streams—a fresh water stream, two-thirds of the volume of the feed and containing practically none of the salt, and a brine stream, one-third the volume of the feed and containing all the salt.

The fresh water may be used for drinking or for industrial or agricultural purposes. The brine may be further treated to yield salt, magnesium, or other chemicals derived from sea water.

Announcement of the new process was made by Prof. Edwin R. Gilliland, of the Department of Chemical Engineering at the Massachusetts Institute of Technology, and president of Ionics, Inc., of Cambridge, Mass., an affiliate of the American Research and Development Corp.

Dr. Karl T. Compton, former president of MIT and a member of the board of advisors of the development corporation, hailed the new process as offering great promise in many fields of application.

Dr. Arthur B. Lamb, professor emeritus of chemistry at Harvard, now a director of the Ionics Co. said the process opened a new era in the desalting of sea water with much greater economy than by other methods.

The process was developed by a group headed by Dr. Walter Juda, vice president and technical director of Ionics. Dr. Juda is research associate at the Harvard Medical School and a consultant at the Oak Ridge National Laboratory.

The new process comes at a time when the expansion of vital industries, agriculture, and urban populations is limited by the lack of fresh water supplies in important areas of New York and Texas and States of the far West, including California. It is expected to provide relief to key areas in a relatively short time and it holds out the long-range promise of opening up arid lands in the United States, Australia, and the Middle East and other parts of the world for settlement and cultivation.

ELECTRICAL POWER IS USED

The energy required for the process is furnished in the form of electrical power. The flows are continuous and the apparatus has no moving parts other than the water stream. The process uses no heat or chemicals.

A membrane unit of a given size, it was pointed out, will purify sea water over a wide range of flow rates if the amount of electrical power is increased as the sea water flow is increased.

"However," it was added, "the faster the flow the more expensive the fresh-water production becomes in terms of electrical energy used per gallon.

"At relatively low flow rates energy consumption can be as low as 20 kilowatt-hours per 1,000 gallons. In many areas of the West where the water problem is acute, electrical energy is available for as little as 3 mills per kilowatt-hour. Therefore, the membranes make possible production of fresh water from the sea in such areas for a power cost of only 6 cents per 1,000 gallons, to which must be added the cost of the equipment.

"By comparison industrial water supplies from fresh-water sources may cost up to 10 cents or more per 1,000 gallons. Irrigation water is sold in the West for from 2 to 20 cents per 1,000 gallons."

The membranes are continuous films of synthetic plastic materials, usually from ten to forty thousandths of an inch thick. They are made largely of cheap coal-tar and petroleum chemicals and are said to be "amenable to continuous production owing to their sheet-like character."

"The membranes and equipment," it was announced, "will be mass-produced at sur-

ficiently low cost so that the total cost of sea-water purification with cheap power can be brought to the range of 10 to 20 cents per 1,000 gallons."

By the use of the new membranes, it was stated at the demonstration, "the electrical energy consumed in the purification of many common brackish waters may be as little as 1 cent per 1,000 gallons."

In addition to its use in the purification of natural waters, the membranes promise to find wide uses in many industrial applications, such as the purification of sugar, glycerine, milk, and organic products and the recovery of valuable chemicals and metals from waste streams.

One of the most important long-range aspects of the development of ion-exchange membranes is their potential use in biological and medical research. The body contains hundreds of different ion-selective membranes of various functions, including those in the kidney, the nerves, the lungs, the blood vessels, and the testinal tract. The synthetic membranes may serve as media for studying the behavior and properties of these membranes in the living body and thus shed light on some of life's most fundamental mechanisms.

Mr. KNOWLAND. Mr. President, there are a number of problems which will have to be solved before that process can be put to practicable use. I believe that even at the lower price which is mentioned in the article the water would still be far too expensive to be used for irrigation purposes, although possibly it might be used for domestic purposes at places where the water rates are high.

Most of the agricultural people in my State and in other States with whom I have discussed the subject believe that even at the lowest price which is indicated it would still not be practicable to use the process in bringing large quantities of water to arid lands for irrigation purposes, though the time may come ultimately, if we get a cheap enough source of power, such as in the atomic field—and I am a member of the Joint Committee on Atomic Energy—when the use of sea water may become feasible.

Mr. President, that process may be of great concern to the coastal States of the Union. Is it to be used by the Federal Government? Is some great Government bureau, whether it be the Department of the Interior or the Bureau of Reclamation, going to assert its right to salt water and to the processing of salt water for the purposes of irrigation? If so, it might give to the Federal Government a paramount right over the water supplies of the Nation, and with it the power of life and death over the agricultural economies and indeed the industrial economies of several States.

I merely mention the matter at this time. I do not believe that it is something which is immediately coming to pass. Certainly when we are legislating we must look into the future, and we must remember that we are legislating for those who will succeed us in the next 50 and perhaps even 100 years. Consequently we must be very vitally concerned with anything which would set up a vast Federal power which could gradually, step by step or point by point, gather into its own hands control over the life and well being of the Nation's entire economy.

Mr. LONG. Mr. President, will the Senator yield?

Mr. KNOWLAND. I yield.

Mr. LONG. The way in which many of us had understood the idea of the rights of the Federal Government to navigable waters, whether they are called paramount rights or other rights, was that the Federal Government, of course, had the right to regulate commerce; that it had the right to require that if anyone built a structure in the sea he would have to build it at a place where it would not endanger or impede shipping, or would perhaps have to place buoys around it so that in the event of fog there would be some warning to ships sailing those waters; and that it was the duty of the Federal Government to defend the shoreline, and therefore the activities of our Navy must not be impeded in defending the country.

However, no one ever had the idea that because the Government could regulate navigation or had the duty of defending coastal areas that it owned the property beneath the water. Then we saw advanced the strange theory to the effect that under the Government's duty to defend and its duty to regulate commerce those rights all coalesce. When they get through coalescing we will just be out of the property. That is the basis of the decision of the Supreme Court.

Mr. KNOWLAND. Mr. President, I will say to the Senator from Louisiana that I recognize the Government has certain powers to regulate interstate commerce, but that does not give the Government a paramount right to take over the railroad business, as a general proposition, although the power of the Federal Government is gradually expanding in that general direction; or, in the case of prescribing certain requirements for aviation, that the Government should therefore take a step beyond that and take over all aviation companies.

As the Senator from Louisiana has pointed out, and as I have tried to point out today, the precedents which are established are often used in the future to carry the power further and further, until we get away from our normal American constitutional system and our system of competitive free enterprise.

Mr. LONG. Mr. President, will the Senator yield further?

Mr. KNOWLAND. Yes.

Mr. LONG. It would make just about as much sense to the junior Senator from Louisiana as if we were to hire a man to guard a fine cake and to have the guard say that since he had been responsible for protecting the cake it was his right to eat it. That is just about what is being attempted with the submerged lands.

Mr. McFARLAND. Mr. President, will the Senator yield?

Mr. KNOWLAND. I yield.

Mr. McFARLAND. I heard the Senator from California speak about salt water. I am sure he would not go so far as to say that Arizona could not have even salt water, would he?

Mr. KNOWLAND. The Senator from Arizona and the Senator from California have discussed that issue on other

occasions, and I do not wish to interrupt this debate to carry on that discussion.

Mr. McFARLAND. We would be willing to have California keep the salt if we in Arizona could just have the water.

Mr. KNOWLAND. I have no doubt that that is the general policy of Arizona, to give California the salt, if it could.

Mr. LONG. Mr. President, will the Senator yield?

Mr. KNOWLAND. Yes.

Mr. LONG. Does it impress the Senator from California that the Senator from Arizona is saying, in effect: "I will let you have your pants back, provided you give me your coat"?

Mr. KNOWLAND. Yes.

Mr. McFARLAND. Mr. President, will the Senator yield?

Mr. KNOWLAND. Yes.

Mr. McFARLAND. I wanted to ask the Senator from California the question with respect to salt water, because apparently he does not want us to have any other kind of water, either.

Mr. KNOWLAND. The Senator from Arizona knows that is not correct. We have honest differences of opinion in regard to the rights and general obligations and legislation dealing with the Colorado. There is an honest difference of opinion between our States. It certainly does not indicate any animosity to the distinguished majority leader or to the senior Senator from California, because on many issues we have worked very closely together, and I hope we shall do so in the future.

Mr. McFARLAND. I concede that point, but I did not want to establish a right in California to all the salt water in the ocean. I wanted to reserve something.

Mr. KNOWLAND. I assure the Senator from Arizona that we do not want all the salt or all the salt water.

Mr. President, I ask unanimous consent to have printed in the body of the RECORD as a part of my remarks at this point, because I think it is very pertinent to the discussion now under way, and so that it will be available for Senators to study, the decision of the International Court of Justice of December 18, 1951, in the Fisheries case, between the United Kingdom and Norway.

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

INTERNATIONAL COURT OF JUSTICE, DECEMBER 18, 1951—FISHERIES CASE (UNITED KINGDOM V. NORWAY)

JUDGMENT

(Present: President Basdevant; Vice-President Guerrero; Judges Alvarez, Hackworth, Winlarski, Zoricic, De Visser, Sir Arnold McNair, Klaestad, Badawi Pasha, Read, Hsu Mo; Registrar Hambro.)

The Court delivers the following judgment:

On September 28, 1949, the Government of the United Kingdom of Great Britain and Northern Ireland filed in the registry an application instituting proceedings before the Court against the Kingdom of Norway, the subject of the proceedings being the validity or otherwise, under international law, of the lines of delimitation of the Norwegian fisheries zone laid down by the royal decree of July 12, 1935, as amended by a decree of December 10, 1937, for that part of Norway

which is situated northward of 66°28.8' (or 66°28'48") north latitude. The application refers to the declarations by which the United Kingdom and Norway have accepted the compulsory jurisdiction of the Court in accordance with article 36, paragraph 2, of the statute.

This application asked the Court (a) to declare the principles of international law to be applied in defining the base-lines, by reference to which the Norwegian Government is entitled to delimit a fisheries zone, extending to seaward 4 sea miles from those lines and exclusively reserved for its own nationals, and to define the said base-lines insofar as it appears necessary, in the light of the arguments of the parties, in order to avoid further legal differences between them; (b) to award damages to the Government of the United Kingdom in respect of all interferences by the Norwegian authorities which British fishing vessels outside the zone which, in accordance with the Court's decision under (a), the Norwegian Government is entitled to reserve for its nationals.

Pursuant to article 40, paragraph 3, of the statute, the application was notified to the States entitled to appear before the Court. It was also transmitted to the Secretary-General of the United Nations.

The pleadings were filed within the time limits prescribed by order of November 9, 1949, and later extended by orders of March 29 and October 4, 1950, and January 10, 1951. By application of article 44, paragraph 2, of the Rules of Court, they were communicated to the governments of Belgium, Canada, Cuba, Iceland, Sweden, the United States of America, and Venezuela, at their request and with the authorization of the Court. On September 24, 1951, the Court, by application of article 44, paragraph 3, of the rules, at the instance of the Government of Norway, and with the agreement of the United Kingdom Government, authorized the pleadings to be made accessible to the public.

The case was ready for hearing on April 30, 1951, and the opening of the oral proceedings was fixed for September 25, 1951. Public hearings were held on September 25, 26, 27, 28, and 29, October 1, 5, 6, 8, 9, 10, 11, 12, 13, 15, 17, 18, 19, 20, 24, 25, 26, 27, and 29. In the course of the hearings, the Court heard Sir Eric Beckett, agent, Sir Frank Soskice, Mr. Wilberforce and Professor Waldock, counsel, on behalf of the United Kingdom Government; and M. Artzen, agent and counsel, and Professor Bourquin, counsel, on behalf of the Government of Norway. In addition, technical explanations were given on behalf of the United Kingdom Government by Commander Kennedy.

At the end of his argument, the agent of the United Kingdom Government presented the following submissions:

"The United Kingdom submits that the Court should decide that the maritime limits which Norway is entitled to enforce as against the United Kingdom should be drawn in accordance with the following principles:

"1. That Norway is entitled to a belt of territorial waters of fixed breadth—the breadth cannot, as a maximum, exceed 4 sea miles.

"2. That, in consequence, the outer limit of Norway's territorial waters must never be more than 4 sea miles from some point on the base-line.

"3. That, subject to (4), (9), and (10) below, the base-line must be low-water mark on permanently dry land (which is part of Norwegian territory) or the proper closing line (see (7) below) of Norwegian internal waters.

"4. That where there is a low-tide elevation situated within 4 sea miles of permanently dry land, or of the proper closing line of Norwegian internal waters, the outer limit of territorial waters may be 4 sea miles from the outer edge (at low tide) of

this low-tide elevation. In no other case may a low-tide elevation be taken into account.

"5. That Norway is entitled to claim as Norwegian internal waters, on historic grounds, all fjords and sunds which fall within the conception of a bay as defined in international law, whether the proper entrance to the indentation is more or less than 10 sea miles wide.

"6. That the definition of a bay in international law is a well-marked indentation, whose penetration inland is in such proportion to the width of its mouth as to constitute the indentation more than a mere curvature of the coast.

"7. That where an area of water is a bay the principle which determines where the closing line should be drawn is that the closing line should be drawn between the natural geographical entrance points where the indentation ceases to have the configuration of a bay.

"8. That a legal strait is any geographical strait which connects two portions of the high seas.

"9. That Norway is entitled to claim as Norwegian territorial waters, on historic grounds, all the waters of the fjords and sunds which have the character of a legal strait. Where the maritime belts, drawn from each shore, overlap at each end of the strait, the limit of territorial waters is formed by the outer rims of these two maritime belts. Where, however, the maritime belts so drawn do not overlap, the limit follows the outer rims of each of these two maritime belts until they intersect with the straight line, joining the natural entrance points of the strait, after which intersection the limit follows that straight line.

"10. That, in the case of the Vestfjord, the outer limit of Norwegian territorial waters, at the south-westerly end of the fjord, is the pecked green line shown on charts Nos. 8 and 9 of annex 35 of the reply.

"11. That Norway, by reason of her historic title to fjords and sunds, is entitled to claim, either as territorial or as internal waters, the areas of water lying between the island fringe and the mainland of Norway. In order to determine what areas must be deemed to lie between the islands and the mainland, and whether these areas are territorial or internal waters, recourse must be had to Nos. 6 and 8 above, being the definitions of a bay and of a legal strait.

"12. That Norway is not entitled, as against the United Kingdom, to enforce any claim to waters not covered by the preceding principles. As between Norway and the United Kingdom, waters off the coast of Norway north of parallel 66° 28.8' N., which are not Norwegian by virtue of the above-mentioned principles, are high seas.

"13. That Norway is under an international obligation to pay to the United Kingdom compensation in respect of all the arrests since September 16, 1948, of British fishing vessels in waters, which are high seas by virtue of the application of the preceding principles."

Later, the agent of the United Kingdom Government presented the following conclusions, at the end of his oral reply:

"The United Kingdom submits that the Court should decide that the maritime limits which Norway is entitled to enforce as against the United Kingdom should be drawn in accordance with the following principles:

"1. That Norway is entitled to a belt of territorial waters of fixed breadth—the breadth cannot, as a maximum, exceed four sea miles.

"2. That, in consequence, the outer limit of Norway's territorial waters must never be more than four sea miles from some point on the base line.

"3. That, subject to Nos. (4), (9), and (10) below, the base line must be low-water mark on permanently dry land (which is part of Norwegian territory) or the proper closing

line (see No. (7) below) of Norwegian internal waters.

"4. That, where there is a low-tide elevation situated within four sea miles of permanently dry land, or of the proper closing line of Norwegian internal waters, the outer limit of Norwegian territorial waters may be four sea miles from the outer edge (at low tide) of this low-tide elevation. In no other case may a low-tide elevation be taken into account:

"5. That Norway is entitled to claim as Norwegian internal waters, on historic grounds, all fjords and sunds which fall within the conception of a bay as defined in international law (see No. 6 below), whether the proper closing line of the indentation is more or less than 10 sea miles long.

"6. That the definition of a bay in international law is a well-marked indentation, whose penetration inland is in such proportion to the width of its mouth as to constitute the indentation more than a mere curvature of the coast.

"7. That, where an area of water is a bay, the principle which determines where the closing line should be drawn, is that the closing line should be drawn between the natural geographical entrance points where the indentation ceases to have the configuration of a bay.

"8. That a legal strait is any geographical strait which connects two portions of the high seas.

"9. (a) That Norway is entitled to claim as Norwegian territorial waters, on historic grounds, all the waters of the fjords and sunds which have the character of legal straits.

"(b) Where the maritime belts drawn from each shore overlap at each end of the strait, the limit of territorial waters is formed by the outer rims of these two maritime belts. Where, however, the maritime belts so drawn do not overlap, the limit follows the outer rims of each of these two maritime belts, until they intersect with the straight line, joining the natural entrance points of the strait, after which intersection the limit follows that straight line.

"10. That, in the case of the Vestfjord, the outer limit of Norwegian territorial waters, at the southwesterly end of the fjord, is the pecked green line shown on Charts Nos. 8 and 9 of annex 35 of the reply.

"11. That Norway, by reason of her historic title to fjords and sunds (see Nos. 5 and 9 (a) above), is entitled to claim either as internal or as territorial waters, the areas of water lying between the island fringe and the mainland of Norway. In order to determine what areas must be deemed to lie between the island fringe and the mainland, and whether these areas are internal or territorial waters, the principles of Nos. 6, 7, 8, and 9 (b) must be applied to indentations in the island fringe and to indentations between the island fringe and the mainland—those areas which lie in indentations having the character of bays, and within the proper closing lines thereof, being deemed to be internal waters; and those areas which lie in indentations having the character of legal straits, and within the proper limits thereof, being deemed to be territorial waters.

"12. That Norway is not entitled, as against the United Kingdom, to enforce any claims to waters not covered by the preceding principles. As between Norway and the United Kingdom, waters off the coast of Norway north of parallel 66°28.8' N., which are not Norwegian by virtue of the above-mentioned principles, are high seas.

"13. That the Norwegian Royal Decree of July 12, 1935, is not enforceable against the United Kingdom to the extent that it claims as Norwegian waters (internal or territorial waters) areas of water not covered by Nos. 1-11.

"14. That Norway is under an international obligation to pay to the United Kingdom compensation in respect of all the arrests since September 16, 1948, of British fishing vessels in waters which are high seas by virtue of the application of the preceding principles.

"Alternatively to Nos. 1 to 13 (if the Court should decide to determine by its judgment the exact limits of the territorial waters which Norway is entitled to enforce against the United Kingdom), that Norway is not entitled as against the United Kingdom to claim as Norwegian waters any areas of water off the Norwegian coasts north of parallel 66°28.8' N., which are outside the pecked green line drawn on the charts which form annex 35 of the reply.

"Alternatively to Nos. 8 to 11 (if the Court should hold that the waters of the Indreleia are Norwegian internal waters), the following are substituted for Nos. 8 to 11:

"I. That, in the case of the Vestfjord, the outer limit of Norwegian territorial waters at the southwesterly end of the fjord is a line drawn four sea miles seaward of a line joining the Skomvaer Lighthouse at Rost to Kalsholmen Lighthouse at Tennholmerne until the intersection of the former line with the arcs of circles in the pecked green line shown on charts 8 and 9 of annex 35 of the reply.

"II. That Norway, by reason of her historic title to fjords and sunds, is entitled to claim as internal waters the areas of water lying between the island fringe and the mainland of Norway. In order to determine what areas must be deemed to lie between the island fringe and the mainland, the principles of Nos. 6 and 7, above must be applied to the indentations in the island fringe and to the indentations between the island fringe and the mainland—those areas which lie in indentations having the character of bays, and within the proper closing lines thereof, being deemed to lie between the island fringe and the mainland."

At the end of his argument the Norwegian agent presented, on behalf of his Government, the following submissions, which he did not modify in his oral rejoinder:

"Having regard to the fact that the Norwegian royal decree of July 12, 1935, is not inconsistent with the rules of international law binding upon Norway, and having regard to the fact that Norway possesses, in any event, an historic title to all the waters included within the limits laid down by that decree, may it please the court, in one single judgment, rejecting all submissions to the contrary, to adjudge and declare that the delimitation of the fisheries zone fixed by the Norwegian royal decree of July 12, 1935, is not contrary to international law."

The facts which led the United Kingdom to bring the case before the court are briefly as follows:

The historical facts laid before the Court establish that as the result of complaints from the King of Denmark and of Norway, at the beginning of the seventeenth century, British fishermen refrained from fishing in Norwegian coastal waters for a long period, from 1616-18 until 1906.

In 1906 a few British fishing vessels appeared off the coasts of Eastern Finnmark. From 1908 onward they returned in greater numbers. These were trawlers equipped with improved and powerful gear. The local population became perturbed, and measures were taken by the Norwegian Government with a view to specifying the limits within which fishing was prohibited to foreigners.

The first incident occurred in 1911 when a British trawler was seized and condemned for having violated these measures. Negotiations ensued between the two Governments. These were interrupted by the war in 1914. From 1922 onward incidents recurred. Further conversations were initiated

in 1924. In 1932, British trawlers, extending the range of their activities, appeared in the sectors off the Norwegian coast west of the North Cape, and the number of warnings and arrests increased. On July 27, 1933, the United Kingdom Government sent a memorandum to the Norwegian Government complaining that in delimiting the territorial sea the Norwegian authorities had made use of unjustifiable base lines. On July 12, 1935, a Norwegian royal decree was enacted delimiting the Norwegian fisheries zone north of 66°28.8' north latitude.

The United Kingdom made urgent representations in Oslo in the course of which the question of referring the dispute to the Permanent Court of International Justice was raised. Pending the result of the negotiations, the Norwegian Government made it known that Norwegian fishery patrol vessels would deal leniently with foreign vessels fishing a certain distance within the fishing limits. In 1948, since no agreement had been reached, the Norwegian Government abandoned its lenient enforcement of the 1935 decree; incidents then became more and more frequent. A considerable number of British trawlers were arrested and condemned. It was then that the United Kingdom Government instituted the present proceedings.

The Norwegian royal decree of July 12, 1935, concerning the delimitation of the Norwegian fisheries zone sets out in the preamble the considerations on which its provisions are based. In this connection it refers to "well-established national titles of right," "the geographical conditions prevailing on the Norwegian coasts," "the safeguard of the vital interests of the inhabitants of the northernmost parts of the country"; it further relies on the royal decrees of February 22, 1812, October 16, 1869, January 5, 1881, and September 9, 1889.

The decree provides that "lines of delimitation toward the high sea of the Norwegian fisheries zone as regards that part of Norway which is situated northward of 66°28.8' north latitude * * * shall run parallel with straight base lines drawn between fixed points on the mainland, on islands or rocks, starting from the final point of the boundary line of the realm in the easternmost part of the Varangerfjord and going as far as Traena in the county of Nordland." An appended schedule indicates the fixed points between which the base lines are drawn.

The subject of the dispute is clearly indicated under point 8 of the application instituting proceedings: "The subject of the dispute is the validity or otherwise under international law of the lines of delimitation of the Norwegian fisheries zone laid down by the royal decree of 1935 for that part of Norway which is situated northward of 66°28.8' north latitude." And further on: "* * * the question at issue between the two Governments is whether the lines prescribed by the royal decree of 1935 as the base lines for the delimitation of the fisheries zone have or have not been drawn in accordance with the applicable rules of international law."

Although the decree of July 12, 1935, refers to the Norwegian fisheries zone and does not specifically mention the territorial sea, there can be no doubt that the zone delimited by this decree is none other than the sea area which Norway considers to be her territorial sea. That is how the parties argued the question and that is the way in which they submitted it to the court for decision.

The submissions presented by the agent of the Norwegian Government correspond to the subject of the dispute as indicated in the application.

The propositions formulated by the agent of the United Kingdom Government at the end of his first speech and revised by him at the end of his oral reply under the heading of "Conclusions" are more complex in character and must be dealt with in detail.

Points 1 and 2 of these conclusions refer to the extent of Norway's territorial sea. This question is not the subject of the present dispute. In fact, the 4-mile limit claimed by Norway was acknowledged by the United Kingdom in the course of the proceedings.

Points 12 and 13 appear to be real submissions which accord with the United Kingdom's conception of international law as set out under points 3 to 11.

Points 3 to 11 appear to be a set of propositions which, in the form of definitions, principles or rules, purport to justify certain contentions and do not constitute a precise and direct statement of a claim. The subject of the dispute being quite concrete, the Court cannot entertain the suggestion made by the agent of the United Kingdom Government at the sitting of October 1, 1951, that the Court should deliver a judgment which for the moment would confine itself to adjudicating on the definitions, principles or rules stated, a suggestion which, moreover, was objected to by the agent of the Norwegian Government at the sitting of October 5, 1951. These are elements which might furnish reasons in support of the judgment, but cannot constitute the decision. It further follows that even understood in this way, these elements may be taken into account only insofar as they would appear to be relevant for deciding the sole question in dispute, namely, the validity or otherwise under international law of the lines of delimitation laid down by the 1935 decree.

Point 14, which seeks to secure a decision of principle concerning Norway's obligation to pay to the United Kingdom compensation in respect of all arrests since September 16, 1948, of British fishing vessels in waters found to be high seas, need not be considered, since the parties had agreed to leave this question to subsequent settlement if it should arise.

The claim of the United Kingdom Government is founded on what it regards as the general international law applicable to the delimitation of the Norwegian fisheries zone.

The Norwegian Government does not deny that there exists rules of international law to which this delimitation must conform. It contends that the propositions formulated by the United Kingdom Government in its "Conclusions" do not possess the character attributed to them by that Government. It further relies on its own system of delimitation which it asserts to be in every respect in conformity with the requirements of international law.

The Court will examine in turn these various aspects of the claim of the United Kingdom and of the defense of the Norwegian Government.

The coastal zone concerned in the dispute is of considerable length. It lies north of latitude 66°28.8' N., that is to say, north of the Arctic Circle, and it includes the coast of the mainland of Norway and all the islands, islets, rocks, and reefs, known by the name of the "skjaergaard" (literally, rock rampart), together with all Norwegian internal and territorial waters. The coast of the mainland, which, without taking any account of fjords, bays, and minor indentations, is over 1,500 kilometers in length, is of a very distinctive configuration. Very broken along its whole length, it constantly opens out into indentations often penetrating for great distances inland: The Porsangerfjord, for instance, penetrates 75 sea miles inland. To the west, the land configuration stretches out into the sea; the large and small islands, mountainous in character, the islets, rocks, and reefs, some always above water, others emerging only at low tide, are in truth but an extension of the Norwegian mainland. The number of insular formations, large and small, which make up the "skjaergaard" is estimated by the Norwegian Government to be 120,000. From the south-

ern extremity of the disputed area to the North Cape, the "skjaergaard" lies along the whole of the coast of the mainland; east of the North Cape, the "skjaergaard" ends, but the coast line continues to be broken by large and deeply indented fjords.

Within the "skjaergaard," almost every island has its large and its small bays; countless arms of the sea, straits, channel, and mere waterways serve as a means of communication for the local population which inhabit the islands as it does the mainland. The coast of the mainland does not constitute, as it does in practically all other countries, a clear dividing line between land and sea. What matters, what really constitutes the Norwegian coast line, is the outer line of the "skjaergaard."

The whole of this region is mountainous. The North Cape, a sheer rock little more than 300 meters high, can be seen from a considerable distance; there are other summits rising to over a thousand meters, so that the Norwegian coast mainland and "skjaergaard," is visible from far off.

Along the coast are situated comparatively shallow banks, veritable underwater terraces which constitute fishing grounds where fish are particularly abundant; these grounds were known to Norwegian fishermen and exploited by them from time immemorial. Since these banks lay within the range of vision, the most desirable fishing grounds were always located and identified by means of the method of alignments ("meds"), at points where two lines drawn between points selected on the coast or on islands intersected.

In these barren regions the inhabitants of the coastal zone derive their livelihood essentially from fishing.

Such are the realities which must be borne in mind in appraising the validity of the United Kingdom contention that the limits of the Norwegian fisheries zone laid down in the 1935 decree are contrary to international law.

The parties being in agreement on the figure of 4 miles for the breadth of the territorial sea, the problem which arises is from what base line this breadth is to be reckoned. The conclusions of the United Kingdom are explicit on this point: the base-line must be low-water mark on permanently dry land which is a part of Norwegian territory, or the proper closing line of Norwegian internal waters.

The Court has no difficulty in finding that, for the purpose of measuring the breadth of the territorial sea, it is the low-water mark as opposed to the high-water mark, or the mean between the two tides, which has generally been adopted in the practice of states. This criterion is the most favorable to the coastal state and clearly shows the character of territorial waters as appurtenant to the land territory. The Court notes that the parties agree as to this criterion, but that they differ as to its application.

The parties also agree that in the case of a low-tide elevation (drying rock) the outer edge at low water of this low-tide elevation may be taken into account as a base-point for calculating the breadth of the territorial sea. The conclusions of the United Kingdom Government add a condition which is not admitted by Norway, namely, that, in order to be taken into account, a drying rock must be situated within 4 miles of permanently dry land. However, the Court does not consider it necessary to deal with this question, inasmuch as Norway has succeeded in proving, after both Parties had given their interpretation of the charts, that in fact none of the drying rocks used by her as base points is more than 4 miles from permanently dry land.

The Court finds itself obliged to decide whether the relevant low-water mark is that of the mainland or of the "skjaergaard." Since the mainland is bordered in its western

sector by the "skjaergaard," which constitutes a whole with the mainland, it is the outer line of the "skjaergaard" which must be taken into account in delimiting the belt of Norwegian territorial waters. This solution is dictated by geographic realities.

Three methods have been contemplated to effect the application of the low-water mark rule. The simplest would appear to be the method of the trace parallèle, which consists of drawing the outer limit of the belt of territorial waters by following the coast in all its sinuosities. This method may be applied without difficulty to an ordinary coast, which is not too broken. Where a coast is deeply indented and cut into, as is that of eastern Finnmark, or where it is bordered by an archipelago such as the "skjaergaard" along the western sector of the coast here in question, the base-line becomes independent of the low-water mark, and can only be determined by means of a geometric construction. In such circumstances the line of the low-water mark can no longer be put forward as a rule requiring the coast line to be followed in all its sinuosities; nor can one speak of exceptions, when contemplating so rugged a coast in detail. Such a coast, viewed as a whole, calls for the application of a different method. Nor can one characterize as exceptions to the rule the very many derogations which would be necessitated by such a rugged coast. The rule would disappear under the exceptions.

It is true that the experts of the second subcommittee of the second committee of the 1930 conference for the codification of international law formulated the low-water-mark rule somewhat strictly (following all the sinuosities of the coast). But they were at the same time obliged to admit many exceptions relating to bays, islands near the coast, groups of islands. In the present case this method of the trace parallèle, which was invoked against Norway in the memorial, was abandoned in the written reply and later in the oral argument of the agent of the United Kingdom Government. Consequently, it is no longer relevant to the case. "On the other hand," it is said in the reply, "the courbe tangente—or, in English, 'envelopes of arcs of circles'—method is the method which the United Kingdom considers to be the correct one."

The arcs-of-circles method which is constantly used for determining the position of a point or object at sea, is a new technique insofar as it is a method for delimiting the territorial sea. This technique was proposed by the United States delegation at the 1930 conference for the codification of international law. Its purpose is to secure the application of the principle, that the belt of territorial waters must follow the line of the coast. It is not obligatory by law as was admitted by counsel for the United Kingdom Government in his oral reply. In these circumstances, and although certain of the conclusions of the United Kingdom are founded on the application of the arcs-of-circles method, the Court considers that it need not deal with these conclusions insofar as they are based upon this method.

The principle that the belt of territorial waters must follow the general direction of the coast makes it possible to fix certain criteria valid for any delimitation of the territorial sea; these criteria will be elucidated later. The Court will confine itself at this stage to noting that, in order to apply this principle, several States have deemed it necessary to follow the straight-base-lines method and that they have not encountered objections of principle by other States. This method consists of selecting appropriate points on the low-water mark and drawing straight lines between them. This has been done, not only in the case of well-defined bays, but also in cases of minor curvatures of the coast line where

It was solely a question of giving a simpler form to the belt of territorial waters.

It has been contended on behalf of the United Kingdom, that Norway may draw straight lines only across bays. The Court is unable to share this view. If the belt of territorial waters must follow the outer line of the "skjaergaard", and if the method of straight base-lines must be admitted in certain cases, there is no valid reason to draw them only across bays, as in eastern Finnmark, and not also to draw them between islands, islets and rocks, across the sea areas separating them, even when such areas do not fall within the conception of a bay. It is sufficient that they should be situated between the island formations of the "skjaergaard", *inter fauces terrarum*.

The United Kingdom Government concedes that straight lines, regardless of their length, may be used only subject to the conditions set out in point 5 of its conclusions, as follows:

"Norway is entitled to claim Norwegian internal waters, on historic grounds, all fjords and sunds which fall within the conception of a bay as defined in international law (see No. (6) below), whether the proper closing line of the indentation is more or less than 10 sea miles long."

A preliminary remark must be made in respect of this point.

In the opinion of the United Kingdom Government, Norway is entitled, on historic grounds, to claim as internal waters all fjords and sunds which have the character of a bay. She is also entitled on historic grounds to claim as Norwegian territorial waters all the waters of the fjords and sunds which have the character of legal straits (conclusions, point 9), and, either as internal or as territorial waters, the areas of water lying between the island fringe and the mainland (point II and second alternative conclusion II).

By "historic waters" are usually meant waters which are treated as internal waters but which would not have that character were it not for the existence of an historic title. The United Kingdom Government refers to the notion of historic titles both in respect of territorial waters and internal waters, considering such titles, in both cases, as derogations from general international law. In its opinion Norway can justify the claim that these waters are territorial or internal on the ground that she has exercised the necessary jurisdiction over them for a long period without opposition from other States, a kind of *possessio longi temporis*, with the result that her jurisdiction over these waters must now be recognized although it constitutes a derogation from the rules in force. Norwegian sovereignty over these waters would constitute an exception, historic titles justifying situations which would otherwise be in conflict with international law.

As has been said, the United Kingdom Government concedes that Norway is entitled to claim as internal waters all the waters of fjords and sunds which fall within the conception of a bay as defined in international law whether the closing line of the indentation is more or less than 10 sea-miles long. But the United Kingdom Government concedes this only on the basis of historic title; it must therefore be taken that that Government has not abandoned its contention that the 10-mile rule is to be regarded as a rule of international law.

In these circumstances the court deems it necessary to point out that although the 10-mile rule has been adopted by certain States both in their national law and in their treaties and conventions, and although certain arbitral decisions have applied it as between these States, other States have adopted a different limit. Consequently, the 10-mile rule has not acquired the authority of a general rule of international law.

In any event the 10-mile rule would appear to be inapplicable as against Norway inasmuch as she has always opposed any attempt to apply it to the Norwegian coast.

The Court now comes to the question of the length of the base lines drawn across the waters lying between the various formations of the skjaergaard. Basing itself on the analogy with the alleged general rule of 10 miles relating to bays, the United Kingdom Government still maintains on this point that the length of straight lines must not exceed 10 miles.

In this connection, the practice of States does not justify the formulation of any general rule of law. The attempts that have been made to subject groups of islands or coastal archipelagoes to conditions analogous to the limitations concerning bays (distance between the islands not exceeding twice the breadth of the territorial waters, or 10 or 12 sea-miles), have not got beyond the stage of proposals.

Furthermore, apart from any question of limiting the lines to 10 miles, it may be that several lines can be envisaged. In such cases the coastal State would seem to be in the best position to appraise the local conditions dictating the selection.

Consequently, the Court is unable to share the view of the United Kingdom Government that "Norway, in the matter of base lines, now claims recognition of an exceptional system." As will be shown later, all that the Court can see therein is the application of general international law to a specific case.

The conclusions of the United Kingdom, points 5 and 9 to 11, refer to waters situated between the base lines and the Norwegian mainland. The Court is asked to hold that on historic grounds these waters belong to Norway, but that they are divided into two categories: territorial and internal waters, in accordance with two criteria which the conclusions regard as well founded in international law, the waters falling within the conception of a bay being deemed to be internal waters, and those having the character of legal straits being deemed to be territorial waters.

As has been conceded by the United Kingdom, the "skjaergaard" constitutes a whole with the Norwegian mainland; the waters between the base lines of the belt of territorial waters and the mainland are internal waters. However, according to the argument of the United Kingdom a portion of these waters constitutes territorial waters. These are inter alia the waters followed by the navigational route known as the Indreleia. It is contended that since these waters have this character, certain consequences arise with regard to the determination of the territorial waters at the end of this water-way considered as a maritime strait.

The Court is bound to observe that the Indreleia is not a strait at all, but rather a navigational route prepared as such by means of artificial aids to navigation provided by Norway. In these circumstances the Court is unable to accept the view that the Indreleia, for the purposes of the present case, has a status different from that of the other waters included in the "skjaergaard."

Thus the Court, confining itself for the moment to the conclusions of the United Kingdom, finds that the Norwegian Government in fixing the base lines for the delimitation of the Norwegian fisheries zone by the 1935 decree has not violated international law.

It does not at all follow that, in the absence of rules having the technically precise character alleged by the United Kingdom Government, the delimitation undertaken by the Norwegian Government in 1935 is not subject to certain principles which make it possible to judge as to its validity under international law. The delimitation of sea areas has always an international aspect; it

cannot be dependent merely upon the will of the coastal state as expressed in its municipal law. Although it is true that the act of delimitation is necessarily a unilateral act, because only the coastal state is competent to undertake it, the validity of the delimitation with regard to other states depends upon international law.

In this connection, certain basic considerations inherent in the nature of the territorial sea, bring to light certain criteria which, though not entirely precise, can provide courts with an adequate basis for their decisions, which can be adapted to the diverse facts in question.

Among these considerations, some reference must be made to the close dependence of the territorial sea upon the land domain. It is the land which confers upon the coastal State a right to the waters off its coasts. It follows that while such a State must be allowed the latitude necessary in order to be able to adapt its delimitation to practical needs and local requirements, the drawing of base lines must not depart to any appreciable extent from the general direction of the coast.

Another fundamental consideration, of particular importance in this case, is the more or less close relationship existing between certain sea areas and the land formations which divide or surround them. The real question raised in the choice of base-lines is in effect whether certain sea areas lying within these lines are sufficiently closely linked to the land domain to be subject to the regime of internal waters. This idea, which is at the basis of the determination of the rules relating to bays, should be liberally applied in the case of a coast, the geographical configuration of which is as unusual as that of Norway.

Finally, there is one consideration not to be overlooked, the scope of which extends beyond purely geographical factors: That of certain economic interests peculiar to a region, the reality and importance of which are clearly evidenced by a long usage.

Norway puts forward the 1935 decree as the application of a traditional system of delimitation, a system which she claims to be in complete conformity with international law. The Norwegian Government has referred in this connection to an historic title, the meaning of which was made clear by counsel for Norway at the sitting on October 12, 1951: "The Norwegian Government does not rely upon history to justify exceptional rights, to claim areas of sea which the general law would deny; it invokes history, together with other factors, to justify the way in which it applies the general law." This conception of an historic title is in consonance with the Norwegian Government's understanding of the general rules of international law. In its view, these rules of international law take into account the diversity of facts and, therefore, concede that the drawing of base lines must be adapted to the special conditions obtaining in different regions. In its view, the system of delimitation applied in 1935, a system characterized by the use of straight lines, does not therefore infringe the general law; it is an adaptation rendered necessary by local conditions.

The Court must ascertain precisely what this alleged system of delimitation consists of, what is its effect in law as against the United Kingdom, and whether it was applied by the 1935 decree in a manner which conformed to international law.

It is common ground between the parties that on the question of the existence of a Norwegian system the royal decree of February 22, 1812, is of cardinal importance. This decree is in the following terms: "We wish to lay down as a rule that, in all cases when there is a question of determining the limit of our territorial sovereignty at sea,

that limit shall be reckoned at the distance of one ordinary sea league from the island or islet farthest from the mainland not covered by the sea, of which all proper authorities shall be informed by rescript."

This text does not clearly indicate how the base lines between the islands or islets farthest from the mainland were to be drawn. In particular, it does not say in express terms that the lines must take the form of straight lines drawn between these points. But it may be noted that it was in this way that the 1812 decree was invariably construed in Norway in the course of the nineteenth and twentieth centuries.

The decree of October 16, 1869, relating to the delimitation of Sunnmøre, and the statement of reasons for this decree, are particularly revealing as to the traditional Norwegian conception and the Norwegian construction of the decree of 1812. It was by reference to the 1812 decree, and specifically relying upon the conception adopted by that decree, that the Ministry of the Interior justified the drawing of a straight line 26 miles in length between the two outermost points of the "skjaergaard." The decree of September 9, 1889, relating to the delimitation of Romsdal and Nordmøre, applied the same method, drawing four straight lines, respectively 14.7 miles, 7 miles, 23.6 miles, and 11.6 miles in length.

The 1812 decree was similarly construed by the Territorial Waters Boundary Commission (report of February 29, 1912, pp. 48-49), as it was in the memorandum of January 3, 1929, sent by the Norwegian Government to the Secretary-General of the League of Nations, in which it was said: "The direction laid down by this decree should be interpreted in the sense that the starting point for calculating the breadth of the territorial waters should be a line drawn along the 'skjaergaard' between the furthest rocks and where there is no 'skjaergaard,' between the extreme points." The judgment delivered by the Norwegian Supreme Court in 1934, in the *St. Just* case, provided final authority for this interpretation. This conception accords with the geographical characteristics of the Norwegian coast and is not contrary to the principles of international law.

It should, however, be pointed out that whereas the 1812 decree designated as base points "the island or islet farthest from the mainland not covered by the sea," Norwegian governmental practice subsequently interpreted this provision as meaning that the limit was to be reckoned from the outermost islands and islets not continuously covered by the sea.

The 1812 decree, although quite general in its terms, had as its immediate object the fixing of the limit applicable for the purposes of maritime neutrality. However, as soon as the Norwegian Government found itself impelled by circumstances to delimit its fisheries zone, it regarded that decree as laying down principles to be applied for purposes other than neutrality. The Statements of Reasons of October 1, 1869, December 20, 1880, and May 24, 1889, are conclusive on this point. They also show that the delimitation effected in 1869 and in 1889 constituted a reasoned application of a definite system applicable to the whole of the Norwegian coast line, and was not merely legislation of local interest called for by any special requirements. The following passage from the Statement of Reasons of the 1869 Decree may in particular be referred to: "My ministry assumes that the general rule mentioned above (namely, the 4-mile rule), which is recognized by international law for the determination of the extent of a country's territorial waters, must be applied here in such a way that the sea area inside a line drawn parallel to a straight line between the two outermost islands or rocks not covered by the sea, Svinoy to the south and Storholmen to the north, and one geographical

league northwest of that straight line, should be considered Norwegian maritime territory."

The 1869 Statement of Reasons brings out all the elements which go to make up what the Norwegian Government describes as its traditional system of delimitation; base points provided by the islands or islets farthest from the mainland, the use of straight lines joining up these points, the lack of any maximum length for such lines. The judgment of the Norwegian supreme court in the *St. Just* case upheld this interpretation and added that the 1812 decree had never been understood or applied in such a way as to make the boundary follow the sinuosities of the coast or to cause its position to be determined by means of circles drawn round the points of the "skjaergaard" or of the mainland farthest out to sea—a method which it would be very difficult to adopt or to enforce in practice, having regard to the special configuration of this coast." Finally, it is established that, according to the Norwegian system, the base lines must follow the general direction of the coast, which is in conformity with international law.

Equally significant in this connection is the correspondence which passed between Norway and France between 1869 and 1870. On December 21, 1869, only 2 months after the promulgation of the decree of October 16 relating to the delimitation of Sunnmøre, the French Government asked the Norwegian Government for an explanation of this enactment. It did so basing itself upon "the principles of international law." In a second note dated December 30 of the same year, it pointed out that the distance between the base points was greater than 10 sea miles, and that the line joining up these points should have been a broken line following the configuration of the coast. In a note of February 8, 1870, the Ministry for Foreign Affairs, also dealing with the question from the point of view of international law, replied as follows:

"By the same note of December 30, Your Excellency drew my attention to the fixing of the fishery limit in the Sunnmøre Archipelago by a straight line instead of a broken line. According to the view held by your government, as the distance between the islets of Svinoy and Storholmen is more than 10 sea miles, the fishery limit between these two points should have been a broken line following the configuration of the coast line and nearer to it than the present limit. In spite of the adoption in some treaties of the quite arbitrary distance of 10 sea miles, this distance would not appear to me to have acquired the force of an international law. Still less would it appear to have any foundation in reality: One bay, by reason of the varying formations of the coast and sea bed, may have an entirely different character from that of another bay of the same width. It seems to me rather that local conditions and considerations of what is practicable and equitable should be decisive in specific cases. The configuration of our coasts in noway resembles that of the coasts of other European countries, and that fact alone makes the adoption of any absolute rule of universal application impossible in this case.

"I venture to claim that all these reasons militate in favor of the line laid down by the decree of October 16. A broken line, conforming closely to the indentations of the coast line between Svinoy and Storholmen, would have resulted in a boundary so involved and so indistinct that it would have been impossible to exercise any supervision over it."

Language of this kind can only be construed as the considered expression of a legal conception regarded by the Norwegian Government as compatible with the international law. And indeed, the French Government did not pursue the matter. In a note of July 27, 1870, it is said that, while

maintaining its standpoint with regard to principle, it was prepared to accept the delimitation laid down by the decree of October 16, 1869, as resting upon "a practical study of the configuration of the coast line and of the conditions of the inhabitants."

The Court, having thus established the existence and the constituent elements of the Norwegian system of delimitation, further finds that this system was consistently applied by Norwegian authorities and that it encountered no opposition on the part of other states.

The United Kingdom Government has however sought to show that the Norwegian Government has not consistently followed the principles of delimitation which, it claims, form its system, and that it has admitted by implication that some other method would be necessary to comply with international law. The documents to which the agent of the Government of the United Kingdom principally referred at the hearing on October 20, 1951, relate to the period between 1906 and 1908, the period in which British trawlers made their first appearance off the Norwegian coast, and which, therefore, merits particular attention.

The United Kingdom Government pointed out that the law of June 2, 1906, which prohibited fishing by foreigners, merely forbade fishing in Norwegian territorial waters, and it deduced from the very general character of this reference that no definite system existed. The court is unable to accept this interpretation, as the object of the law was to renew the prohibition against fishing and not to undertake a precise delimitation of the territorial sea.

The second document relied upon by the United Kingdom Government is a letter dated March 24, 1908, from the Minister for Foreign Affairs to the Minister of National Defense. The United Kingdom Government thought that this letter indicated an adherence by Norway to the low-water mark rule contrary to the present Norwegian position. This interpretation cannot be accepted; it rests upon a confusion between the low-water mark rule as understood by the United Kingdom, which requires that all the sinuosities of the coast line at low tide should be followed, and the general practice of selecting the low-tide mark rather than that of the high tide for measuring the extent of the territorial sea.

The third document referred to is a note, dated November 11, 1908, from the Norwegian Minister for Foreign Affairs to the French chargé d'affaires at Christiania, in reply to a request for information as to whether Norway had modified the limits of her territorial waters. In it the Minister said: "Interpreting Norwegian regulations in this matter, whilst at the same time conforming to the general rule of the Law of Nations, this Ministry gave its opinion that the distance from the coast should be measured from the low-water mark and that every islet not continuously covered by the sea should be reckoned as a starting point." The United Kingdom Government argued that by the reference to the general rule of the Law of Nations, instead of to its own system of delimitation entailing the use of straight lines, and, furthermore, by its statement that "every islet not continuously covered by the sea should be reckoned as a starting point," the Norwegian Government had completely departed from what it today describes as its system.

It must be remembered that the request for information to which the Norwegian Government was replying related not to the use of straight lines, but to the breadth of Norwegian territorial waters. The point of the Norwegian Government's reply was that there had been no modification in the Norwegian legislation. Moreover, it is impossible to rely upon a few words taken from a single note to draw the conclusion that the Nor-

wegian Government had abandoned a position which its earlier official documents had clearly indicated.

The Court considers that too much importance need not be attached to the few uncertainties or contradictions, real or apparent, which the United Kingdom Government claims to have discovered in Norwegian practice. They may be easily understood in the light of the variety of the facts and conditions prevailing in the long period which has elapsed since 1812, and are not such as to modify the conclusions reached by the Court.

In the light of these considerations, and in the absence of convincing evidence to the contrary, the Court is bound to hold that the Norwegian authorities applied their system of delimitation consistently and uninterruptedly from 1869 until the time when the dispute arose.

From the standpoint of international law, it is now necessary to consider whether the application of the Norwegian system encountered any opposition from foreign states.

Norway has been in a position to argue without any contradiction that neither the promulgation of her delimitation Decrees in 1869 and in 1889, nor their application, gave rise to any opposition on the part of foreign states. Since, moreover, these decrees constitute, as has been shown above, the application of a well-defined and uniform system, it is indeed this system itself which would reap the benefit of general toleration, the basis of an historical consolidation which would make it enforceable as against all states.

The general toleration of foreign states with regard to the Norwegian practice is an unchallenged fact. For a period of more than 60 years the United Kingdom Government itself in no way contested it. One cannot indeed consider as raising objections the discussions to which the Lord Roberts incident gave rise in 1911, for the controversy which arose in this connection related to two questions, that of the 4-mile limit, and that of Norwegian sovereignty over the Varangerfjord, both of which were unconnected with the position of base lines. It would appear that it was only in its memorandum of July 27, 1933, that the United Kingdom made a formal and definite protest on this point.

The United Kingdom Government has argued that the Norwegian system of delimitation was not known to it and that the system therefore lacked the notoriety essential to provide the basis of an historic title enforceable against it. The Court is unable to accept this view. As a coastal state on the North Sea, greatly interested in the fisheries in this area, as a maritime power traditionally concerned with the law of the sea and concerned particularly to defend the freedom of the seas, the United Kingdom could not have been ignorant of the Decree of 1869 which had at once provoked a request for explanations by the French Government. Nor, knowing of it, could it have been under any misapprehension as to the significance of its terms, which clearly described it as constituting the application of a system. The same observation applies a fortiori to the decree of 1889 relating to the delimitation of Romsdal and Nordmore which must have appeared to the United Kingdom as a reiterated manifestation of the Norwegian practice.

Norway's attitude with regard to the North Sea Fisheries (police) Convention of 1882 is a further fact which must at once have attracted the attention of Great Britain. There is scarcely any fisheries convention of greater importance to the coastal states of the North Sea or of greater interest to Great Britain. Norway's refusal to adhere to this convention clearly raised the question of the delimitation of her maritime domain, especially with regard to bays, the question of

their delimitation by means of straight lines of which Norway challenged the maximum length adopted in the convention. Having regard to the fact that a few years before, the delimitation of Sunnmore by the 1869 decree had been presented as an application of the Norwegian system, one cannot avoid the conclusion that, from that time on, all the elements of the problem of Norwegian coastal waters had been clearly stated. The steps subsequently taken by Great Britain to secure Norway's adherence to the convention clearly show that she was aware of and interested in the question.

The Court notes that in respect of a situation which could only be strengthened with the passage of time, the United Kingdom Government refrained from formulating reservations.

The notoriety of the facts, the general toleration of the international community, Great Britain's position in the North Sea, her own interest in the question, and her prolonged abstention would in any case warrant Norway's enforcement of her system against the United Kingdom.

The Court is thus led to conclude that the method of straight lines established in the Norwegian system, was imposed by the peculiar geography of the Norwegian coast; that even before the dispute arose, this method had been consolidated by a constant and sufficiently long practice, in the face of which the attitude of governments bears witness to the fact that they did not consider it to be contrary to international law.

The question now arises whether the decree of July 12, 1935, which in its preamble is expressed to be an application of this method, conforms to it in its drawing of the base-lines, or whether, at certain points, it departs from this method to any considerable extent.

The schedule appended to the decree of July 12, 1935, indicates the fixed points between which the straight base lines are drawn. The Court notes that these lines were the result of a careful study initiated by the Norwegian authorities as far back as 1911. The base lines recommended by the Foreign Affairs Committee of the Storting for the delimitation of the fisheries zone and adopted and made public for the first time by the decree of July 12, 1935, are the same as those which the so-called Territorial Waters Boundary Commissions, successively appointed on July 29, 1911, and July 12, 1912, had drawn in 1912 for Finnmark and in 1913 for Nordland and Troms. The Court further notes that the 1911 and 1912 Commissions advocated these lines and in so doing constantly referred, as the 1935 decree itself did, to the traditional system of delimitation adopted by earlier acts and more particularly by the decrees of 1812, 1869, and 1889.

In the absence of convincing evidence to the contrary, the Court cannot readily find that the lines adopted in these circumstances by the 1935 decree are not in accordance with the traditional Norwegian system. However, a purely factual difference arose between the parties concerning the three following base points: No. 21 (Vesterfallet i Gaasan), No. 27 (Tokkebaen), and No. 39 (Norboen). This difference is now devoid of object. A telegram dated October 19, 1951, from the Hydrographic Service of Norway to the agent of the Norwegian Government, which was communicated to the agent of the United Kingdom Government, has confirmed that these three points are rocks which are not continuously submerged. Since this assertion has not been further disputed by the United Kingdom Government, it may be considered that the use of these rocks as base points is in conformity with the traditional Norwegian system.

Finally, it has been contended by the United Kingdom Government that certain, at

least, of the base lines adopted by the decree are, irrespective of whether or not they conform to the Norwegian system, contrary to the principles stated above by the Court as governing any delimitation of the territorial sea. The Court will consider whether, from the point of view of these principles, certain of the base lines which have been criticized in some detail really are without justification.

The Norwegian Government admits that the baselines must be drawn in such a way as to respect the general direction of the coast and that they must be drawn in a reasonable manner. The United Kingdom Government contends that certain lines do not follow the general direction of the coast, or do not follow it sufficiently closely, or that they do not respect the natural connection existing between certain sea areas and the land formations separating or surrounding them. For these reasons, it is alleged that the line drawn is contrary to the principles which govern the delimitation of the maritime domain.

The Court observes that these complaints, which assumed a very general scope in the written proceedings, have subsequently been reduced.

The United Kingdom Government has directed its criticism more particularly against two sectors, the delimitation of which they represented as extreme cases of deviation from the general direction of the coast: The sector of Svaerhothavet (between base-points 11 and 12) and that of LoppHAVET (between base points 20 and 21). The Court will deal with the delimitation of these two sectors from this point of view.

The base line between points 11 and 12, which is 38.6 sea miles in length, delimits the waters of the Svaerholt lying between Cape Nordkyn and the North Cape. The United Kingdom Government denies that the basin so delimited has the character of a bay. Its argument is founded on a geographical consideration. In its opinion, the calculation of the basin's penetration inland must stop at the tip of the Svaerholt Peninsula (Svaerholtklubben). The penetration inland thus obtained being only 11.5 sea miles, as against 38.6 miles of breadth at the entrance, it is alleged that the basin in question does not have the character of a bay. The Court is unable to share this view. It considers that the basin in question must be contemplated in the light of all the geographical factors involved. The fact that a peninsula juts out and forms two wide fjords, the Laksefjord and the Forsangerfjord, cannot deprive the basin of the character of a bay. It is the distances between the disputed baseline and the most inland point of these fjords, 50 and 75 sea miles respectively, which must be taken into account in appreciating the proportion between the penetration inland and the width at the mouth. The Court concludes that Svaerhothavet has the character of a bay.

The delimitation of the LoppHAVET basin has also been criticized by the United Kingdom. As has been pointed out above, its criticism of the selection of base point No. 21 may be regarded as abandoned. The LoppHAVET basin constitutes an ill-defined geographic whole. It cannot be regarded as having the character of a bay. It is made up of an extensive area of water dotted with large islands which are separated by inlets that terminate in the various fjords. The base line has been challenged on the ground that it does not respect the general direction of the coast. It should be observed that, however justified the rule in question may be, it is devoid of any mathematical precision. In order properly to apply the rule, regard must be had for the relation between the deviation complained of and what, according to the terms of the rule, must be regarded as the general direction of

the coast. Therefore, one cannot confine oneself to examining one sector of the coast alone, except in a case of manifest abuse; nor can one rely on the impression that may be gathered from a large-scale chart of this sector alone. In the case in point, the divergence between the base line and the land formations is not such that it is a distortion of the general direction of the Norwegian coast.

Even if it were considered that in the sector under review the deviation was too pronounced, it must be pointed out that the Norwegian Government has relied upon an historic title clearly referable to the waters of LoppHAVET, namely, the exclusive privilege to fish and hunt whales granted at the end of the seventeenth century to Lt. Comdr. Erich Lorch under a number of licenses which show, *inter alia*, that the water situated in the vicinity of the sunken rock of Gjesbaaen or Gjesboene and the fishing grounds pertaining thereto were regarded as falling exclusively within Norwegian sovereignty. But it may be observed that the fishing grounds here referred to are made up of two banks, one of which, the Indre Gjesboene, is situated between the base line and the limit reserved for fishing, whereas the other, the Ytre Gjesboene, is situated further to seaward and beyond the fishing limit laid down in the 1935 decree.

These ancient concessions tend to confirm the Norwegian Government's contention that the fisheries zone reserved before 1812 was in fact much more extensive than the one delimited in 1935. It is suggested that it included all fishing banks from which land was visible, the range of vision being, as is recognized by the United Kingdom Government, the principle of delimitation in force at that time. The Court considers that, although it is not always clear to what specific areas they apply, the historical data produced in support of this contention by the Norwegian Government lend some weight to the idea of the survival of traditional rights reserved to the inhabitants of the kingdom over fishing grounds included in the 1935 delimitation, particularly in the case of LoppHAVET. Such rights, founded on the vital needs of the population and attested by very ancient and peaceful usage, may legitimately be taken into account in drawing a line which, moreover, appears to the Court to have been kept within the bounds of what is moderate and reasonable.

As to the Bestfjord, after the oral argument, its delimitation no longer presents the importance it had in the early stages of the proceedings. Since the Court has found that the waters of the Indreleia are internal waters, the waters of the Vestfjord, as indeed the waters of all other Norwegian fjords, can only be regarded as internal waters. In these circumstances, whatever difference may still exist between the views of the United Kingdom Government and those of the Norwegian Government on this point, is negligible. It is reduced to the question whether the base line should be drawn between points 45 and 46 as fixed by the 1935 decree, or whether the line should terminate at the Kalsholmen Lighthouse on Tenholmern. The Court considers that this question is purely local in character and of secondary importance, and that its settlement should be left to the coastal state.

For these reasons, the Court, rejecting all submissions to the contrary, finds by 10 votes to 2, that the method employed for the delimitation of the fisheries zone by the Royal Norwegian decree of July 12, 1935, is not contrary to international law; and, by 8 votes to 4, that the base lines fixed by the said decree in application of this method are not contrary to international law.

Done in French and English, the French text being authoritative, at the Peace Palace, The Hague, this eighteenth day of December, one thousand nine hundred and fifty-one, in

three copies, one of which will be placed in the archives of the Court and the others transmitted to the Government of the United Kingdom of Great Britain and Northern Ireland and to the Government of the Kingdom of Norway, respectively.

BASDEVANT, *President*.
E. HAMBRO, *Registrar*.

Judge Hackworth declares that he concurs in the operative part of the judgment but desires to emphasize that he does so for the reason that he considers that the Norwegian Government has proved the existence of an historic title to the disputed areas of water.

Judges Alvarez and Hsu Mo, availing themselves of the right conferred on them by article 57 of the statute, append to the judgment of the Court statements of their separate opinions.

Judges Sir Arnold McNair and Read, availing themselves of the right conferred on them by article 57 of the statute, append to the judgment statements of their dissenting opinions.

J. B.
E. H.

Mr. KNOWLAND. Mr. President, relative to Fisheries case, there appeared in the Los Angeles Times of Thursday, February 14, 1952, an article written by Mr. Ed Ainsworth. The article is entitled "Hague Ruling Puts McGrath on Spot." The subhead reads:

United States official faces tidelands case deadline in parallel decision.

I shall not read the entire article at this time, but I wish to point out that both the Fisheries decision, which is now a part of my remarks, and this article are very pertinent to the consideration of the legislation which is now pending before the Senate, although the Attorney General has tried to say in a letter to the chairman of the Committee on Interior and Insular Affairs that it is not pertinent. I believe the record will speak for itself.

It so happens that in the area between Point Conception and Point Loma, Calif., there are a series of islands, all of which have been and are part and parcel of California, and have been so considered and have been included in the county governments of California. Going south from Point Conception, we find Richardson Rock, Bee Rock, Santa Rosa Island, Santa Cruz Island, Begg Rock, San Nicolas Island, San Clemente Island, and then Point Loma. Inside the general line formed by those islands is found Santa Catalina Island. So this matter becomes very pertinent.

Mr. Ainsworth said, in part, in his article:

The United States Justice Department, under Attorney General McGrath, is squirming today on the horns of a seagoing dilemma.

It concerns national defense, international law, the seaward boundary of the United States, the Channel Islands of California, pygmy elephants, geology—and \$40,000,000,000 in oil.

It's a terrible problem to decide.

And Attorney General McGrath faces a deadline.

RECENT DECISION

The whole matter revolves around the recent decision of the International Court of Justice at The Hague concerning coastal islands in determining national boundary lines. The decision in a case between Great Britain and Norway was decided overwhelmingly in favor of Norway in such a manner

as to upset all the prior contentions of the United States Justice Department in its attempt to take over the rich oil-bearing submerged lands of California, Texas, and Louisiana in the so-called tidelands case.

Now, in Washington on February 20 a crucial hearing will start on the issue.

JUSTICE DEPARTMENT STEP

What is the Justice Department going to do?

Will it swallow its pride and recognize, for example, the United States boundary along the outer rim of the Channel Islands of California, as it should do under the World Court decision, thus insuring the maximum national defense for this country?

Or will it try to ignore the World Court ruling and cling to a narrow definition of the national boundary as low-tide mark along the mainland, thus hanging on to its alleged ownership of submerged oil lands at Santa Barbara, Long Beach, Huntington Beach, and elsewhere?

That, Mr. President, I may say, is a very dangerous doctrine, because it is some 28 miles from the mainland to Santa Catalina Island, and it is a somewhat shorter distance to Santa Cruz Island, and a somewhat greater distance to some of the other islands in the chain. Suppose a Soviet submarine shows up in this island chain? Is it inside or outside our territorial waters?

As the article by Mr. Ainsworth points out, and as some of my colleagues in the House of Representatives have also pointed out, the Department of Justice may be sacrificing the national defense interests of our Nation in order to deprive the States of some of their own area, to which they have had claim for 100 years or more in the history of our country.

Mr. LONG. Mr. President, will the Senator from California yield to me?

Mr. KNOWLAND. I yield.

Mr. LONG. Since, at the moment, the Senator from California is discussing international law, I do not know whether he has before him certain facts which I have in mind. Certainly, he is more familiar with them than I am. However, let me say that it is my impression that on the northern shores of Russia, along the Arctic Sea, there is a bay which is extremely wide and which Russia claims as being entirely inland water; so that if an American ship of war entered that water, unless it went there with the permission of Russia, undoubtedly the ship would be sunk.

On the other hand, in this case the United States is upholding a concept which would permit a Russian submarine to come practically inside every American harbor. The United States Government is advancing that concept in an effort to squeeze a few barrels of oil out of a State.

Mr. KNOWLAND. Mr. President, I may say to the Senator from Louisiana that it is hard for me to understand the doctrine the Federal Government is attempting to follow. Apparently there are some "liberal"—and I use the word in quotation marks—friends in the Chamber who think there is a great virtue in the Federal Government's having this control, even though for more than 100 years it had been recognized that the States had it. Yet by that implication they would take all virtue from the

same citizens who are citizens of California or Louisiana or Florida. I say that as citizens of our respective States these people are no different than they are as citizens of the United States. Why the advocates of that doctrine think there is such great virtue in playing Robin Hood and snatching away that which belongs to the States and giving it to the Federal Government, I cannot understand.

Again let me say that I think this issue is one which we must fight out on the floor of the Senate, and also in the House of Representatives, which already has passed some proposed legislation on the subject.

Mr. LONG. Mr. President, the Senator from California is undoubtedly correct as to the fact that the Federal Government found that it must disclaim for purposes of national defense vast segments of inland water and territorial sea in order to acquire the oil along the shores of Louisiana, Texas, and California, in an attempt to get every last drop of it, one might say.

Let me ask the Senator from California to restate the amount which he said was involved, insofar as the Santa Barbara, Long Beach, and Huntington Beach phase of the problem is concerned. Did the Senator refer to approximately \$40,000,000,000?

Mr. KNOWLAND. No; that figure, which I believe was included in Mr. Ainsworth's article, was the reported value of all the resources along all the coasts.

Mr. LONG. Will the Senator from California see what figure is stated in the article?

Mr. KNOWLAND. It was \$40,000,000,000, which I think is the estimate made by Mr. Ainsworth, and the figure proposed in the committee hearings as representing the total value of all the resources.

Mr. LONG. I believe the Senator from California will find that to be a tremendous exaggeration. However, even if that figure is regarded as being the correct one, in view of the fact that those who have been advocating Federal ownership have wanted to find an enormous figure with which to scare someone—

Mr. KNOWLAND. We used to think \$40,000,000,000 was a vast sum. I still think it is a great deal of money. However, it is only sufficient to operate the Government of the United States for less than half a year, based on the budget which has been presented to the Congress by the President of the United States. So what is involved in that estimate could be squandered by the Federal Government in 6 months or less, under the present budgetary figures.

Mr. LONG. I do not believe there is \$40,000,000,000 worth of oil in the submerged lands. However, if we concede that there is \$40,000,000,000 worth of oil under the submerged lands, it is necessary to divide that amount, in order to arrive at the amount the States would get.

For example, under the Federal Leasing Act the Government cannot ask for more than one-eighth, unless oil production already has been commenced on the property. Therefore, if the figure cited

in the article is divided by 8 we get, not \$40,000,000,000, but \$5,000,000,000, which is a great deal different.

Mr. KNOWLAND. Of course, the \$5,000,000,000 would not pay for 1 year the interest on the Federal Government's debt of \$259,000,000,000 because the interest on the debt now amounts to more than \$6,000,000,000.

Mr. LONG. Of course, when in contemplating that amount, we have to realize that when the Federal Government starts to obtain the money, it will come in over a long period of time. The best estimate the Secretary of the Interior could give our committee was that he hopes that ultimately the production might be built up sufficiently to yield \$100,000,000 a year. That sounds like a great deal of money to be taken away from the States. However, we must realize that in that case the citizens would be deprived of the services they need for themselves throughout the coastal areas.

If the Senator would do a little figuring, he might be able to ascertain for what portion of a day that \$100,000,000 would permit the Federal Government to operate. I believe it would permit the Federal Government to operate for approximately 6 or 8 hours of 1 day, at the rate at which the Government presently is spending money.

The same persons are willing to provide \$7,900,000,000 in 1 year for the welfare and the protection of lands overseas—in other words, 79 times as much for foreign nations, to aid in national defense, whereas they are willing to jeopardize our defense—if the Senator from California is correct, and I believe he is—and to take chances with our defense, in an effort to acquire \$100,000,000, which properly belongs to the States.

Of course, at this time the amount is not \$100,000,000; actually, \$30,000,000 is involved, which is about as much production as we have been able to obtain up to this point from the submerged areas lying along the coasts of California, Louisiana, and Texas.

Mr. KNOWLAND. Mr. President, I thank the Senator from Louisiana very much.

I now ask unanimous consent to have included at this point in the RECORD, as a part of my remarks, an article entitled "More Oil, or Better Defense?" The article appeared in the Los Angeles Examiner on February 17 of this year, and relates to the problem we have just been discussing.

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

MORE OIL, OR BETTER DEFENSE?

In its greedy haste to take over California's tidelands, the Federal Government is making it possible for foreign vessels and aircraft to operate in deep high-seas pockets in American coastal harbors.

At Los Angeles Harbor, for instance, where the United States Fleet is based, and in the stretch of water between San Pedro and the Channel Islands, pockets of what is technically high seas would be free for foreign war craft to operate—with impunity and immunity, entirely within international law.

The Government's case rests on the narrowest possible definition of inland waters,

so narrow as to define away all inland coastal waters.

Normally, between inland waters and the high seas 3 miles off, lies the marginal waters or tidelands, which the Government wants to exploit for their oil-bearing deposits.

Thus, by keeping inland waters as close to shore as possible, the Government brings closer to shore the 3-mile limit beyond which the sea and the air above it are open to the unrestricted use of any nation.

And by thus bringing the ocean frontier as close as possible by narrowing the inland waters, the Government places within easy observation, by foreign craft, the defense installations in American bays, ports, and harbors.

A joint resolution introduced in Congress by Representative YORRY, of Los Angeles, points out, however, that the Government's idea of what are inland waters is not adequate for defense nor demanded by international law.

It was so decided by the International Court of Justice in the case of Great Britain against Norway.

The Norwegians claimed that their true frontier was 3 miles beyond what they considered their inland waters, and the Court agreed.

America, however, has not been as jealous of its rights nor as zealous in maintaining them as the Norwegians.

On the contrary, the American Government is willing to surrender large areas of sea and air to which it is entitled and which it should control for the country's safety, merely to get a cut of California's oil.

Certainly the time is at hand, and the need urgent, to place our ocean frontier where it should be to insure safety.

The State Department has consistently neglected the matter.

The Justice Department has ignored it in pushing the Government's tideland case.

Congress should pass Representative YORRY's resolution. A wide belt of protective ocean is more to the national interest than any amount of oil the Government hopes to draw out of California's tidelands.

Mr. KNOWLAND. Mr. President, I also ask unanimous consent to have included at this point in the RECORD, as a part of my remarks, House Joint Resolution 373, which was introduced in the House of Representatives by Representative YORRY, of California, for the purpose of declaring the boundaries of the inland or internal waters of the United States to be as far seaward as is permissible under international law, and providing for a survey of such boundaries to be made by the United States Coast and Geodetic Survey in the light of the Anglo-Norwegian Fisheries case. The joint resolution raises certain issues which I think all Members of the Senate will find of interest.

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

Whereas the seaward boundaries of the inland or internal waters of the United States have never been accurately and definitely established, and the methods previously proposed by the United States for the fixing of said boundaries were based upon an incomplete understanding of the area of inland or internal waters over which a nation may exercise exclusive jurisdiction under international law; and

Whereas the International Court of Justice, in the Anglo-Norwegian Fisheries case, on December 18, 1951, held that it was permissible under international law for Norway to establish as the seaward boundaries of its inland or internal waters a series of straight lines running between fixed points,

on the mainland and around the outer edge of the off-lying islands, islets, and rocks; and

Whereas the International Court of Justice, in such case, held that the validity of a nation's claim relative to the extent of its inland or internal waters would in case of an international dispute, be governed by the following basic considerations: (1) The boundary of the inland or internal waters must not depart to any appreciable extent from the general direction of the coastline; (2) the sea areas brought within such boundaries must be sufficiently closely linked to the land domain to be subject to the regime of inland or internal waters; and (3) the economic interests peculiar to a region, evidenced by long usage, should be taken into account; and

Whereas it is especially imperative at this time, in order to avoid international incidents and increase the national security, to definitely establish the boundaries of the inland or internal waters of the United States as far seaward as may be permissible under international law, and to give clear and unmistakable notice of such action, to all other nations: Therefore be it

Resolved, etc., That (a) the United States declares its exclusive right and jurisdiction, as against all other nations, with respect to all inland or internal waters within boundaries established as far seaward along the coasts of the continental United States (including Alaska) as is permissible under the rules of international law set forth in the judgment rendered by the International Court of Justice in the Anglo-Norwegian Fisheries case on December 18, 1951.

(b) The United States accordingly establishes, as the seaward boundary of its inland or internal waters, a series of straight lines running between the headlands of all indentations on the mainland and, where there are off-lying islands, rocks, or reefs, a series of straight lines running around the outer edges of the farthest off-lying islands, rocks, and reefs. In establishing this seaward boundary the United States has taken cognizance of the basic considerations of international law as set forth in the Anglo-Norwegian Fisheries case.

Sec. 2. (a) The United States Coast and Geodetic Survey shall survey the seacoasts of the continental United States (including Alaska, and including all off-lying islands, rocks, and reefs) and prepare charts showing the precise location of the seaward boundaries of the inland or internal waters of the United States as provided for in the preceding section.

(b) In surveying the seacoast of any coastal State, the United States Coast and Geodetic Survey shall consult with the State lands commission or other appropriate body or official of such State.

Sec. 3. The United States Coast and Geodetic Survey shall submit to the Congress, within 2 years after the date of the enactment of this joint resolution, a report setting forth the results of the survey made by it under the preceding section. Such report shall show the alternative proposed boundaries where there is lack of concurrence between the Coast and Geodetic Survey and officials of the respective States relative to the seaward boundaries fixed by this resolution. With respect to any portion of the seaward boundary of the inland or internal waters of the United States, where there is such lack of concurrence, the survey shall not be final and effective until the Congress by concurrent resolution or otherwise shall have fixed the boundary in question.

Mr. LONG. Mr. President, will the Senator from California yield to me at this time?

Mr. KNOWLAND. I yield.

Mr. LONG. I should like to correct a statement I made a moment ago. It has just occurred to me that it should be remembered that the States do not ex-

pect to receive all revenues from their submerged lands. The most favorable legislative proposal for the States is represented by the Connally amendment in the Senate or the Walter's bill which has been passed by the House of Representatives. In those measures it is provided that the States shall receive the revenue on production within 3 miles of their shores, but that 90 percent of the acreage of the submerged lands subject to production, which is beyond their 3-mile belt, shall be subject to having two-thirds of the production go to the Federal Government and only one-third of the production go to the States.

So, actually, those who wish to squeeze every last nickel from the States would probably feel that if it became possible to increase production to a point where the revenue would amount to \$100,000,000 for the Federal Government or the States, even those who take the States' position would be in the position of saying that the States should receive approximately \$42,000,000 out of the \$100,000,000.

Mr. KNOWLAND. I thank the Senator from Louisiana.

Mr. President, I also ask unanimous consent to have printed at this point in the RECORD, as a part of my remarks, two resolutions which were passed by the two houses of the California Legislature. Those resolutions relate to the tidelands matter, and are in opposition to the interim joint resolution which now is before us.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

Assembly Joint Resolution 3

Joint resolution relative to the tidelands and submerged lands adjacent to the coastal States

Whereas until recently it was generally recognized that all of the coastal States owned a belt of land beneath navigable waters adjacent to their coast; and

Whereas in 1947 the Supreme Court of the United States held that those lands were not owned by the States and that the Federal Government rather than the States has paramount rights in and power over the 3-mile belt of land; and

Whereas the effect of the decision of the Supreme Court was to divest the States of valuable oil rights; and

Whereas State ownership of the 3-mile belt of land is not inconsistent with the Federal control necessary in the conduct of international affairs and Coast Guard activities: Now, therefore, be it

Resolved by the Assembly and Senate of the State of California (jointly), That the Congress of the United States is respectfully memorialized to enact such legislation as will be necessary to restore the ownership of the 3-mile belt of land beneath navigable water adjacent to the coasts of the coastal States; and be it further

Resolved, That the chief clerk of the assembly is directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative of a coastal State in the Congress of the United States.

Assembly Joint Resolution 4

Joint resolution relative to lands beneath the navigable waters adjacent to the coasts of coastal States

Whereas a recent decision of the Supreme Court of the United States refutes a long recognized claim of the coastal States to the

3-mile belt of land beneath the navigable waters adjacent to their coasts; and

Whereas the effect of this decision was to divest those States of valuable oil rights; and

Whereas ownership of such land by the coastal States would in no way interfere with Federal control necessary in the conduct of international affairs and Coast Guard activities; and

Whereas if it is possible for the Federal Government to secure the ownership of such lands on the basis of its contentions before the Supreme Court, there is a danger that the ownership of all State lands in other States as well as in the coastal States will be jeopardized; and

Whereas the legislature of the State of California, has, by resolution, memorialized the Congress of the United States to enact legislation necessary to restore this land to the State: Now, therefore, be it

Resolved by the Assembly and the Senate of the State of California (jointly), That the legislatures of each of the States are urged to adopt a resolution similar to that of the California Legislature; and be it further

Resolved, That the legislature of each of the States is requested to transmit to the Legislature of California copies of any resolutions adopted or notice of any taken relative to the subject matter of this resolution; and be it further

Resolved, That the chief clerk of the assembly is directed to transmit a copy of this resolution to each of the legislative bodies of each of the States.

Mr. KNOWLAND. Mr. President, some people have discussed this as an interim bill. I want to say that in my judgment it is no such thing. As a matter of fact, it is permanent legislation which gives the State, under certain limited conditions, only a sort of veto power on the issuance of leases within its territorial boundaries, for a period of 5 years; and at that point, even that small right of the States ceases. The legislation is permanent.

It is my judgement that if this mis-called interim bill were passed by the Congress it would destroy for the future the possibility of getting legislation which would restore to the States that which was theirs until the decision by the Supreme Court of the United States, which has been mentioned. Therefore, I want to say, Mr. President, it is my intention to join with the distinguished Senator from Florida [Mr. HOLLAND] in the proposal of an amendment in the nature of a substitute, which would carry out the provisions of the bill which he formerly introduced, sometimes called quitclaim legislation, but which, rather than quitclaim, I prefer to regard as a bill in the nature of a restoration to the States of that which historically has belonged to them.

EXECUTIVE SESSION

Mr. JOHNSON of Texas. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGE REFERRED

The VICE PRESIDENT laid before the Senate a message from the President of the United States submitting several nominations, which were referred to the

have ample space at Camp Crowder for 5,000,000 to 8,000,000 bushels. We are attaching hereto a schedule of available buildings we propose to use. We prefer to handle all corn; however, we would store either corn, wheat, milo or the quantity of each, which would serve you best.

Should you be able to use this space, it would be handled under a separate corporation, formed by myself and partners.

We can meet your qualifications, and we are in a position to start taking 10 cars per day, within 3 days from the completion of a contract. At the end of 10 days, we can unload at the rate of 30 cars every 24 hours. If necessary, we can handle up to 40 cars.

The buildings we would use would be in excellent shape, to prevent waste and they would be weatherproof. We are equipped to use above-average methods to protect grain from varmints.

Trusting this gives you the desired information, I await your further command.

Cordially yours,

A. H. MYERS.

Mr. WILLIAMS. Mr. President, so far as I can see, that covers the various phases of the Camp Crowder operation which were referred to in the speech of October 8, 1951, and I think answers Mr. Brannan's charge that my statement regarding the Camp Crowder leases were grossly false or misleading.

I will send a copy of today's RECORD to Mr. Brannan and ask him, if he still objects to the facts as shown by the Comptroller General's report, to then point out specifically wherein he objects.

The fact that Mr. Myers, one of the individual partners, was himself a tax dodger and at that time owed \$675,000 in taxes, and that he was defended by Mr. Dan Nee, a former collector of internal revenue, one of the officials of this same corporation, is confirmed as a matter of record. There is now pending in the courts his tax case which was started 6 or 7 days after I exposed the situation on the floor of the Senate.

Perhaps Mr. Brannan's statement is an indication that at long last he is so ashamed of what is going on in his own Department that he is now taking some notice of it. I regret very much to note that he is not bringing his energies to bear in an effort to help uncover the corruption to the same extent that he is diligent in helping to cover it up.

Mr. President, I ask unanimous consent that the report of the Comptroller General, No. 1-17038, be referred to the appropriate committee of the Senate so that it will be available to the public. I suggest Mr. Brannan read this document before he speaks again.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the report will be referred to the Committee on Agriculture and Forestry.

MINERAL LEASES ON CERTAIN SUBMERGED LANDS

The Senate resumed the consideration of the joint resolution (S. J. Res. 20), to provide for the continuation of operations under certain mineral leases issued by the respective States covering submerged lands of the Continental Shelf, to encourage the continued development of such leases, to provide for the protection of the interests of the United States

in the oil and gas deposits of said lands, and for other purposes.

Mr. JOHNSON of Texas. Mr. President, during the past few days, the Senate has been engaged in a debate which has engendered some heat, shed a certain amount of light, and kicked up a good-sized cloud of dust.

The issue before us is one which would appear to be simple. It is merely the determination of who—by right—owns certain lands. It is merely the question of who—by right—holds certain legal titles.

The fact that those lands may be valuable should not affect the outcome of our deliberations. The fact that those titles have become the subject of angry controversy should not influence our judgment.

We are here to decide matters of justice—of fairness—of integrity. Our sole standards of judgment should be the just—the fair—the honorable. Nothing less will suffice.

It is to those standards that I am addressing myself today.

For nearly a century, the people of my native State of Texas believed they held title to the submerged lands on their shore line. For nearly a century, they conducted their affairs, serenely confident that their ownership would not be challenged.

There was a secure foundation for their belief—solid reasons for their confidence. They were backed by treaty, by law, by precedent. They were strengthened by the very resolution of annexation under which Texas entered the United States.

Above all, they thought they were confirmed in their ownership by the fact that in almost a hundred years no one challenged their title.

Mr. President, despite the heat and the light and the dust that I remarked upon earlier, there is nothing complicated about the Texas situation. The facts are clear and are all in the record. There is no confusion here other than the confusion created by those who decided just a few short years ago to seize the lands in the name of the Federal Government.

I am sure that every Senator has read the language of the annexation agreement which brought Texas into the Union. I am sure that every Senator knows that it specifically granted to Texas "all vacant and unappropriated lands lying within its limits."

I am also sure that every Senator knows that the seaward limits of Texas were set at three marine leagues—10½ miles—from the mean low-tide mark by international agreement.

These facts are not in dispute. They are conceded even by the leading proponents of Federal control over the submerged lands. They are facts which have to be conceded simply because there is nothing in any record to contradict them.

In conceding these facts, however, those who favor Federal control advance the startling thesis that Texas surrendered its rights to the submerged lands when it entered the United States. I have studied this theory carefully and, frankly, I am puzzled.

Where and when did this surrender take place? In what treaty or by what action did the people of Texas surrender their rights?

I have consulted history and examined the available documents and nowhere do I find an indication of such a surrender. Could it be that a people can surrender without knowing about it?

Let me assure the Senate right now that surrender is not a Texas habit—whether knowingly or unknowingly.

Could it be that somebody has interpreted the annexation resolution as a surrender? Mr. President, I distributed copies of that resolution to every Senator just the other day.

I challenge anyone to read that document and declare that it is a document of "surrender" in any way, shape, or form. That is an argument that just cannot stand.

To be sure, Mr. President, we have heard heavy stress placed upon the phrase "equal footing" that was written into the annexation agreement. We are told that this is the phrase through which Texas ceded its rights to the marginal seas.

I have before me the annexation resolution which is under dispute. I have read it over and over again. I am no lawyer but I believe the language used in this document is clear. Let me read to the Senate the significant phrase.

The resolution says Texas "shall be admitted into the Union, by virtue of this act, on an equal footing with the existing States, as soon as the terms and conditions of such admissions and the cession of the remaining Texan territory to the United States shall be agreed upon by the Governments of Texas and the United States."

Mr. President, it is very clear to me that the phrase "equal footing" refers to political rights. The term meant simply that Texas would enter the Union with the same rights as any other State as soon as the terms of annexation had been worked out.

I challenge anyone to demonstrate to me or to anyone else that those terms of annexation included surrender of the title to the lands under marginal sea.

Where, then, are the arguments of those who propose to take the submerged lands from Texas and other coastal States and give them to the Federal Government? The answer to that question is not hard to find. The arguments simply do not exist; that is, they do not exist if we hold to our standards of the just, the fair, the honorable.

We are told that the Federal Government must take the submerged lands because it needs the oil revenues to pay off the national debt.

We are told that the Federal Government must take the submerged lands to aid the schools of the Nation.

We are told that the Federal Government must take the submerged lands because it is responsible for defending them.

We are told that the Federal Government must take the submerged lands so it can develop the oil resources for the Armed Forces.

Mr. President, these are not arguments—they are excuses. These are not reasons based upon principle—they are alibis based upon expediency. And like most excuses—like most alibis—they cannot stand the test of the just—the fair—the honorable.

Let us apply that test and determine the implications of these so-called arguments.

Are we to seize the property of three States to pay off the debts of the many?

Are we to deprive the school children of three States to dole out an extra pittance to the many?

Are we going to defend only that property which the Federal Government owns?

Are we going to order the seizure without compensation of any resources which must be developed for the Armed Forces?

These are questions which to my mind answer themselves.

It is time to be realistic about this issue. The proponents of Federal control over the submerged lands have only two effective arguments:

First, they want the oil revenues to go into the Federal treasury.

Second, they are promising everybody that nobody will be affected except the coastal States and that even they have nothing to worry about except oil.

I strongly suspect that the second argument is more effective than the first.

There was a most interesting colloquy the other day in the Senate. In that colloquy, State after State was assured that the Federal Government will assert no claim on its property.

We were told that no effort would be made to seize the iron ore deposits beneath the northern lakes. We were promised that Mobile Bay would remain the property of Alabama. We were pledged that the filled-in tidelands of New Jersey and Massachusetts would not be taken from these States.

It is comforting to those who have such assurances. But let me say this to my colleagues. Who is there that can give such assurances?

The assurances of a treaty apparently are not valid. The assurance of 100 years of possession has proven to be empty. It is obvious that we can rely on nothing if we cannot rely on what is right and hope that those who are in power will determine the issues by what is right.

Who is there who can say that the day will not soon arrive when some bureaucrat will come down the road and will say: "We need the iron under the Northern lakes." Who is there to say that bureaucrat will not justify the need for that iron ore by saying that the proceeds will go to the cancer fund, and that, therefore, everyone who is against cancer should vote for seizure of that ore?

Of course, that suggestion will come from a bureaucrat. Of course, it will be sponsored in Congress by those whose States do not contain any iron ore, those who think it is all right to take iron ore belonging to someone else as long as it is used for a good cause.

It is time for each Senator to ask himself whether the bureaucrats who assure us that they will take nothing but oil are eliminating from that assurance the one key word "now."

After all, the people of Texas, of Louisiana, and of California, once felt quite secure in their ownership of the submerged lands. They read the law, and the law was with them. They believed that no one would ever contest that law; or that if it was contested, the contest would be thrown out of court and would not stand.

Well, Mr. President, the law was contested; and by the decision of four men who overruled the decision of three other men, the people of Texas were told that they should be deprived of their property.

Could it be that some day five justices would decide that Mobile Bay belongs to the Federal Government, despite the feelings of the other four? Could it be that four justices would decide that the filled-in tidelands of New Jersey and Massachusetts are the property of Washington, despite an opposite ruling from another three? Could it be that such a decision could cover inland waters into the Federal domain?

I am told that this reasoning is far-fetched and fantastic. But, Mr. President and my colleagues, let me assure you that a mere 20 years ago any Texan would have snorted "far-fetched—fantastic" had you tried to tell him that the Federal Government could take the submerged lands. Perhaps a lesson is to be drawn from the experience of Texas, California, and Louisiana.

I know that those who back the proposed interim legislation believe they have drawn up adequate legislative safeguards. But, Mr. President, legislative safeguards can always be repealed. The only safeguards that are worth anything are the elementary standards of justice. Once they are abandoned, no man or no property is safe.

The bitter truth is that the so-called tidelands decision has endangered every land title in the United States.

If the Federal Government can go 10½ miles out to sea to take land belonging to Texas, it can 10½ miles inland. If a man can go north, he can go south, and there is no limit other than his physical capacity for traveling.

If the Federal Government can take the oil that may be under the marginal sea, it can certainly take the iron ore that may be under the northern lakes. If there is a distinction between the two, it is a distinction without a difference.

Mr. President, all these considerations compel me to urge the rejection of the so-called interim measure now pending before the Senate. I believe we are dealing here with fundamental issues, and this measure does not meet those issues squarely.

At the very best, the interim joint resolution is merely a temporary expedient to get oil into production while Congress decides the basic questions. At worst, it represents an end-run play whereby the Federal Government will wind up with all the property without a congressional determination.

I was particularly struck by one aspect of the arguments advanced in this Chamber in the past few days, namely, the attitude that the interim joint resolution is very generous toward the States that have been deprived of their property. Frankly, I do not believe that the people of Texas or California, or Louisiana will consider this a generous attitude. I do not believe they will consider 37½ percent of the oil royalties for 5 years sufficient compensation for the loss of their property. It bears too close a resemblance to buying absolution from sin with a part of the loot from a burglary.

Mr. President, we in Congress have been fighting for many years over this issue of the submerged lands. Every conceivable aspect of the question has been threshed out by the best legal minds on both sides of the Capitol.

I am convinced that a majority of the Members of the Congress believe justice, fairness, and integrity are on the side of the States. That conviction has been demonstrated over and over again.

Mr. O'MAHONEY. Mr. President, will the Senator from Texas yield to me?

Mr. JOHNSON of Texas. I shall be glad to yield. I have only a few remarks remaining, and I should like to complete them before I yield.

Nevertheless, I yield now if the Senator from Wyoming asks that I do so.

Mr. O'MAHONEY. I thank the Senator.

Mr. President, let me say that I have been listening to the Senator from Texas, and I am fearful that there is an inaccuracy in his statement, if I have correctly understood him. I may have heard him incorrectly.

Did the Senator from Texas say that the pending joint resolution grants to the coastal States 37½ percent for a period of 5 years?

Mr. JOHNSON of Texas. I said that I do not believe they will consider 37½ percent of the oil royalties for 5 years sufficient compensation for the loss of their property.

Mr. O'MAHONEY. That is the mistake which I think the Senator from Texas has made. The pending joint resolution gives a complete grant of 37½ percent within the 3-mile limit; there is no time limitation upon that grant.

Mr. JOHNSON of Texas. Let me say that the statement made by the Senator from Wyoming does not impress me with or convince me of his generosity any more than I was impressed with it or convinced of it when I made the statement in the first place. Thirty-seven and one-half percent is very small compensation for the 100 percent of value which is proposed to be taken.

Mr. LONG. Mr. President, will the Senator from Texas yield to me at this time?

Mr. JOHNSON of Texas. I yield.

Mr. LONG. As a matter of fact, when Texas entered the Union, she was annexed after she had been an independent nation with a boundary 10 marine miles into the sea. However, the pending proposal would permit Texas to have 37½ percent of the royalties from the oil from the submerged land within 3 miles of her shores, although it is possible for oil to be

produced from lands for as great a distance as 150 miles off the shores of Texas. Does not the Senator from Texas agree?

Mr. JOHNSON of Texas. Yes, the Senator from Louisiana is eminently correct.

I know that he feels as I do, namely, that there is no abler or fairer Member of the Senate than the Senator from Wyoming. However, the Senator from Wyoming cannot establish the undisputed right to being the most generous Member of this body by saying that he is going to give someone 37½ percent or about one-third of what he already owns, and that the remaining 62½ percent will be distributed throughout the country.

Mr. O'MAHONEY. Mr. President, if the Senator from Texas will yield again to me, let me say that I rose merely for the purpose of making it clear that if the Senator from Texas is proceeding under the assumption, as apparently his statement would indicate he was, that the pending measure grants for only 5 years 37½ percent of the royalties collected from the submerged lands within the 3-mile limit, he is mistaken about that. This measure proposes a grant in perpetuity, so long as the joint resolution remains the law.

Of course, a discussion of the seaward boundaries of Texas is another matter. I merely desire to clear up the other point.

Mr. JOHNSON of Texas. I may say that I am clear regarding it.

Mr. LONG. Mr. President, will the Senator from Texas yield, to permit me to ask another question?

Mr. JOHNSON of Texas. I yield.

Mr. LONG. It seems that perhaps the Senator arrives at that mistaken impression because the joint resolution provides that for 5 years, and within a 3-mile zone, the States would have a right to prevent leasing, if they desired to do so.

Mr. JOHNSON of Texas. I understand that the joint resolution now pending makes that provision for a period of 5 years. I do not mean to imply that the Senator from Wyoming proposed that 37½ percent be taken away from us for that time. I was merely pointing out that the proposal was to take away 100 percent now, and then to say, "I am very, very generous with you, and I will give back to you 37½ percent of the revenues from a certain limited area."

Mr. O'MAHONEY. Of course, Mr. President, the Senator from Texas realizes that the Supreme Court has held that the States never owned it at all.

Mr. JOHNSON of Texas. The Supreme Court has rendered a decision which I have discussed. That decision was rendered by a 4-to-3 vote, and by that vote the Court has made it necessary that this body now consider the substitutes which have been proposed to the pending measure. In due time I think the Congress will determine once and for all who owned those lands and who now owns them.

Mr. LONG. Mr. President, will the Senator from Texas yield further to me?

Mr. JOHNSON of Texas. I yield.

Mr. LONG. As a matter of fact, in order to put the case in its proper light, it should be pointed out that the Court held that Texas did own the submerged lands, but surrendered them when she entered the Union.

Mr. JOHNSON of Texas. That is correct.

Mr. CARLSON. Mr. President, will the Senator from Texas yield to me at this point?

Mr. JOHNSON of Texas. I am glad to yield to the Senator from Kansas.

Mr. CARLSON. I have appreciated very much the statement being made by the distinguished Senator from Texas, and I have listened with great interest to the speeches made by the distinguished Senator from Wyoming [Mr. O'MAHONEY] on Senate Joint Resolution 20. As I have been studying this measure and listening to the debate, I have wondered whether, so far as the courts are concerned, Senate Joint Resolution 20, if enacted, would eventually prejudice the interests of the States in their rights to this land, when the 5-year period is over.

Mr. JOHNSON of Texas. I think it would.

Mr. President, in my judgment the pending so-called interim measure does not meet the issues or the wishes of the Congress or the desires of the people of this Nation who are directly affected. As the Senator from Kansas has suggested, I think that by means of the pending measure we can do little other than protract the argument for another 5 years.

The senior Senator from Texas [Mr. CONNALLY] and I are urging the Senate to vote for a substitute—the House bill—which would give to the States that which is rightfully theirs. Thus, and only thus, can we guarantee a continuation of the constitutional relationship between the Federal and the State Governments. If our substitute does not prevail, I hope the Holland substitute will be accepted.

Thus—and only thus—can we head off this Federal power grab before it opens the way to engulfment of the whole Nation.

Mr. President, the wise course—the prudent course—is to confirm for all time that which belongs to the States. It is also the course that meets the basic test of the just—the fair—the honorable.

In closing, I should like to pose this proposition for the consideration of the Senate.

We Texans believed when we signed the Treaty with Mexico—a treaty of independence for which men had fought and died—that we had won this 10½ miles of territory.

We believed when we came into the Union that we kept that 10½ miles—that 10½ miles which we had not given up in any way, shape, or manner.

We believed for more than 100 years that we owned that territory by undisputed right.

We believed that we had done a laudable thing when we devoted the proceeds of these lands to our public schools.

It may be somewhat easier for the people who did not participate in the

war with Mexico to take a different approach. It may be somewhat easier for those who have not held possession of this land for more than 100 years to take a different approach.

But let us reduce this to terms that all can understand.

Mr. President, let us assume that your ancestors more than 100 years ago came into possession of a specified number of acres of land. Let us assume that they and their descendants down to your generation held undisputed control over this land. Let us assume that you devoted the revenues from that land to the education of your family.

How would you feel if someone came in and said that these acres were needed for national defense?

How would you feel if that someone said he had paramount rights over those acres?

How would you feel if that claim were upheld and that land was taken from you without compensation?

Mr. President, that is the situation with which we are confronted here today. All we of Texas are asking the Congress to do is to live up to the solemn obligations of the United States.

Mr. DIRKSEN obtained the floor.

Mr. O'MAHONEY. Mr. President, will the Senator yield for a moment?

Mr. DIRKSEN. I yield to the Senator from Wyoming.

Mr. O'MAHONEY. I should like to respond to the gentle comments of my friend from Texas.

I think the concluding remarks of the Senator from Texas have revealed very clearly the basic reason for the conflict and the misunderstanding involved in the consideration of this problem. The Senator compares the rights of an individual owning property with the rights of a state or a nation. The two are not identical. They have been regarded as identical by many who have discussed this bill.

DISTINCTION BETWEEN INDIVIDUAL AND SOVEREIGN RIGHTS

In the California case and again in the Texas case, the Supreme Court has been at great pains to point out the difference. It is the difference between proprietary rights and the rights of government. The Supreme Court has used the Latin words "dominium" and "imperium," and in these days when Latin has fallen into great disuse, even by lawyers, it is not surprising that the use of these words by the Supreme Court has led to the misunderstanding.

What the Supreme Court has said is that none of the 13 Colonies, and no State, neither California, Texas, nor Louisiana, ever had property rights in the submerged lands, though they might have had certain rights of government over them. As a matter of fact, the States do have certain rights of government or control.

Mr. LONG. Mr. President, will the Senator yield?

Mr. O'MAHONEY. If the Senator will pardon me a moment, I want to make this as clear as I can, although I readily confess my own inability to state the complexity of this question in simple language.

Mr. DIRKSEN rose.

Mr. O'MAHONEY. If the Senator from Illinois will indulge me, I am going to read a few words from Thomas Jefferson.

Mr. DIRKSEN. Will my friend yield for a moment?

Mr. O'MAHONEY. Yes, indeed.

Mr. DIRKSEN. I was going to take about 10 minutes and then rush off to a committee meeting this afternoon.

Mr. O'MAHONEY. Of course, that is one of our great troubles—we take 10 minutes, and we rush off to committee meetings, and the pending business is neglected.

Mr. DIRKSEN. I understand that.

Mr. O'MAHONEY. I should like very much to have the Senator from Illinois remain here for a few moments, and then I shall surrender the floor, which I have only by his indulgence, and I shall not delay him from his committee meeting, because the Jefferson quotation is very brief.

Mr. DIRKSEN. What is the length of one of these Wyoming moments?

Mr. O'MAHONEY. About the length of Thomas Jefferson's pronouncement of November 8, 1793.

Mr. DIRKSEN. Very well; I yield.

ASSERTION OF NATIONAL SOVEREIGNTY
BY JEFFERSON

Mr. O'MAHONEY. Mr. President, this pronouncement by Mr. Jefferson, then the Secretary of State in the first administration under the United States Constitution, was written by him to the British Minister. There was a discussion proceeding between the Government of the United States and the Government of Great Britain with respect to the offshore area over which the Government of the United States had jurisdiction.

The declaration was dated at Germantown, November 8, 1793, and reads as follows:

Sir: The President of the United States, thinking that, before it shall be finally decided to what distance from our seashores the territorial protection of the United States shall be exercised, it will be proper to enter into friendly conferences and explanations with the powers chiefly interested in the navigation of the seas on our coasts, and relying that convenient occasions may be taken for these hereafter, finds it necessary in the meantime to fix provisionally on some distance for the present government of these questions. You are sensible that very different opinions and claims have been heretofore advanced on this subject.

In other words, Mr. Jefferson, the Secretary of State, was engaging in an effort to secure an interim settlement of a controversy which had been raging for a long time. He goes on as follows:

The greatest distance to which any respectable assent among nations has been at any time given has been the extent of the human sight, estimated at upward of 20 miles, and the smallest distance, I believe, claimed by any nation whatever is the utmost range of a cannonball, usually stated at one sea league. Some intermediate distances have also been insisted on, and that of three sea leagues has some authority in its favor. 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—

Meaning George Washington—

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 seashores.

This, Mr. President, was the first declaration in our history by any Government authority that the jurisdiction of the Federal Government of the United States extended 3 miles from the shore, meaning from the low-water mark. No such declaration had ever before been made on behalf of any of the Original Thirteen Colonies nor on behalf of any State. But the National Government, by direction of George Washington, through the pen of Thomas Jefferson, laid down that rule of three geographical miles. Mr. Jefferson went on as follows:

This distance can admit no opposition, as it is recognized by treaties between some of the powers with whom we are connected in commerce and navigation, and is as little, or less, than is claimed by any of them on their own coasts.

Let me now invite attention to the next sentence:

For the jurisdiction of the rivers and bays of the United States, the laws of the several States are understood to have made provision, and they are, moreover, as being landlocked, within the body of the United States.

Here was a declaration of the authority of George Washington, by the pen of Thomas Jefferson, setting forth what we have asserted in presenting Senate Joint Resolution 20, namely, that rivers and harbors and inland waters are not within the jurisdiction of the United States, that the Federal Government does not claim them, that there is nothing in the resolution to sustain the charge which has been made over and over again that the passage of the resolution will mean that some day in the not too distant future the Federal Government will seize inland waters. I say, Mr. President, that we stand as firmly as did Thomas Jefferson upon the principle that—

For the jurisdiction of the rivers and bays of the United States, the laws of the several States are understood to have made provision, and they are, moreover, as being landlocked within the body of the United States.

That is to say, under the laws of the several States the National Government recognizes State jurisdiction over such waters.

Then Jefferson goes on as follows:

Examining, by this rule, the case of the British brig *Fanny*, taken on the 8th of May last, it appears from the evidence that the capture was made 4 or 5 miles from the land, and consequently without the line provisionally adopted by the President, as aforementioned.

That is signed by Thomas Jefferson.

RAID BY STATES ON FEDERAL AREA

So, here, Mr. President, I recite that the historic record of our country shows that it was a Secretary of State who laid down the 3-mile limit and gave jurisdiction of the United States over the area within that 3-mile limit. Instead

of the United States making a raid upon the submerged lands of the States, the coastal States are making a raid on the submerged lands of the United States.

I thank the Senator from Illinois.

Mr. LONG. Mr. President, will the Senator from Illinois yield to me?

Mr. DIRKSEN. I yield.

Mr. LONG. I should like to say, in answer to the argument of the Senator from Wyoming, that anyone who reads the argument will see that Thomas Jefferson was stating the distance to which the jurisdiction of the United States could be exercised. It again relates to the same argument we have already heard, that because the United States has the duty of defending the shores of the Nation, it owns everything that is beneath the soil there, with which, of course, we disagree. It is no more true than that the United States owns Long Island Sound or the Great Lakes because it has the responsibility of defending their shores.

The States, it is claimed, never had complete sovereignty, and it is stated that there are vast powers possessed by the Federal Government which were not given to it by the people acting through the States. I think that one of these days we ought to test that theory to see whether anyone seriously believes that the United States possesses vast powers which were never given to it under the Constitution.

Mr. O'MAHONEY. Mr. President, will the Senator from Illinois yield further?

Mr. DIRKSEN. Will this take a long moment?

Mr. O'MAHONEY. It will be a brief moment. I want to read from the Texas case:

But there is a difference in this case which, Texas says, requires a different result. That difference is largely in the preadmission history of Texas.

The sum of the argument is that prior to annexation Texas had both dominium—

That is to say, ownership—

and imperium—

That is to say, government powers of regulation and control—

as respects the lands, minerals, and other products underlying the marginal sea.

In the case of California we found that she, like the Original Thirteen Colonies, never had dominium—

That is to say, ownership—

over that area. The first claim to the marginal sea was asserted by the National Government. We held that protection and control over it were, indeed, a function of national external sovereignty. The status of Texas, it is said, is different: Texas, when she came into the Union, retained the dominium over the marginal sea which she had previously acquired and transferred to the National Government only her powers of sovereignty—her imperium—over the marginal sea.

STATES NEVER OWNED SUBMERGED LANDS

Then the court goes into a discussion of the history, and ends up with the clear distinction that the ownership beyond the 3-mile limit to the land submerged by the open sea does not belong to the coastal States, and that the paramount right is in the National Government.

This illustrates what I pointed out a moment ago that our friends err when they say that the States ever owned the submerged lands or that the Supreme Court held that the Federal Government owned them. The argument is wholly upon the question of paramount right.

Mr. HOLLAND. Mr. President, the Senator from Florida is particularly intrigued to note the complete confusion which apparently exists in the mind of the Senator from Wyoming in relation to imperium and dominium, and in citing in support of the strange doctrine he is now defending upon the floor of the Senate the statement made by Thomas Jefferson for the United States of America, having to do with no part at all of the question of dominium, much less with the question of ownership, but wholly with the question of imperium, the right among the family of nations to control navigation as an incident of imperium within the coastal belt mentioned in the document.

If I may just touch upon portions of the letter of Mr. Thomas Jefferson of November 8, 1793, I should like to call attention to these words. First, in the first sentence the Secretary of State recites that—

The President of the United States, thinking that, before it shall be finally decided to what distance from our seashores the territorial protection of the United States—

That is what they are talking about— shall be exercised, it will be proper to enter into friendly conferences and explanations with the powers chiefly interested in the navigation of the seas on our coasts.

I shall not continue to read at that point, reserving the final question, but pointing out it was temporary in nature and set forth that insofar as questions of navigation alone were concerned, the young Government of the United States was asserting its right to exercise its imperium, not its dominium, within the 3-mile belt, until further discussions could be had.

About the middle of the letter I read this portion:

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.

What he is talking about is navigation. He is not talking about the ownership of the waters, the ownership of what is in or under the waters, or on the shores which extend out into the waters, but simply the navigation on the waters.

I think one more quotation will make it abundantly clear that the senior Senator from Wyoming is completely confusing the question of imperium, which relates in this instance solely to navigation, and is confined to that, and the question of dominium, property ownership, and control, which are, of course, the subject matter of the recent decision of the United States Supreme Court.

I quote this last portion from the letter:

This distance can admit no opposition, as it is recognized by treaties between some of the powers with whom we are connected

in commerce and navigation, and is as little, or less, than is claimed by any of them on their own coasts.

That relates again solely and exclusively to the field of commerce and navigation.

Mr. President, this debate relates to important matters of property rights pertaining to States, and is of tremendous importance to the community life along the coasts of all the maritime States, and possibly along the coasts of the Great Lakes States, and surely we have not come to the stage where we have to decide this question upon an ancient declaration which had nothing whatever to do with the question that is involved in the issue which is before the Senate.

Mr. O'MAHONEY. Mr. President, I could not have stated my own interpretation of Thomas Jefferson's letter nearly so well as it has been stated by the Senator from Florida. I was talking only about the imperium, and not about the dominium.

Mr. JOHNSON of Texas. Mr. President, I had intended to read for the benefit of the Senate a sentence from the minority decision of the Supreme Court in the tidelands case. I quote briefly:

In my view, Texas owned the marginal area by virtue of its original proprietorship; it has not been shown to my satisfaction that it lost it by the terms of the Resolution of Annexation.

In that statement Mr. Justice Minton joined.

From another opinion, written by Mr. Justice Frankfurter, I quote the following:

As is made clear in the opinion of Mr. Justice Reed, the submerged lands now in controversy were part of the domain of Texas when she was on her own. The Court now decides that when Texas entered the Union she lost what she had and the United States acquired it. How that shift came to pass remains for me a puzzle.

Mr. President, for all the people of Texas it remains a puzzle; and I believe it remains a puzzle to a large majority of my colleagues in this body.

THE MOON CREATES AN ISSUE, OR WHO OWNS THE TIDELANDS AND THEIR RESOURCES?

Mr. DIRKSEN. Mr. President, perhaps it is the moon that raised the issue before the Senate.

Its gravitational pull on the earth accounts for the tides. Shorelands are submerged when the moon pulls the waters up and are laid bare when the pull ceases and the waters ebb. It is these land areas surrounding our country—the tidelands—and their resources, which are in issue. In addition, there is the well fortified opinion that the lands under the navigable lakes and water courses might also be involved.

Their ownership is important. These land areas are cluttered with oil wells, industries, facilities, improvements placed on them because they yield oil, minerals, materials, and many conceivably contain important resources not yet discovered.

Who owns and controls these areas, at least out to that elusive line known as the 3-mile limit?

There seems to have been an almost unanimous belief, fortified by court decisions and expert legal opinion, and running back to the time when our country was founded, that the States owned these areas. Was that a legal delusion, or a fact?

In at least one case four members of the Supreme Court thought it was a delusion. When Federal officials raised the issue in the case brought against California in 1947, the Court held that the United States had paramount rights in and full dominion over the lands, minerals, and other things underlying the Pacific within the 3-mile limit. The decision of the Court in the cases involving Louisiana and Texas had about the same effect.

Here then is proof that the ceaseless pull of the moon and the never-ending ebb and flow of the tides may be immutable, but the beliefs and decisions of men are not.

While the Court decisions involved only coastal States, many well-informed persons including a substantial number of attorneys general from the various States, believe that the decision casts some doubt on the title of the inland States to the land and resources beneath the navigable rivers and lakes. If so, it would involve title to an area of some 106,000 square miles, which is four times as large as the whole tidelands area which lies within the 3-mile belt around the Nation.

Of course we know that neither the moon nor the ancient bootlegger who in other days found sanctuary beyond the 3-mile limit raised this issue. It was raised by oil. The fields already being worked and the new fields discovered in the last few years are estimated to contain hundreds of millions of barrels. Oil is black gold. Oil is the stuff of peace and war. Oil is wealth. Oil and other resources raise the issue. If there were no oil in the tidelands, there would today be no bills before the Senate dealing with this issue.

Mr. LONG. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. LONG. If there had been no oil, no claim would have been made in the first place. When the claim was made, the argument was that because oil was found, the claim was justified.

Mr. DIRKSEN. That is true.

I do not deem it very important whether former Secretary Ickes or any other person changed his mind within the space of six short months as to whether the States or the Federal Government owns these areas.

The important questions are these: Should the disposition of the revenues which might be derived from these tideland areas obscure the real issue? What is the real issue? Does Congress have power to deal with it?

On the first of these questions, it should be observed that bills are now before us to validate the claim of the Federal Government to these areas and to earmark some part of the revenues for education. I am not insensible of the fact that that proposal has great appeal. They start with an assumption. In the

March issue of Harper's the Senator from Alabama [Mr. HILL] puts it very naively. He says:

I do not believe the American people want the Congress to overrule the Supreme Court and give away their \$50,000,000,000.

That statement completely begs the question. If, in fact, the Federal Government has no valid claim to these areas, does he contend that Uncle Sam should still play Robin Hood and despoil the States of their rights, because the enrichment, no matter how wrong or unjust, will be devoted to a noble and laudable purpose? If this is the philosophy of the new day, America is in a bad way, indeed.

Mr. LONG. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. LONG. These scare figures have been used to much that I believe it would be well for the Senate to note that in the course of the hearings the Secretary developed the point that ultimately it might be possible to increase the production from the submerged lands to a point where there would be as much as \$100,000,000 a year in revenue. That is what the Secretary of the Interior, based upon the best advice of geologists available to him, estimated might ultimately be developed in the submerged lands off the shores of the United States.

Mr. DIRKSEN. I was merely using a figure which has been advanced.

Mr. LONG. Since even the bill most favorable to the States would result in the States receiving about 42 percent of the revenues, the actual amount in controversy based upon that assumption would be about \$42,000,000 a year, which is just about enough to operate the Government for 6 hours.

Mr. DIRKSEN. So transparent a proposal, no matter how noble in purpose, should not obscure the real issue, which is simply this: Do these land areas belong to the States or to the Federal Government? Four men on the Court joined in the decision which asserted the power and dominion of the Federal Government over the ownership of areas within the 3-mile limit. Three Justices dissented.

But the dissenters are in good and substantial company. Since 1948, all the Governors, virtually all of the attorneys general of the States, and a substantial number of individuals, legal experts, and organizations have endorsed legislation by Congress to quitclaim ownership of these lands to the States. A host of Court decisions asserting the rights of the States in and to these lands goes back for 90 years or more. A number of legislatures, including New York, Massachusetts, Virginia, have memorialized Congress to enact legislation to secure the title in these lands. Not until 1937 did Federal officials challenge the rights of the States to these land areas, and the challenge sprang from applications for the issuance of Federal oil leases by persons who insisted that the Federal Government owned these land areas. Not only the record but the equities in this controversy are in my judgment on the side of the States. To despoil them of that right and to obscure the issue

by coupling it with a laudable purpose such as the allocation of all or a part of the revenues to the States for educational purposes would be unjustifiable.

Whether Congress has authority to deal with this problem is abundantly clear from the decision of the Supreme Court and also from the Constitution, because section 3 of article IV clearly empowers Congress to make all needful rules and regulations respecting the Territory or other property belonging to the United States. Under this authority, the Congress should act to secure to the States the rights which they have uninterruptedly enjoyed so long.

The State of Illinois is not without an interest in this matter. Underlying the inland waters are nearly 300,000 acres, together with nearly 1,000,000 acres under Lake Michigan. In 1892 in the case of the Illinois Central Railroad Co. against The State of Illinois, the Supreme Court of the United States held that the State exercises dominion, sovereignty, and ownership over the submerged lands of the Great Lakes by the same doctrine by which other States hold dominion, sovereignty, and ownership over tidewater lands. I feel certain that the people of Illinois would not want me to alien away those rights nor to permit a decision of the Supreme Court to stand under which those rights, would be usurped by the Federal Government.

There remains one question, and that is whether Congress should reverse a doctrine laid down by the Supreme Court can I think best be answered by one observation from history. It is fortunate that Lincoln did not accept the doctrine laid down by that court in the Dred Scott case many decades ago. I wonder where we would have been if he had done so.

So, Mr. President, notwithstanding all the constitutional and legal prolixities which have been uttered, and which somehow surround the issue before, us the equities seem abundantly clear to me. I intend fully to support the bill which had been introduced by the distinguished Senator from Florida [Mr. HOLLAND], Senate bill 904, because I think it not only represents the thinking of the people of my State, but reveals my own conviction in the matter. I think it would be a resolution on the side of right in this issue.

I yield the floor.

Mr. O'MAHONEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Assistant Parliamentarian, Mr. Floyd M. Riddick, proceeded to call the roll.

Mr. O'MAHONEY. I desire to withdraw my suggestion of the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the further proceedings incident to the call of the roll will be dispensed with.

Mr. O'MAHONEY. Mr. President, the Senator from Arizona having arrived on the floor, I should like to make a record with respect to the possibilities of our proceeding to a vote on the pending measure.

As matters now stand, it is my information that the opponents of Senate Joint resolution 20 as reported by the Committee on Interior and Insular Affairs have rather come to a general understanding in regard to concentrating upon support of Senate bill 940, the bill introduced by the Senator from Florida [Mr. HOLLAND] and approximately 30 other Senators.

However, the Senator from Florida is not as yet prepared to take the floor with respect to that measure; as all of us know, he was ill last week, and came to the floor, at great personal sacrifice, to participate in the voting on the statehood bill.

AMENDMENTS TO BE DISPOSED OF

Today the Senator from Texas told me that he is not yet ready to talk on the substitute measure which he may offer; namely, the bill which was passed by the House of Representatives.

If those two amendments can be disposed of—and I think they can be disposed of very quickly, once they are brought to a vote, or I should say, once they are before the Senate—

The PRESIDING OFFICER. The Chair calls the attention of the Senator from Wyoming to the fact that one committee amendment is yet undisposed of.

Mr. O'MAHONEY. Yes, Mr. President; I am aware of that. I think that amendment also can readily be disposed of. It is only a matter of having the proponents of these amendments or substitutes come before the Senate and present them. I shall do everything I can to bring about a vote on these amendments as soon as possible.

Adverting to the committee amendment to which the Presiding Officer just referred, I may say that I did not call it up on the day when the other committee amendments were adopted, because the Senator from Louisiana had indicated the possibility that he might desire to offer additional amendments to Senate Joint Resolution 20, provided the substitutes were rejected. Inasmuch as that amendment dealt with the general problem of the amendments which he was likely to propose, the chairman of the committee withheld the amendment at that time.

The PRESIDING OFFICER. The Chair is advised that all the committee amendments must be disposed of before any amendment in the nature of a substitute would be in order.

Mr. O'MAHONEY. Then it may be necessary for the Chair to have some action taken with regard to that amendment. At any rate, it can be disposed of very readily.

I am trying now to see whether we can lay any basis for an understanding in regard to when we may dispose of the pending measure.

On Wednesday we have a privileged matter for discussion, and debate for 10 hours and for a vote.

The majority leader has indicated a desire to bring up the Japanese Peace Treaty, the importance of which is very clear.

I doubt very much that tomorrow we can do anything by way of completing the discussion of the amendment in the

nature of a substitute, which amendment is to be offered by the Senator from Florida [Mr. HOLLAND]. However, certainly on Thursday, if we do not proceed on that day to a discussion of the Japanese Treaty, it should be possible for us to dispose of this measure. I think that Members of the Senate generally would welcome an opportunity to dispose of it completely on either Thursday or Friday.

Mr. LONG. Mr. President, will the Senator from Wyoming yield to me?

Mr. O'MAHONEY. Yes, indeed.

Mr. LONG. As a matter of fact, it is my understanding that a substitute must be offered after the pending measure has been perfected and after other amendments to it have been offered. Two or possibly three amendments in the nature of a substitute already are on the desk.

The amendment for aid to education, which amendment has been offered by the Senator from Alabama, would have to be disposed of, I believe, before an amendment in the nature of a substitute could be offered.

Mr. O'MAHONEY. I do not believe that is the rule. Committee amendments have to be disposed of first, but not amendments offered from the floor. After the amendments in the nature of a substitute are rejected, if that is done, amendments to perfect the original measure would be in order, to be offered from the floor.

I believe I have correctly stated the parliamentary rule, have I not, Mr. President?

The PRESIDING OFFICER. The Chair is advised that amendments to perfect the original joint resolution would take precedence, even though other amendments by way of substitute were pending.

Mr. HOLLAND. Mr. President, will the Senator from Wyoming yield to me?

Mr. O'MAHONEY. Yes, indeed.

Mr. HOLLAND. I had received the impression, as stated by the Senator from Louisiana, and now apparently borne out by the Chair's ruling, that all perfecting amendments to the original joint resolution would be proffered and should be considered and passed upon before any amendments in the nature of a substitute could be considered.

The PRESIDING OFFICER. That is the understanding of the Chair.

Mr. O'MAHONEY. I am not altogether clear that the parliamentary question has been properly presented. I have been lacking in a clear presentation of the matter.

Therefore, Mr. President, I now make the following parliamentary inquiry: Is it not within the rules of the Senate to present perfecting amendments to a bill reported by a committee, after a substitute has been offered and defeated?

The PRESIDING OFFICER. That is correct.

Mr. O'MAHONEY. So, under this ruling it would not be necessary, for example, for the Senator from Alabama [Mr. HILL] and his associates to present his education amendment until after it was clear that the substitutes had been voted down.

Mr. KNOWLAND. Mr. President, if the Senator will yield, he has mentioned the contingency whereby the substitute might be offered and defeated; but, of course, it is possible that the substitute may be offered and adopted.

Mr. O'MAHONEY. Yes, of course; and if so, all amendments to the bill reported by the committee would be of no value at all.

The PRESIDING OFFICER. That is correct.

Mr. HOLLAND. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state the inquiry.

Mr. HOLLAND. Is it not also the case that no amendments could be offered to the amendment in the nature of a substitute, after it had been adopted as a substitute for the original measure?

The PRESIDING OFFICER. After a substitute amendment has been adopted, no further amendment is in order.

Mr. HOLLAND. With that thought in mind, it seems completely necessary that the distinguished Senator from Alabama and those who with him sponsor his so-called education amendment should so understand the parliamentary situation; because, in the light of that ruling, which the Senator from Florida believes to be completely correct, there would be no opportunity for the Senator from Alabama and his associates to offer his so-called education amendment, if either of the substitute amendments should be adopted.

The PRESIDING OFFICER. That is correct.

Mr. HOLLAND. So, unless the Senator from Alabama states that he does not care to offer his amendment to the original joint resolution, as a perfecting amendment, the Senator from Florida at least assumes as a possibility that the Senator from Alabama will want to offer it, and will want to be sure, therefore, that it will be considered. The Senator from Florida has heard no statement from the Senator from Alabama indicating that he did not wish his amendment considered under all conditions. On the contrary, he understood the Senator from Alabama to state quite aggressively to the Senate, on the first day this joint resolution was under discussion, that his amendment had been printed and ordered to lie on the table a long while ago, and that he would expect to call it up at the proper time.

Mr. McFARLAND. Mr. President, as the Senator from Wyoming knows, I have been very anxious to have the Senate proceed as rapidly as possible with the consideration of the pending legislation. At the time we took up the joint resolution there were quite a number of objections to limiting the debate; but I had hoped that after the debate had proceeded for a few days we might get a limitation. As I see it, the impediment is that each Senator is waiting on another Senator; so the only thing I know of that we can do at this time is to go ahead, vote on something and dispose of it. We ought at least to get one vote by tomorrow evening on something. Then we will have to lay the joint reso-

lution aside temporarily, in order to consider the reorganization plan which is a privileged matter, and has to be considered. So I hope we can dispose of some of the amendments, and not merely keep the joint resolution pending indefinitely. I am willing that every Senator shall have all the opportunity he may desire to discuss the measure. When I proposed the unanimous-consent agreement it was evident that quite a number of Senators who were present were opposed to it, that is, those who seemed to favor the bill of the Senator from Wyoming as he reported it. For that reason I have not insisted on the unanimous-consent agreement, and I do not know that one will be necessary, because, if no Senator desires to speak, we may perhaps vote.

Mr. O'MAHONEY. Since these questions were brought up, the Senator from Texas and the Senator from Alabama have come upon the floor. I venture to ask the Senator from Alabama whether he is prepared to present, or whether he desires to present his amendment, today or tomorrow. In the effort to expedite the consideration of the joint resolution, I said in opening this discussion that it was my understanding from what I had gathered around the Chamber—it was nothing definite, of course—that there was a general feeling that those who are supporting the quitclaim bill would probably join in support of Senate bill 940, although the Senator from Texas has advised us that he intends to offer a substitute measure, which has already passed the House, namely, the Walter bill.

EDUCATION AMENDMENT TO BE OFFERED

Under the parliamentary rule as it has been laid down here, if either one of these substitutes were adopted, then the amendment of the Senator from Alabama to Senate Joint Resolution 20 would no longer be in order. It could not be added to a substitute already perfected.

It therefore occurred to me that perhaps the Senator from Alabama might desire to offer that amendment now and have the Senate proceed to its consideration, in the hope that we may finish tomorrow; because on Wednesday we shall begin the consideration of the proposal to reorganize the Internal Revenue Bureau. The Senator from Texas, however, had indicated to me today that he might want to offer his amendment tomorrow; and in that event, too, it will be seen that the Senator from Alabama might desire to move first his amendment to the pending joint resolution.

Mr. HILL. Mr. President, I may say to my distinguished friend from Wyoming that I do not apprehend there is a chance to finish this measure tomorrow.

Mr. O'MAHONEY. Oh, no; but we might dispose of some of the pending proposals.

Mr. HILL. Yes; but I would prefer, if the Senator from Texas is going to offer his substitute, that he proceed to present his case for the substitute, and than I would consider offering my amendment as a perfecting amendment

to the pending joint resolution. The offering of a substitute would in no way preclude the offering of what is commonly called a perfecting amendment.

Mr. O'MAHONEY. Unless the substitute has been adopted.

Mr. HILL. Oh, of course, if the vote had come on the substitute, and it had been adopted, that would then settle the whole matter. I appreciate that; but at any time before the vote comes on the substitute, and the substitute is agreed to, a perfecting amendment, as I call it, would be in order.

Mr. O'MAHONEY. The Senator is entirely correct.

Mr. HILL. It would seem to me that Senators who have substitutes might offer them, having in mind that we are not going to finish this measure tomorrow. I do not see how it could possibly be finished by tomorrow. We will then proceed, I believe, to a consideration of the reorganization resolution, which will perhaps take 1 or 2 days; and then after that is concluded, I understand that serious consideration may be given to taking up the Japanese treaty.

Frankly, I thought we would save time on the amendment which I propose to offer for myself and the cosponsors, if we might offer it nearer the time when we were ready to vote on it, instead of debating it all day tomorrow, let us say, and then having to wait a week or so to come back to it and debate it all over again.

Mr. O'MAHONEY. I wonder whether I might ask the Senator from Texas whether he is prepared to proceed tomorrow with the discussion of the proposed substitute, namely, the House bill?

Mr. CONNALLY. I may say to the Senator I will try to be ready tomorrow to offer my substitute and to make a speech. I think I can; but I do not want to promise that absolutely. I shall endeavor to be ready tomorrow to offer my amendment and to make certain remarks on it, if that is agreeable. I may say to the Senator that I could not very well proceed with it today, because I have been surrounded by a delegation from Hawaii and have been trying to explain my position. I am glad to say they left, apparently in good humor, though the position of the Senator from Texas had not been entirely satisfactory to them. That is all I have to say.

THE INLAND WATERS AMENDMENT

Mr. O'MAHONEY. Mr. President, in view of the present situation, I desire to call up the amendment which I presented and had printed, and which is lying on the table, to make clear that Senate Joint Resolution 20 does not hold any threat to State control over inland waters.

The PRESIDING OFFICER. Does the Senator from Wyoming desire that the amendment be read in full?

Mr. O'MAHONEY. It will be sufficient, Mr. President, if it is stated.

The LEGISLATIVE CLERK. It is proposed, on page 15, after line 10, to insert a new section 11.

Mr. HOLLAND. Mr. President, during the course of the debate there has been considerable discussion of the stake which each of the directly affected

States has in the issue by reason of the number of miles of coast line of the several maritime States, and also the number of miles of shore line of the States which border upon the Great Lakes. The United States Coast and Geodetic Survey, Department of Commerce, published under date of July 1948, a paper giving the length in statute miles of the coasts of the States under three classifications, as described in the print, namely, general coast line, tidal shore line, general and tidal shore line, detailed.

I think the description of what is involved in those three classifications is set forth with complete clarity in the publication of the United States Coast and Geodetic Survey.

I ask unanimous consent that the portion of the publication which relates wholly to the States of the Union may appear in the body of the RECORD at this point as a part of my remarks.

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

Coast line of the United States, July 1948

Locality	Lengths in statute miles		
	General coast line	Tidal shore line, general	Tidal shore line, detailed
Maine.....	228	676	3,478
New Hampshire.....	13	14	131
Massachusetts.....	192	453	1,519
Rhode Island.....	40	156	384
Connecticut.....		96	618
New York.....	127	470	1,850
New Jersey.....	130	398	1,792
Pennsylvania.....		89	89
Delaware.....	28	79	381
Maryland.....	31	452	3,190
Virginia.....	112	567	3,315
North Carolina.....	201	1,030	3,375
South Carolina.....	187	758	2,876
Georgia.....	100	603	2,344
Florida.....			
Atlantic.....	399	618	3,035
Gulf.....	798	1,658	6,391
Total.....	1,197	2,276	8,426
Alabama.....	53	199	607
Mississippi.....	44	155	359
Louisiana.....	397	985	7,721
Texas.....	367	1,100	3,359
California.....	840	1,190	3,427
Oregon.....	296	312	1,410
Washington.....	157	908	3,026
Atlantic coast.....	1,888	6,370	28,377
Gulf coast.....	1,659	4,097	17,437
Pacific coast.....	1,293	2,410	7,863
United States.....	4,840	12,877	53,677

The Coast and Geodetic Survey receives numerous requests for data on lengths of coast line and tidal shore line of the United States and its Territories and possessions. As a result, graphic measurements have been made from time to time on maps of various scales and in units of various lengths. The three types of measurement selected for publication at this time are explained in the following paragraphs.

GENERAL COAST LINE

The figures under this heading are lengths of the general outline of the seacoast. The measurements were made with a unit measure of 30 minutes of latitude on charts as near the scale of 1:1,200,000 as possible. The shore line of bays and sounds is included to a point where such waters narrow to the width of the unit measure, and the distance across at such point is included.

TIDAL SHORE LINE, GENERAL

Measurements under this heading were made with a unit measure of three statute miles on charts of 1:200,000 and 1:400,000

scale when available. The shore line of bays, sounds, and other bodies of water is included to a point where such waters narrow to a width of 3 statute miles, and the distance across at such point is included.

TIDAL SHORE LINE, DETAILED

The figures under this heading were obtained in 1939-40 with a recording measure on the largest scale maps and charts then available. Shore line of bays, sounds, and other bodies of water is included to the head of tidewater, or to a point where such waters narrow to a width of 100 feet.

Mr. HOLLAND. I may say, Mr. President, that I am excluding for the purposes of brevity the same calculations stated in the same listings of mileage of various offshore possessions of the United States which I do not think are involved in the present issue.

The United States Coast and Geodetic Survey has also supplied a table showing shore line, general, on the Great Lakes, the United States side, only, which gives exactly the same information as was given in the other listing which has already been incorporated in my remarks. In the second table, namely, Tidal Shore Line, General I ask unanimous consent that there be incorporated in my remarks as a part thereof that portion of the information furnished by the United States Coast and Geodetic Survey which shows the general shore line of the States of the United States upon the Great Lakes.

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

Shore line, general, Great Lakes, United States side only

By States:	
Minnesota.....	165
Wisconsin.....	645
Illinois.....	57
Indiana.....	42
Michigan.....	2,302
Ohio.....	198
New York.....	351
Pennsylvania.....	45
Total.....	3,805

By Lakes:	
Ontario.....	255
Niagara River.....	27
Lake Erie.....	336
Lake St. Clair-St. Clair River and Detroit River.....	144
Lake Huron.....	678
Lake Michigan.....	1,309
Lake Superior.....	1,056
Total.....	3,805

These measurements are on the same basis as the center column of the United States Coast and Geodetic Survey coast line table, July 1948

Mr. O'MAHONEY. Mr. President, the material which the Senator from Florida has just inserted in the RECORD is altogether appropriate at this point, because, as I attempted to say just after the junior Senator from Texas [Mr. JOHNSON] had spoken, there seems to be a great deal of misapprehension as to the intentions of the Federal Government and of the proponents of the pending legislation with respect to inland waters. I have stated during meetings of the Committee on Interior and Insular Affairs, and on the floor of the Senate, that there has never been

the slightest doubt in my mind that the Federal Government does not have any title whatever to submerged lands beneath inland navigable waters, and that inland navigable waters include not only rivers and lakes, but true bays, harbors, inlets, and waters of that type, as well as lands covered by the ebb and flow of the tides.

During today's session of the Senate, earlier in the afternoon, I read a declaration which Secretary of State Thomas Jefferson, in November 1783, sent to the British Ambassador, making it clear that the separate States of the Union had already asserted, by legislation, jurisdiction over inland waters. I read that statement also because it was the first declaration on behalf of the Federal Government asserting jurisdiction by the Government of the United States over what is known as the 3-mile belt.

EXTERNAL JURISDICTION AN ATTRIBUTE OF NATIONAL SOVEREIGNTY

I venture to assert, in addition, that there never was any declaration on the part of any of the States nor any of the Thirteen Original Colonies of external sovereignty over the 3-mile belt. This jurisdiction over an area beyond the coast line has from time immemorial been an attribute of national sovereignty. It was an attribute of national sovereignty when the United States of America became free, and has remained an attribute of national sovereignty down to this hour.

But in order to make it quite clear that the Federal Government has not asserted title to inland waters, I have brought to the floor of the Senate today an exhibit which was presented to the Committee on Interior and Insular Affairs by city officials of Long Beach, Calif. It is a photograph which shows the city of Long Beach and the line which was stipulated in the California case on the landward side of which the Federal Government asserts no title.

Mr. President, no one can look upon this photograph and entertain for a single moment any apprehension that the Federal Government in the California case has at any time claimed true inland waters. Senators who can see on the easel before me the photograph of the city of Long Beach will observe that the Pacific Ocean comes directly into the beach after which the city of Long Beach is named. Every single oil well which was drilled by the lessees holding from the city of Long Beach, under authority of the State of California, under the waters of this asserted bay, or harbor, or whatever it may be called, was drilled upon the landward side of the first line which appears upon this photograph, and that line represents a limit which was stipulated by the representatives of the Federal Department of Justice and attorneys for the State of California in the California case.

PRODUCTION OF OIL FURTHERED

In other words, for the purpose of furthering the production of oil, and of making it clear that the Federal Government was not asserting any claim to the oil then being produced, and was not asserting a claim to a true harbor, the Federal Government, through its at-

torneys, the Solicitor General and the Attorney General of the United States, stipulated that this was the minimum line which should be regarded as the boundary between the claims of the city and the Federal Government. In other words, this was a declaration in the stipulation that all the waters on the landward side of the nearest line were inland waters to which the Federal Government laid no claim.

Mr. LONG. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. LONG. Does not that proposed Government line actually go inside the breakwater?

Mr. O'MAHONEY. I think it may.

Mr. LONG. In fact, the Federal Government claims a part of the harbor, does it not?

Mr. O'MAHONEY. This was a minimum line. That is all it was. This was a declaration by the Federal Government to the effect that "We are not in a position now to say where the outward boundary of this harbor is, but this much we will say, that we will not claim any of the area, any of the water, any of the submerged lands, on the landward side of this minimum line." So here was a declaration, in words which were not capable of misunderstanding, that the Federal Government was not laying any claim to the part of the Pacific Ocean landward of this line.

Mr. LONG. Mr. President, will the Senator yield further?

Mr. O'MAHONEY. I yield.

Mr. LONG. Of course, when the Federal Government says it will agree that it will not claim beyond this line—

Mr. O'MAHONEY. That is, on the landward side.

Mr. LONG. On the landward side—that line goes inside the harbor at Long Beach, and it would give a layman the impression, it would give a lawyer like myself the impression, that if they refuse to say that they do not claim the property, then in effect they are claiming it.

Mr. O'MAHONEY. If the Senator will look at the exhibit as I point out the other lines, the situation will become perfectly clear.

The Federal Government, for example, does not deny that the line to which I now call attention is seaward by a considerable distance of the line of the stipulation. This photograph, of course, distorts the situation, because it is a photograph. The stipulated line which appears in this photograph to be much longer than the other line is actually but 6 miles in length, while the other line, which appears shorter in the photograph, is 13 miles in length. This line is the limit of the bay as fixed by the United States Court in the case of *United States v. Carillo* (13 Fed. Suppl. 121). It became necessary to fix that line in a case which involved some rum running or gambling ship operation. It was during prohibition days, according to my recollection.

SUPREME COURT DRAWING BOUNDARIES

I should like to have Senators see that the State of California claims that this exterior line is at least the outermost

boundary of the asserted bay. As I pointed out, the Committee on Interior and Insular Affairs did not attempt to draw the exterior lines of the harbors all around the coast, because it was a physical impossibility, and since that problem was being worked out in the California case, it seemed to be the judgment of the committee that there was no particular need of following the problem in committee at this time.

During the debate a few days ago the Senator from Florida quoted a statement which the chairman of the committee made during the hearings on the joint resolution by the committee. My statement was made while the city attorney for the city of Long Beach was appearing before the committee. I am about to read from page 154 of the hearings on Senate Joint Resolution 20, including the conferences with the executive departments on S. 940. I was questioning Mr. Irving Smith. I read:

The CHAIRMAN. Then it is your testimony to this committee that, so far as the city of Long Beach is concerned, it will be perfectly content to have its title confirmed first to all lands landward, all areas landward, of the Government-proposed line—

That is, the stipulated line.

And, secondly, all areas landward of the exterior seaward limits of the city of Long Beach.

I was referring there to the fact that the line of the stipulation intersects the beach of the city of Long Beach right in the midst of the inhabited section. It seemed to me to be perfectly clear that a line of that kind was, indeed, a minimum line. I continue to read from the testimony:

Mr. SMITH. The city of Long Beach has no interest other than the general interest as a city of the State and as citizens of the State, of course, but aside from that the city has no interest other than that in this 13,000 acres that the State conveyed to us within our corporate limits, as shown upon this map. Of course, we have no claim to any deposits or anything else outside those boundaries.

The CHAIRMAN. I am very glad to have that testimony; I think it is explicit, it is direct, it is clear, and nobody can have the slightest doubt of what the position of the city of Long Beach is.

I will say again, so that it may be clear in the record, that my own opinion is from the examination of the photograph which was presented to this committee last year and from the examination of this map that the so-called Government-proposed line is too narrow in the sense that it is too far landward.

In my judgment, it does not accurately define the exterior boundaries of the inland navigable waters of this bay. In my judgment, the line should be very much farther seaward, and unless there is information of which I am not aware, which has not yet been presented to me, I am ready to say now that so far as I am concerned, it seems to me to be clear that the boundary of the inland navigable waters must of necessity under all of the facts of the case include all of the area within the city limits of the city of Long Beach.

I was pointing to the limits of the city, and I felt that clearly they should be within the harbor.

Mr. KNOWLAND. Mr. President, will the Senator yield at that point?

Mr. O'MAHONEY. I yield.

Mr. KNOWLAND. I think what the Senator is talking about ought to be made clear for the RECORD. He has made it clear, but some Senators may have entered the Chamber since he began. The Senator is talking about the delineation of the harbor area.

Mr. O'MAHONEY. That is correct.

Mr. KNOWLAND. But not as to the area claimed by the State of California as a part of its boundaries.

Mr. O'MAHONEY. The Senator is quite correct.

Mr. KNOWLAND. There is a vast difference between the two things, as the Senator well knows, because we have a number of coastal islands which have always been considered to be a part of California, but which are considerably seaward of the Long Beach harbor. We have as yet been unable to reach an agreement upon what we feel is an equitable line so far as the harbor itself is concerned.

Secondly, I should like to say to the able Senator that my information is that the statement by the representative of Long Beach as to what the position of the city might be in regard to a proper line for the harbor itself does not mean that the city government of Long Beach or the people of Long Beach are satisfied with Senate Joint Resolution 20, even with the amendment of the able Senator from Wyoming. To the contrary, they feel that the so-called quitclaim legislation, or what we more properly term the restoration provisions of the so-called Holland bill should be passed. So I do not think there should be any implication that if such an amendment were adopted the people of Long Beach would be satisfied with Senate Joint Resolution 20.

ALL OIL PRODUCTION LANDWARD OF LINE

Mr. O'MAHONEY. I was not giving that impression. I think the Senator recognizes that. I am discussing now merely one fact, and that is that the Federal Government does not claim inland waters. To prove that I am pointing out, by an exhibit which was presented on behalf of the city of Long Beach, that the exhibit shows a line stipulated in the California case, a line through the water of this harbor, on the landward side of which the Federal Government says it asserts no claim whatsoever.

If the Federal Government were asserting title to inland waters in bays it never would have agreed to that stipulation, particularly since on the landward side of that line we have all the oil, and all the oil wells which have been drilled on behalf of the city of Long Beach.

Mr. KNOWLAND. Mr. President, will the Senator further yield?

Mr. O'MAHONEY. I yield.

Mr. KNOWLAND. It may well be that within that stipulated line are the existing and producing wells, but the Senator does not maintain that there is no potential development outside that area, does he?

Mr. O'MAHONEY. Certainly not.

Mr. KNOWLAND. When one is holding a gun at the head of someone, and says, "Here are all your assets. If you agree, we shall temporarily concede to

you at least a third of the assets while we are prepared to take away the other two-thirds of your assets, by reason of the gun being held at your head," the person who is being held up might finally stipulate that he would be glad to get at least a third back. But I point out that none of the people there are satisfied with the stipulated line.

Mr. O'MAHONEY. The Senator misunderstands the identity of the person holding the gun. I am not holding any gun, nor is the Federal Government holding a gun in this matter.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield to the Senator from Florida.

Mr. HOLLAND. I ask the distinguished Senator to refer to the plat which is incorporated in the record of the hearings at page 150, which sets forth in very clear form the claims with reference to Long Beach harbor.

Mr. O'MAHONEY. Let me interrupt the Senator at that point to point out that the words "Government proposed line" do not correctly represent the situation. That is the stipulated line. It is not a proposed line, as I understand the evidence. Evidence is now being taken to determine what is the natural boundary. My only point is that since the Government has stipulated even as to this minimum line, it proves by that stipulation that it is not attempting to seize lands submerged in an asserted harbor on the coast of the State of California.

Mr. HOLLAND. Mr. President, will the Senator further yield?

Mr. O'MAHONEY. Certainly.

Mr. HOLLAND. I shall certainly not debate with the Senator the terminology to be used with reference to this land, but I do invite his attention to the fact that it is shown upon the plat filed before the committee as the Government proposed line.

Mr. O'MAHONEY. That is correct.

Mr. HOLLAND. I also invite the attention of the distinguished Senator to the fact that not once, but several times in his own references to that line, in his statements and in his questions, as shown on pages 154 and 155 of the record, the distinguished Senator himself referred to it as the Government proposed line.

Mr. O'MAHONEY. That is true, because those were the words before me on the chart. One naturally identifies a line by the language which is used to designate the line.

Mr. HOLLAND. If the Senator from Wyoming will further yield, I note that he was gracious enough to say, as quoted on page 155 of the record, that the so-called Government proposed line, or stipulated line, or whatever it may have been called—he referred to it as the Government proposed line—was too narrow, in the sense that it was too far landward, and that in his judgment—and I now quote from the distinguished Senator:

It seems to me to be clear that the boundary of the inland navigable waters must of necessity under all of the facts of the case include all of the area within the city limits of the city of Long Beach.

Mr. O'MAHONEY. Yes; and I have just read that with approval. I still stand precisely on that statement.

Mr. HOLLAND. I will ask the distinguished Senator, while looking at the plat to which I have referred, if it is not true that that area of the city of Long Beach, the submerged lands in the city of Long Beach shown within the so-called Government proposed line as appearing upon that map, constitutes only about one-sixth of the area within the whole Long Beach city limits, which extend out for 3 miles from the shore, across the entire front of the city of Long Beach.

Mr. O'MAHONEY. I will say to the Senator that, looking at the exhibit to which he has directed attention, it is clear that the so-called Government proposed line includes almost half of the entire beach length of the city of Long Beach.

Mr. HOLLAND. Yes; but advertent to the amount of submerged lands within the entire city limits of the city of Long Beach, such limits extending out for 3 miles from the coast, is it not true that the area back of the so-called Government proposed line is about one-sixth of the total submerged land within the area?

Mr. O'MAHONEY. It is not material. It is only a fraction of the water which is included within the city limits. I think it would be nearer one-fourth than one-sixth. However, I agree that it does not include all the water within the city limits of the city of Long Beach.

Mr. HOLLAND. Mr. President, if the Senator will yield further, I should like to ask him whether his statement, quoted at page 155 of the hearings, states precisely that in his opinion, insofar as the case of Long Beach is concerned, the proper boundary should go out to the 3-mile limit, which is the limit of Long Beach throughout its entire frontage?

Mr. O'MAHONEY. I was referring to the fact that the line comes right into the inhabited area of the city of Long Beach. I was not referring to the 3-mile boundary.

Mr. HOLLAND. It is a fact, is it not, as shown by the very plat to which the Senator from Wyoming has been referring—

Mr. O'MAHONEY. To which the Senator has referred; yes.

Mr. HOLLAND. As shown on page 150 of the printed hearings.

Mr. O'MAHONEY. Yes.

Mr. HOLLAND. That that plat shows that the limits of the city of Long Beach extend out 3 miles from the shore line along the whole frontage of the city of Long Beach, and that the area to which the Senator from Wyoming stated he felt the city of Long Beach was entitled does include the entire submerged land area out to 3 miles.

JURISDICTION OVER OPEN OCEAN

Mr. O'MAHONEY. But of course the Senator from Florida acknowledges, I am sure—he has been attending the debate and he knows what I have been trying to say—that I have taken the position that lands which are under the open sea and which are not within the boundaries of a harbor, whether they are within the

boundaries of a State, are under the jurisdiction of the Federal Government, because the open ocean and the land submerged by the open ocean are under the jurisdiction of the Federal Government.

Mr. HOLLAND. Mr. President, will the Senator from Wyoming yield for one more question?

Mr. O'MAHONEY. I am glad to yield.

Mr. HOLLAND. Then his statement, as already quoted with reference to Long Beach, was simply to the effect that in the case of Long Beach, because of the peculiar configuration of the coast, he felt that the city of Long Beach should be awarded its full submerged land holdings out to the 3-mile limit, clear across the whole frontage of the city of Long Beach.

Mr. O'MAHONEY. I will say to the Senator from Florida that that was not my intention. As I have just stated, I was pointing to the fact, which is clearly evident here, if the Senator will look at the photograph—

Mr. HOLLAND. But the Senator—

Mr. O'MAHONEY. If the Senator from Florida will look at the photograph he will observe that the stipulated line strikes the beach of the city of Long Beach at a point almost in the center of the inhabited portion of the city. If we go out toward the sea at the place to which I am now pointing, we find an area which is utterly and completely uninhabited. I was thinking of the city limits of the city of Long Beach as the landward limits as shown by this map.

Mr. HOLLAND. The Senator from Wyoming acknowledges, of course, that the map which he had before him at the time he made the statement and which is incorporated—

Mr. O'MAHONEY. I have before me now what I had before me then. I had before me the photograph which is presented here.

Mr. HOLLAND. Mr. President, I ask the Senator from Wyoming to state again to what he referred when he stated:

It seems to me to be clear that the boundary of the inland navigable waters must of necessity under all of the facts of the case include all of the area within the city limits of the city of Long Beach.

Mr. O'MAHONEY. Mr. President, let us read the first part of the sentence also.

Mr. HOLLAND. Very well.

Mr. O'MAHONEY. I said:

In my judgment, it does not accurately define the exterior boundaries of the inland navigable waters of this bay. In my judgment, the line should be very much farther seaward, and unless there is information of which I am not aware, which has not yet been presented to me, I am ready to say now that so far as I am concerned, it seems to me to be clear that the boundary of the inland navigable waters must of necessity under all of the facts of the case include all of the area within the city limits of the city of Long Beach.

As I have stated to the Senator from Florida on several occasions, when I made that statement I was thinking of the photograph before me and of the line which hits the beach at an inhabited portion. I was trying to say that in my judgment all of the inhabited portion of the city of Long Beach on the land

should be on the landward side, not upon the seaward side of the boundary of the harbor.

It must be borne in mind that what I am trying to discuss is not what the final boundary shall be, because that is under consideration now in the courts. If the courts should hand down a decision which would carry that line closer to the land than on the evidence shown by these figures, it would seem to me to be desirable that that should be the boundary.

ISSUE RAISED AS TO STATE OF WASHINGTON

Mr. President, I should like to show a map which affects the State of Washington. Some question was raised last week about a letter from the Secretary of the Interior to the Governor of the State.

Mr. LONG. Mr. President, will the Senator from Wyoming yield?

Mr. O'MAHONEY. I am glad to yield.

Mr. LONG. In dealing with the question of inland waters, insofar as we try to fix the boundary line, it becomes a very perplexing problem. Does the Senator from Wyoming know offhand of any formula or rule which can be laid down as to what is and what is not inland water, for the guidance of the court or anyone else?

Mr. O'MAHONEY. I have not found a formula as yet. I am talking now, of course, of the oceanward formula. So far as inland waters in the interior are concerned, I believe there is no problem at all.

After the letter from Secretary Chapman to Governor Langlie, of the State of Washington, was submitted and printed in the RECORD by the Senator from Washington [Mr. CAIN], he called it to my attention on the following day. I was unable to determine from the boundary set forth in the letter precisely what area it delimited. I was eager to ascertain to what the boundary descriptions referred, as is the Senator from Washington.

PUGET SOUND UNDER STATE JURISDICTION

I was questioned by the senior Senator from Washington [Mr. MAGNUSON] during the debate the other day as to whether or not in my opinion the joint resolution which the committee had reported was intended to apply to Puget Sound; that is to say, whether it could be acknowledged that the waters of Puget Sound were inland navigable waters, over which the State of Washington had complete jurisdiction. I told the Senator that that was correct, and that that was my understanding.

The Solicitor of the Department of the Interior has sent me a map of the State of Washington. I am glad that the Senator from Washington [Mr. CAIN] is in the Chamber. He will find marked on it in red, on the oceanside of the State, the line delineated in the boundary descriptions set forth in the letter of Secretary Chapman to the Governor of Washington. That description runs from the southernmost point of the State on the Pacific Ocean to the middle of the Strait of Juan de Fuca at the northern end of the State. No land east of the Strait of Juan de Fuca

is claimed by the Federal Government. Puget Sound, which is far inland with respect to the Pacific Ocean, not the line of the strait, is roughly indicated in blue. The entire area of the sound is described as inland navigable waters to which the Federal Government asserts no title.

Under the pending joint resolution the Congress would be asked to make that declaration.

Mr. LONG. Mr. President, will the Senator yield at this point for a question?

Mr. O'MAHONEY. Yes, indeed.

Mr. LONG. Is that line drawn by attempting to follow the so-called Boggs formula?

Mr. O'MAHONEY. I do not know.

Mr. LONG. From what the Senator from Wyoming has said, I do not gain the impression that that is necessarily so. If that is the case, it would seem rather inconsistent for the Federal Government to seek to follow the Boggs formula where it suits the Government, but not to seek to follow or apply that formula where it does not suit the Federal Government at the moment to do so.

Mr. O'MAHONEY. I believe this follows the formula of the Supreme Court of the United States.

Mr. LONG. Can the Senator from Wyoming tell us what formula has been prescribed by the Supreme Court of the United States for determining what is inland water and what is not inland water?

LINE ALONG OCEAN SHORE

Mr. O'MAHONEY. No; but this map clearly shows a line which is along the open ocean as the line delimiting Federal jurisdiction. It is not along inland water and does not include any harbor or any bay in the area of Federal jurisdiction. The line purports to set forth the mean low-tide mark on the ocean shore. There is no bay or harbor or inlet which may properly be described as an inland water within it.

Mr. CAIN. Mr. President, will the Senator from Wyoming permit me to ask him a question?

Mr. O'MAHONEY. Yes, indeed.

Mr. CAIN. Whence did the Secretary of the Interior derive authority to draw any line of any character with respect to the shore line of the State of Washington? Let me say that I could not be more serious than I am when I ask this question.

Mr. O'MAHONEY. I understand that.

When the Secretary of the Interior wrote this letter, I knew nothing about it until—

Mr. CAIN. I think that is obvious, because the Senator from Wyoming never would have permitted the Secretary of the Interior to write it.

Mr. O'MAHONEY. As I was saying, I knew nothing of the letter until the Senator from Washington called it to my attention. I assume that the Secretary of the Interior acted on the basis of the Supreme Court's decisions.

Mr. CAIN. Let me ask what Supreme Court decisions the Senator refers to in this case.

Mr. O'MAHONEY. The Supreme Court's decisions in the Texas, Louisiana, and California cases, not a State of Washington case.

Mr. CAIN. As a lay person I wish to ask the Senator from Wyoming, because he is well known as an authority in legal matters—

Mr. O'MAHONEY. I thank the Senator from Washington; and I hope my other friends will remember what the Senator from Washington has said.

Mr. CAIN. I shall endeavor to remind them, should the Senator from Wyoming ever need their assistance.

However, permit me as a lay person to ask the Senator what authority is derived from Supreme Court decisions affecting Louisiana, Texas, and California which would permit an executive agent, who in this case happens to be the Secretary of the Interior, to write such a letter as the one he recently addressed to the Governor of the sovereign State of Washington.

Mr. O'MAHONEY. I would assume that the Secretary of the Interior would be justified in making the assumption that the decision of the Supreme Court in those three cases represents the ruling which will be followed by the Supreme Court and by the Congress with respect to the ocean areas over which, as an attribute of its external sovereignty, the Government of the United States has jurisdiction.

Mr. CAIN. Yet if I correctly understand the verdict reached in the California case, the Supreme Court said that implementation could be secured only through action by the Congress. Is that correct?

Mr. O'MAHONEY. I do not understand the question.

Mr. CAIN. As I understand the situation, the Supreme Court indicated that the Congress must pass enabling legislation before the Federal Government could begin to operate gas and oil facilities on the submerged lands in question.

Mr. O'MAHONEY. Oh, no. The legislative situation is simply that for some 14 years certain coastal States and others have been seeking to secure a quitclaim to the lands beneath the ocean from the Congress of the United States. They have never been able to obtain such a quitclaim law. Therefore, until these States can get Congress to override the Supreme Court, the construction of the law as laid down by the Supreme Court is binding upon all of us.

SENATE JOINT RESOLUTION 20 PROVIDES FOR ADMINISTRATION OF AREAS

In the present case the Senator from New Mexico [Mr. ANDERSON] and I, having seen this battle go on for 14 years, and realizing how important it is to have oil produced, decided to offer what we called an interim joint resolution, which would allow the Secretary of the Interior to confirm good-faith leases issued by the States, and to administer the Continental Shelf until Congress at some distant future time may decide to do otherwise. I do not think Congress ever will.

Mr. CAIN. My distinguished friend, the Senator from Wyoming, does not amaze me; but the Department of the

Interior certainly amazes me. The Senator from Wyoming has just mentioned the imperative need for developing the oil resources of this country.

On the 15th day of February, only several short weeks ago, the Secretary of the Interior, without authority of any kind—and the Senator from Wyoming has given rise to this question relating to Washington State—ordered, if you please, the Governor of the State of Washington summarily to void every lease that had previously been signed between the State of Washington and private parties. That means only that the Secretary of the Interior assumedly believes that until such time as the Federal Government can get these developments under way, there shall be no development of any kind.

Mr. O'MAHONEY. Does the Senator from Washington tell his colleagues now that the State of Washington has issued leases on the Pacific Ocean side of the State of Washington? It is my understanding that all the leases are in Puget Sound, to which the Federal Government makes no claim.

Mr. CAIN. If the Senator from Wyoming is correct in saying that the leases are—

Mr. O'MAHONEY. I do not pretend to know.

Mr. CAIN. Very well; but if the Senator from Wyoming is correct in saying that the outstanding leases are on territory not claimed by the Federal Government, how does he reconcile the demand of the Secretary of the Interior that all the leases on submerged lands be summarily voided? That is what the Secretary of the Interior stated in his letter.

Mr. O'MAHONEY. Oh, no; the Senator from Washington misunderstands—

Mr. CAIN. I do not wish to do so.

Mr. O'MAHONEY. I am sure of that.

As I pointed out on this map, which came from the Solicitor for the Department of Interior, the boundary line to which the Secretary of the Interior referred deals solely with lands beneath the open ocean, and does not deal with submerged areas in Puget Sound. It does not deal with lands under the Strait of Juan de Fuca, and, therefore, the line does not apply to any leases which the State of Washington already has issued, if I am correctly informed.

Mr. CAIN. The Senator from Wyoming is not so informed by the letter which the Secretary of the Interior wrote to the Governor of the State of Washington.

Mr. O'MAHONEY. That is correct.

Mr. CAIN. For in that letter, which has caused this excitement—and justly so, I think—the Secretary of the Interior has demanded of the State of Washington that it cancel its outstanding leases.

The Senator from Wyoming has just indicated that, in his view, the State of Washington has issued no leases on the portion of Washington State's coast to which the Federal Government claims title.

Mr. O'MAHONEY. I think I may say to the Senator from Washington that in all fairness to the Secretary of the In-

terior, we should base the interpretation of his letter upon what he said, not upon the fears which have been written into what he said.

Now let me read the letter.

Mr. CAIN. The Senator from Wyoming has the letter of the Secretary of the Interior, and I wish the Senator would read it.

Mr. O'MAHONEY. Certainly. I now read the letter:

UNITED STATES
DEPARTMENT OF THE INTERIOR,
Washington, D. C., February 15, 1952.

MY DEAR GOVERNOR LANGLEY: On June 23, 1947, the Supreme Court decided *United States v. California* (332 U. S. 19), and on June 5, 1950, the Court decided *United States v. Louisiana* (339 U. S. 699) and *United States v. Texas* (339 U. S. 707). Under the doctrine of those cases, the United States believes and asserts that the submerged area along the coast of the State of Washington lying seaward of the following line is subject to the paramount rights, full dominion, and power of the United States, and that such area is not now and never has been owned by the State of Washington:

Then follows the description. That description, as this map clearly shows, is an ocean-line description, and it does not assert jurisdiction over any of the inland navigable waters of the State of Washington.

Mr. CAIN. Permit me to interrupt one moment further. Will the Senator now read the last paragraph on the third page, and the first two and concluding paragraphs on the fourth page? I think a reading of those will permit all of us to understand what the Secretary of the Interior has actually said with reference to the State of Washington.

Mr. O'MAHONEY. Yes. The Secretary has said here—

Mr. CAIN. It is important that we be aware of that in its context.

Mr. O'MAHONEY. Oh, yes; the Senator is entirely correct. There is a parenthetical paragraph, to which I do not think he refers.

Mr. CAIN. No; I do not.

Mr. O'MAHONEY. It defines geographical features and positions referred to in this description.

Mr. CAIN. It is the substance of the next paragraph.

Mr. O'MAHONEY. The next paragraph begins:

We understand that the State of Washington has issued oil and gas permits and leases to private parties on submerged lands situated seaward of the line described above.

Mr. CAIN. Yes.

Mr. O'MAHONEY. I see to what the Senator is referring.

Mr. CAIN. It takes time, but we are now in agreement.

Mr. O'MAHONEY. The paragraph continues:

Under the doctrine of the California, Louisiana, and Texas cases, any such permits or leases are void, since that area has always been and is now outside the scope of the leasing power of the State of Washington or its agencies.

It will be noted that he says, "Under the doctrine" of those cases.

Mr. CAIN. Indeed, sir.

Mr. O'MAHONEY. The letter continues:

Therefore, the State of Washington is requested—

"Requested" is a polite word.

Mr. CAIN. It is an interesting distinction.

Mr. O'MAHONEY. Continuing—

to take no further action inconsistent with the rights of the United States in the submerged lands of the Continental Shelf lying seaward of the line described above, and to regard any oil and gas permits or leases issued by it as ineffective to confer any rights respecting such lands.

Mr. CAIN. Yes; and the last paragraph, if the Senator will please read it.

Mr. O'MAHONEY. Yes, indeed.

Mr. CAIN. I think it is very illuminating also.

Mr. O'MAHONEY. The last paragraph of the letter reads:

With respect to any such oil and gas permits or leases, we would appreciate being advised of the names of the permittees or lessees, their addresses, the dates of issuance, and the areas covered.

Mr. CAIN. I thank the Senator.

Mr. O'MAHONEY. I think that it is an eminently polite and diplomatic letter.

Mr. LEHMAN. Mr. President, will the Senator yield for a question?

Mr. O'MAHONEY. I yield.

Mr. LEHMAN. Is it not also entirely in accord with the decisions handed down by the Supreme Court in three cases?

Mr. O'MAHONEY. It goes no further than that.

Mr. CAIN. I do not know whether my friend from New York is a lawyer—

Mr. LEHMAN. No, I am not.

Mr. CAIN. But is it not logical to say that no authority derives per se from the Supreme Court cases in those three States, unless the State of Washington itself is sued by the Federal Government. Does the Senator think it would be proper for the State of New York to have its course of action determined by a Supreme Court decision in a case involving a State 3,000 miles away?

Mr. LEHMAN. I should very much feel that the decision of the Supreme Court was binding, on New York as on any other State, if the decisions were as in this case, equally applicable as to subject matters and circumstances. The implementation of the decisions need not, as suggested by the distinguished Senator from Washington, require further action by the Congress, the decisions would, in my judgment, be binding until the Congress of the United States directly overruled the decision of the Supreme Court by specific legislation; and that, of course, has not been done. Those Supreme Court decisions would lose their binding effect if the resolution submitted by my colleague from Louisiana were adopted by the Congress of the United States and approved by the President of the United States; but, pending such a development, which I hope will never come, it would seem to me that the decision of the Supreme Court of the United States is binding.

Mr. LONG rose.

SECRETARY CHAPMAN'S LETTER

Mr. O'MAHONEY. Let me say briefly, that the whole text of this letter of Secretary Chapman's, as we have just reread it, clearly shows that the Secretary of the Interior was pointing out a doctrine laid down by the Supreme Court of the United States. He was making a request; he was not issuing an order. The line described in the letter is quite obviously a description of the ocean boundary of the State of Washington. It does not include Puget Sound.

Mr. CAIN. Will the Senator from Wyoming yield for one last question?

Mr. O'MAHONEY. I yield.

Mr. CAIN. It does not appear to me to be a request, charitable, courteous, or otherwise, where the Secretary of the Interior states:

Under the doctrine of the California, Louisiana, and Texas cases, any such permits or leases are void, since that area has always been and is now outside the scope of the leasing power of the State of Washington or its agencies.

The only construction I can place on that sentence is that the Secretary of the Interior has decided what is and what is not the law with respect to the State of Washington.

STATE COULD IGNORE DECISIONS

Mr. O'MAHONEY. No; he said, "Under the doctrine" of the Supreme Court. Of course, it is perfectly correct to say that the State of Washington, not having been before the Court in any of the three cases, could, if its officials were so inclined, ignore the rulings of the Supreme Court in the California, Texas, and Louisiana cases in connection with leasing areas submerged by the open ocean.

Mr. CAIN. Mr. President, in an effort to be helpful, I may advise the Senator that those in authority in the State of Washington are so minded that, in the absence of a court test to determine rights, the State of Washington has no intention of any kind of agreeing to the substance of the letter written by the Secretary of the Interior.

Mr. O'MAHONEY. Mr. President, that is a matter a little bit out of the jurisdiction of the Senate of the United States at the moment.

Mr. HOLLAND and Mr. LONG addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Wyoming yield, and if so, to whom?

Mr. O'MAHONEY. I yield first to the Senator from Florida.

Mr. HOLLAND. Mr. President, the Senator from Florida very timorously enters the field of discussion between his two colleagues, because he knows so little about the situation in the State of Washington; but he felt, and still feels, that the letter of the Secretary of the Interior is decidedly unsound, arbitrary, and completely beyond the reasonable length of his jurisdiction, for this reason: The agencies of the Government, including the Department of the Interior and the Department of Justice, know full well that, for the past 4 years, the United States Supreme Court by direction, has been taking evidence as to what

are the proper limits under the decision in the California case, on three restricted segments of the coast of California; and they know perfectly well that there is great dispute and great difference of opinion as to what are the proper limits. They know also perfectly well that the distinguished chairman of the committee of the Senate which heard this matter found occasion to disapprove completely by a very clear statement made by him in the course of the hearing, the so-called Federal proposed line for the settlement of the controversy in the one limited area lying off Long Beach, Calif.

With that thought in mind, it seemed to the Senator from Florida, and still seems to him, that for the Secretary of the Interior, by metes and bounds describing an arbitrary line, to say to the Governor of a State which has not been brought into court, and which has a coastline of many hundreds of miles, none of which has been brought into court, "Here is the line, beyond that you trespass," is an arbitrary position of the most arrogant sort. The Senator from Florida very strongly joins with his colleagues from Washington, both of whom on the floor of the Senate the other day interposed their strong objection to any such arbitrary approach.

It seemed to the Senator from Florida, and still seems so, that the letter itself indicates louder than any words which can be spoken on the floor of the Senate, the kind of arbitrary, bureaucratic treatment which may be expected on the part of States in general, communities in general, and industries in general, which are affected, if a Federal Bureau situated in Washington be given this overwhelming and strangling power to control offshore areas around all the maritime States and perhaps surrounding all the Great Lakes States.

Mr. O'MAHONEY. Mr. President, I must be content for myself with the fact that the Senator from Florida has referred to some statements of mine in the hearing, and I am therefore sure that he does not—

Mr. HOLLAND. I may say that I referred with approval, and with high approval, to the Senator's statement.

Mr. O'MAHONEY. Yes; so he does not attribute to the Senator now speaking any of the adjectives which he has applied to the Secretary of the Interior with respect to this letter.

Mr. HOLLAND. The Senator is correct. I submit that the Secretary of the Interior may be personally as blameless as is the distinguished Senator from Wyoming. That is one of the difficulties of the whole situation—the tremendous responsibility of Federal bureaucratic control—and it may be expected that just such arbitrary treatment as is shown by this letter will be given to States, localities, and industries all over the Nation.

Mr. O'MAHONEY. I am compelled to say that, in my opinion, there is really nothing arbitrary about the matter. I am compelled to point out that the State of Washington, like some other States, was admitted to the Union without any reference whatsoever to any seaward boundaries; that the State of Washing-

ton, like several other States which are bounded by the ocean, was admitted on an equal footing with all other States within the Union.

FOURTEEN-YEAR QUITCLAIM EFFORT

Furthermore, it is incontrovertibly clear from our national history that the Colonies never asserted or claimed jurisdiction over the open ocean; that the States of the United States never claimed it; that the first claim to the marginal seas was made by the Secretary of State in the administration of President George Washington; that the first claim to the Continental Shelf was made no longer ago than the 28th of September 1945, by the present President of the United States, and that the record in this controversy clearly shows that a fruitless effort on behalf of numerous coastal States has been carried on for 14 years to gain control over an area which is clearly within the jurisdiction of the Federal Government.

I now yield to the Senator from Oregon.

Mr. MORSE. Does the Senator from Wyoming think it is a fair interpretation of the letter of the Secretary of the Interior, because of his reference in the letter to the cited cases, that he is apparently of the opinion that the Supreme Court has decided the ownership of the submerged lands seaward beyond the low-water mark?

Mr. O'MAHONEY. Yes; I think that is correct.

Mr. MORSE. The Secretary of the Interior would not have jurisdiction over those lands if they in fact belonged to the United States—

Mr. O'MAHONEY. The jurisdiction is in the Federal Government now. There is no present specific statutory authority for the Secretary of the Interior to administer the submerged lands except that under the laws which established the Department of the Interior, the Secretary has jurisdiction over certain areas of responsibility of the United States.

Mr. MORSE. Let me restate my question. I think the Senator's answer shows that he knows what I sought to imply in my question, but I did not state it specifically enough.

If the Federal Government does have ownership of these lands referred to by the Supreme Court in its decision—

Mr. O'MAHONEY. May I interrupt the Senator to say that the Supreme Court's decision gives the Federal Government paramount rights, but not proprietary rights. So the word "ownership" is not strictly accurate.

Mr. MORSE. I am speaking of the interest which the Federal Government has under the terms of the decision.

Mr. O'MAHONEY. That is correct.

Mr. MORSE. If the Federal Government has those paramount rights, then what department of the Government has administrative jurisdiction or authority in respect to protecting the national interest?

Mr. O'MAHONEY. The Department of the Interior, under an Executive order issued by the President of the United States at the same time he issued his order asserting Federal jurisdiction, on behalf of the people of the United States,

to the mineral resources of the Continental Shelf adjacent to our shores.

Mr. MORSE. Then, is it not true that the Secretary of the Interior owed a duty to the Government and to the people of the Nation, as Secretary of the Interior, to exercise vigilance over the use that might be made of these lands presently or prospectively?

DUTY OF SECRETARY TO ACT

Mr. O'MAHONEY. If the Secretary of the Interior had had notice, if any information had been given him that any attempt was being made by any other sovereignty to assert jurisdiction over the Continental Shelf which had been claimed by the President of the United States and entrusted to the Secretary's care by Executive order, he might have been charged with failure to perform his duty.

Mr. MORSE. Although the doctrine of laches does not apply in such matters against the Government, nevertheless the Secretary's failure to exercise vigilance and serve notice on the Washington State government, if he as Secretary of the Interior in good faith believed that there was a danger of Washington's following a course of action with respect to the submerged lands contrary to the Federal interest as set forth in the decisions referred to by the Secretary, then he would be subject, would he not, to criticism for his failure to serve such notice?

Mr. O'MAHONEY. I am inclined to think that the Senator is correct.

Mr. MORSE. There has been some discussion as to the validity, as precedents, of the decisions in the California, Texas, and Louisiana cases. Does the Senator from Wyoming agree with me that we still, in most instances, follow the doctrine in our courts of stare decisis, that in most instances we apply the doctrine of precedent, and follow the theory that a precedent already established should be applied to similar facts in another case?

Mr. O'MAHONEY. The Senator is entirely correct.

Mr. MORSE. Is it not true, as we read the letter of the Secretary of the Interior, that he refers to the ruling of the Supreme Court and that on the basis of that ruling he served notice on the Washington State government as to the position of the Department of the Interior in carrying out the administrative duties which the Secretary feels, under the President's Executive order, are binding upon him?

Mr. O'MAHONEY. That is the situation as I understand.

Mr. MORSE. Does the Senator from Wyoming find in the language used by the Secretary of the Interior anything which would justify the charge that he acted arbitrarily or capriciously or with improper discretion when he, in effect, says to the Governor of Washington, "Under the doctrine laid down by the Supreme Court establishing what I think is the rule of the Federal Government's interest in these lands, I serve notice on you as to what my position is as Secretary of the Interior, as one charged with the administrative duty of protecting

the Federal interest in these lands under the decision of the courts?"

Mr. O'MAHONEY. As I pointed out when the questions were first brought up by the Senator from Washington, I feel that the letter of the Secretary of the Interior was a correct reference to the present state of the law, although it must be acknowledged that the State of Washington is a different entity from the State of California. But it seems to me to be clear that no coastal State would undertake to violate the ruling of the Supreme Court in these cases unless the Congress of the United States should undertake to surrender the authority and jurisdiction which the Federal Government has had, from the very beginning of our history down to this hour, over the marginal sea and which now has been claimed for it over the Continental Shelf beyond the 3-mile limit.

Mr. MORSE. If the Senator from Wyoming will let us make a few assumptions against the Secretary of the Interior in regard to every alleged fact that he sets forth in his letter, let us assume, first, that the Secretary clearly misinterpreted the Supreme Court decision.

Let us assume, secondly, that the Secretary is completely wrong in his determination of what the line of demarcation is, as set forth in the decision.

Let us assume, in the third place, that even the Court is wrong in its findings of fact.

Does there still not rest upon the Secretary of the Interior, in carrying out the duties of his office in keeping with the Executive order under which he functions in respect to this particular problem, the clear administrative duty of notifying the Governor of the State of Washington as to what his opinion is, as to what he thinks his duties as Secretary of the Interior are in respect to these lands, and does the letter that he sent to the Governor of Washington do any more than that?

If the matter is considered in even the most negative way, from the standpoint of the Secretary of the Interior, does it mean anything more than saying, in effect, "Mr. Governor, I believe the Federal Government has the paramount rights in these lands. I believe these lands are as follows"—and the Secretary thereupon proceeds to identify them—"and, therefore, as Secretary of the Interior, and as part of my administrative duties, I notify you that I intend and propose to proceed to protect the Federal interests"? That draws the issue; and if the Governor wants to dispute with the Secretary of the Interior in regard to it, the courts are open to him.

SECRETARY DISCHARGING DUTY

Mr. O'MAHONEY. The Senator from Oregon is saying—and I agree with him—that there was nothing arbitrary or arrogant in the letter of the Secretary of the Interior; that he was merely advising the government of the State of Washington of the position he would take by virtue of the responsibilities laid upon him under three separate decisions of the Supreme Court and the Executive order of the President.

Mr. MORSE. Is it not true that the Senator from Wyoming and the junior

Senator from Oregon, if we had sat in the same position as the Secretary of the Interior, might have written a different letter in form—and I do not know whether I would have; I was not in the position and did not have all the facts—and is it not true that we would have considered it our duty, under the Executive order under which the Secretary of the Interior must function, to take some steps to make the situation clear, if leases were being granted, or we thought leases were being granted, to lands which the Federal Government, under the Court decision, has paramount rights, and to notify the Governor of Washington or of any other State that either of us, as the Secretary of the Interior, would take steps to protect the interests of the Federal Government? Does the letter mean more than that?

Mr. O'MAHONEY. I do not believe that it does.

Mr. CAIN. Mr. President, will the Senator from Wyoming yield to permit a very brief observation?

Mr. O'MAHONEY. I yield.

Mr. CAIN. As is always the case, I find the comments offered by my friend the Senator from Oregon [Mr. MORSE] to be most interesting. I think it was last week when I sat here and enjoyed the Senator from Oregon discussing at some length the needs of the State of Idaho. This afternoon I have listened with some interest and no little concern to the Senator from Oregon discussing the needs of the State of Washington.

I was particularly struck by his opinion concerning the need for vigilance on the part of the Secretary of the Interior, and that the Secretary should obviously carry out, as best he could, any decision reached by the Supreme Court.

May I ask the Senator from Wyoming what was the year in which the Supreme Court decided the California tidelands case?

Mr. O'MAHONEY. In June 1947.

Mr. CAIN. Is that to say that it has taken the Secretary of the Interior approximately 5 years to study that decision and make up his mind as to what it meant?

Mr. O'MAHONEY. The Senator's question answers itself.

Mr. MORSE. Mr. President, will the Senator from Wyoming yield?

Mr. O'MAHONEY. I yield to the Senator from Oregon.

Mr. MORSE. I wish to say to the Senator from Washington that I have not the slightest idea when the Secretary of the Interior may have been notified, if he was notified, of information, right or wrong, about any attempt on the part of the State of Washington to let leases for oil drilling, oil production, or oil activity on land which the Secretary of the Interior may be of the opinion involve a Federal interest. However, I wish to assure the Senator from Washington that the only interest I have in such matter as that now before the Senate is to try to find the answer to what is the paramount question, namely, the question of paramount legal rights to this land. Who owns them? That is the only question to which I have been trying to find an answer, and before this

debate is finished I think the situation will have been so crystallized that I shall be ready to express myself on the floor of the Senate.

For about 2 years I have repeatedly stated that when I was satisfied that I knew the answer to that question, I would be in a position to vote on this issue. I think everything else in this debate has been irrelevant, immaterial, and inconsequential as it concerns the fundamental issue involved, namely, who in fact, as a matter of law, has the paramount legal interest in these paramount rights?

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. MORSE. I shall be finished in one sentence more.

If it is true—and I underline the word "if"—if it is true that all the people of the United States have the paramount interest in these lands, then I shall vote to protect the interest of all the people of the United States. On the other hand, if I become convinced that the people of the individual States have the paramount interest, I shall vote to see to it that they get it.

That is the position I took in my campaign, when the tremendous oil lobbies thought they were going to retire the junior Senator from Oregon because they could not get him to commit himself on the tidelands bill.

I said to the people of my State, "I am not going to vote to steal them for you if you do not own them. When I reach my conclusion as to who, as a matter of law, owns them, I shall vote."

That is why for many months I have sat here silent while this legal argument has been going on. This is the first comment I have made on it, but I have listened to this discussion about the letter from the Secretary of the Interior, and I respectfully say that I do not find it such an arbitrary, capricious, highly indiscretionary letter as some of my good colleagues in the Senate find it. It illustrates how reasonable men can differ with respect to cold print.

Mr. O'MAHONEY. If the Senator will permit me to say so, I would like to add an additional fact. While it is true that the California case was decided in 1947, the Texas and Louisiana cases were not decided until July 5, 1950, so at least the Secretary of the Interior did not act precipitously upon the basis of the California case alone.

Mr. CAIN. Let us take the Senator's argument as being valid. That still admits that the Secretary of the Interior has taken more time than he should have, anyway we look at the situation, to make up his mind as to what those three decisions mean.

SECRETARY TRYING TO DO DUTY

Mr. O'MAHONEY. I still believe, and I think the Senator from Washington also believes, that the Secretary of the Interior is an estimable gentleman, who is not arrogant and really not arbitrary. Perhaps the Senator will also join me in giving the Secretary the benefit of the doubt in his thinking that he was merely trying to carry out his duty as he saw it.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield to the Senator from Florida.

Mr. HOLLAND. I thank the Senator.

I invite the attention of the junior Senator from Oregon. I merely wish to say to my distinguished friend from Oregon that I regret to find that we are not in accord on a matter of important public business, but I wish him to understand clearly what my reason is for stating that, in my considered judgment, the approach used in the letter forwarded by the Secretary of the Interior to the Governor of Washington was arbitrary and arrogant, and went far beyond the limits of the law as determined in the three cases which have been mentioned. The fact is that the cases produced only general findings, general rulings of law, and that for the past 4 years, in the California case, under the supervision of a very able master named by the United States Supreme Court, there has been going forward an effort to try to discover and to name, as a matter of judicial decision, what the boundaries of the inland waters are opposite the city of Long Beach, and in two or three other places. There were several other places which were explored. The master reported to the Court that there was too much to be done at one time, so some of the questions were laid aside and the issues narrowed to either three or four places, as I recall. During all that period of time there has not come either a judicial declaration on what the proper limits are in those particular areas, or what the proper limits are in any general area dividing the inland waters from the outside waters, under many different sets of facts. During all this time, as the hearings show, the Department of the Interior has been one of the very active agencies in insisting upon very narrow limits. The Solicitor of the Department of the Interior, Mr. Mastin G. White, testified at each of the hearings, and his testimony appears in the printed hearings. The Department of the Interior knows perfectly well that the Court has not yet come to a conclusion as to what is the proper measure of the delimitation as between local waters, as defined by it, and Federal waters, as defined by it. Yet, notwithstanding that fact—and this is the point upon which the Senator from Florida feels that the Secretary of the Interior went very far astray in his letter—he proceeds, by metes and bounds, to lay down a definite, fixed, determined line, across all the seaward side of the State of Washington, and to say, with reference to that line as laid down by metes and bounds, to the Governor of that State, in effect, that he, the Governor, has no jurisdiction beyond that line in certain fields, and that he had better be governed by this letter.

I think that is an arrogant thing for a bureau head to say, particularly when he has no specific authority to do so, and more particularly when he knows better than almost anyone else that the United States Supreme Court has not yet determined the facts upon which he would have to rely, even to state what the boundaries were down at Long Beach, and at the various other places in that area which are at issue, much

less to try to transfer any line of reasoning that is adopted with respect to that area to the several-hundred-mile coastline of the State of Washington.

It is in that regard, having in mind that the Governor of the State of Washington has many duties, some of which pertain to law enforcement and the conservation and preservation of the properties and interests of his State and of its communities and industries, that the letter may be considered as arrogant. An agent for the United States Government—self-appointed in this particular task—sends to the government of a sovereign State, clothed with daily duties affecting these various properties, a message in which he says, "This is the deadline. Cross that and you are a trespasser." The Senator from Florida used his words in a measured way when he said he thought the letter was, in that regard, arbitrary and arrogant in the highest degree; and he still so regards it.

Mr. CONNALLY rose.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. O'MAHONEY. If the Senator will pardon me, I wish to complete my statement.

Mr. MORSE. I shall require only a moment.

Mr. O'MAHONEY. The Senator from Texas [Mr. CONNALLY] has been trying to obtain the floor.

Mr. MORSE. I think, as a matter of courtesy, I ought to be allowed to clear up the question raised by the Senator from Florida. I think I can complete my observation in a couple of sentences, and in fairness to the Senator from Florida he is entitled to have my comment on his observation.

Mr. O'MAHONEY. I yield.

Mr. MORSE. I will say to my friend from Florida that when he forms an opinion in a matter such as this, I know it to be a sincere and honest opinion. He has made an interpretation of the Secretary's motivation which he considers preferably proper. He and I have just reached opposite conclusions as to what that motivation is. I do not think the Secretary of the Interior is arrogant, or intends to be arrogant, but his letter, once publicized, is certainly susceptible to whatever interpretation the Senator from Florida, in good faith, wishes to give to it. He acts in good faith. I have no personal quarrel with the Senator from Florida, yet I think I have the right and duty to express my view as to the motivation of the Secretary of the Interior.

I think it is clear from the letter that he thought the time had come, in carrying out his duties under the Executive order, to serve notice on the Governor of Washington as to what his interpretation of the Supreme Court ruling was.

The Governor of Washington has ample redress if he feels that the Secretary of the Interior is following a mistaken interpretation. In my opinion, it is just that simple. The letter joins the issue between the Secretary and the Governor of Washington. I think we ought to let them now proceed in carrying out what they consider to be their respective duties, in one instance as Secretary of the

Interior, and in the other as the great Governor of a great State.

Mr. LONG. Mr. President, will the Senator yield?

Mr. O'MAHONEY. Mr. President, I desire to conclude my statement. I wish at this point to offer an amendment and to have it printed in the RECORD.

INLAND WATERS AMENDMENT

On behalf of the Senator from New Mexico [Mr. ANDERSON], the Senator from Arizona [Mr. MCFARLAND], the Senator from Alabama [Mr. HILL], the Senator from Illinois [Mr. DOUGLAS], the Senator from Wisconsin [Mr. WILEY], the Senator from New York [Mr. LEHMAN], the Senator from Montana [Mr. MURRAY], the Senator from South Dakota [Mr. CASE], the Senator from Michigan [Mr. MOODY], the Senator from Alabama [Mr. SPARKMAN], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Vermont [Mr. AIKEN], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Connecticut [Mr. BENTON], the Senator from Oregon [Mr. MORSE], the Senator from West Virginia [Mr. NEELY], the Senator from Missouri [Mr. HENNING], the Senator from North Dakota [Mr. LANGER], the Senator from Tennessee [Mr. KEFAUVER], and myself, I offer the amendment which I send to the desk and ask to have printed in the RECORD.

The PRESIDING OFFICER. Without objection, the amendment will be printed in the RECORD at this point.

The amendment was, on page 15, after line 10, to insert the following:

SEC. 11. The United States hereby asserts that it has no right, title, or interest in or to the lands beneath navigable inland waters within the boundaries of the respective States, but that all such right, title, and interest are vested in the several States or the persons lawfully entitled thereto under the laws of such States, or the respective lawful grantees, lessees, or possessors in interest thereof under State authority.

SEC. 12. As used in sections 11 through 19 of this joint resolution, the term "navigable" means navigable at the time of the admission of a State into the Union under the laws of the United States; the term "inland waters" includes the waters of lakes (including Lakes Superior, Michigan, Huron, Erie, and Ontario to the extent that they are within the boundaries of a State of the United States), bays, rivers, ports, and harbors which are landward of the open sea, as well as the area covered and uncovered by the tides; and lands beneath navigable inland waters include filled-in or reclaimed lands which formerly were within that category; the term "submerged coastal lands" means submerged lands lying seaward of the ordinary low-water mark on the coast of the United States and outside of the inland waters and extending seaward to the outer edge of the Continental Shelf.

SEC. 13. Section 11 of this joint resolution shall not apply to rights of the United States in lands (1) which have been lawfully accrued by the United States from any State, either at the time of its admission into the Union or thereafter, or from any person in whom such rights had vested under the law of a State or under a treaty or other arrangement between the United States and a foreign power, or otherwise, or from a grantee or successor in interest of a State or such person; or (2) which were owned by the United States at the time of the admission of a State into the Union and which were expressly retained by the United States; or (3) which the

United States lawfully holds under the law of the State in which the lands are situated; or (4) which are held by the United States in trust for the benefit of any person or persons including any tribe, band, or group of Indians or for individual Indians. This joint resolution shall not apply to water power, or to the use of water for the production of power, or to any right to develop water power which has been or may be expressly reserved by the United States for its own benefit or for the benefit of its licensees or permittees under any law of the United States.

SEC. 14. Any right granted prior to the enactment of this joint resolution by any State, political subdivision thereof, municipality, agency, or person holding thereunder to construct, maintain, use, or occupy any dock, pier, wharf, jetty, or any other structure in submerged coastal lands, or any such right to the surface of filled-in or reclaimed land in such areas, is hereby recognized and confirmed by the United States for such term as was granted prior to the enactment of this joint resolution.

SEC. 15. Nothing in section 14 of this joint resolution shall be construed as confirming or recognizing any right with respect to oil, gas, or other minerals in submerged coastal lands; or as confirming or recognizing any interest in submerged coastal lands other than that essential to the right to construct, maintain, use, and occupy the structures enumerated in that section, or to the use and occupancy of the surface of filled-in or reclaimed land.

SEC. 16. The structures enumerated in section 14, above, shall not be construed as including derricks, wells, or other installations in submerged coastal lands employed in the exploration, development, extraction, and production of oil and gas or other minerals, or as including necessary structures for the development of water power.

SEC. 17. Nothing contained in this joint resolution shall be construed to repeal, limit, or affect in any way any provision of law relating to the national defense, the control of navigation, or the improvement, protection, and preservation of the navigable waters of the United States; or to repeal, limit, or affect any provision of law heretofore or hereafter enacted pursuant to the constitutional authority of Congress to regulate commerce with foreign nations and among the several States.

SEC. 18. Any person seeking the authorization of the United States to use or occupy any submerged coastal lands for the construction of, or additions to, installations of the type enumerated in section 14 of this joint resolution, shall apply therefor to the Chief of Engineers, Department of the Army, who shall have authority to issue such authorization, upon such terms and conditions as in his discretion may seem appropriate.

SEC. 19. Within 2 years of the date of the enactment of this joint resolution, the Chief of Engineers shall submit to the Congress his recommendations with respect to the use and occupancy of submerged coastal lands for installations of the type enumerated in section 14 of this joint resolution.

Mr. O'MAHONEY. Mr. President, the purpose of this amendment is to affirm the declarations and holdings of the Supreme Court, to the effect that the Federal Government asserts no title to inland navigable waters. The amendment which we are offering is in effect an adaptation of Senate bill 1540, which was introduced by the Senator from New Mexico [Mr. ANDERSON] and myself in this Congress.

I wish to read a paragraph from the favorable report from the Department of Justice. This report is dated June

15, 1951, and is signed by Hon. Peyton Ford, at that time Deputy Attorney General:

The enactment of the proposed legislation would accomplish two very desirable objectives. It would provide congressional confirmation of the assurances repeatedly made by representatives of the executive branch that the United States makes no claim of ownership to lands underlying inland navigable waters and would grant the requisite statutory authority for the maintenance and operation of piers, wharves, filled lands, and other structures extending beyond low-water mark into the open ocean. This is a matter of great importance to coastal States and municipalities, and to all persons who have erected or desire to erect improvements on lands underlying the ocean.

I wish to make it perfectly clear that the position which the Committee on Interior and Insular Affairs has taken, which the sponsors of this amendment take, and which the Department of Justice and the Department of the Interior take, is that the Federal Government lays no claim to inland navigable waters in the interior States, or in the coastal States. The Committee on Interior and Insular Affairs, the administrative agencies, and those who are supporting this measure are asserting no such claim in Senate Joint Resolution 20, but, on the contrary, wish to write into the proposed law an affirmation of the declarations already made by the Supreme Court and by the spokesman for the Department of Justice.

With that statement, I submit the amendment.

The PRESIDING OFFICER: The question is on agreeing to the amendment offered by the Senator from Wyoming [Mr. O'MAHONEY] on behalf of himself and other Senators.

BUDGET, TAXES, ECONOMY

Mr. HUMPHREY. Mr. President, I ask unanimous consent that a statement prepared by me on budget, taxes, economy be inserted at this point in the body of the Record.

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

STATEMENT BY SENATOR HUBERT H. HUMPHREY ON BUDGET, TAXES, ECONOMY

Every citizen is justly concerned with the size of the Federal Budget and the heavy tax load which is being carried by the American economy. It is the purpose of this statement to discuss this budget in objective terms and also to present basic economic facts pertaining to taxes and the general condition of the economy. In the charges and countercharges which are made on the high cost of government and the burden of taxation, opinion frequently takes over where facts are necessary. The Federal budget must be studied by taking into consideration such factors as the international situation, the cost of inflation, the production of the economy, and the impact of Federal spending and taxation upon the economic life of our country.

BREAKDOWN OF TOTAL BUDGET EXPENDITURES FOR FISCAL YEAR 1953

The cost of national defense is high. Out of every dollar in the proposed budget, 85

cents will go for the cost of national security. That total includes 73 cents for our current defense and foreign assistance programs; 7 cents for interest on the national debt; and 5 cents for veterans' payments of various kinds. Only 15 cents of the budget dollar goes for general government and welfare activities.

Let's take a look at the President's budget request and recommendation for fiscal year 1953:

TABLE 1.—Breakdown of total budget expenditures, fiscal year 1953

Category	Billions	Percent of total
Grand total.....	\$85.4	100.0
Total national security expenditures.....	72.5	85.1
Present security programs.....	62.0	72.8
Army.....	16.8	19.7
Navy.....	12.3	14.4
Air.....	18.9	22.2
Other military.....	3.2	3.8
Foreign aid and international.....	10.8	12.7
Expenditures for past wars.....	10.5	12.3
Veterans.....	4.2	4.9
Debt service.....	6.3	7.4
All other expenditures.....	12.8	14.9
Social security, welfare, and health.....	2.7	3.2
Housing and community development.....	.7	.8
Education and general research.....	.6	.7
Agriculture and agriculture resources.....	1.5	1.8
Natural resources.....	3.2	3.6
Transportation and communication.....	1.6	1.9
Finance, commerce, and industry.....	.8	.9
Labor.....	.2	.2
General Government.....	1.5	1.8

THE RESPONSIBILITY OF THE CONGRESS FOR THE BUDGET

The President's budget is but a recommendation. It is prepared after many months of study by the departments of Government, the Bureau of the Budget, and finally the President and his Cabinet. It takes not less than 10 months for the preparation of a budget. This within itself reveals that many of these budget items are estimates subject to careful review and scrutiny.

It is to be expected that there will be a good deal of criticism of the budget estimates as recommended by the President. However, let it be crystal clear that the Constitution places the responsibility for all appropriations and taxes entirely on the Congress.

The President's budget serves a recommendation. All too often these recommendations have been controlling simply because the Congress of the United States has refused to modernize its legislative machinery and to equip itself to handle present day budgets.

The Congress is its own worst enemy when it comes to modernizing its legislative machinery. The rules are the same as they were a hundred years ago. The practice of unlimited debate, the log-rolling that goes on where there are unrecorded roll-call votes on appropriation items—all these add to the confusion and extravagance.

Let me document my criticisms of the congressional procedure. Both the Senate and the House have standing committees on appropriations. Both Houses of Congress have standing committees for the purpose of post-audit or investigation of all budget items. These committees are known as the Committees on Expenditures in the Executive Departments. It is the responsibility of

the Appropriations Committees to examine the President's budget request and ultimately to make its own decision on the basis of the facts as revealed by investigation and testimony. But here is the problem, and it is a problem that the Congress has done nothing about.

In the early days, when budgets were in the millions of dollars instead of the billions, Members of the Congress themselves had time to check the budget requests. But Members of the Congress today are loaded with correspondence, a host of committee and subcommittee meetings, long sessions of the Congress and innumerable details that no one could have dreamed possible 50 years ago. The Congress, therefore, must depend a great deal on professional, trained staff assigned to the congressional committees.

The Appropriations Committees have staffs totally inadequate to scrutinize the budget of even one department, much less the entire Government. Let me be specific. In considering the appropriations for fiscal year 1952 for the military department, the Subcommittee on the Military Budget had but one professional staff member. Yet the budget submitted for approval totaled more than \$50,000,000,000. A small retail establishment would have at least one professional bookkeeper. Yet, here was a subcommittee of the Congress with the full responsibility for analyzing a budget request of the Department of Defense with no more staff than a filling station, grocery store, or a fourth-class post office.

Now whose fault is this? It rests squarely upon the antiquated, old-fashioned habits of the Congress. Yet, many of the very Members of the Congress who cry out for economy and offer budget cuts of 10, 20, and 50 percent have blocked efforts to equip the committees of the Congress with the professional technicians, trained accountants, and investigators necessary honestly and objectively to analyze a budget and thereby reduce the cost of government.

The Federal Budget affects the lives of every American. It may well determine the future economic condition of this Nation. Therefore, it is not enough just to give speeches on economy or to criticize the President. Nor is it fair or sensible just to cut the budget by a flat percentage of, let's say, 20 percent, as some have recommended. To do this might cripple essential services of Government, damage our defense program and jeopardize our national security. The way to eliminate waste in the Government is to improve efficiency in the departments of Government by an item by item, bureau by bureau, department by department study and examination. This requires that the Appropriations and Expenditures Committees have a staff of competent experts who can be assigned to the preparation of a budget from the day that budget begins in a department, up through the Bureau of the Budget hearings, up to the Congress. This means that if the Congress is going to protect the public interest, eliminate waste and promote efficiency, its review of appropriation requests and budget items must start when the budget is in its early and initial stages of preparation. It is a year-around job.

WHAT CAN WE DO?

In the drive to secure economy without swinging the meat ax and thereby jeopardizing our national security, 11 Members of the Senate have joined together in sponsoring a bill, S. 913. This bill has been reported favorably to the Senate by the Senate Committee on Expenditures. I am a co-sponsor of S. 913—a bill to create a Joint Committee on the Budget with adequate staff to scrutinize every appropriation item.

code. Support to this treatment is given in the discussion contained in G. C. M. 21171, C. B. 1939-1 (pt. 1), page 169, involving an award to a railroad company of new facilities, the cost of which was borne by the State out of unemployment relief funds allotted by the Federal Government. The award in that case is similar to the instant case in that it was not made by way of compensation for the old facilities discarded or retired. In rejecting the application of section 112 (f) on the ground that the discarding or retirement by the railroad of its old roadway property did not constitute an involuntary conversion, the memorandum inferred that if there has been a destruction of the property, such as a fire loss, a contrary conclusion would have been reached.

"In view of the foregoing it is held that the recipient of the American Red Cross award is entitled to a loss only to the extent that the basis of the destroyed property, prior to its damage or destruction, is in excess of the amount expended for its restoration under the award. If the amount of the award is greater than such basis, the excess thereof may not be added to the recipient's basis for Federal income-tax purposes."

Very truly yours,

FRED S. MARTIN,
Assistant Commissioner.

MRS. MARGUERITE A. BRUMELL

The VICE PRESIDENT laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H. R. 4645) for the relief of Mrs. Marguerite A. Brumell, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McCARRAN. I move that the Senate insist upon its amendments, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. MAGNUSON, Mr. O'CONNOR, and Mr. HENDRICKSON conferees on the part of the Senate.

CALL OF THE ROLL

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

The VICE PRESIDENT. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Alken	George	McFarland
Anderson	Gillette	McKellar
Bennett	Green	McMahon
Benton	Hayden	Millikin
Ericker	Hendrickson	Monroney
Bridges	Hennings	Moody
Butler, Md.	Hickenlooper	Morse
Butler, Nebr.	Hill	Mundt
Byrd	Hoey	Murray
Cain	Holland	Neely
Capehart	Humphrey	Nixon
Carlson	Hunt	O'Mahoney
Case	Ives	Robertson
Chavez	Johnson, Colo.	Russell
Clements	Johnson, Tex.	Saltonstall
Connally	Johnston, S. C.	Schoepfel
Cordon	Kem	Seaton
Dirksen	Kilgore	Smith, Maine
Douglas	Knowland	Smith, N. J.
Duff	Langer	Smith, N. C.
Dworshak	Lehman	Sparkman
Eastland	Long	Stennis
Ecton	Malone	Thye
Ellender	Martin	Underwood
Ferguson	Maybank	Watkins
Flanders	McCarran	Welker
Frear	McCarthy	Wiley
Fulbright	McClellan	Williams

Mr. JOHNSON of Texas. I announce that the Senator from Tennessee [Mr. KEFAUVER], the Senator from Oklahoma [Mr. KERR], the Senator from Maryland [Mr. O'CONNOR] the Senator from Rhode Island [Mr. PASTORE], and the Senator from Florida [Mr. SMATHERS] are absent on official business.

The Senator from Washington [Mr. MAGNUSON] is absent by leave of the Senate on official business for the purpose of addressing the Army War College at Carlisle, Pa.

Mr. SALTONSTALL. I announce that the Senator from Maine [Mr. BREWSTER] is absent on official business.

The Senator from Indiana [Mr. JENNER], the Senator from Massachusetts [Mr. LODGE], and the Senator from Ohio [Mr. TAFT] are necessarily absent.

The Senator from New Hampshire [Mr. TOBEY] and the Senator from North Dakota [Mr. YOUNG] are absent by leave of the Senate.

The VICE PRESIDENT. A quorum is present.

The Chair lays before the Senate the unfinished business, which is Senate Joint Resolution 20.

MINERAL LEASES ON CERTAIN SUBMERGED LANDS

The Senate resumed the consideration of the joint resolution (S. J. Res. 20), to provide for the continuation of operations under certain mineral leases issued by the respective States covering submerged lands of the Continental Shelf, to encourage the continued development of such leases, to provide for the protection of the interests of the United States in the oil and gas deposits of said lands, and for other purposes.

Mr. LEHMAN. Mr. President, I rise in support of the amendment submitted by the Senator from Wyoming [Mr. O'MAHONEY] in behalf of himself and other Senators. I read section 11 of the amendment:

SEC. 11. The United States hereby asserts that it has no right, title, or interest in or to the lands beneath navigable inland waters within the boundaries of the respective States, but that all such right, title, and interest are vested in the several States or the persons lawfully entitled thereto under the laws of such States, or the respective lawful grantees, lessees, or possessors in interest thereof under State authority.

Mr. President, it is my judgment that this amendment is not needed, because there has never been any assertion made that the Federal Government had any right, title, or interest in or authority over land beneath the navigable inland waters within the boundaries of the respective States.

On the other hand, there has been a great deal of misunderstanding and misrepresentation with regard to the subject. I do not wish to imply even for a moment that any such misrepresentations have been made on the part of any Member of the Senate; but there can be no question that misrepresentations have been made, and that they have influenced the thinking of a great many people who are not so familiar with the subject before the Senate as are some of us.

In support of the statement that there is widespread misunderstanding with regard to the effect of Senate Joint Resolution 20, an effect which it is claimed may possibly jeopardize the title of the respective States to lands beneath navigable inland waters within the boundaries of the respective States, I wish to read from a letter which I received some time ago from the mayor of the city of New York, the greatest city in our Nation. The letter shows definitely that Mayor Impellitteri has completely misunderstood the effect of the legislation which is now pending before the Senate. The letter is brief, and I read it, as follows:

CITY OF NEW YORK,
OFFICE OF THE MAYOR,
New York, N. Y., February 1, 1952.

HON. HERBERT H. LEHMAN,
The Senate, Washington, D. C.

DEAR SENATOR LEHMAN: The above resolution, H. R. 4484, has been passed by the House of Representatives and resolution S. 940 is still pending before the Senate Committee on Interior and Insular Affairs. I strongly urge your support of resolution S. 940.

The purpose of the resolutions is to reaffirm that title to lands under tidewaters and navigable waters has always been vested in the States and their grantees, such as the city of New York.

The city of New York has a vital interest in retaining title to its water front and harbor lands and lands under water. This city's water front and harbor, developed and maintained under municipal control, is an invaluable asset not only to the people of New York, but to the entire Nation. The city's title to its foreshore and lands under water, as granted to it by ancient charters and by the State of New York, has never been challenged. It is of paramount importance to the development of this city that New York retain full and complete control over these lands and improvements. Recent assertions of title to lands under water by the Government of the United States are contrary to all historical precedents and to judicial determinations. Such claims might becloud the city's title to one of its most valuable assets and cause serious repercussions in maintaining and continuing the constant development and improvement of New York Harbor.

I firmly believe that the city's title is beyond question, but the resolutions would constitute a final recognition of that title and a disclaimer by the United States that it ever had any title to these lands.

Very truly yours,

VINCENT R. IMPELLITTERI,
Mayor.

Mr. President, I fully agree with the mayor of New York that the city of New York has a vital interest in retaining title to its water front, harbor lands, and lands under water. I go further and say that I fully agree with him with regard to the value of the water front and harbor lands as an asset to the people of New York and to the people of the entire Nation.

However, there has never been the slightest question with regard to the ownership and control of the harbor of New York. It has always been recognized as an inland waterway. It is many miles removed from the open sea. There cannot possibly be any question with regard to the manner in which the land is to be controlled. Nevertheless, the mayor of the greatest city in the Nation

is so much in doubt with regard to the question that he wrote me the letter which I have just read into the Record. Of course, the letter was written under a misapprehension of the facts.

I have taken pleasure in writing to the mayor as follows:

FEBRUARY 15, 1952.

HON. VINCENT R. IMPELLITTERI,
Mayor, City of New York,

New York, N. Y.

DEAR MAYOR IMPELLITTERI: Thank you for your letter. As you know, the Senate Committee on Interior and Insular Affairs, of which I am a member, after considering the tideland matter, voted to report favorably the interim bill, Senate Joint Resolution 20, which, without deciding the fundamental issue of State versus Federal control over the lands beneath the open ocean, would permit immediate resumption of exploration and development work on the oil-bearing lands off Texas and Louisiana.

The Federal Government has never claimed, and does not now claim, any rights in the lands beneath navigable waters including true harbors and bays. You will note that Senate Joint Resolution 20, a copy of which is enclosed, refers only to the submerged lands of the Continental Shelf.

In the course of the hearings, the question of whether this legislation in any way affected inland waters was asked in specific reference to New York City's water front and harbor lands. The committee was assured by the Department of Justice and the Department of the Interior that inland waters and New York's water front and harbors are in no way affected by Senate Joint Resolution 20. In fact, they are specifically excluded.

As I am sure you appreciate, I would be among the first to oppose this legislation, or any legislation which dealt unfairly with New York's interests, or which sought to deprive New York State of equities which properly belong to us. In the case of tidelands oil, the situation is quite the reverse.

By agreeing to S. 940, we in New York State would be ceding our interest in one of our Nation's most valuable assets. In these underocean lands are oil deposits which can bring to the Federal Treasury vast amounts of revenue which can help relieve New York of heavy tax burdens which we might otherwise bear. Our State, as you know, bears a heavy share of the tax burden of the Nation. If the revenue from these oil deposits were given to the States which now unfairly claim these rights, it would place an unjustifiable burden upon our own State.

The allegation made to you that the Federal Government seeks title to lands under the bay and in New York Harbor are an example of the confusion which is being intentionally introduced into this situation with the purpose of beclouding the real issues and the real intent of those seeking the rights referred to above.

The Supreme Court has ruled that these rights are vested in all the people in all the States. We in New York should certainly not lend ourselves to an abandonment of these rights which mean so much to us.

I certainly thank you for writing to me and giving me the opportunity of setting forth my views on this very important matter. I would be glad to hear from you further after you have had an opportunity to study the views I have expressed.

With kind personal regards.

Very sincerely yours,

HERBERT H. LEHMAN,
United States Senator.

Mr. President, I have read that correspondence to show how completely misinformed even intelligent men in high

governmental positions are regarding the question of title to the lands under the navigable waters within the boundaries of the States.

Mr. President, I favor this amendment simply because it will reaffirm the declaration that the Federal Government claims no title to any of these lands. The Federal Government does not do so. The effect of Senate Joint Resolution 20 is incontrovertible, when it says that the United States asserts that it has no right, title, or interest in or to the lands beneath the navigable waters in the respective States.

Mr. President, I shall be glad to support this amendment, not because I think its adoption is necessary—for I think the issue has been clearly defined time and time and time again—but in order that those who may have any fears on this subject, like the mayor of the city of New York, will be better satisfied regarding the validity of the claims of the States to the lands beneath the navigable waters within the boundaries of the States. If there are such fears, certainly I think it is wise to give that assurance. I am particularly anxious to correct the false impression which unfortunately has gained ground.

Again I wish to say that I do not impute to any of my colleagues a desire to misrepresent. They have not misrepresented. However, that there has been misrepresentation on a wide scale in regard to this matter, I think is an undoubted fact.

Mr. LONG. Mr. President, will the Senator from New York yield to me?

Mr. LEHMAN. I am glad to yield.

Mr. LONG. Let me ask the distinguished Senator whether he knows of any formula or standard which ever has been adopted or agreed to for determining whether Long Island Sound, for example, is inland water or is it external water?

Mr. LEHMAN. I think there has been no formula regarding such questions; but certainly it is clear that Long Island Sound is inland water, for it is abutted by two land areas of the State of New York.

Similarly I think there can be no question that title vests in the State of New York in the case of the lands under New York Harbor or under the part of the seaward reaches of the harbor, running between the States of New York and New Jersey.

Mr. LONG. Mr. President, will the Senator from New York yield further to me?

Mr. LEHMAN. I yield.

Mr. LONG. Of course the Senator from New York knows that Mr. Bocco has originated a theory of arcs in regard to establishing seaward boundaries. So far as I know, that is the only theory which has been presented to us. That theory was not accepted by the World Court in the Norwegian fisheries case. Mr. Perlman, Solicitor General of the United States, went there and urged that theory in international law, but it was rejected.

On that theory, if a bay is more than 10 miles across its mouth, it would not be an inland water.

On the other hand, Russia claims the White Sea, which is 89 miles across its mouth, as being inland water.

Would the Senator from New York be willing to agree to an amendment to the amendment he has supported, which would reserve to the Congress the right to determine by law what are the internal waters of the United States?

Mr. LEHMAN. I would have to answer that by saying that in view of the fact that the amendment has been submitted on behalf of 18 or 20 Senators, I would wish to consult with them first; I am not authorized to speak for them.

However, certainly the Senator who submitted the amendment and those of us who are cosponsors of the amendment would, I am sure, be glad to consider any amendment to it which would not lessen its effectiveness.

Mr. LONG. I should like to propose this amendment at the end of the amendment, namely, to add the following language:

Provided, That the seaward boundaries of the inland or internal waters of the several States shall be established by the Congress of the United States by legislative enactment.

I send forward that amendment to the amendment, feeling that unless the Congress establishes this boundary, we then shall be confronted with the situation which has arisen in California. In that situation there has been appointed a master who is supposed to try to determine what is the boundary between the inland waters and the outside waters; but, in considering that problem, he has nothing whatever to guide him; there is no court decision on that question, except perhaps a decision by a district court which was trying to fix a line in connection with enforcing a smuggling law or a liquor law. Otherwise, the master has nothing for a guide.

Personally, I fear that unless Congress itself establishes this line, some minor official in one of the departments—not the head of the department or a policy-making branch of the Government—will try to establish a formula for determining this question, whereas actually it is a matter of international law involving Congress and the entire Nation. So it seems to me that the Congress should accept that responsibility.

If the amendment the Senator from New York has been discussing is offered, I hope my amendment to it will be accepted by the sponsors of the amendment.

Mr. LEHMAN. Mr. President, I am sure the Senator from Wyoming and his cosponsors will give consideration to any request of that sort.

However, let me say that I cannot see why anyone should object to this amendment. Regardless of whether it does or does not satisfy in all particulars the wishes of the distinguished Senator from Louisiana, the fact remains that the amendment certainly very greatly strengthens the protections—if any are needed, although I doubt that any are needed—available to the States in respect to the lands under their inland waters.

Mr. President, no question about these matters has ever been raised with me. To my amazement, the other day I heard raised in the Senate a question in regard to the rights of the Federal Government in connection with the lands beneath the Great Lakes or in connection with the lands beneath other large bodies of water within the confines of the United States or the States.

This amendment certainly should go a long way to reassuring the States that there is no desire or intention on the part of the Federal Government to claim anything to which it is not entitled.

Mr. LONG. Of course, as the Senator from New York knows, those of us who take the States' side feel that the doctrine of English law that the sovereign possesses the beds of all navigable waters would, if accepted here, actually be established as a rule governing tidewaters along the coast, and would merely apply to bays and harbors. The case in which that doctrine was first announced was Martin against Waddell. Someone mistakenly stated that the Pollard case first laid down that doctrine. The Pollard case was the first case that decided that new States had the same rights as the original 13 States, insofar as their State sovereignty was concerned; but the case of Martin against Waddell decided that the States were sovereign when they won their independence from the Crown, and that on the theory that they possessed sovereignty, they owned the beds of tidewaters. That was the language which was used at the time, and the tidewater rule was then applied in later decisions to waters which were not at all affected by the tide, waters such as rivers and streams and lakes inside the United States. Therefore, the junior Senator from Louisiana feels that the rule of law and the theory that the States originally possessed sovereignty was what placed them in the ownership of the beds of their streams and their tidewaters.

I realize that the argument is made by my very able friend from Wyoming that the States never claimed this property, though that is a matter of opinion, and that the citizens were fishing on that property, which had been included in their colonial charters. The States, by my theory, might never have fixed the exact delineation as to how far out they claimed beds of navigable waters; but nevertheless, they claim that they always owned the beds of navigable waters. Of course, the Senator concedes that there is a fair argument about it.

Mr. LEHMAN. As the Senator from Louisiana knows, I am not a constitutional lawyer; I am not a lawyer at all. I can approach this question only from the standpoint of a layman; but when he refers to the use of the word "tidewaters" in a decision, it would seem to me that in all probability the courts were considering the waters between high tide and low tide; and to that extent there is no question. We are all willing to acknowledge that that is the law.

Mr. LONG. I suggest to the Senator that I doubt whether he could find a dictionary which would define "tidewaters" as the waters which are between low tide and high tide. I believe he will find that

the definition in almost any dictionary, legal or otherwise, indicates that the term "tidewaters" is far broader than that, and includes waters affected by the ebb and flow of the tide, which generally affects the seacoast or the seaboard, rather than merely the beach between high-water and low-water mark.

Mr. LEHMAN. Of course, I realize that the definition contained in any dictionary would be much broader than that which I have given. But I think we must consider the language in the text. I am not familiar with the case, but if this was a case which was considered in determining the riparian rights—

Mr. LONG. I do not believe it was.

Mr. LEHMAN. I believe my definition would probably be accurate.

Mr. LONG. I must dispute that point with the Senator. The first case announcing the doctrine, to the knowledge of the junior Senator from Louisiana, was the case of Martin against Waddell, decided with regard to Raritan Bay in the State of New Jersey, which set forth the doctrine that the sovereign owns the beds of all tidewaters, and that Raritan Bay is an arm of the sea, and certainly is tidewater. The facts of that case were not related to a dispute over a beach. That was a dispute over rights to an oyster bed, I believe.

Mr. O'MAHONEY. Mr. President—

Mr. LEHMAN. I yield to the Senator from Wyoming.

Mr. O'MAHONEY. Mr. President, the remarks of the junior Senator from Louisiana clarify, somewhat, the issue which is before the Senate at this moment, and certainly it needs clarification. The case to which he has just referred was, as he said, a case affecting Raritan Bay. It was not a case affecting lands submerged by the open ocean. The Senator from Louisiana nods his head affirmatively.

KING'S POWER ACQUIRED BY UNITED STATES

The confusion with respect to interpretation arises from the fact that in Great Britain in the early days, the King exercised certain dominant rights over waters and over minerals. The fact that we today refer to payments which are made to certain owners, including, sometimes, a State or the Federal Government, as royalties, comes from this early procedure. The British King claimed a right in everything. It is true, as the Senator from Louisiana has said, that in Great Britain the King claimed the right to the tidewaters; and that would mean, of course, that wherever the ebb and the flow of the tide showed their effects, then the King could put his heavy foot down upon the people.

Mr. President, we had a revolution in the United States of America by which we denied certain rights which the King claimed. One of those rights had to do with the external sovereignty of the united Thirteen Colonies, acting together as a unit. When the United States of America was established, the national power which had been claimed by the King of England went to the National Government of the United States, so far as external sovereignty is concerned. I think there can be no doubt about that.

Mr. LONG. Mr. President, will the Senator yield?

Mr. O'MAHONEY. Certainly.

Mr. LONG. I believe the Senator is expressing an argument with which many of us disagree. I call President Monroe as my witness, and as an eyewitness for my side of that case. I doubt whether the Senator can mention anyone who had anything to do with drafting the Constitution who ever argued that the Federal Government actually had powers over and beyond those given by the people, acting through their State governments, in the Constitution. In that document they gave certain powers which were expressly limited. Therefore, those of us who take the States' side at this time feel that, if the States surrendered that element of their sovereignty, someone should show us where in the Constitution it was surrendered.

I know the argument will be made here the Federal Government existed prior to the Constitution, and had powers which were not granted by the Constitution. Personally, I should like to see that argument documented.

Mr. O'MAHONEY. Mr. President, will the Senator permit me, then, to resume?

Mr. LONG. Certainly.

Mr. O'MAHONEY. It is true that the Senator from Louisiana has cited the memorandum of President James Monroe in support of his point of view, but, as I have remarked to the Senator, the memorandum of President James Monroe was filed with the Congress of the United States, in connection with a veto which President Monroe had sent to the Congress with respect to a bill authorizing the expenditure of Federal funds for the purpose of building the Cumberland Road into Maryland. The distinguished Senator from Maryland [Mr. BUTLER] is sitting beside the Senator from Louisiana as I speak of the Cumberland Road, for which the President of the United States said the Government of the United States did not have the constitutional power to spend a dollar out of the Federal Treasury.

VETO OVERRIDDEN BY LATER CONGRESSES

In his veto message President Monroe said, "The only way we can build these internal improvements, such as the Cumberland Road, and I am for them"—I am paraphrasing his words, of course—"is by a constitutional amendment." That battle over internal improvements raged through several years and decades, perhaps, in the early history of the United States.

President Monroe was against them, because of what he termed a lack of constitutional power. His successor, President John Quincy Adams, was for them, and John Quincy Adams signed bill after bill providing for the expenditure of Federal funds for the building of turnpikes and roads of the kind President Monroe vetoed.

So the veto of President Monroe—the witness whom the Senator from Louisiana has cited—has been overridden by the Congress of the United States, decade after decade, without a constitutional amendment.

Mr. LONG. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. LONG. The particular message which was put into the RECORD was not the President's veto message, but his analysis of the formation of the Government and the independence of the United States.

Mr. O'MAHONEY. But the Senator will recall that the veto message referred directly to the memorandum in which President Monroe expressed his own views of the Constitution and stated that he was sending it down the next day.

Mr. LONG. That is true.

Mr. O'MAHONEY. So it was, in effect, a part of the message. But my point now is—

Mr. LONG. May I quote from that message?

Mr. O'MAHONEY. Certainly.

Mr. LONG. The President said:

To do justice to the subject it would be necessary to mount to the source of power in these States and to pursue the power in its gradations and distribution among the several departments in which it is now vested.

President Monroe was there speaking of how the power was derived. He was present at the drafting of the Constitution and had something to say with reference to its ratification and he carefully spelled out the fact that the States had this power and that only limited power was derived under the Constitution. I know the present Supreme Court considers the powers to be a hundred times stronger and broader than President Monroe considered them to be.

Mr. O'MAHONEY. Mr. President, I think the Senator from Louisiana is changing the subject a little bit. If he will permit me to do so, I will say, with a smile, that his argument can be best described by the witticism of a distinguished citizen of Kentucky who, a few years ago, early in 1948, when what was known as the Dixiecrat movement was beginning before the conventions of 1948 were held, remarked to me, "If at first you don't secede, try, try, again."

The arguments which President Monroe cited in the document to which the Senator from Louisiana refers were the arguments which were cited by those who sought to expand the principle that a State could secede from the Union. I cite a witness whose views have not been overridden by an act of Congress, whose views have not been overridden by the developments of years and who lived in the early days.

Mr. LONG. Mr. President, will the Senator yield?

Mr. O'MAHONEY. Will the Senator permit me to cite this witness so that I can get the statement into the RECORD without interruption, and then I shall be very happy to yield.

JUSTICE STORY'S VIEWS

I am citing Mr. Justice Story who wrote the very famous Commentaries on the Constitution. I think every lawyer and every student of the Constitution will acknowledge that there is no greater authority upon the meaning and intent and the history of the Constitution of

the United States than was Justice Story. In his commentaries Justice Story was giving his views as to the powers possessed by the Colonies. It will be recalled that the Supreme Court, in the California case, said that the Thirteen Colonies had none of this external power, which is the only subject with which we are dealing—the external sovereignty of the Nation.

I should like to read sections 211 to 216 of Justice Story's commentaries:

The Colonies did not severally act for themselves, and proclaim their own independence. * * * It was not an act done by the State governments then organized, nor by persons chosen by them. * * * It was an act of original, inherent sovereignty by the people themselves. * * * So the Declaration of Independence treats it. * * * Whatever, then, may be the theories of ingenious men on the subject, it is historically true that before the Declaration of Independence these Colonies were not, in any absolute sense, sovereign States; that that event did not find them or make them such; but that at the moment of their separation they were under the dominion of a superior controlling National Government whose powers were vested in and exercised by the general Congress with the consent of the people of all the States. * * * From the moment of the Declaration of Independence, if not for most purposes at an antecedent period, the United Colonies must be considered as being a nation de facto, having a general government over it, created and acting by the general consent of the people of all the Colonies. * * * In respect to foreign governments, we were politically known as the United States only; and it was in our national capacity, as such, that we sent and received Ambassadors, entered into treaties and alliances, and were admitted into the general community of nations, who might exercise the right of belligerents, and claim an equality of sovereign powers and prerogatives.

The truth is that the States, individually, were not known nor recognized as sovereign by foreign nations, nor are they now.

Mr. LONG. Will the Senator tell me from what he is reading?

Mr. O'MAHONEY. These are quotations from sections 211 to 216 of the Commentaries on the Constitution written by Justice Story.

Mr. LONG. It is not a court decision, is it?

Mr. O'MAHONEY. Oh, no.

Mr. LONG. Will the Senator tell me whether Justice Story was alive at the time this Nation began, and whether he was an eye witness.

Mr. O'MAHONEY. No. That is, he was not an adult at the time.

Mr. LONG. Will the Senator permit me to read the views of the court in 1842, in the case of Martin against Waddell? I read from page 1920 of the RECORD:

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 for their own common use, subject only to the rights since surrendered by the Constitution to the General Government.

And when the people of New Jersey took possession of the reins of government and took into their own hands the powers of sovereignty, the prerogatives and regalities which before belonged either to the Crown or the Parliament became immediately vested in the State.

That is what the court said, speaking officially in a court decision in 1842. That is completely in line with the views of President Monroe, who had something to do with the writing and ratification of the Constitution.

Mr. O'MAHONEY. The Senator from Louisiana read an extract from the case which he put into the RECORD in his very thorough and scholarly speech of March 6. He read the whole paragraph, but I want to emphasize a portion of it. I am reading precisely the same words the Senator quoted on the 6th of March and which he has now requested.

Mr. LONG. From where is the Senator about to read?

Mr. O'MAHONEY. From page 1920 of the RECORD of March 6, 1952, in the second column on that page.

For when the Revolution took place the people of each State became themselves the sovereign; and in that character hold the absolute right to all their navigable waters and the soils under them for their own common use, subject only to the rights since surrendered by the Constitution to the General Government.

Whatever advantage the Senator from Louisiana may wish to take of the beginning of that sentence, however much he may wish to forget for the moment that the court was dealing solely with the waters of the bay and not with the waters of the ocean, he cannot forget, nor can the Senate forget, the concluding, qualifying clause: "Subject only to the rights since surrendered by the Constitution to the General Government."

EXTERNAL SOVEREIGNTY DELEGATED TO FEDERAL GOVERNMENT

I say it is historically true that in the Constitution of the United States the States delegated to the United States, and to the Government of the United States, all the attributes of external sovereignty. I need only mention the fact that there was delegated to Congress complete control over interstate and foreign commerce, and there was delegated also in the Constitution the power, whatever it might be, necessary to carry out any of the powers which were granted to the National Government.

Mr. LONG. Mr. President, will the Senator yield?

Mr. O'MAHONEY. In a moment I shall be very happy to yield.

Not only is that true, but in the cases which it is now sought to overturn, the Court has said specifically that the Waddell case, like the Pollard case, and all the other cases cited, referred to waters to which the Federal Government is asserting no title, namely, waters which are covered by the ebb and flow of the tide. These are not the tidewaters which were formerly claimed by the King of England when he asserted, and properly and legally so under the laws of Great Britain at that time, and probably at the present time as well, power over the external sovereignty of Great Britain. The British King had control over lands submerged by the open ocean, by inlets, by bays, and by navigable rivers.

JUSTICE MARSHALL'S CONCEPT

But the United States of America rebelled from the control of the King, and

set up a dual system of government unlike any other in the world by establishing States with local jurisdiction, and the Federal Government with national jurisdiction. So when John Marshall, as Chief Justice of the United States, came to interpret this question in the case of *Gibbons against Ogden*, he said in words which are not capable of being misunderstood, which have never been attacked or overturned, and which remain the law of the land, that the powers granted under the commerce clause of the Constitution are plenary powers and affect other powers, even those of the States.

Mr. LONG. Mr. President, will the Senator tell us what property was involved in the case of *Gibbons against Ogden*? Was it not the Hudson River?

Mr. O'MAHONEY. The Hudson River, yes.

Mr. LONG. Would the Senator argue that because the Federal Government had a right to regulate a ferry on the Hudson River, the Federal Government therefore owned the Hudson River? The Senator just said power was delegated under the Constitution. In the case he was speaking of, respecting the Government's right to regulate commerce, it was held that the Federal Government had a right to regulate commerce, but the case did not hold that the Government owned the bed of the river.

Mr. O'MAHONEY. I say again to the Senator that when he cites a veto message from the President of the United States which turned out to be in error, which turned out not to be the view of the Congress of the United States, then I may be permitted to cite the views of the Chief Justice of the United States, merely to bring up another eye witness to combat the eye witness the Senator from Louisiana presents.

Mr. LONG. Mr. President, will the Senator yield further?

Mr. O'MAHONEY. I yield.

Mr. LONG. Inasmuch as the power to regulate commerce has been held to apply just as much to inland waters as to external waters as properly it should, can the Senator from Wyoming demonstrate to me why, if when the States delegated the right to regulate interstate and foreign commerce, that they thereby surrendered the beds of the marginal sea, then how did they fail to surrender, if he claims they have failed to surrender, jurisdiction over external waters? Can the Senator show me how they have failed to surrender jurisdiction over the Mississippi River, Chesapeake Bay, Long Island Sound, or any other navigable waters?

Mr. O'MAHONEY. Yes. As was pointed out in the other cases, and by Thomas Jefferson in the matter I spoke of yesterday, the original States, or some of them, at least, had passed laws governing their inland navigable waters. But the Senator will seek in vain for the citation of a single case in which any of the Thirteen Colonies ever attempted to exercise any external jurisdiction over the ocean.

Mr. LONG. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. LONG. Can the Senator show me how a State is going to exercise external jurisdiction over the ocean before it comes into existence, before its rights are created? How were they going to exercise external jurisdiction?

Mr. O'MAHONEY. That is the whole point of my argument. The States did not come into existence as political entities until they won their freedom from Great Britain. Prior to that time external jurisdiction was exercised by the King and the Government of Great Britain. We, acting as a united people, escaped from that control. We set up a new nation, and to that new nation we gave all the external jurisdiction there is.

The Senator from Louisiana is now leading a battle here to assert some of the sovereignty for his State which the American Revolution took away from the British King who had exercised it over the Thirteen Colonies. I say the time has not arrived for the surrender of that sovereignty which was won by all of the people of the new Nation for the Nation.

Mr. LONG. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield to my good friend, the Senator from Louisiana.

Mr. LONG. It seems to me that the Senator is arguing in two directions. I believe he is arguing in the alternative. I should like to get this matter straight. I believe he is arguing, on the one hand, that the States never actually possessed sovereignty.

Mr. O'MAHONEY. The Senator has just acknowledged that.

Mr. LONG. On the other hand, I believe the Senator from Wyoming is arguing that the States possessed sovereignty but then surrendered it under the Constitution. It seems to me the facts are that the States possessed it and have never surrendered it.

Mr. O'MAHONEY. Oh, no. The Senator is mistaking the argument of the Supreme Court in the *Waddell* case for my argument. I was merely pointing out that in the case the Senator cited, the Supreme Court said the power of the States was subject to the rights which were surrendered. So I am saying that the rights which were surrendered by the Constitution were all the power and jurisdiction which are attached to external sovereignty.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield to the Senator from Louisiana.

Mr. ELLENDER. Will the Senator from Wyoming point out any other provision of the Constitution to support his contention, other than the provision in section 7, the power to regulate commerce with foreign nations.

Mr. O'MAHONEY. It is section 8.

Mr. ELLENDER. Section 8; yes. In other words, are we to understand that the Senator is contending that the provision "to regulate commerce with foreign nations, and among the several

States, and with the Indian tribes" gives rise to property rights?

Mr. O'MAHONEY. Oh, I am not talking about that at all.

Mr. ELLENDER. That is what the Senator is arguing.

Mr. O'MAHONEY. Oh, no; the Senator from Wyoming is not saying that, and neither is the Senator from Louisiana, nor are any other opponents of the bill making any contention with respect to property rights per se. All this controversy is about one simple problem.

Mr. ELLENDER. As to who owns the bottom of the ocean?

Mr. O'MAHONEY. No; as to who has jurisdiction over lands which are submerged by the open sea—the sea, the ocean, the highway of commerce and of navigation, which is governed by national authority and not by State authority.

Mr. ELLENDER. That is so far as navigation is concerned.

Mr. O'MAHONEY. The problem was clearly set forth in the Supreme Court decision, and again it is set forth in every one of the cases which the junior Senator from Louisiana has cited. We have them here. They were gathered for the committee by the Library of Congress, and they include cases from *Martin against Waddell*, decided in 1842, *Pollard's Lessee against Hagen*, decided in 1845, down through *United States against O'Donnell*, decided in 1938. Every one of those cases refers specifically to lands under inland navigable waters of the coastal States, which are not affected by this bill. We seek to affirm these Supreme Court decisions by the amendment which has now been offered.

Mr. LONG. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. LONG. The Senator from Wyoming, the distinguished chairman of our committee, has given some thought to this problem. As he knows, we did call witnesses, some of whom he summoned on his own motion, to help give us advice on the inland water problem. Would the Senator be willing to accept my amendment, that Congress should determine by law—which means, of course, that it would have to be by an act of Congress subject to the President's veto, like any other act of Congress—the boundaries of inland waters?

Mr. O'MAHONEY. Let me say to the Senator that I think his amendment is a little premature, for this reason: There is no doubt in my mind—and I do not hesitate to say it—that the Congress does have the power to fix the external boundaries. As the Senator knows, as a member of our committee, we have not attempted to study the complexities of the coast and geodetic surveys, which necessarily would be involved in fixing such boundaries.

SUPREME COURT INQUIRY AS TO BOUNDARIES

We know that in the California case the Court is seeking to find out what the formula should be for fixing such boundaries. It seems to me that it is better policy to await the determination of the

Supreme Court in that case, since it will be the affirmation or modification of a report by the special master who is now holding hearings on this very matter. It is better to await that than to attempt now merely to reassert a power which Congress already has. I do not think we ought to deprive ourselves, as this amendment might do, of the benefit of the report which will be made by the master. That is the only question I have in mind in that connection.

If the Senator would change the word "shall" to the word "may" I should be very much disposed to accept his amendment. My suggestion is made solely for the reason that I do not want to deprive the committee and the Congress of the benefit of whatever studies and conclusions may be derived by the special master and the Supreme Court on this very complex question.

But again I say, as I said during the hearings, that I have no hesitation whatever in affirming the principle which has been cited by the Supreme Court in decision after decision, that inland navigable waters, including bays, harbors, inlets, sounds, and the like, are within the jurisdiction of the States.

Mr. LONG. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. LONG. Actually the master has been trying to decide what the boundary line should be between inland waters and outside waters. As developed in our hearings in the brief time we had to go into this subject, he has absolutely nothing to go on. The nearest this country has ever come, so far as we can determine, to having anything at all to go on in deciding upon a boundary was when Mr. Boogs went to a conference in Geneva and proposed a formula as a basis for study or discussion. No one ever agreed that that should be the basis for discussion. He said, "Why do we not use this as a starting point?" It was not even agreed that the suggested formula should be made use of as a starting point.

Mr. O'MAHONEY. The Senator is quite right.

Mr. LONG. Mr. Perlman urged such a formula upon the World Court in the fisheries case, involving Norway. He contended that such formula should be regarded as settled international law. The World Court spent one paragraph in rejecting it, saying that the so-called standard could not be regarded as meaning very much. The American delegate stated that in his opinion that formula could not be regarded as being accepted.

When we have nothing at all to go on, unless Congress undertakes to decide the question and reserves to itself the decision, again we shall have Mr. Perlman, Mr. White, and the other Federal officials injecting themselves into the issue. I should be pleased to hear their advice, but I believe that Congress should perform its function. This is not a judicial function. It happens to be a legislative function.

Mr. O'MAHONEY. I think the Senator is quite right. However, because of the difficulties to which he has al-

luded, and which I have already mentioned, and knowing the numberless problems which our committee has to deal with, I am frank to say that I should like to see the special master appointed by the Supreme Court gather and correlate this material.

CONGRESS' POWER TO FIX BOUNDARIES

I acknowledge the power of Congress to fix these boundaries, and I say that if they are not promptly fixed I shall be very happy, when we have a little more time to give to this subject, if I am chairman of the committee, to appoint a subcommittee of which the Senator from Louisiana would be a member, to travel all around the coast of the United States and try to find out what the boundary is. As I say, if the Senator will modify his amendment so as to substitute the word "may" for the word "shall," I shall be very happy indeed to accept it.

Mr. LONG. Would it make the amendment acceptable if, rather than changing that word, we should leave it as it stands, with the word "shall," but provide that the master should present his recommendations to our committee?

Mr. O'MAHONEY. I should be very happy to go along with that suggestion.

Mr. LONG. I shall offer such language.

Mr. O'MAHONEY. If the Senator will let me see it after it has been drafted, I think we can agree on language which will accomplish the desired purpose, because we want to get along in a practical manner.

DOCUMENTATION AS TO CERTAIN PHASE OF KOREAN WAR

Mr. MILLIKIN. Mr. President, will the distinguished Senator from Wyoming yield to me for a few moments?

Mr. O'MAHONEY. I am glad to yield to the Senator from Colorado.

Mr. MILLIKIN. Despite the formidable appearance of all the material before me, I wish to take only a few minutes to place certain very limited parts in the Record.

Mr. O'MAHONEY. When I saw the books which the Senator brought in, I thought perhaps I would have a little opportunity for rest.

Mr. MILLIKIN. Mr. President, yesterday afternoon, in connection with the debate in the Senate, I was requested to provide some documentation for a claim which I made, that the State Department had invited the Communist armed forces into South Korea.

Yesterday, as soon as I could obtain the material, I placed in the Record a copy of an address delivered by Secretary of State Acheson to the National Press Club in January of 1950. I invited the special attention of the Senate to the following language in Secretary Acheson's speech. He said, as appears on page 2049 of the Record of March 10:

This defensive perimeter runs along the Aleutians to Japan and then goes to the Ryukyus. We hold important defense positions in the Ryukyu Islands and those we will continue to hold. In the interest of the population of the Ryukyu Islands, we will at an appropriate time offer to hold

these islands under trusteeship of the United Nations. But they are essential parts of the defensive perimeter of the Pacific and they must, and will, be held.

I pointed out that the line thus drawn excluded Korea and Formosa.

I wish now to read an excerpt from a copy of a letter from Gen. Douglas MacArthur to the Veterans of Foreign Wars. I do not know the exact date of it, but the fact of the letter will not be disputed. It appeared in the September 1, 1950, issue of the United States News. It took quite a while to pry it loose. The President, you will recall, tried to suppress it. In the letter General MacArthur said:

From 1942 through 1944 Formosa was a vital link in the transportation and communications chain which stretched from Japan through Okinawa and the Philippines to southeast Asia. As the United States carrier forces advanced into the western Pacific the bases on Formosa assumed an increasingly greater role in the Japanese defense scheme. Should Formosa fall into the hands of a hostile power, history would repeat itself. Its military potential would again be fully exploited as the means to breach and neutralize our western Pacific defense system and mount a war of conquest against the free nations of the Pacific Basin.

I skip a paragraph and continue to read from General MacArthur's letter:

Nothing in the last 5 years has so inspired the Far East as the American determination to preserve the bulwarks of our Pacific Ocean strategic position from future encroachment, for few of its peoples fail accurately to appraise the safeguard such determination brings to their free institutions.

To pursue any other course would be to turn over the fruits of our Pacific victory to a potential enemy. It would shift any future battle area 5,000 miles eastward to the coasts of the American Continent, our own home coasts; it would completely expose our friends in the Philippines, our friends in Australia and New Zealand, our friends in Indonesia, our friends in Japan and other areas to the lustful thrusts of those who stand for slavery as against liberty, for atheism as against God.

Mr. President, I should like to invite the attention of the Senate to the current impression of the press at the time of Secretary Acheson's speech at the National Press Club, in which he excluded Formosa and Korea from our defense perimeter. I am looking at a copy of the Baltimore Sun of January 13, 1950. I observe on page 6 a map which shows the communistic-dominated areas, and the free areas: Korea, Japan, the Philippines, Okinawa, and other islands and areas, and Formosa and Southern Korea.

The caption of the map states: "State Department view of China."

The description reads:

Map locates Outer Mongolia, Inner Mongolia, Manchuria, and Sinkiang, which Secretary of State Acheson has accused Russia of being in the process of taking over.

I pause to say that at the very moment Secretary Acheson is emphasizing the encroachments of Communist Russia in China he excludes Korea and Formosa from the areas which deserve our military interest and despite the fact that we had definite duties to help preserve those areas for unembarrassed disposition under later peace treaties.

The caption under the map to which I have referred continues:

Tannu Tuva was annexed by the Soviets in March 1948. The black area in China is that controlled by the Chinese Communists.

The sawtooth line is the United States' western Pacific defense perimeter as outlined by Acheson.

I add that the sawtooth line does not include Korea or Formosa.

Now we turn to the Washington Evening Star of Friday, January 13, 1950. The Evening Star of that date carries the same map. It is labeled AP Wire-photo. Under the map, which is exactly the same as the map to which I have referred, as printed in the Baltimore Sun, appears almost the identical editorial comment. It reads:

China—A State Department outline. This map locates Outer Mongolia, Manchuria, Sinkiang, and Inner Mongolia; North China areas which Secretary of State Acheson yesterday accused Russia of taking over. He said the process of attaching the areas to the Soviet Union is complete in Outer Mongolia and nearly complete in Manchuria.

Mr. President, I again interpolate that this was at the very time when the State Department put out maps and issued statements that Korea and Formosa were beyond the sphere of our military interest.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. MILLIKIN. I yield.

Mr. FERGUSON. Does not the map indicate that it is a map which was released by the State Department?

Mr. MILLIKIN. It so indicates to me, although I am not prepared to affirm it.

Mr. CAIN. Mr. President, will the Senator from Colorado yield?

Mr. MILLIKIN. Certainly.

Mr. CAIN. I should like to ask whether it would make any difference who actually released the map, when all one needed to do was to take the speech of the Secretary of State and mark a map according to the limits placed in his speech?

Mr. MILLIKIN. The Senator from Washington is entirely correct. The only reason I refer to these maps is to show that the statement I made yesterday was the general opinion with respect to Mr. Acheson's statement at the time it was made, as it appeared in the newspapers of the country.

Mr. CAIN. Mr. President, does the Senator from Colorado know of anyone who could safely maintain that the Secretary of State in his Press Club speech did not exclude both Korea and Formosa from America's sphere of military interest?

Mr. MILLIKIN. So far as I know, nothing of that kind has ever been maintained, with the exception of an implication which came in a question addressed to me on the floor of the Senate yesterday, asking me to document what I had stated. That is why I have been doing some documentation.

O, Mr. President, I could stand for an entire month on the floor of the Senate reading all the comments which have been made on the subject. I could go on endlessly with that subject. I am not particularly interested in proving the opinion. I merely wished to com-

ply, I hope graciously, with the request which was made of me by a Senator from the other side of the aisle that I document what I was saying.

Mr. CAIN. I know that the Senator from Colorado, or any other Senator, would have no difficulty whatever in destroying completely the implication involved in the question asked yesterday.

Mr. MILLIKIN. I agree completely. I hope that there may be people foolish enough to continue to press requests for documentation and requests for proof. It would merely help to emphasize a subject which cannot be forgotten by the fathers and mothers of those who are being killed and wounded and lost in Korea.

I continue to quote from the Evening Star:

The black area in China is that controlled by Chinese Communists. The saw-toothed line is the United States western Pacific defense perimeter, as outlined by Mr. Acheson. It excludes Formosa.

Mr. President, I shall not ask that a copy of the map be printed in the Record. It can be found in the newspapers by anyone especially interested I have identified its presence. It is on page A-15 of the Washington Evening Star of Friday, January 13, 1950. My memory is that the same map was printed all over the United States. I do not know of any newspaper which in commenting on the subject did not agree with the plain language of Acheson's speech, namely, that he had excluded Formosa and Korea.

That is all I care to say at the present time in pursuit of the question of documentation. I thank the Senator from Wyoming [Mr. O'MAHONEY] for extending me this courtesy.

MINERAL LEASES ON CERTAIN SUBMERGED LANDS

The Senate resumed the consideration of the joint resolution (S. J. Res. 20) to provide for the continuation of operations under certain mineral leases issued by the respective States covering submerged lands of the Continental Shelf, to encourage the continued development of such leases, to provide for the protection of the interests of the United States in the oil and gas deposits of said lands, and for other purposes.

Mr. HOLLAND. Mr. President, I rise to comment briefly and cordially upon the amendment offered yesterday afternoon by the distinguished Senator from Wyoming, for himself and other Senators, about which the Senator from Wyoming said:

The amendment which we are offering is, in effect, an adaptation of Senate bill 1540, which was introduced by the Senator from New Mexico [Mr. ANDERSON] and myself in this Congress.

Mr. President, my reason for commenting cordially and favorably upon the amendment offered yesterday afternoon by the distinguished chairman of the Senate Committee on Interior and Insular Affairs is not that I think the amendment by itself makes the pending joint resolution, Senate Joint Resolution 20, anywhere near sufficient in its recognition of the rights of the States, but

that it does show that the Senator from Wyoming and his associates are beginning to see that the States do have a very definite and vital interest in this subject matter, and are beginning to make concessions, which I hope they may continue to make in even greater measure, so that the final legislative enactment on this subject, if any there be, will conform to the views of the advocates of Senate bill 940, introduced by approximately 35 Senators.

Mr. O'MAHONEY. Mr. President, will the Senator from Florida yield at this point, to permit me to make a comment?

The PRESIDING OFFICER (Mr. GEORGE in the chair). Does the Senator from Florida yield to the Senator from Wyoming?

Mr. HOLLAND. I yield.

Mr. O'MAHONEY. I rise because the Senator from Florida has referred to the amendment as a concession. I wish to have the Record perfectly clear that, as I interpret the amendment, it is not a concession at all; it is merely an affirmation of a position which we have taken from the very beginning.

Those of us who have opposed the quitclaiming of the bed of the open ocean have done so on the theory that the open ocean is one thing and the inland navigable waters are another thing, and that the rule which applies to the open ocean is the rule of national sovereignty, and the rule which applies to the inland navigable waters is the rule of State sovereignty. We are willing and anxious to make that affirmation a matter of law.

Mr. HOLLAND. I thank the distinguished Senator.

Mr. President, in order that it may be completely clear why I state that the new amendment, as offered yesterday afternoon, for the first time comes nearer to protecting the rights of the States than has the earlier proposal, I ask unanimous consent at this time to have Senate bill 1540, which the Senator from Wyoming said was the measure of which his amendment of yesterday is an adaptation, printed at this point in the Record, as a part of my remarks.

There being no objection, the bill was ordered to be printed in the Record, as follows:

Whereas the Supreme Court of the United States has recently decided the cases of *United States v. California* (332 U. S. 19), *United States v. Louisiana* (339 U. S. 639), and *United States v. Texas* (339 U. S. 707), holding that the United States has paramount rights in, and full dominion and power over, the lands, minerals, and other things underlying the Pacific Ocean and the Gulf of Mexico adjacent to those States, seaward of the ordinary low-water mark and outside of inland waters; and

Whereas the Supreme Court of the United States had previously held that the States own the beds of inland navigable waters within their respective boundaries; and

Whereas the Attorney General of the United States has declared, both before and since the aforesaid decisions, that the United States makes no claim of title to lands beneath inland navigable waters; and

Whereas, despite the reiteration of this disavowal with respect to title to lands beneath inland navigable waters, some concern

has been expressed that such claim might nevertheless be made; and

Whereas there is no intention to claim, on behalf of the United States, title to any lands beneath inland navigable waters; and

Whereas it is in the public interest that additional assurance be given by the Congress that the United States does not claim title to lands beneath inland navigable waters: Now, therefore,

Be it enacted, etc.—

TITLE I

SECTION 1. That the United States hereby releases and relinquishes unto the several States and the persons lawfully entitled thereto under the laws of such States, and unto the respective lawful grantees, lessees, or possessors in interest thereof under State authority, all right, title, and interest of the United States, if any it has, in and to all lands beneath navigable inland waters within the boundaries of the respective States.

Sec. 2. As used in this act, the term "navigable" means navigable at the time of the admission of a State into the Union under the laws of the United States; the term "inland waters" includes the waters of bays, rivers, ports, and harbors which are landward of the open sea, as well as the area covered and uncovered by the tides; and lands beneath navigable inland waters include filled in or reclaimed lands which formerly were within that category; the term "submerged coastal lands" means submerged lands lying seaward of the ordinary low-water mark on the coast of the United States and outside of the inland waters and extending seaward to the outer edge of the Continental Shelf.

Sec. 3. Section 1 of this act shall not apply to rights of the United States in lands (1) which have been lawfully acquired by the United States from any State, either at the time of its admission into the Union or thereafter, or from any person in whom such rights had vested under the law of a State or under a treaty or other arrangement between the United States and a foreign power, or otherwise, or from a grantee or successor in interest of a State or such person; or (2) which were owned by the United States at the time of the admission of a State into the Union and which were expressly retained by the United States; or (3) which the United States lawfully holds under the law of the State in which the lands are situated; or (4) which are held by the United States in trust for the benefit of any person or persons, including any tribe, band, or group of Indians or for individual Indians. This act shall not apply to water power, or to the use of water for the production of power, or to any right to develop water power which has been or may be expressly reserved by the United States for its own benefit or for the benefit of its licensees or permittees under any law of the United States.

TITLE II

Sec. 101. Any right granted prior to January 1, 1951, by any State, political subdivision thereof, municipality, agency, or person holding thereunder to construct, maintain, use, or occupy any dock, pier, wharf, jetty, or any other structure in submerged coastal lands, or any such right to the surface of filled in or reclaimed land in such areas, is hereby recognized and confirmed by the United States for such term as was granted prior to January 1, 1951.

Sec. 102. Nothing in section 101 of this title shall be construed as confirming or recognizing any right with respect to oil, gas, or other minerals in submerged coastal lands; or as confirming or recognizing any interest in submerged coastal lands other than that essential to the right to construct, maintain, use, and occupy the structures enumerated in that section, or to the use and occupancy of the surface of filled in or reclaimed land.

Sec. 103. The structures enumerated in section 101 shall not be construed as including derricks, wells, or other installations in submerged coastal lands employed in the exploration, development, extraction, and production of oil and gas or other minerals, or as including necessary structures for the development of water power.

Sec. 104. Nothing contained in this act shall be construed to repeal, limit, or affect in any way any provision of law relating to the national defense, fisheries, the control of navigation, or the improvement, protection, and preservation of the navigable waters of the United States; or to repeal, limit, or affect any provision of law heretofore or hereafter enacted pursuant to the constitutional authority of Congress to regulate commerce with foreign nations and among the several States.

TITLE III

Sec. 201. Any person seeking the authorization of the United States to use or occupy any submerged coastal lands for the construction of, or additions to, installations of the type enumerated in section 101 of title II of this act, shall apply therefor to the Chief of Engineers, Department of the Army, who shall have authority to issue such authorization, upon such terms and conditions as in his discretion may seem appropriate.

Sec. 202. Within 2 years of the date of the enactment of this act, the Chief of Engineers shall submit to the Congress his recommendations with respect to the use and occupancy of submerged coastal lands for installations of the type enumerated in section 101 of title II of this act.

Mr. HOLLAND. Mr. President, from an examination of Senate bill 1540, and after comparing it even casually with the amendment submitted yesterday, it appears that the determined fight which those who believe in States rights have made in the course of this debate, in defending the rights of the several States, is beginning to show results and is beginning to pay off in a greater recognition than has heretofore been given by those who have been so insistently urging the enactment of what they call interim legislation, but what was admitted by the distinguished Senator from Wyoming, on the floor the other afternoon, to be a measure sufficient in its terms to provide for the complete exhaustion of the oil and gas in all the submerged lands lying off-shore of all the States of the Nation.

Senate bill 1540 was a repetition of a bill introduced by the same Senators or some of the same group in an earlier Congress.

By comparing Senate bill 1540 with the earlier bill and with the amendment of yesterday afternoon, it will appear that the distinguished Senators who sponsor the amendment, headed by the Senator from Wyoming, are, as I have just stated, evidencing greater and greater appreciation for the claims of the States and the position of the States. Let me express the fervent hope that that attitude will continue and will ripen into an even greater showing of understanding of the rights and positions of the States.

Mr. President, in the first instance I wish to show, by a comparison between Senate bill 1540 and the amendment of yesterday, that the amendment of yesterday for the first time brings into the field the complete quitclaiming to the affected States of their submerged lands

lying within the areas of the so-called Great Lakes, whose names are well known.

I think the distinguished Senator from Wyoming and the other Senators who were associated with him in connection with the introduction of Senate bill 1540, and who have been taking the position which they have been maintaining, were rather shocked to find, in the course of the hearings on Senate Joint Resolution 20, that the distinguished Solicitor General of the United States, Mr. Perlman, who stated that under his direction Senate bill 1540 and its predecessor had been drawn up, had deliberately excluded any reference to the Great Lakes because, as stated by Mr. Perlman and as shown in the hearings, he felt that it was not timely for that particular portion of the subject matter to be covered by the legislation. He felt there was at least one real point of difference and differentiation between the beds of the Great Lakes and the beds of other waters which might be regarded as inland waters, which point was that international boundaries are involved in all the Great Lakes except one, and that even though we now have a friendly neighbor adjoining us there, and we hope we may always have a friendly neighbor there, namely, the present one, Canada, at the same time international boundaries are involved, so that the Solicitor General and those entrusted by him with the drafting of this particular piece of proposed legislation had felt it would be unwise to include the Great Lakes and the quitclaiming of the submerged lands within the Great Lakes States, lands which lie under the waters of the Great Lakes.

So I congratulate the Senator from Wyoming and his associates for finally recognizing the fact that there are States which are tremendously affected by the fact that large bodies of their areas, within their constitutional limits, lie under and are submerged by the waters of the Great Lakes.

Therefore, Mr. President, I congratulate the Senator from Wyoming and his associates for recognizing that fact for the first time and for including in their amendment of yesterday appropriate recitals under which, if their amendment should be adopted and if the joint resolution as thus amended should be enacted, for the first time provision would be made for the quitclaiming of the Great Lakes submerged lands to the States which are vitally affected.

In order that there may be no possible misunderstanding, at this time I identify as sections 1 and 2 the sections of Senate bill 1540 which pertain to the inland waters; and I identify as sections 11 and 12, as proposed yesterday, the similar sections of the amendment submitted yesterday by the distinguished Senator from Wyoming.

The Senate will see by a comparison of those sections, and I wish the RECORD to show, that as a result of the determined effort made by those who on the floor of the Senate, in committee, and elsewhere have insisted that the States do have vital rights and interests which should be protected, for the first time

the advocates of this proposed legislation have recognized that there is here a vital question affecting several of our finest States, and those Senators have included in their amendment of yesterday a provision which is designed to quitclaim to those States their submerged lands.

Mr. O'MAHONEY. Mr. President, will the Senator from Florida yield to me at this time?

Mr. HOLLAND. I yield.

Mr. O'MAHONEY. I ask the Senator from Florida to allow me to say at this point that sections 11 and 12 were introduced in the form in which they appear in the amendment in order to make it clear that the purpose of Senate bill 1540 and of Senate bill 923 of the previous Congress and of the Congress before that, I believe, was merely to affirm a position which the Supreme Court has taken with respect to inland navigable waters, a position which the Government of the United States took with respect to inland navigable waters in the presentation of the California, Texas, and Louisiana cases, and a position which the sponsors of the pending joint resolution have taken from the very beginning. The amendment does not represent any change of view at all, but represents a positive affirmation of the position which it seems to us runs through the entire argument in this case. We base our position upon the argument that the open ocean is one thing, and that inland waters are another; and upon the argument that they were divided because the National Government received all the attributes of external sovereignty, and the States, of course, the attributes of State or local sovereignty.

Mr. HOLLAND. I thank the distinguished Senator; and yet reiterate what I just said, namely, that the Solicitor General of the United States, in his appearance before the committee, made it completely clear that in the drafting of this particular legislation he specifically excluded reference to the Great Lakes, because he thought they involved a different question which it was not timely to solve by this particular legislation. So, I think a great step forward has been made by the Senators sponsoring this so-called, but miscalled, interim legislation, by their inclusion in the amendment of yesterday of specific provisions which for the first time recognized that there are serious questions in this field, affecting the Great Lakes States of the Union.

The next point I want to mention is the fact that, as shown by this amendment of yesterday and by comparing it with the provisions of Senate bill 1540, more and more are the advocates of this miscalled interim legislation beginning to realize that the States have very vital rights in connection with piers and docks and reclaimed lands which project into the ocean, and structures which have been erected upon such reclaimed lands and groins and bulkheads and jetties and other structures of that kind, which have been built freely up to this time, under the belief that the States had jurisdiction, with affirmative action

taken by the States to give the right to individuals or to local units of government to use those portions of the bottom lands which were needed for these particular developments.

Mr. President, the view of our friends of the opposition has become increasingly one of recognition of the fact that there are tremendous and vital property interests which are included in this phase of the question; because, instead of limiting the quitclaiming of those parts of the beds of the ocean which are involved in these particular questions, as of the date of the California decision, which was the date involved in the earlier legislation, in earlier Congresses, and instead of quitclaiming it as of January 1, 1951, as is shown by a reading of section 101 of Senate bill 1540 to have been their intent, the distinguished Senators who offered this particular latest amendment have instead brought the date up to the time of the actual passage of this proposed legislation, if it passes, and up to the time it becomes law. Those Senators who are interested in this question can see that the date is thus brought forward a period of several years from the date stated in the original draft of this legislation by Mr. Perlman and those serving him, from 1947 to the date when this legislation shall be enacted, if it shall be enacted. They will see that point more clearly made, if they will compare section 14 of the amendment offered yesterday with section 101 of Senate bill 1540, and with the similar section of the earlier bills, which were pending in the Eighty-first Congress and in the Eightieth Congress.

Mr. President, I shall not labor this question further. I am merely pointing out the fact that the continued insistence by those who believe in States' rights upon the fact that the States have vital rights involved in this question is beginning to pay off and is beginning to receive some recognition in the minds of those who are seeking to pass this so-called interim legislation. It is beginning to be realized by them that there are questions involved which do not pertain to oil, and which are entitled to very complete consideration by the Senate and by the Congress as a whole.

Mr. President, to conclude, briefly, I simply desire to state that while these showings of increase in the understanding on the part of the distinguished Senator from Wyoming and his associates of the problems of the States are appreciated, yet they still fall far short of the recognition which I think must ultimately be given to the rights of the States in this vital field.

I invite attention to the fact that the permanent provision contained in Senate bill 1540, and which is an exceedingly objectionable provision to the States, is retained in the amendment offered yesterday. I refer to the provision which is to the effect that anyone who wishes to construct a dock, a pier, a wharf, a jetty, or any other structure on submerged coastal land, or to fill in or reclaim any land or to exercise any right in connection therewith, must subject himself to the jurisdiction of the bureaucracy of Washington. That fact is

clearly shown by the sections of the amendment offered yesterday and numbered 18 and 19, and the Senate will find that they are identical with sections 201 and 202 contained in Senate bill 1540.

The States feel, and, I think, properly so, that it is an intolerable diminution of their sovereignty and an intolerable handicap on them, their activities, their cities, and their industries, to have to come to Washington with hat in hand every time they want to build a pier, a dock, or a jetty, or wish to fill a small area of the shallow land adjoining their coastlines in order that developments worth millions upon millions of dollars may be constructed thereon, as is the case in my own State of Florida, and in the State so ably represented by the distinguished Senator from New Jersey [Mr. HENDRICKSON], who is now sitting in the seat of the minority leader. It is felt that it is not only a substantial diminution of the sovereignty of our States to have a bureau in Washington handle matters of that kind, but that it imposes an intolerable handicap and barrier to their normal development in fields which touch them locally in the most vital way, for them to have to come to Washington in connection with every little detail of their own development to gain consent before they can use even a foot of their submerged lands.

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

Mr. HOLLAND. I yield.

Mr. HENDRICKSON. Mr. President, I desire to associate myself with the remarks of the Senator from Florida with respect to the phase of the issue which is presently before the Senate. We in New Jersey are greatly concerned. I am trying to obtain from the New Jersey Department of Conservation and Economic Development, as of this afternoon, a complete record of New Jersey investments involved in this aspect of the debate. I hope to be able, for the benefit of the Senator from Florida and other Senators, to obtain before the debate is concluded statistics which I think will be amazing to every Member of the Senate.

Mr. HOLLAND. I thank the distinguished Senator from New Jersey. I know full well that some of the piers which have been erected at the expense of millions of dollars at the coast resort cities of his State, for instance, the Steel pier and the Heinz pier at Atlantic City, involve vital questions arising under the particular phase of the field now being explored in connection with the proposed legislation. While the amendment offered yesterday by the Senator from Wyoming and other Senators would perhaps clear up questions which are presented by structures already built, there still remains the fact that States are growing and developing and that the right to continue to develop their littoral and the shallow waters adjoining their shores constitutes one of the most important fields of their development. The States must insist upon their complete right to continue to exercise sovereignty over the lands adjoining their communities which mean so much in

connection with their development and continued prosperity.

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

Mr. HOLLAND. I yield.

Mr. HENDRICKSON. I assume the Senator is referring to amendment 3-7-52-g; is that correct?

Mr. HOLLAND. It is 3-7-52-c, and it appears on page 2033 of the CONGRESSIONAL RECORD of yesterday.

The point I am making is that no permanent concessions to the States are made by this amendment in the vital field of continued development of our coastal areas.

We know the strength of the effort being made by those who, like the Senator from New Jersey and myself, feel that the amendment falls far short of giving to the States the recognition of the freedom of action and the restoration of their vital sovereignty which are required if the States are to continue to develop and prosper as we hope they will.

Mr. HENDRICKSON. Mr. President, will the Senator yield further?

Mr. HOLLAND. I yield.

Mr. HENDRICKSON. I share completely the views of the Senator from Florida, and I hope that every Member of the Senate will give very serious consideration to the aspect which we are now discussing.

Mr. HOLLAND. I thank the Senator from New Jersey, and I yield the floor.

PEANUT MARKETING QUOTAS

During the delivery of Mr. HOLLAND'S speech,

Mr. GEORGE. Mr. President, will the Senator from Florida yield to me?

Mr. HOLLAND. I yield to the Senator from Georgia.

Mr. GEORGE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Senate bill 2697, Calendar Order No. 1185, to amend the Agricultural Adjustment Act of 1938, as amended. I merely wish to say that I have conferred with the Senator from New Hampshire, on the opposite side of the aisle, and that he has no objection to having the bill considered at this time. It simply repeals certain provisions of the Agricultural Adjustment Act, which gave to the peanut growers certain additional acreage to be used for oil purposes only. It is a repealer; it reduces the quantity rather than increases it.

Among my cosponsors of the bill are the distinguished Senator from Vermont [Mr. AIKEN], who opposed the bill when I introduced it in the Senate, and the distinguished Senator from New Mexico [Mr. ANDERSON], who also opposed it; but they are now glad to join with me in the repealer. I am very glad that is so, since it would seem wise to take action at this time, inasmuch as those in charge of PMA inform me that, unless the bill is passed this week, they will not know how to advise the planters.

Mr. HENDRICKSON. Mr. President, will the Senator yield?

Mr. GEORGE. I yield to the Senator from New Jersey.

Mr. HENDRICKSON. Did I correctly understand that the distinguished Sena-

tor from Georgia said that the Senator from Vermont joins in the bill with the Senator from Georgia?

Mr. GEORGE. That is correct. He is one of the authors.

Mr. HENDRICKSON. So he favors it, of course.

Mr. GEORGE. He favors it. I spoke to the distinguished chairman of the committee, who is on the floor at this time.

Mr. ELLENDER. Mr. President, I wish to state that I also joined in the bill.

Mr. GEORGE. That is correct.

Mr. ELLENDER. The committee was unanimous in reporting the bill to the Senate.

The PRESIDING OFFICER (Mr. Hoey in the chair). Is there objection to the request of the Senator from Georgia?

There being no objection, the bill (S. 2697) to amend the Agricultural Adjustment Act of 1938, as amended was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That section 359 of the Agricultural Adjustment Act of 1938, as amended, is amended by striking out subsections (f), (g), (h), and (i). Repeal of these subsections shall not affect rights or obligations arising under marketing-quota or price support operations with respect to 1951 or prior crops of peanuts.

M. JEAN PAUL DAVID

Mr. FERGUSON. Mr. President, I desire to make a few remarks in relation to the effort which is being put forth in France to combat Communist infiltration in that country. Recently I was privileged to converse with a member of the Chamber of Deputies of France, M. Jean Paul David, who became a member of the French Parliament in 1946 and was re-elected in 1951.

M. David studied very closely the methods of propaganda employed by the Communists as well as their political activity in France. He also made a special study of the counterpropaganda used by the other French political parties to fight communism. He arrived at the conclusion that the struggle against communism must be waged by entirely different methods in order to obtain worth while results. He decided that the fight against communism had to be conducted on a nonpartisan level and by using the same tactics which the Communists used to further their ends.

In 1950, he created a new movement whose sole aim is to fight the French Communist party, which he considers to be the agent of Soviet imperialism in France. The movement which is called Peace and Freedom is designed to rouse and unite all those who are determined to fight for truth and against Communist lies.

It matters little what our political persuasions are or to what party we belong as long as we unite and have one aim, namely, to fight communism. All Frenchmen who wish to remain free must concentrate all their efforts and energies to fight for the defense of their freedom—

Says Jean Paul David.

In its campaign Peace and Freedom makes use of posters, pamphlets, weekly

bulletins, and radio broadcasts. All these are designed to place before the public objective information which deflates Communist propaganda and exposes its lies.

The Peace and Freedom movement has already obtained most satisfactory results. In the 1951 elections, Communist candidates and their fellow travelers lost 500,000 votes, whereas it was expected that they would gain votes.

Membership in the French Communist Party declined by 30 percent in 1951. The circulation of the main Communist newspaper, L'Humanite, has fallen off from 500,000 daily to 160,000 daily.

So we can see, Mr. President, that the campaign of "Peace and Freedom" was really effective.

The violent attacks launched by the Communists against "Peace and Freedom" are without doubt the best proof that this movement has become a great danger to communism in France.

One example which proves how effective Peace and Freedom is in its fight against communism is that ever since 1917 the Communist Party in France was accustomed to organize parades to celebrate the anniversary of the October revolution in Russia. That revolution was extolled as the greatest achievement for the liberation of mankind. Peace and Freedom devised a poster which showed the balance sheet of that "great revolution," and the bloody and sinister character of a political upheaval which has brought death to all its initiators except four: Stalin, Andreyer, Molotov, Vorochilov. Other posters were pasted all over French cities and villages showing the roster of the names of Lenin's companions and coworkers, and the fate that had befallen them.

Mr. President, on that poster, which is in French and a copy of which I have here, are posted the names of persons who were members of the Politburo. The list begins with the name of Leon Trotsky, who was murdered by the GPU.

Six more names appear as members of the Politburo. All six were executed. The list ends with the name of M. Tomski, who it is noted committed suicide by persuasion.

There is another list containing the names of members of the diplomatic and consular corps who were executed. I notice alongside the names the information that some of them were imprisoned, some disappeared, some were poisoned, some were executed, and some were jailed and then disappeared.

The next list contains names of marshals and generals who were executed. Another list contains names of admirals and vice admirals who were executed. The next list is of NKVD men who were executed. Another list is of members of the diplomatic and consular corps who were executed. The next list is of leaders of the Comintern who were executed, liquidated, and disappeared. There is also a list of writers, historians, and artists who were executed, committed suicide, were liquidated, or disappeared. There is a long list of such persons.

Mr. President, instead of reading all these names into the Record, and since I believe this is a worth-while publication of names to show what really happened to those who were the founders

succeed, or don't they? The day is at hand when they must admit that the gold brick they bought 20 years ago was a phony. It's time to stop trying to hawk it about the streets and upper-class cocktail bars as a genuine article. Chambers has contributed that much to history, and it is no good standing around and waiting for a nicer man to tell the story. The "nice men" have turned up in distressing numbers on the other side.

Lost causes are usually futile, but there are lost causes that can be defended in good faith and dignity. But what can be said of a lost cause like the belief that Russian-Communist dictatorship is liberal, and that its spies and propagandists are proper subjects for tolerance? Not very much.

MINERAL LEASES ON CERTAIN SUBMERGED LANDS

The Senate resumed the consideration of the joint resolution (S. J. Res. 20), to provide for the continuation of operations under certain mineral leases issued by the respective States covering submerged lands of the Continental Shelf, to encourage the continued development of such leases, to provide for the protection of the interests of the United States in the oil and gas deposits of said lands, and for other purposes.

Mr. ANDERSON. Mr. President, the CONGRESSIONAL RECORD of March 7 discloses that when the distinguished Senator from California [Mr. KNOWLAND] was discussing the matter of submerged lands he referred to a ruling which had been made by the Hague Tribunal. The Senator quoted from a subhead which reads:

United States official faces Tidelands case deadline in parallel decision.

There then appeared what I thought was some rather unusual language in the news story, as follows:

RECENT DECISION

The whole matter revolves around the recent decision of the International Court of Justice at The Hague concerning coastal islands in determining national boundary lines. The decision in the case between Great Britain and Norway was decided overwhelmingly in favor of Norway in such a manner as to upset all the prior contentions of the United States Justice Department in its attempt to take over the rich oil-bearing submerged lands of California, Texas, and Louisiana in the so-called Tidelands case.

This is what I think is unusual to be in the CONGRESSIONAL RECORD of March 7, 1952:

Now, in Washington on February 20 a crucial hearing will start on the issue.

JUSTICE DEPARTMENT STEP

What is the Justice Department going to do?

Will it swallow its pride and recognize, for example, the United States boundary along the outer rim of the Channel Islands of California, as it should do under the World Court decision, thus insuring the maximum national defense for this country?

Or will it try to ignore the World Court ruling and cling to a narrow definition of the national boundary as low-tide mark along the mainland, thus hanging on to its alleged ownership of submerged oil lands at Santa Barbara, Long Beach, Huntington Beach, and elsewhere?

As I say, it is unusual to ask the question on March 7 as to what the Government was going to do on February 20, some time before. Therefore, I thought

it might be of interest to place in the RECORD what the Government had done, and what was a matter of public record, and what anyone could have found out long ago as a matter of public record.

I wish to refer to the opening statement of the Government in the case of United States against the State of California. When the special master begins to draw the lines which will decide what will be inland waters and what will be outside those waters in the open sea, that opening statement will be of extreme interest to a great many persons. It should serve to call attention to the fact that if we do not pass some type of interim legislation, and pass it fairly quickly, the special master soon will be drawing the lines along the coasts of California, Texas, and Louisiana, and then, by virtue of those lines being drawn, areas outside those lines will be appropriately ready for Federal leasing, and then we shall be in some conflicts.

Mr. LONG. Mr. President, will the Senator yield?

Mr. ANDERSON. I yield.

Mr. LONG. I heard the Senator say that the land would be appropriately ready for Federal leasing. Of course, the Senator knows that no less than 6 months ago the Secretary of the Interior issued opinions to the effect that the Federal Leasing Act does not apply to any such land as that, and that he has no authority to lease it.

Mr. ANDERSON. I grant that, but I say that it would then be available, and it would be appropriate to proceed to lease it. If the Federal Government owns the land seaward of the line drawn by the special master, it is the responsibility of the Congress immediately to pass legislation which will permit that land to be leased.

There are those who think it was very poor law—

Mr. LONG. The Senator is not arguing that any department of the Government has the right to lease such land, is he?

Mr. ANDERSON. Yes; I think it would be correct to say that. I say that there are lawyers who believe that the Federal Government does have the right. There are lawyers who believe that it was very poor law when it was held that the Leasing Act did not apply to this area of the public domain. I am not able to pass on the wisdom of that decision. I prefer to take the point of view which the Senator from Louisiana has just now expressed. I prefer to take the position that the Federal Government does not now have the power to lease this land under the present leasing law, and that the Congress of the United States, in furtherance of its obligations, should proceed to pass such legislation very promptly.

I did not intend to go into that question. I was only trying to illustrate that there is merit in the hard work which the junior Senator from Louisiana and some of the others of us have been trying to do in having a tidelands bill, a submerged-lands bill, and interim legislation considered by the Senate.

I do not care to clutter up the RECORD with all the things which were in the opening statement before the special

master, because I do not think they are all of particular interest to us. While it might be of considerable interest to all of us, I do not think it is worth while, perhaps, to read the entire statement. However, I wish to read a little from what the representatives of the Government of the United States said on February 20, to which reference was made in a definite way on March 7. I quote now from the opening statement of the United States in the case of United States against the State of California:

Everyone recognizes, of course, that the criteria adopted by any nation in fixing its territorial waters must be consistent with the controlling principles of international law. We do not anticipate, however, that California will dispute that the position of the United States, on which the "boundary" we claim is predicated, is in all respects within the permissible limits announced by the International Court of Justice in the Anglo-Norwegian Fisheries case, the judgment in which was issued on December 18, 1951. There can be no doubt whatever that the general principles and criteria adopted by this country are fully consistent with the controlling principles of international law, as announced and applied by the International Court.

I am going further, but I wish to digress at this juncture to point out that what the Department of Justice did was to say very plainly to the Court that there was nothing in the fisheries case which restricted in any way what the Government had tried to do with respect to the submerged lands. All the fisheries case said was that in reference to Norway, which has a rocky coast, and the rocks extend out into the sea, the areas claimed could be expanded beyond the 3-mile limit. If that is true, then the United States Government has the same permission, but there is nothing that would say that within the 3-mile limit the United States Government could not claim the land.

Quoting further from the opening statement of the United States:

In this connection, it is important to note that it is entirely irrelevant to the present proceeding that the United States could have made a more extensive claim to territorial waters than it has in fact chosen to claim. The Anglo-Norwegian fisheries decision makes it clear that each nation is free to choose for itself, within the limits permitted by international law, the base line for its marginal belt.

I stop there to say that if that can bring any comfort to the State of California, I do not know what it is. If the decision does make it clear that each nation is free, within the limits permitted by international law, to choose for itself the base line for its marginal belt, then the United States is free to start with a marginal belt at low-water mark. How that can bring any comfort to those who think we ought to start at a point 3 miles out to sea, I do not know.

Mr. LONG. Mr. President, will the Senator yield?

Mr. ANDERSON. I yield.

Mr. LONG. Of course, the Senator knows that the United States is probably the only Nation whose sovereignty does not extend both to inland waters and outside waters. The argument which we have heard on the floor of the

Senate is that the States own the beds of their navigable streams and their bays, rivers, and lakes, but that the Federal Government owns everything beginning at the boundary between inland waters and outside waters and extending from that point on out into the sea. Therefore we have a somewhat different question here when we approach the problem as to where the base line shall be so far as the marginal belt is concerned. In other words, where should we draw the line between inland waters and outside waters? If we were to apply the basis of international law, as accepted in the Norwegian fisheries case, naturally it would be much more favorable to the States than the Federal Government would want to concede. On the other hand, the Senator very well knows that the Government has more rights with regard to its internal waters, as against foreign nations, than it has with respect to the marginal sea.

Mr. ANDERSON. All I am trying to say is that the controversy over whether or not the Fisheries case has any bearing on the submerged lands cases seems to me to be a little far-fetched. I quite agree with the position taken by the United States Government in the California case when it argued, on February 20, 1952, that it is completely irrelevant whether the Government took all the land it could take, or took only a part of the area. Apparently that is all that can be drawn from the Fisheries case. From the Fisheries case it can be concluded that the United States Government, instead of claiming a 3-mile area, could go from the 3-mile area clear out to Santa Catalina Island, and perhaps beyond that to other islands.

It seems to me that whether the Government has taken all the area that could be taken is another question.

Mr. LONG. Mr. President, will the Senator from New Mexico yield?

Mr. ANDERSON. I yield.

Mr. LONG. As a matter of fact, the Senator from New Mexico knows, does he not, that the Solicitor General of the United States presented a brief before the International Court of Justice, urging that the problem off the coast of California was similar to that involved in drawing the inland-waters line off Norway?

In that connection, Mr. President, he had already told our committee that problems of international law were involved in this question. If the International Court of Justice had held that Norway had no right to extend its line around the outward islands off the coast of Norway, of course the Federal Government would have been able to say that, according to international law, the States had no rights in the Santa Barbara Channel.

That argument of Mr. Perlman's was brushed aside, and the Court said that a nation could claim all that area. So, in the Fisheries case, at least, the Federal Government lost in one of its efforts to expand its influence, as against the States.

Mr. ANDERSON. I am not a lawyer, and I shall let the lawyers argue that point. The opinion of the United States was quite clearly announced. It was

that under the decision in the Norwegian case we could expand our territorial waters farther than we had. However, the decision did not state that we must start out from any particular point in the marginal sea.

Mr. LONG. Mr. President, will the Senator from New Mexico yield further?

Mr. ANDERSON. I yield.

Mr. LONG. Will the Senator from New Mexico agree that if the International Court had accepted the argument of Mr. Perlman and laid it down as a delimitating factor, the Federal Government would have found it to be important, but that since the Court decided the case against the contention of Mr. Perlman, the Federal Government finds it makes no difference?

Mr. ANDERSON. I do not know about that.

I read further from the opening statement:

The decision plainly does not hold that international law requires the adoption of base lines comparable to those claimed by Norway for its own unique coastal areas. The case is rested entirely upon the irrefutable fact that the United States has fixed its base line in accordance with the principles and criteria I have described. Its policy is based on its traditional recognition of the freedom of the seas.

Counsel for California propose to introduce expert testimony with respect to international law and the usages of nations; other expert testimony with respect to the geologic, oceanographic, and other physical aspects of the segments of the coast in question; and testimony concerning the use and occupancy, both historic and current, of those segments of the coast. We believe—and at the proper time we shall raise the issue by timely objection—that all of this evidence is irrelevant because it deals not with the marginal belt actually claimed by the United States, but with an expanded marginal belt which California believes the United States could, and should, claim as against foreign nations. If the United States were presently claiming the external marginal belt advocated by California, the proposed testimony might be relevant. But the United States does not make such a claim, and we submit that California's proposed testimony has, therefore, no real place in this proceeding. Certainly, the Anglo-Norwegian Fisheries case does not stand for the proposition that a nation must draw its base line from rock to rock and include all large indentations and all areas of water between the coast and off-lying islands. The Court found only that it was permissible for Norway to draw its line in the way in which it had done, on the basis of the peculiarities of the Norwegian coast and the fact that Norway had asserted the right with the acquiescence of other nations over a long period of time. But neither Norway nor California can draw the line for the United States.

Mr. LONG. Mr. President, will the Senator from New Mexico yield further?

Mr. ANDERSON. Yes; I yield.

Mr. LONG. Will the Senator please tell us who does have the power to draw the line between the inland waters of the United States and the external waters of the marginal sea?

Mr. ANDERSON. I will answer the question to the best of my knowledge, realizing that it is dangerous to make a statement and then to have someone else come along and say something different. My guess is that since certain States are involved in litigation with the Nation, and a special master has been designated

by the Supreme Court to draw the line, if the Supreme Court adopts the line drawn by the special master it will be the end of it.

Mr. LONG. Mr. President, will the Senator from New Mexico yield further?

Mr. ANDERSON. I yield.

Mr. LONG. Would the Senator from New Mexico agree with some of us that it is the function of Congress to determine by law what shall be claimed as the territorial waters of the United States, rather than the function of a special master, who has no standards whatever to guide him, except the views of some officials of the executive department; and that actually the Congress of the United States should determine what should be regarded as the boundary between inland waters and external waters?

Mr. ANDERSON. No; these States are in court, and Congress has failed to take the opportunity to make disposition of the subject. I feel about it somewhat as I feel about the question of who owns the water that is running down the Colorado River. My State is a party to the Colorado compact. California and Arizona cannot agree. Because they cannot agree, even though all the other States are perfectly willing to make disposition of the question, the matter should go to the Supreme Court for adjudication.

We tried to pass a bill which would have created a justiciable issue and therefore would have let the issue come before the Supreme Court. I think that if the Supreme Court acted on it and thus disposed of the water of the Colorado River we would find ourselves bound by the decision.

Similarly, the States of California, Louisiana, and Texas are involved in a legal dispute with the Government of the United States. The issue has been decided three times by the Supreme Court. The decisions are uniform. They are the only decisions which deal specifically with the question. In furtherance of a decision of the issue a special master has been appointed, and he is drawing lines. Some persons may not like the lines; and it seems to me the best way to avoid an early and unfortunate disposition of the question would be to pass an interim bill, thus allowing production to continue, and keeping alive the hope that in the 5 years provided in the interim bill it may be possible to reach a decision as to how much of the oil should be given to the States—whether all of it or none of it. I would perhaps be in favor of a substantial part of it going to the States. However, that will not satisfy the situation if the special master finishes his report and if the report is adopted by the Supreme Court, when no legislation is upon the books.

Mr. LONG. Mr. President, will the Senator from New Mexico yield further?

Mr. ANDERSON. I yield further.

Mr. LONG. Is not the problem of determining what the base line should be—just as Norway determined this vast area as being its inland waters and therefore not open to English fishing boats—really a policy decision, which should be determined by the Congress of the United

States, rather than by the courts, inasmuch as the courts have no standards to go by?

Mr. ANDERSON. I believe it would have been better if the question had been determined by the Congress of the United States. But, in the absence of a decision by the Congress of the United States and in the presence of an issue over which there may be a jurisdictional dispute, I believe the case comes properly to the Supreme Court; and I believe that the decision of the Supreme Court will bind us, regardless of whether it would have been better for Congress to determine the question in the first place.

I still believe that it would have been better for Congress to determine it, and I would have preferred that course; but Congress has not demonstrated its ability to agree. That being true, I believe the question will have to go into court.

Some persons are greatly worried about the outcome of the issue before the Supreme Court. I should think that they would be able to see the tide of events marching steadily against them, and realize that when a special master draws the line along Long Beach, he may take the recommendation of the Justice Department that the extreme line farthest landward should be selected. There is another limiting line, as fixed in the Carillo case, which is far seaward of that line. There is an intermediate line which many feel might have been agreed to. However, the people of Long Beach were not satisfied with the intermediate line. I have predicted that in the end they may have a very limited area. That is the hazard of litigation.

Mr. LONG. What I had in mind was that, from the statement the Solicitor General made to us, he seemed to feel that it was his duty to claim as much as he could for the United States Government.

Mr. ANDERSON. I think that is generally a fairly good principle for a Solicitor General to follow. In a lawsuit, one begins by putting his best possible foot forward.

Mr. LONG. Accordingly the Government drew a line which actually came inside the breakwater and included half the area inside the breakwater at Long Beach. In that instance the Government's attorneys did not really claim that the Government owned all the area up to that point, but they said they would not concede that the Government did not own it, thus leaving the matter to be determined by the court.

So I understand that a possible explanation is that the Government of the United States does not really claim that it owns all the area up to that line.

Nevertheless, it seems to me this matter calls for a policy to be decided by the Congress, rather than by one Government agent or another who might be willing to claim this land for the United States Government. It seems to me the Congress should fulfill its constitutional obligation by legislating in this case, and in doing so should prescribe a standard by which it will be possible to determine what are inland waters.

Accordingly, Mr. President, I have offered my amendment to the amendment which has been submitted by several other Senators. My amendment to that amendment provides that the Congress shall determine the boundary between the inland waters and the external waters.

Mr. ANDERSON. The Senator from Louisiana will recognize that at the hearing it was suggested that the limits of Long Beach might be at a point very substantially seaward of that line, and that Long Beach thought it owned the area clear out to Huntington Beach.

Of course, if there is no compromise in such contests, unfortunate results sometimes follow.

Mr. HILL. Mr. President, will the Senator from New Mexico yield to me?

The PRESIDING OFFICER (Mr. BURLER of Maryland in the chair). Does the Senator from New Mexico yield to the Senator from Alabama?

Mr. ANDERSON. I yield.

Mr. HILL. Although this line is only what might be called a temporary one, is it not true that even in drawing the line the Government agreed that all the oil wells now in that harbor or that bay belong to and are a part of the Long Beach holdings? Is not that true? In drawing the line, the Government included every oil well in Long Beach Bay, and all those wells were admitted to be the property of and in the ownership of the city of Long Beach. Is not that correct?

Mr. ANDERSON. Yes; that is correct. Mr. President, I yield the floor.

Mr. LONG. Mr. President, I believe I should comment briefly on my understanding of the Fisheries case: It is my understanding that in that instance Mr. Perlman, the Solicitor General of the United States, filed with the special master a brief in which Mr. Perlman said the California case presented a situation very similar to that in the Anglo-Norwegian controversy. I believe he said that California's claims and Norway's claims were similar, but Mr. Perlman placed great emphasis on the position taken by Great Britain.

After Great Britain lost that case, Mr. Perlman said the decision was not at all important and not at all relevant.

THE SITUATION IN KOREA

Mr. CAIN obtained the floor.

Mr. LONG. Mr. President, if the Senator from Washington will yield to me, I shall suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator from Washington yield for that purpose?

Mr. CAIN. Mr. President, let me suggest to the distinguished Senator from Louisiana that before he presses his suggestion of the absence of a quorum, I should like to proceed for about 5 minutes to discuss a question not related to the unfinished business.

Mr. LONG. Very well; then I withhold my suggestion.

Mr. CAIN. Mr. President, at this time I wish to read an editorial which appeared last night in the Evening Star of Washington, D. C. The reading of

the editorial will take only a few minutes.

There is nothing in the editorial which thoughtful or informed persons will consider to be new. I believe the editorial simply restates the existence of a situation which has confronted our Nation and our allies for more than a year. The editorial states that the Allied forces are not to be given the encouragement or the authority or the weapons required to reach a military decision in Korea.

Certainly there is nothing new in that declaration, Mr. President. The fact is that in late December 1950—approximately 14 months ago—the Allies decided that the seeking of an armistice was to be imposed on the fighting forces in Korea.

The only purpose I have in reading the editorial is to remind others throughout the Nation of a sad situation which has existed for many dreary and uninspiring months.

The editorial reads as follows:

DEAD END IN KOREA

It may be that Gen. Van Fleet is correct in his opinion that the Chinese Communists, despite numerical superiority in men, weapons and planes, will not launch a major offensive in Korea this spring. From the point of view of saving lives, it may be hoped that this estimate of the situation proves to be right. But if the Chinese do not attack, and if—as has been authoritatively stated—we lack the strength to carry the fighting to them, how do we propose to get any kind of a decision in Korea?

As long as the talks at Panmunjom continue, there is presumably some hope of a negotiated settlement. It is a slim hope, however, and it seems to be getting slimmer every day. Certainly the Chinese and their North Korean associates have given little indication that they really want an armistice.

There was, perhaps, implicit recognition of this in a speech prepared last week for delivery to a Philadelphia audience by John M. Allison, Assistant Secretary of State for Far Eastern Affairs. Most of the address was devoted to the diplomatic business of looking for silver linings and putting the best possible face on a very bad situation throughout the Far East. But tucked away in the speech was one seemingly significant paragraph.

Mr. Allison said that we do not propose to widen the scope of the war. "It is up to the Communists," he declared. "If they want to widen the conflict and engulf the world in a terrible war, then they must be the ones to do it."

It is not at all likely that, in saying this, Mr. Allison was speaking only for Mr. Allison. Presumably it was a considered statement of policy, and if so, it means that we do not propose to carry the war to China even if the truce negotiations fail.

Some influential members of the administration have believed and have said privately, that we ought to enlarge the war if the truce talks collapse. They had in mind an attack on China's internal communications with a view to crippling and perhaps destroying the ability of the Chinese to wage war. But this view evidently has been overruled. Whether because of doubt as to our capabilities, in deference to our allies, or for some other reason, the advocates of restraint seem once again to have prevailed.

There are arguments to be made for this policy. But whatever the arguments, it is a policy which leads to a dead end in Korea. We cannot win the war there. Neither can we withdraw. The truce negotiations are getting nowhere and we are not willing even to try to coerce the enemy into accepting a reasonable settlement. And now the Communists have been officially notified that if

the talks break down we do not propose to do anything about it.

That, as a policy, is little better than no policy at all. For in the best of circumstances, it means that the Eighth Army is to be stranded in Korea for the indefinite future. That, to be sure, does not widen the conflict. But it does result in a situation which public opinion in this country is not apt to tolerate for long.

The editorial ends, Mr. President, with a statement of opinion that the dead end in Korea represents a situation which public opinion in this country is not apt to tolerate for long. I wonder what the editorial writer meant. The Nation has already tolerated for months and months the purposeless situation in Korea. The situation there is basically no different today from what it was more than a year ago. Our political conduct in Korea gives one reason to believe that the administration will tolerate the existing situation for months to come. I share the editorial writer's concern. Persons like myself, in and out of Congress and the Government, have expressed and re-expressed that concern since 1950. I wonder how long it will be before public opinion demands that freedom find a street which is not barricaded by a dead end. Until freedom finds this street and fights to keep it clear, the dead end in Korea will grow ever higher with the bodies of the dead from many lands.

Mr. President, if the Senator from Louisiana wishes at this time to press his suggestion of the absence of a quorum, I yield to him for that purpose.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LONG. Mr. President, I ask unanimous consent that the order for a quorum call be rescinded and that further proceedings under the call be suspended.

The PRESIDING OFFICER. Without objection, it is so ordered.

MINERAL LEASES ON CERTAIN SUBMERGED LANDS

The Senate resumed the consideration of the joint resolution (S. J. Res. 20) to provide for the continuation of operations under certain mineral leases issued by the respective States covering submerged lands of the Continental Shelf, to encourage the continued development of such leases, to provide for the protection of the interests of the United States in the oil and gas deposits of said lands, and for other purposes.

Mr. CAIN. Mr. President, on Wednesday of last week the junior Senator from Washington advised the Senate of the United States of a letter which the Secretary of the Interior had written to the Governor of the State of Washington, under date of February 15, 1952. In this letter the Secretary assumed the authority and power to strip the State of Washington of its coastal submerged lands and resources. The Secretary of the Interior attempted to exercise this power against my State without benefit of any authority from the Congress of

the United States and in the absence of a Supreme Court decision.

Before proceeding further, Mr. President, I wish to emphasize one point. Everyone appears to be in agreement that no final or lasting line of demarkation as between Federal and State rights has been established in the State of California. There is no doubt about this. In the California tidelands case the Supreme Court reached a decision in 1947, some 5 years ago, and the Court admitted, as I understand, its inability to determine a final line of demarkation as between the rights of the parties involved. The Court appointed a master whose responsibility it would be to study and then to recommend a final line of demarkation in California. No recommendations that I know of have yet been submitted by the master to the Supreme Court. Does it not, therefore, seem not only amazing, but actually preposterous, that the Secretary of the Interior has decided, on his own responsibility, on a line of demarkation in the State of Washington, when that State's rights have not yet been adjudged by a court of competent jurisdiction? When we bear in mind, Mr. President, that no line of demarkation has yet been established in either of the States of California or Louisiana, it will make more illuminating several paragraphs which I wish to reread from the letter of the Secretary of the Interior to the Governor of the Sovereign State of Washington. In those several paragraphs, Mr. President, the Secretary of the Interior, who must know that no lines have been agreed on in those States which have been adjudged by the Supreme Court of the United States, says, certainly by strong implication, that no court decision is now or will be needed in the State of Washington, "for I, the Secretary of the Interior, will determine what rights, if any, are to be vested in the citizens of the State of Washington."

The paragraphs to which I make reference today, Mr. President, and which I have read on several occasions during the past week, are these. Said the Secretary to the Governor:

We understand that the State of Washington has issued oil and gas permits and leases to private parties on submerged lands situated seaward of the line described above. Under the doctrine of the California, Louisiana, and Texas cases any such permits or leases are void, since that area has always been and is now outside the scope of the leasing power of the State of Washington or its agencies.

With respect to any such oil and gas permits or leases, we would appreciate being advised of the names of the permittees or lessees, their addresses, the dates of issuance, and the areas covered.

Mr. President, in all fairness I ask, What does the Secretary mean when he says that any such permits or leases are void since that area has always been and is now outside the scope of the jurisdiction of the State of Washington?

The point I seek to establish, so that every Member of the Senate may be keenly aware of it, is that no line of any character to differentiate between the rights belonging to the State of Washington and the Federal Government has ever been established by anyone other

than the Secretary of the Interior. If by way of argument the Secretary of the Interior were permitted to determine the rights of the State of Washington, does it not logically follow that he could do precisely the same thing with reference to the sovereign State of Maryland, which is so well represented in this body by the Senator who is now presiding over the Senate [Mr. BUTLER]? It is not alone what the Secretary of the Interior could do, were he permitted so to do, to the State of Washington and the State of Maryland, but common sense and logic dictate that he could do precisely equal things to all the rights of all the sovereign States which go to make up our Union.

Mr. President, I have suggested to my colleagues that this doctrine of paramount rights, full dominion, and power, claimed by the Federal Government applies to every State in the Union and not alone to the States of Washington, California, Texas, and Louisiana.

Today, for a few minutes, I wish to spell out in greater detail the seriousness of the danger which this paramount-power doctrine threatens to the sovereignty and natural resources of each and every State.

We have all heard the wailing which pours out of the Department of the Interior and the Department of Justice to the effect that quitclaim tidelands legislation would be an unjustified gift to three selfish States at the expense of the other 45 States. I suppose that with the State of Washington now on the firing line, as the Secretary of the Interior attempted on the 15th day of February, 1952, to place it, along with California, Texas, and Louisiana, there are now four selfish States, instead of three selfish States, including my own State of Washington.

Mr. President, I hope that before the debates are concluded, there will be 48 such selfish States rising in righteous wrath to protect their sovereignty and constitutional rights. If they do not rise now and wipe out this vicious paramount-power doctrine, future discussions about States' rights are likely to be completely academic.

I urge each of my colleagues to look carefully at the slow and relentless growth of this paramount right doctrine. The States are being picked off just one or two at a time. In 1947 it was California. In 1950 it was Texas. Then it was Louisiana, and now, in 1952, it is the State of Washington.

How well I remember the doctrine applied and pursued so relentlessly and so successfully over too long a period of time by the late Herr Hitler of Germany. He pursued a philosophy easy to understand and tremendously dangerous in its implications. It was, "Separate and divide." On the basis of the record up to this minute, the application of that doctrine has sought to separate, first California, then Texas and Louisiana, and now the State of Washington, from the rest of the Union.

Mr. President, which State will it be tomorrow? Will it be Colorado, with her uranium ore? Or perhaps Utah or Idaho or Wyoming, with their metals, so essential to national defense? Whose turn

will it then be next year? Will it be Maine, perhaps, with her famous fisheries, or Florida, with her fabulous hotels built on reclaimed coastal submerged land?

I believe it proper this afternoon to endeavor to arouse a reasonable amount of interest among those representing inland States who heretofore have thought this tidelands issue was something which had nothing to do with their States.

Mr. WELKER. Mr. President, will the Senator from Washington yield?

Mr. CAIN. Of course, I yield.

Mr. WELKER. I note the Senator is speaking with respect to the Continental Shelf lands off the coast of his sovereign State. Does the Senator from Washington have anything to say about the bill introduced by the junior Senator from Oregon [Mr. Morse] which would erect the giant Hells Canyon Dam within the State of Idaho, and touching the State of Oregon, which dam would do away, in my opinion, with the private power industry of the State of Idaho, and in effect permit the Secretary of the Interior to be the czar of all electric power, at least a great portion of the electric power, in the Northwest? I should like to have the Senator's observation.

Mr. CAIN. I was on the floor of the Senate on a recent day when the junior Senator from Oregon addressed himself to the question of Hells Canyon Dam. Until the Senator from Oregon made his statement I was not aware that it was his intention to speak.

I may say that I do not know to what extent the Senator from Idaho is correct in his present contention, but the Senator from Oregon did arouse my natural curiosity, and I look forward to the coming hearing at which the question of Hells Canyon Dam in all its fullness will be thoughtfully explored by a committee of the Congress.

Mr. WELKER. Mr. President, will the Senator further yield?

Mr. CAIN. Certainly.

Mr. WELKER. It has been my observation that the remarks of the junior Senator from Washington in effect would suggest to the Senate and to the people of the United States that by his action the Secretary of the Interior is getting his foot in the door with respect to the oil and anything else there may be in submerged lands off the coast of Washington. If the Secretary of the Interior could open the door to controlling, even in a slight detail, the very essential public domain which the junior Senator from Washington feels, I think justly, belongs to the sovereign State of Washington, then, in the opinion of the Senator from Washington, would it not be just a little bit more dangerous, just a little bit more down the road toward socialization of the essential business and productive capacity of the great United States, to have the Secretary of the Interior get his foot in the door to a CVA or to a public power policy in the vast Pacific Northwest?

Mr. CAIN. There are two things I should like to say in response to the Senator from Idaho. The first is that he indicated that he thought the Secre-

tary of the Interior had gotten his foot in the door in the State of Washington. I wish to make it very clear that what the Secretary of the Interior did was to attempt to get his foot in the door, but his foot is presently not there, and, to the extent that I can prevent it, the Secretary's foot will remain where it belongs—on the outside.

With reference to the other portion of the observation made by the Senator, I should like to say that the question of public power in the State of Washington has been before that State for many, many years. It has been decided in that Commonwealth that private and public power interests can live, expand, and develop together harmoniously. Therefore, I have a double interest in protecting respectively the rights of both private and public power.

If the Senator from Idaho, with reference to his expression about Hells Canyon, was correct or could establish with me his feeling as being correct, I would strongly oppose any project by the Federal Government within the State of Idaho, if the Secretary had such authority, the purpose and result of which would be to destroy the legitimate right to an opportunity for private power. I would be against any group or any individuals who sought to destroy the respective rights of either private or public power as they prevail throughout the Pacific Northwest.

Mr. WELKER. Mr. President, will the Senator yield further?

Mr. CAIN. Certainly.

Mr. WELKER. I am sure the junior Senator from Washington appreciates that I desire to render the best service possible to the people of the State of Idaho and, through them, to the Nation.

Mr. CAIN. I am highly conscious of that being a fact.

Mr. WELKER. I am very much alarmed by the trend toward socialization of the power industry, and, now, it appears, of at least a portion of the oil industry. From a beginning with those industries, I should like to know why the Secretary of the Interior could not, then, go into the lead and zinc mines of the wonderful Coeur d'Alene district in the northern part of the State of Idaho. Then where would he go? Would he not be traveling down the road toward state socialism, as Great Britain has done, with the tragic results with which we are familiar? I am unable to see the line of demarcation or foretell where all this is going to lead us. I should like the advice and help of the distinguished Senator from Washington on that matter.

Mr. CAIN. In the remainder of my statement, I shall seek to establish as being true that if the Secretary of the Interior, without authority, is permitted to determine who is entitled to gas and oil rights within the State of Washington, he could most logically exercise a comparable degree of unwarranted authority and power in each and every other State of the Union. I think I am on sound ground, but one cannot be positive about it. I shall try to explain what a logical extension of the doctrine of paramount rights would accomplish, not

only with respect to the oil and gas interests, which are the issues at stake in Washington, California, Texas, and Louisiana, but also with respect to the natural resources of the other 44 States.

Mr. WELKER. Mr. President, may I interrupt for one further question?

Mr. CAIN. I am most pleased to yield to my friend whenever he requests it.

Mr. WELKER. I am somewhat familiar with the problems of my neighboring State of Washington. I am wondering whether or not, if the Secretary of the Interior is permitted the broad authority which I feel he might have under the terms of the bill, he could then go into the fisheries industry and into the oyster beds of the State of Washington, and ultimately go into the whole economy, or at least a portion of the economy, of the sovereign State of Washington. Can the Senator from Washington enlighten me on that feature?

Mr. CAIN. I shall try, because I share the Senator's concern. I have, as best I could, committed to paper my reasons in support of the Senator's contention that an extension of the doctrine of paramount power would violate the rights of States with respect to all the natural resources within their geographical boundaries.

Mr. O'MAHONEY. Mr. President, will the Senator from Washington yield to me?

Mr. CAIN. I am pleased to do so.

Mr. O'MAHONEY. In view of the interchange between the Senator from Washington and the Senator from Idaho, first with respect to the effect upon fisheries of the pending legislation, I desire to ask the indulgence of the Senator from Washington to make it clear that the measure which is before the Senate contains a specific provision, section 9 of Senate Joint Resolution 20, as amended, which protects the rights of the coastal States with respect to fisheries. There is no attempt on the part of the sponsors of this proposed legislation to take anything away from the States.

SUPREME COURT RULING ON FISHERIES

I may add that the Supreme Court decided in 1948, in the case of Toomer against Witsell, that, as between the State and an individual, with respect to the fisheries, the State has unquestioned jurisdiction.

The sponsors of this joint resolution and the Federal Government, the Department of the Interior and the Department of Justice, insofar as they have been consulted with respect to the measure, are of exactly the same mind. There is nothing in Senate Joint Resolution 20, and nothing in the philosophy which underlies it, which in my opinion invades any rights to which the States can now lay claim. I wish to make that point clear.

Mr. WELKER. Mr. President, if the Senator from Washington will yield to me, I shall endeavor to reply to the Senator from Wyoming, inasmuch as I interjected the controversial matter.

Mr. CAIN. Permit me first to say to the distinguished chairman of the committee that my quarrel runs not to the chairman of the committee or to his

associates on the committee. My present quarrel runs to the Secretary of the Interior.

Mr. O'MAHONEY. I understand that.

Mr. CAIN. I have no reason at all to doubt the sincerity of a single word which the Senator from Wyoming says now or at any other time, because I shall always be convinced that he means precisely what he says.

Mr. O'MAHONEY. I always endeavor to be candid and factual in whatever I say.

Mr. CAIN. But the point before us, in part, at any rate, is this: If a Secretary of the Interior, representing the administration, is so impatient and careless as to endeavor to determine a line of demarcation when such a line has not yet been established in those cases which have benefited from Supreme Court decisions, then there is simply nothing which that Secretary of the Interior and all others of like mind would not attempt to do. It is for that reason that the junior Senator from Washington seeks, as best he may, to give a logical interpretation of what an extension of the doctrine of paramount rights means to the average layman throughout the country.

Mr. O'MAHONEY. I appreciate what the Senator from Washington has said. He talked with me on the floor of the Senate the day after he first inserted in the Record the letter from the Secretary of the Interior. I knew of his deep concern, and I felt that he was perfectly justified in expressing concern about the letter at that time. I have sought to obtain some explanation as to what brought about the letter. I expect presently to have a formal letter from the Secretary of the Interior to present upon the floor of the Senate.

SECRETARY ACTED TO PROTECT FEDERAL INTERESTS

In the meantime, let me say to the Senator that this is what I discovered: There is land in the State of Washington which belongs to certain Indians. Some of that land extends to the shore of the sea. I am advised that there came to the Secretary of the Interior only within the past couple of months or so information that an oil well had been drilled, or a lease for that purpose was sought, upon the Indian reservation. It became apparent that other wells had been drilled in tidewater areas on the open Pacific coast of Washington. There was danger that there might possibly be some drainage from the submerged lands which, under the Supreme Court decision, are held to be within the paramount jurisdiction of the Federal Government. It was for the purpose of protecting Federal interests in the lands beneath the open ocean, I understand, that the Secretary acted, and not at all for the purpose of putting his foot in the door, or asserting any extra jurisdiction.

Mr. CAIN. It is a very difficult and complicated problem, although there are several touches of lightness about it.

Mr. O'MAHONEY. If we could not put in a touch of lightness occasionally it would be a dreary world indeed.

Mr. CAIN. Mr. President, I am beginning to be impressed with what ap-

pears to be a fact. Each time the junior Senator from Washington makes reference to the letter from the Secretary of the Interior to the Governor of the State of Washington, or reads excerpts from it, the chairman of the committee offers another explanation as to why the letter was written in the first place.

I say in all good humor to my friend, the chairman of the committee, that on yesterday the Department of the Interior had not advised the distinguished Senator from Wyoming that the line of demarcation, as laid down in the Secretary's letter, was landward of certain oil leases now in operation on the shores of Washington State. The distinguished Senator from Wyoming, as of yesterday, read that letter in my presence, and did so most willingly, and it for the first time to the Senator's knowledge—not because the Department of the Interior had thoughtfully called up the Senator from Wyoming and had said so—indicated that the line of demarcation, which line I hold to be illegitimate, would without argument or discussion completely void rights which the State of Washington had assumed it has possessed for a great many years.

Mr. O'MAHONEY. Mr. President, I think it should be clear in the Record that the Senator from Wyoming, like the Senator from Washington, has a great many things to do. I had no opportunity, after reading the letter into the Record, of calling upon the Secretary of the Interior.

I telephoned to the Secretary of the Interior and I asked him to look at the letter and to be good enough to write me about it. I am now advised that a letter from him is coming. What has been said about it, so far as I am concerned, has been based upon the facts as they seem to appear.

Mr. CAIN. Mr. President, I do not wish to labor this very unusual situation, but it does seem extraordinarily strange to me that, in full knowledge of the fact that Senate Joint Resolution 20 was to come before the Senate, after it had benefited from long weeks of hearings and thought and study by the Committee on Interior and Insular Affairs, the Secretary of the Interior did not take the chairman of the committee into his confidence and explain to him, so that the chairman could answer questions on the floor of the Senate, what action the Secretary of the Interior intended to take against the sovereign State of Washington. I am completely puzzled by that situation. I wage this attack from my point of view because, although I have all the trust that is required for the distinguished Senator from Wyoming [Mr. O'MAHONEY], I take it to be that the Secretary of the Interior would as ruthlessly run over the rights of the Senator from Wyoming as the Secretary of the Interior presently seeks to destroy what I believe to be rights of the State of Washington. I have no intention of permitting the Secretary of the Interior to do that to my good friend the Senator from Wyoming.

Mr. O'MAHONEY. I thank the Senator from Washington for his concern.

Mr. WELKER. Mr. President, will the Senator from Washington yield for one more observation?

Mr. CAIN. Certainly.

Mr. WELKER. I should like to clarify matters for my distinguished friend the Senator from Wyoming. As the Senator has observed, I was the one who injected into the debate the question of the fisheries and oyster beds. I did it because of my concern with respect to the pyramiding of big government, and the tendency, whether it be a bureau or a department, to go so far afield that private enterprise might well be usurped and done away with. I wanted to make that observation to my friend from Wyoming because I think it should be discussed in this debate.

Mr. O'MAHONEY. I quite agree with the Senator from Idaho, and I share his concern about the expansion of big government. I have stated for years without number that unless we find a way to stake out the responsibilities and powers of great corporations with respect to their activities it will be difficult indeed to prevent the continued growth of big government. I am against big government. By every vote and every argument I have made on the floor and in committee I have sought to put restraints upon its expansion.

INABILITY TO CONTROL GIANT CORPORATIONS

However, I believe we must all recognize the fact that some private organizations are of a collectivist character, in that they are collective organizations of stockholders and workers. They operate throughout the length and breadth of the land. They operate in a stratosphere which is far above that in which we walk, breathe, and have our being, and which neither State legislatures nor the Congress itself frequently is able to control.

I seek only to have regulation in the public interest, so that private enterprise and individual enterprise may continue undisturbed.

STATE CONTROL OF FISHERIES

Section 9, which we wrote into the joint resolution, reads as follows:

SEC. 9. The United States consents that the respective States may regulate, manage, and administer the taking, conservation, and development of all fish, shrimp, oysters, clams, crabs, lobsters, sponges, kelp, and other marine animal and plant life within the area of the submerged lands of the Continental Shelf lying within the seaward boundary of any State, in accordance with applicable State law.

In that section we feel that we were giving complete recognition to the power of a State within the State's boundaries.

Mr. CAIN. Mr. President, I have listened with respect to the comments of the distinguished Senator from Wyoming which he has made against private groups that have collectivist tendencies. The Senator from Wyoming is against such groups. The Senator from Washington wishes to associate himself with his conferee in that respect. However, the Senator from Washington goes one step further. He is equally antagonistic to public groups which are possessed of what he conceives to be collectivist tendencies.

With all seriousness, I must return again and again to the letter of the Secretary of the Interior to the Governor of the State of Washington, and say that it evidences collectivist tendencies, because the Secretary of the Interior was undeterred by the absence of a court decision, and not the least interested in what a court was finally to determine with regard to the rights of the sovereign State of Washington.

Mr. O'MAHONEY. If the Senator from Washington will yield I shall make only one additional comment.

Mr. CAIN. I shall be very pleased to yield to the Senator from Wyoming. In what remains of my remarks at any time that the Senator from Wyoming sees fit to interject an observation I shall welcome his doing so.

Mr. O'MAHONEY. The Senator from Washington is very kind. I was merely going to observe that I really see nothing in the Secretary's letter that opens it to a charge of collectivist tendencies. The situation in which we find ourselves is that certain coastal States have been exercising governmental authority to lease lands submerged by the open ocean which the States claim.

Mr. CAIN. That is correct.

Mr. O'MAHONEY. And the Federal Government, under the decision of the Supreme Court in these three cases, has been held to have paramount power in those areas.

I have seen, and indeed have received, letters which asserted that the granting of leases by the Federal Government was somehow or other an aspect of creeping socialism; and in some instances those letters came from officials of States which themselves were granting leases.

NO CREEPING SOCIALISM

I confess that I see no difference between a State government's claiming ownership and granting leases and the Federal Government's doing the same thing. There is no creeping socialism in either one or the other.

With respect to the comment which has been provoked upon this floor by reason of the Hells Canyon Dam bill, members of the Committee on Interior and Insular Affairs will assure the Senator from Washington, I am confident, that the chairman of that committee on repeated occasions has stated that in his belief the time has come when the appropriate committees of Congress—and I think the Committee on Interior and Insular Affairs is one—should make a study of this very intricate and complex problem, so that we may preserve to individuals who desire it the opportunity to enter the field of power, and we should be very careful to see to it that that door of opportunity is not closed either by combinations of big power companies or by public power operations.

Mr. CAIN. Mr. President, I thought I had made myself clear in saying to the Senator from Idaho, who gave rise to the question, that I was not properly informed regarding all the facets of the Hells Canyon Dam question, but that I, as the Senator from Wyoming has just expressed himself, am in complete opposition to either private or public groups which seek without justification

to drive either one of the parties out of business.

Mr. O'MAHONEY. In other words, we are getting down to agreement that we are opposed to either private or public monopoly in any field of endeavor where such monopoly is not essential.

Mr. CAIN. We have said that on repeated occasions.

Mr. President, I have no desire to badger, if that is the correct word, the distinguished chairman of the committee. However, I am reminded that a minute ago he said that, in his opinion, in the letter the Secretary of the Department of the Interior wrote to the Governor of the State of Washington, there was no evidence of a collectivist tendency.

My feeling about that matter is that if the Governor of the State of Washington and others in authority were so lax as to permit the Secretary of the Interior to carry out the intentions which he expressed so clearly in his letter of mid-February, the result would undeniably be collectivism.

Mr. President, the nationalization zealots in the Department of the Interior are, in my opinion, far too clever to tip their hand all at once. By slowly chewing up one State at a time, they are avoiding the explosion of public indignation that would logically follow any attempt to swallow in one giant gulp the natural resources of all 48 States.

These persons are playing a cautious and skillful game for tremendous stakes—control of the natural resources and wealth of the Nation. Their patience and skill would do credit to the masters of political corruption in the Kremlin, who also believe that the national government should own all natural resources everywhere.

What is this "paramount power" that the Interior Department claims to possess? We must not look for it in the Constitution or in laws passed by Congress. We shall not find it in either source.

Instead, we must look at the Supreme Court's tidelands decision against California. Perhaps others would be disturbed and moved to action if the doctrine created there were now being directly applied to their State and were undermining its constitutional foundation.

Under the Constitution, Mr. President, the Federal Government used to be required to condemn property it could not acquire otherwise for national purposes. That was fair, for the fifth amendment guaranteed the owners of such property due process of law and just compensation.

Under the strange and dangerous "paramount power" doctrine, this constitutional procedure is no longer required. All the Federal Government has to do is what the Secretary of the Interior is attempting to do right now to Washington, namely, merely to assert—that is all he has done; he has asserted—a claim of "paramount rights, full dominion and power."

At the moment the Secretary of the Interior has said that the right shall run to only two natural resources, gas and

oil. What that Secretary may say tomorrow, I am not qualified to judge.

Using the State of Washington as an example, there has been no due process of law in the form of direct court action and there has been no offer of just compensation. Mr. President, just by the mere assertion of "paramount power," your State, too, might be stripped of any lands and natural resources for which the Interior Department happens to lust.

If you find this hard to believe, Mr. President, analyze the Supreme Court's decision. Minus the legal frills, it runs like this:

First. Fighting wars is the paramount responsibility of the Federal Government. States cannot fight wars alone.

Second. It is the Federal Government's paramount responsibility to protect the Nation from dangers incident to its location and from wars raged on or too near its coasts.

Third. To do this, it must have powers of dominion and regulation.

From this, the Court slides mysteriously into this amazing conclusion:

Whatever of value may be discovered in the seas next to its shores and within its protective belt, will most naturally be appropriated for its use.

In this age of air power and guided missiles, our military authorities tell us that no area in the United States is safe from attack. Our common sense concurs. No one would seriously contend that the Nation's protective belt is confined just to Washington, California, Texas, and Louisiana, or just to the coastal States alone.

Obviously, the Federal Government's paramount responsibility to protect the Nation applies to every square foot of land in the Nation; and going hand-in-hand with this paramount responsibility are the Federal Government's paramount rights, full dominion and power, which, according to the Supreme Court, enable it to appropriate whatever of value may be discovered within its protective belt.

Is it any wonder that dissenting Justice Frankfurter thinks this paramount power applies to uranium whether located in Colorado, Utah, Idaho, Montana, New Mexico, Wyoming, Kentucky, or Tennessee? Is it any wonder that dissenting Justice Reed thinks this confiscatory power extends to every river, farm, mine, and factory in the Nation?

Mr. President, I am not possessed of a legal background or a legal mind. These two Justices, Justice Frankfurter and Justice Reed, are. Before we make haste to take action on Senate Joint Resolution 20, I think we had better give considered thought to the dissents to the doctrine of paramount rights as written and expressed by Justice Frankfurter and Justice Reed.

Between the two, they have said and have restated that the confiscatory power inherent in the doctrine of paramount rights extends to every river, farm, mine, and factory, as well as to every square foot of land, whatever its character, throughout our Nation.

What other States have natural resources which the Interior Department might consider necessary, in the Court's

words, "to preserve that peace" which is the "paramount responsibility" of the Federal Government? To make sure that the rich oil deposits in California's submerged coastal lands would be taken over under this definition, the Supreme Court specifically mentioned that they might be the subject of a war.

I trust that my colleagues will share my concern when they learn what natural resources in their States the Secretary of the Interior believes are subject to his "paramount power." I hope the information I am about to offer will arouse the citizens of all 48 States to demand that the Interior Department's plan to confiscate their properties be stopped, and stopped fast, at this session of the Congress.

Mr. President, I ask unanimous consent to insert in the RECORD as a part of my remarks at this point a list of some minerals in all of the States which has been compiled from official Interior Department records. These minerals are officially described by the Interior Department as "necessary for the welfare and security of the United States and a free world." Thus, they come within the scope of the Federal Government's "paramount rights, full dominion, and power" and are subject to Federal confiscation.

The PRESIDING OFFICER. Is there objection?

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

MAJOR MINERALS AND NATURAL RESOURCES
BY STATES

WYOMING

Oil in these fields: Big Sand Draw, Byron-Garland, Elk Basin, Hamilton Dome, Lost Soldier-Wertz, Frannie, Lance Creek, Oregon Basin, and Salt Creek.

Coal in these counties: Campbell, Carbon, Converse, and Sheridan.

NEW MEXICO

Oil in these fields: Eunice, Monument, Hobbs, Arrowhead, Vacuum, and Maljamar.

Copper ores in these districts: Central (including Santa Rita), Lordsburg, and Burro Mountain.

ALABAMA

Oil in all coastal submerged lands and the counties of Mobile, Baldwin, and Escambia. Coal in these counties: Bibb, Blount, Jefferson, St. Clair, Tuscaloosa, and Walker.

ARIZONA

Copper and zinc ores in these districts: Copper Mountain (Morenci), Globe-Miami, Ajo, Pioncer (Superior), Mineral Creek (Ray), Verde (Jerome), Warren (Bisbee), Eureka (Bagdad), Big Bug, Pima, Old Hat, Cochise, and Aravaipa.

Copper and zinc ores in these mines: Copper Queen, Iron Cornelia, Inspiration, Miami, Castle Dome, Magma, Ray Mines, and Bagdad.

ARKANSAS

Oil in these fields: Atlanta, Schuler, Smackover, Magnolia, Midway, Stephens, McKamle, and Dorcheat-Macedonia.

Coal in these counties: Franklin, Johnson, Logan, Pope, Scott, and Sebastian.

COLORADO

Oil in these fields: Rangely, Wilson Creek, and Iles.

Zinc ores in the Eagle and Kokomo Unit mines and in these districts: Red Cliff, Ten Mile, California (Leadville), Upper San Miguel, Tomichi, Sneffels, and Animas.

CONNECTICUT

Oil in all coastal submerged lands. Sand and gravel deposits.

DELAWARE

Oil in all coastal submerged lands. Sand and gravel deposits.

FLORIDA

Oil in all coastal submerged lands. Phosphate rock.

GEORGIA

Oil in all coastal submerged lands. Cement.

IDAHO

Lead and zinc ores in these mines: Bunker Hill and Sullivan, Page, Star, Morning, and Sherman.

Lead and zinc ores in these districts: Yreka, Hunter, and Lelande.

ILLINOIS

Oil in these fields: Clay City, Loudon, New Harmony-Keensburg, Sailor Springs, Salem and East Inman.

Coal in these counties: Fulton, Knox, Perry, Randolph, Williamson, Grundy and Will.

INDIANA

Coal and oil in these counties: Pike, War-rick, Clay, Sullivan, Knox, Davless, Posey and Gibson.

IOWA

Coal in these counties: Marion, Mahaska, Wapello, Van Buren, Jasper and Monroe. Cement.

KANSAS

Oil in these counties: Wabaunsee, Phillips, Rooks, Barton, Ellis, Stafford and Butler. The entire scope of these fields should be included: Trapp, Silica-Raymond, Kraft-Prusa, Bemis-Shutts, Burnett and Bloomer. Cement.

KENTUCKY

Coal in these counties: Hopkins, Muhlenberg, Ohio, Webster, Davless, Boyd and Clay. Fluorspar in the counties of Crittenden and Livingston and including these mines: Blue, Commodore, Delhi-Babb, Keystone, Pigmy, Tabb No. 1 and Yandell No. 22.

MAINE

Marine life in all coastal waters and submerged lands including all fish, shrimp, oysters, clams, crabs, lobsters, sponges and kelp. Cement.

MARYLAND

Oil in all coastal submerged lands. Marine life in all coastal waters and submerged lands including all fish, shrimp, oysters, clams, crabs, lobsters, sponges and kelp.

MASSACHUSETTS

Oil in all coastal submerged lands. Marine life in all coastal waters and submerged lands including all fish, shrimp, oysters, clams, crabs, lobsters, sponges and kelp.

MICHIGAN

Iron ore in the Marquette and Gogebic ranges and including these mines: Mather, Maas, Geneve, Anvil - Palms - Keweenaw, Athens and Penokee.

Copper in these mines: Calumet and Hecla Consolidated, Quincy and Champion.

MINNESOTA

Iron ore in the Mesabi and Cuyuna ranges and including these mines: Hull Rust, Rouchleau, Mahoning, Monroee-Tener, Sherman, Mountain Iron, Gross Marble, Walker, Kevin, Hill-Trumbell, Gilbert, Hill Annex, Pillsbury, Mississippi, Hawkins and Canton. Manganese ore in the Cuyuna range.

MISSISSIPPI

Oil in all coastal submerged lands and in these fields: Tinsley, Mallalieu, Brookhaven, Cranfield, La Grange, Baxterville, and Heidelberg.

Natural gas in these fields: Gwinville, Baxterville, Carthage, Soso, Sandy Hook, Hub, Jackson, and Fayette.

MISSOURI

Lead ores in these mines: Federal, Leadwood, Mine La Motte, Bonne Terre, Madison, and Desloge.

Coal in these counties: Macon, Henry, Callaway, Bates, Barton, Vernon, Randolph, St. Clair, and Monroe.

MONTANA

Oil in these fields: Elk Basin, Cutbank, Big Wall, Kevin-Sunburst, Pondera, Ragged Point, and Regan.

Copper ores in these counties: Silver Bow, Park, Madison, Lewis and Clark, Cascade, Beaverhead, and Sanders.

NEBRASKA

Cement.

Sand and gravel.

NEVADA

Copper ore in these districts: Yellow Pine, Delano, Mountain City, Battle Mountain, Jack Rabbit, Pioche, and Robinson.

Zinc ores in these districts: Yellow Pine, Railroad, Ruby Range, Spruce Mountain, Eureka, Battle Mountain, Comet, Jack Rabbit, Pioche, and Tem Plute.

NEW HAMPSHIRE

Sand and gravel.

Beryllium ore.

NEW JERSEY

Zinc ore throughout the State and including the Franklin and Sterling Hill mine. Sand and gravel.

NEW YORK

Iron ore in these areas: Mineville, Lyon Mountain, Degrasse, Star Lake, and Oneida County.

Oil in all fields.

NORTH CAROLINA

Sand and gravel.

Talc and pyrophyllite.

NORTH DAKOTA

Coal.

Sand and gravel.

OHIO

Coal particularly in these counties: Belmont, Columbiana, Harrison, Jefferson, Muskingum, Noble, Perry, Stark, and Athens. Lime.

OKLAHOMA

Oil in all fields, including Velma, Sholem-Alchem, Oklahoma City, Cement, Burbank, Cumberland, Cushing, and Seminole.

Coal in all counties, including Rogers, Okmulgee, Muskogee, Latimer, Coal, Haskell, and Tulsa.

OREGON

Sand and gravel.

Gold in the counties of Baker, Curry, Grant, Jackson, Josephine, Lane, and Union and including these districts: Canyon, Bohemia, Cracker Creek, and Green Mountain.

PENNSYLVANIA

Coal and oil.

RHODE ISLAND

Sand and gravel.

Graphite.

SOUTH CAROLINA

Cement.

Vermiculite.

SOUTH DAKOTA

Gold in St. Lawrence County and including these mines: Homestake, Portland, Dakota, Clinton, Two Johns, and Trojan. Sand and gravel.

TENNESSEE

Coal in these counties: Marion, Grundy, Campbell, Claiborne, Van Buren, Sequatchie, and Scott. Cement.

UTAH

Copper and zinc in these counties: Salt Lake, Juab, Tooele, Wasatch, Utah, Beaver, Summit, Washington, and Piute.

VERMONT

Asbestos in the Lowell area.
Copper in the Orange County area.

VIRGINIA

Coal in these counties: Buchanan, Russell, Fayette, and Wise.
Cement.

WEST VIRGINIA

Coal in all counties, including: Harrison, Fayette, Barbour, Brooke, Mingo, Mercer, and Raleigh.

Oil in all fields, including Silverton field.

WISCONSIN

Sand and gravel.
Iron ore in the Gogebic district and including the Montreal Mine.

Mr. CAIN. Mr. President, it will be noted that I have listed only two of the major minerals being produced in each State. In every case there are others importantly essential to national defense.

However, since the Federal Government has established a pattern of trying to confiscate only two resources—oil and gas—in the four States presently under attack, I assume the same pattern will carry through to the other States as they are attacked. If so, the Secretary of the Interior could argue with some logic that national defense is a burden common to all 48 States and should be shared equally by them.

Senate Joint Resolution 20, now before the Senate as a national defense matter, certainly does not distribute this common burden equitably. It singles out two resources—oil and gas—in only four States for permanent Federal control. It is discriminatory on its face.

Senate Joint Resolution 20 also would give congressional recognition to the strange and dangerous doctrine of "paramount rights, full dominion and power." Such congressional approval would give the Interior Department encouragement to proceed immediately with a Nation-wide program of collectivization and nationalization of all basic natural resources of all 48 States.

Because Senate Joint Resolution 20 appears to me to be discriminatory and dangerous, I oppose it as vigorously as I can. I hope my colleagues, in the interest of preserving constitutional guarantees protecting private property and States' rights, will also oppose it.

Senate bill 940, introduced by the distinguished senior Senator from Florida [Mr. HOLLAND] and 34 other Senators, including myself, would restore the law to what it was before this deliberate attempt to destroy States' rights began. It also would immediately clear the way for the full resumption of oil development and production in the States' submerged coastal lands—something the States have demonstrated they can do more quickly, efficiently, and profitably than the Federal Government.

I urge my colleagues to enact Senate bill 940 into law quickly, as a substitute,

and over a Presidential veto, if that action becomes necessary. Mr. President, I yield the floor.

THE HELLS CANYON PROJECT

During the delivery of Mr. CAIN's speech,

Mr. WELKER. Mr. President, I have heretofore addressed myself to the Senator from Washington with respect to certain features of the Hells Canyon bill. I want the Senate to know that I am trying to study that bill with particular interest, without partisan politics, and without a desire to be pressurized by any person, regardless of which side of the controversy he may take.

I ask unanimous consent to have printed in the body of the RECORD at this point as a part of my remarks, and following the remarks of the Senator from Washington [Mr. CAIN], a letter from Mr. Carl H. Swanstrom, attorney and counsellor at law, of Council, Idaho, dated March 8, 1952, and addressed to me. It sets forth the writer's philosophy with respect to the Hells Canyon project.

I may say to the Senate that Mr. Swanstrom is known to me to be a lifelong Democrat, a man who has taken an active part in the work of the Democratic Party within the State of Idaho. I appreciate his remarks to me as contained in this letter. They are the profound observations of a very learned man, who is thinking of the welfare of his country, rather than in terms of political or pressure philosophy. I ask that the letter be printed in the RECORD following my remarks, and at the conclusion of the remarks of the Senator from Washington.

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

COUNCIL, IDAHO, March 8, 1952.

DEAR HERMAN: I note by today's paper that Senator MORSE has introduced the Hells Canyon Act and accompanied it with an impassioned plea for its approval.

My notion about this project has not altered and I feel there are quite a number of folks here who were favorable to it when first proposed but now feel entirely different about it. That is something from a group of people living alongside such a gigantic project and who, reasonably, might be expected to profit most by it.

If there should come a time and place when the voice of a very small pebble from the folks back home might be heard to advantage, I would be glad to speak up. Before the high-powered public power advocates I might make a sorry witness but somehow I have always felt that sincerity of belief overcomes a lot of deficiencies in coping with that sort of stuff.

As I remarked in my former letter, we must start at home on projects of this sort, otherwise there can be no real merit in our roar about other follies committed farther away. Hells Canyon looks awfully attractive to people in certain businesses at nearby points and the immediate benefits during construction, or, possibly, from resulting tourist trade, blind them to the long-term picture of impossible Federal debt, to still further Government controls and to a one-man dictatorship of 90 percent of the electric power of the Northwest.

We have a very-small-business man here who has been red hot for the Hells Canyon project—(he bought up every lot in town he could get tied up)—and when I asked him if Federal control of power was such a wonderful thing for this area, why wouldn't it be even better to have Uncle Sam run the railroad, the sawmill, the bank and take over our farm and livestock industry as well, he had no answer except to say "Well, that's different," which is about as good an explanation as we can get from the boys who are leading the pack.

Best regards,

CARL.

PURCHASES OF SURPLUS WAR MATERIALS BY DES MOINES UNIVERSITY OF LAWSONOMY

Mr. WILLIAMS. Mr. President, I ask unanimous consent to have printed in the RECORD a letter dated January 31, 1952; addressed to Mr. Jess Larson, in which I requested information regarding a certain transaction in which his agency has been engaged.

I have been advised that the reply to my letter was prepared last Tuesday and was available for Mr. Larson's signature. I understand that a copy of the letter was submitted to a Democratic Member of the Senate on last Friday, and has been awaiting clearance in order that I might receive a reply to my letter.

I most respectfully ask Mr. Larson to expedite the clearance of the reply to my letter with the Democratic National Committee if he thinks that is necessary.

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

JANUARY 31, 1952.

Mr. JESS LARSON,
Administrator, General Services Administration, Washington, D. C.

DEAR MR. LARSON: I understand that the Des Moines University of Lawsonomy, Des Moines, Iowa, has purchased a substantial amount of surplus war materials at the usual educational institution discount.

Please furnish me with a list of the sales which have been made to this institution, including a list of the materials, the total cost to the Government, the sales price, and the percentage discounts allowed, along with the net amount received by the Government.

Who are the operators of this university, and is the material being used by the university strictly for education purposes?

Yours sincerely,

JOHN J. WILLIAMS.

Mr. WILLIAMS subsequently said: Mr. President, earlier this afternoon I inserted in the RECORD a letter dated January 31, which I addressed to Mr. Jess Larson, whom I criticized for not forwarding more directly to me his reply.

Since that time I have received the reply, which was sent to me by special messenger.

I wish to express to Mr. Larson my appreciation and at the same time to express the hope that in the future replies will come more promptly.

I request that this statement be printed in the RECORD following the statement I made earlier this afternoon regarding this matter.

Senate to the fact that in 2 years of successful operation farmers have obtained under this law approximately 11,750 loans, aggregating \$53,115,000. In my State of Alabama, 580 loans have been made, totaling \$2,650,000. It has not only been good for the farmers, but it has also proved a sound financial operation.

Speaking again of the experience with- in my State of Alabama, 98 percent of the farmers in that State who have obtained these loans have met their payments, and the other 2 percent are, on an average, less than \$200 in arrears. I believe that any businessman will agree that this is a very fine financial record.

The program is intended for farmers who cannot obtain loans from banks and other lending institutions. With a 4 percent loan for a period as long as 33 years, a farmer is able to build a new home or to modernize his old one, and to construct new farm buildings, in order to make his farm more profitable.

We have long had an effective housing program for urban areas. The farmer ought to have the same privileges under Federal housing legislation as the city dweller. The first farm home loan in the United States under this law was made to a young man, a veteran of World War II, living in Jackson County, Ala. It was my pleasure to be present at the closing of that loan. Veterans, especially, have benefited under the program. They are receiving nearly 40 percent of all the loans which are being made.

Mr. President, according to the 1950 census, there is a critical need for the farm-housing program. The census reported that more than one-fifth of America's 6,500,000 farm dwellings are in a dilapidated condition. More than three-fourths of all farm houses lack hot water, private bath, and toilet facilities.

I could go on and enumerate many other deficiencies in housing on the farms. In speaking of slum areas we nearly always think of them as applying only to urban areas, but we have but to look at the census figures to realize that some of the most critical housing needs are in farm areas.

Mr. President, the law has been in operation nearly 2 years, and it has operated well; it has been highly successful. I believe it should be extended as a permanent part of our over-all housing program, and it is for that purpose that I have introduced the bill, S. 2839.

MINERAL LEASES ON CERTAIN SUBMERGED LANDS

The Senate resumed the consideration of the joint resolution (S. J. Res. 20), to provide for the continuation of operations under certain mineral leases issued by the respective States covering submerged lands of the Continental Shelf, to encourage the continued development of such leases, to provide for the protection of the interests of the United States in the oil and gas deposits of said lands, and for other purposes.

The PRESIDING OFFICER. The question recurs on the adoption of the amendment offered by the Senator from Wyoming [Mr. O'MAHONEY].

Mr. LONG. Mr. President, may I ask the Senator from Wyoming if he accepts the amendment which I offered?

Mr. O'MAHONEY. As I stated to the Senator earlier in the day, I should be very glad to accept the amendment with the modification which the Senator suggested.

Mr. LONG. We were unable to agree on that.

Mr. O'MAHONEY. I thought the Senator and I had agreed that it would be a very helpful thing, in view of the accumulation of work upon all Members of Congress, if we had the benefit of the work which has been done by the special master appointed by the Supreme Court to take evidence. I should be very happy to accept the amendment if it were preceded by a statement to the effect that when the special master's report shall have been received by the Supreme Court and his recommendations shall have been made, Congress shall then act, adopting the language of the Senator's amendment. I should be very happy to accept it in that form.

Mr. LONG. I would be willing, provided we can anticipate the master's recommendations being made some time soon. The master has been 4 years hearing the case.

CONGRESS' POWERS TO DELIMIT BOUNDARIES

Mr. O'MAHONEY. We can make a legislative record here, indicating with absolute clarity that the amendment should not be interpreted as inhibiting the right of Congress to act whenever it pleases. It is a legislative matter, and I have no hesitation in saying that even without the Senator's amendment the Congress has the power and can delimit the seaward boundaries.

Mr. LONG. Congress has the right to determine the marginal limits and where the lines are by which those limits can be determined. If any branch of the Federal Government has a right to determine what the boundaries should be, it is the Congress.

Mr. O'MAHONEY. I quite agree with the Senator, but the trouble is that the determination of these boundaries involves a great deal of technical knowledge, engineering surveys, coast and geodetic surveys, and all that sort of complex, technical knowledge which it is impossible for Congress to have before it and consider at this time. If the special master is doing that, we might as well have the advantage of his work. I shall certainly be very glad to accept the amendment with that slight modification.

Mr. LONG. The matter would be in conference.

Mr. O'MAHONEY. Yes.

Mr. LONG. I shall be glad to modify my amendment in accordance with the Senator's idea. The only point I had in mind was that I do not believe that Congress should necessarily wait in the event that years of additional work are necessary on the part of the master.

Mr. O'MAHONEY. I think there is nothing in the proposed amendment which the Senator proposes to offer to the amendment I have offered which would prevent Congress from acting any time within its judgment.

Mr. President, the amendment which the Senator from Louisiana sent forward to the desk reads as follows:

In the appropriate place, insert the following language: "Provided, That the seaward boundaries of the inland or internal waters of the several States shall be established by the Congress of the United States by legislative enactment."

If we can modify it to this effect:

Provided, That when the special master's report in the case of the *United States v. California* shall have been received and his recommendations shall have been made to the Supreme Court, then the seaward boundaries of the inland or internal waters of the several States shall be established by the Congress of the United States by legislative enactment.

Perhaps that should be changed just a little, to say:

Provided, That when the report of the special master in the case of *United States v. California*, with respect to the seaward boundaries of the inland or internal waters of California, shall have been received and his recommendations made to the Supreme Court of the United States, then the seaward boundaries of the inland or internal waters of the several States shall be established by the Congress of the United States by legislative enactment.

Mr. LONG. An amendment in that form would prevent Congress from acting until the special master had concluded his work.

Mr. O'MAHONEY. Then let us add the following words:

But this provision shall not be construed as a limitation upon the legislative power of the Congress.

Mr. LONG. Mr. President, I shall withdraw my amendment, to avoid further confusion.

Mr. O'MAHONEY. Let it not be said that the Senator from Wyoming was unwilling to compromise.

Mr. LONG. Mr. President, I yield the floor.

Mr. O'MAHONEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. O'MAHONEY. Mr. President, I withdraw the call for a quorum.

Senators who have come to the floor of the Senate have discussed with me the proposal which I desire to make, namely, that the pending amendment may now be adopted by the Senate subject to the order that if any Member of the Senate on Wednesday or Thursday desires to ask for its reconsideration it may be so ordered, and the matter will be treated de novo.

The PRESIDING OFFICER. Is there objection to the withdrawal of the quorum call? The Chair hears none, and the order for a quorum call is rescinded, and further proceedings under the call will be suspended.

Mr. BUTLER of Maryland. Mr. President, has the Senator from Wyoming accepted the amendment of the Senator from Louisiana?

Mr. O'MAHONEY. I have told the Senator from Louisiana that I shall be very happy to accept that amendment in the form in which I last dictated it to the reporter.

Mr. BUTLER of Maryland. For the information of the Senate, may we have the reporter read the amendment?

Mr. O'MAHONEY. I will ask that the reporter come to the floor and read the amendment.

The PRESIDING OFFICER. The Senator from Louisiana withdrew his amendment, did he not?

Mr. O'MAHONEY. The Chair is correct. The Senator from Louisiana withdrew his amendment, but while the quorum call was proceeding I discussed the matter with him and told him that I would be very happy to accept the amendment, and he agreed to it. So, on behalf of the Senator from Louisiana and myself, I offer the amendment as I have dictated it to the reporter.

Mr. BUTLER of Maryland. As amended by the Senator from Louisiana?

Mr. O'MAHONEY. That is correct. The PRESIDING OFFICER. Does the Senator from Maryland request the reading of the amendment?

Mr. BUTLER of Maryland. As I understand, tomorrow we are to have a special order of business.

Mr. O'MAHONEY. That is why I specified Wednesday or Thursday in my proposal. On either day the matter may be reopened.

Mr. BUTLER of Maryland. In other words, under the rules of the Senate, the matter may be reopened on either of the next 2 days of actual session following the adoption of the amendment.

Mr. O'MAHONEY. That is correct. The PRESIDING OFFICER. Is there objection to the amendment, as modified, offered by the Senator from Wyoming?

Mr. LONG. Will the Chair have the amendment, as modified, read?

The PRESIDING OFFICER. The Chair does not have the modification at hand.

Mr. O'MAHONEY. I ask unanimous consent that since the reporter who took the dictation is not now on the floor and the transcription is not available, it may be possible for the Senator from Louisiana and myself to agree to any modification of the language as dictated which may appear to be essential.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wyoming to be permitted, as the Chair understands, to confer with the Senator from Louisiana—

Mr. O'MAHONEY. I believe the request is included in the original unanimous-consent request, anyway.

Mr. LONG. Mr. President, may I withdraw any objection I may have had to the amendment as dictated by the Senator from Wyoming? I did not hear it at the moment, but I am sure the Senator dictated it in substance as we agreed on it.

Mr. O'MAHONEY. I did.

The PRESIDING OFFICER. The Senator from Wyoming asks unanimous consent that the amendment be agreed to with the modification he has specified. Is there objection? The Chair hears none, and the amendment, as modified, is agreed to.

Is there objection to the request of the Senator from Wyoming that the amendment be open to reconsideration on request of any Senator?

Mr. O'MAHONEY. Mr. President, that request is not necessary now, since the rule is that the amendment may be reopened at any time within the next 2 days. If the language is not satisfactory, if it does not express the thought of the Senator from Louisiana and the Senator from Wyoming, we shall have no difficulty in modifying it.

The PRESIDING OFFICER. The Chair is advised by the Parliamentarian that it would require unanimous consent for the amendment to be reconsidered.

Is there objection to the request of the Senator from Wyoming? The Chair hears none, and the amendment is agreed to under those considerations.

AMENDMENT OF MINERAL LEASING ACT

Mr. ANDERSON. Mr. President, when a Senator introduces a piece of proposed legislation he never can be sure what the response will be. On the 25th of February I introduced a bill, Senate bill 2723, to amend the Mineral Leasing Act.

On February 28, 1952, the Independent Petroleum Association of America, in its report No. 631, commented on that legislative suggestion. It commented, I think, a little unfairly. It commented certainly in a spirit which prompts me to say a few words about it. It referred to the fact that the bill had been introduced, and said:

The bill also proposes to repeal the provisions of the present law waiving the second- and third-year rentals.

Those who are familiar with the procedure realize that an applicant, when he makes his application, pays 50 cents, which is supposed to cover the first and second-year rental. He was never billed for the third-year rental by virtue of provisions now in the law. That, to be sure, is changed in the proposed legislative suggestion which was made to the Senate Committee on Interior and Insular Affairs and to the Congress of the United States. That change was made at the suggestion of many people who think it is time to take a look at the situation and decide whether there should be 2 years in which rental is not paid.

I have no private opinion about it one way or the other. It is included solely for the purpose of permitting the committee considering it to see if conditions have changed in recent years. The reason for that is that in the beginning, when people made application for oil and gas prospecting permits, sometimes as much as a year or a year and half was required before the permit was acted upon.

Naturally it was unfair to require a person to pay rental while the Govern-

ment was delaying approval of his lease or prospecting permit.

Now it takes but 6 weeks. Therefore it seemed logical to me to ask the question whether or not that provision should be reviewed.

The report of the Independent Petroleum Association of America stated further:

It is understandable that some resentment is felt at the recent New Mexico lottery held by the Interior Department. The bill does not prevent such lottery; on the other hand, it legalizes such procedure at the election of the Secretary.

I suggest, Mr. President, that that is a pretty bad distortion, which an honest man would not make. The bill does not legalize any such thing. It permits the Secretary to continue what he is now doing, but it is no new grant of power to the Secretary.

My interest in this matter arose when I tried to point out to the Department of the Interior officials that I did not think the lottery which they conducted in New Mexico was the best example in the world of how well the Department of the Interior could administer the submerged lands off the coast of the United States if they ever acquired them. I suggested that it might be better if the Department of the Interior would give those of us who had been trying to support the Department a little ground for support, instead of conducting that type of lottery.

The answer of the Department of the Interior, and a truthful answer it was, was that under the law it had no option; that if they had had a law which would have permitted them to sell these leases at competitive bidding, they could have used it, but under the law they could do nothing else than what they did.

Mr. LONG. Mr. President, will the Senator yield?

Mr. ANDERSON. I yield.

Mr. LONG. Does the Senator's bill provide that the royalties which the Government can obtain shall be limited to 12½ percent, as the law stands at the present time, for prospects which have not been at all developed or proven?

Mr. ANDERSON. It provides that it shall be not less than 12½ percent.

Mr. LONG. It might then be possible for the Secretary to obtain more for the Government, might it not?

Mr. ANDERSON. Yes; and I think there may be instances in which the Secretary should obtain more for the Government. After all, the lands he was leasing had been regarded as oil lands. It is true that there had never actually been any oil found there, because potash was being developed, and this country badly needed the production of potash. Therefore, as a measure of protection to potash the oil companies were not permitted to come in and sink their drill holes and destroy the potash fields. An agreement has been worked out under which we feel sure that those who are prospecting for oil will so conduct their operations that they will not destroy the potash.

Mr. LONG. Mr. President, will the Senator further yield?

Mr. ANDERSON. I yield.

duties than is the Senator from California; and I may say that in the opinion of many of us, no Senator in this Chamber approaches those duties and discharges them with any greater ability.

So I am glad the Senator from Texas has seen fit to withdraw his remarks, which I cannot help but think were untimely and in poor taste.

MINERAL LEASES ON CERTAIN SUBMERGED LANDS

The VICE PRESIDENT. The Chair lays before the Senate the unfinished business, which is Senate Joint Resolution 20.

The Senate resumed the consideration of the joint resolution (S. J. Res. 20) to provide for the continuation of operations under certain mineral leases issued by the respective States covering submerged lands of the Continental Shelf, to encourage the continued development of such leases, to provide for the protection of the interests of the United States in the oil and gas deposits of said lands, and for other purposes.

Mr. ELLENDER obtained the floor.

Mr. O'MAHONEY. Earlier in the week the Senate was discussing the submerged lands bill.

Mr. ELLENDER. Mr. President, I thought I had the floor.

Mr. O'MAHONEY. If the Senator from Louisiana will pardon me a moment, I should like to say that there was considerable discussion during the early part of the week about a letter which was addressed by the Secretary of the Interior to the Governor of the State of Washington. I have received a letter from the Secretary of the Interior dealing with the subject raised by that letter, and I ask unanimous consent that it be printed in the RECORD at this point as part of my remarks.

The VICE PRESIDENT. Is there objection?

Mr. CAIN. Would the Senator from Wyoming please a number of us by reading the letter which he has just received from the Secretary of the Interior?

Mr. O'MAHONEY. I have asked the counsel of our committee to hand a copy of the letter to the Senator from Washington.

Mr. CAIN. I am appreciative of that courtesy, but in view of the fact that many Senators who are deeply interested in this question are present in the Chamber it might be constructive for the Senator to read the letter.

Mr. O'MAHONEY. Mr. President, I ask unanimous consent that the clerk may read the letter.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the clerk will read the letter.

The Chief Clerk read the letter, as follows:

UNITED STATES
DEPARTMENT OF THE INTERIOR,
Washington, March 11, 1952.

Hon. JOSEPH C. O'MAHONEY,
Chairman, Committee on Interior and
Insular Affairs,
United States Senate.

MY DEAR SENATOR O'MAHONEY: In looking over the issues of the CONGRESSIONAL RECORD

for the past week I have noted Senator CAIN's references on the floor of the Senate to the letter which I wrote to the Governor of the State of Washington on February 15, 1952, respecting the issuance by that State of oil and gas permits or leases on submerged lands of the Continental Shelf adjacent to the Washington coast. Senator CAIN's remarks indicated that he construed my letter of February 15 as casting a cloud on the title of the State of Washington—or its grantees—to the tidelands and to the beds of navigable inland waters—such as bays, rivers, lakes, and Puget Sound—situated within that State.

I understand that on March 6 the Solicitor of the Department furnished to you a map of the State of Washington, on which was superimposed a line showing the landward limit of the area claimed on behalf of the United States in my letter of February 15 to the Governor of Washington. That map graphically illustrated the fact that my letter to the Governor of Washington related only to submerged lands of the Continental Shelf underlying the open waters of the Pacific Ocean, and that it did not assert any claim on behalf of the United States to tidelands or to the beds of navigable inland waters situated within the boundaries of the State of Washington.

With regard to the tidelands and the beds of navigable inland waters situated within the boundaries of a State, it has been well settled by decisions of the Supreme Court for more than a hundred years that such lands belong to the State (or its grantees). So far as I am aware, no responsible official of the Federal Government has expressed a contrary view at any time during the past hundred years.

On the other hand, the decisions in recent years by the Supreme Court in the cases of *United States v. California* (332 U. S. 19 (1947)), *United States v. Louisiana* (339 U. S. 699 (1950)), and *United States v. Texas* (332 U. S. 707 (1950)), establish conclusively that the coastal States have no rights of ownership in the submerged lands of the Continental Shelf adjacent to their shores, extending seaward from the low-water mark along the coast or from the mouths of bays, rivers, or other inland waters; but that, instead, all rights in such lands underlying the open sea are vested in the United States. By virtue of Executive Order 9633 (10 F. R. 12305), the Secretary of the Interior has jurisdiction and control over the submerged lands of the Continental Shelf adjacent to the coast of the United States, pending the enactment of legislation with respect to such lands.

This Department first learned late in 1951 of the issuance by the State of Washington of oil and gas permits or leases on submerged lands underlying the open waters of the Pacific Ocean. Such information came to our attention in connection with conferences growing out of a controversy between this Department and the State of Washington over whether the site of certain oil development in the vicinity of Gray's Harbor was land which had accreted to an Indian trust allotment or was a tideland area belonging to the State of Washington. During the course of those conferences, we learned that the State of Washington had not only granted oil and gas rights on the area involved in the particular controversy, but that the State had also granted oil and gas permits or leases on submerged lands of the Continental Shelf situated seaward of the disputed area.

Being under a duty imposed by Executive Order 9633 to protect the interests of the United States in submerged lands of the Continental Shelf and their mineral deposits, I wrote the letter of February 15 to the Governor of the State of Washington upon learning that the State of Washington had previously issued oil and gas permits or leases on submerged lands of the Continental Shelf underlying open waters of the Pacific Ocean.

The purpose of the letter, of course, was to put the State of Washington and its permittees or lessees on notice respecting the rights claimed by the United States in lands underlying the Pacific Ocean which the State had purported to make available for oil and gas development. In this connection, silence on my part might have been unfair to the State's permittees or lessees, in that they might have expended large sums in developing the submerged lands of the Continental Shelf without their attention having been called to the rights in such lands asserted by the United States under the doctrine of the California, Louisiana, and Texas cases.

Sincerely yours,

OSCAR L. CHAPMAN,
Secretary of the Interior.

Mr. LONG subsequently said: Mr. President, I should like to address the Senate for a moment in regard to the letter of the Secretary of the Interior which has been read to the Senate.

In the letter the Secretary of the Interior states the law in the way the bureaucrats would like to have it, but not in the way it is at the present time.

In his letter, of March 7, the Secretary says it has been held in the Texas, California, and Louisiana cases that the States have no rights of ownership in the submerged lands on the Continental Shelf. Then the Secretary proceeds to say that the Federal Government has all rights in such lands. Mr. President, that simply is not the law. It never has been held that the States have no rights in these lands. It has been held that they have no title to them, but it never has been held that the Federal Government has all rights in these lands. It has been held that the Federal Government has paramount rights in them, but by no means all rights.

The bureaucrats tell the States that they cannot have these lands because international considerations are involved.

I should like to point out that when the Secretary of the Interior says the Federal Government has all rights in the submerged lands, he is making a statement about which the courts have never decided. If the Secretary of the Interior had said the States have no title in the submerged lands, perhaps he would have been correct. However, the Secretary of the Interior is incorrect when he says the States have no rights in the submerged lands and that in connection with those lands no consideration whatever is due the States.

NOTICE OF CONSIDERATION OF JAPANESE TREATY

Mr. McFARLAND. Mr. President—

The VICE PRESIDENT. The Senator from Louisiana [Mr. ELLENDER] has the floor. Does the Senator from Louisiana yield to the Senator from Arizona?

Mr. ELLENDER. I yield to the majority leader, provided I do not lose the floor.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. McFARLAND. Mr. President, I merely wish to announce that it is our expectation that the Senate will go into executive session tomorrow for the purpose of considering the Japanese peace treaty.

JOINT RESOLUTION PASSED OVER

The joint resolution (S. J. Res. 143) to authorize the appointment of a special investigator and not to exceed five deputies with power to investigate improper and illegal conduct in the transaction of the business of the Government of the United States, and to prosecute such conduct where found, was announced as next in order.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. McCARRAN. Mr. President, Senate Joint Resolution 143 was reported by the chairman of the Committee on the Judiciary upon the unanimous request of the committee. The joint resolution follows the President's message in which he requested Congress to grant subpoena powers and other powers to an individual named in the message.

The committee reported the joint resolution after long and careful study. It is the opinion of the chairman of the committee that in all fairness to all members of the committee and to everyone concerned, the joint resolution should receive careful consideration by the Senate. I think the Senate should hear an explanation of the joint resolution, should understand it, and should pass on it then, rather than to have it passed upon during the call of the Consent Calendar.

Therefore, I suggest that if it is possible for the majority leader to have the joint resolution considered at a time in the reasonably near future, it might now properly go over until such time.

Mr. McFARLAND. Mr. President, I see no reason why the joint resolution cannot receive early consideration.

The ACTING PRESIDENT pro tempore. Objection being heard, the joint resolution will be passed over.

INCORPORATION OF CONFERENCE OF STATE SOCIETIES

The bill (H. R. 4467) to incorporate the Conference of State Societies, Washington, D. C., was considered, ordered to a third reading, read the third time, and passed.

EXEMPTION OF CIVILIAN EMPLOYEES OF DEFENSE DEPARTMENT FROM LAWS GOVERNING FEDERAL OFFICERS AND EMPLOYEES

The Senate proceeded to consider the bill (S. 1828) to exempt certain civilian employees of the Department of Defense from the laws governing the employment, removal, classification, pay, retirement, leave, and disability and death compensations of Federal officers and employees, which had been reported from the Committee on Post Office and Civil Service with an amendment to strike out all after the enacting clause and insert:

That civilian employees, compensated from nonappropriated funds, of the Army and Air Force Exchange Service, Army and Air Force Motion Picture Service, Navy exchanges, Marine Corps exchanges, Coast Guard exchanges, and other instrumentalities of the United States under the jurisdiction of the Armed Forces conducted for the comfort, pleasure, contentment, and mental and physical im-

provement of personnel of the Armed Forces, shall not be held and considered as employees of the United States for the purpose of any laws administered by the Civil Service Commission or the provisions of the Federal Employees' Compensation Act (39 Stat. 742), as amended (5 U. S. C. 751 and the following): *Provided*, That the status of these nonappropriated fund activities as Federal instrumentalities shall not be affected.

The amendment was agreed to.

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

The title was amended so as to read: "A bill to confirm the status of certain civilian employees of nonappropriated fund instrumentalities under the Armed Forces with respect to laws administered by the Civil Service Commission, and for other purposes."

AMENDMENT OF SECTION 106 (c) OF THE HOUSING ACT OF 1949

Mr. MAYBANK. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Senate bill 2786, a bill which was unanimously reported by the Committee on Banking and Currency. There has been no objection to the bill, because in the end the bill, if enacted, will save money to both the Federal Government and the local governments.

The bill is not on the calendar because the committee reported the bill during the hearings on the controls bill.

The substance of the bill is that certain grants which are to be made to communities should be made progressively in order to save interest and to save cost.

The bill received the unanimous vote of both the Republican and the Democratic members of the committee. The bill was introduced some time ago by the Senator from New York [Mr. Ives].

The Senator from Kansas [Mr. SCHOEPPPEL], a member of the committee, is very familiar with the bill, and he suggested that he would join with me in urging its passage, inasmuch as at this time the Senator from New York [Mr. Ives] is in New York, and will not return to Washington until later.

As I have said, in the end the bill, if enacted, will save money to both the local communities and the Federal Government.

Let me ask the Senator from Kansas if he will speak to the bill.

Mr. SCHOEPPPEL. Mr. President, in confirming what the Senator from South Carolina has said, let me say that the bill will save money and will be of decided help. The committee went into the matter very carefully, and I concur and join in the statement and request made by the Senator from South Carolina.

The ACTING PRESIDENT pro tempore. Is there objection to the request for the present consideration of Senate bill 2786?

Mr. McFARLAND. Mr. President, I feel that the bill should go to the calendar. I see no objection to having it called up and considered some morning, by unanimous consent.

Mr. MAYBANK. The bill is not now on the calendar for the reason that in the Banking and Currency Committee we have been extremely busy during the

last 3 weeks, as the majority leader knows, in holding hearings on the proposed legislation for controls. Our hearings have begun at 10 o'clock in the morning and have continued until 6 p. m. or sometimes later.

However, if the majority leader believes that it would be better to call up the bill tomorrow or the next day, I shall be agreeable to having that done.

Mr. McFARLAND. I think that would be the better procedure.

The ACTING PRESIDENT pro tempore. Objection is heard to the request of the Senator from South Carolina, and the bill will be placed on the calendar.

BILLS PASSED OVER

The ACTING PRESIDENT pro tempore. At this time the clerk will proceed to call the bills which have been placed at the foot of the calendar.

The bill (H. R. 646) for the relief of Mrs. Inez B. Copp and George T. Copp was announced as next in order.

Mr. SCHOEPPPEL. Mr. President, this bill and the next bill, House bill 643, Calendar No. 1184, for the relief of Mrs. Vivian M. Graham and Herbert H. Graham, have previously been passed over, to be placed at the foot of the calendar. I now ask that both these bills go over to the next call of the calendar.

The ACTING PRESIDENT pro tempore. Does the Senator wish to have them included in the next call of the calendar?

Mr. SCHOEPPPEL. Yes.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and both of these bills will be included in the next call of the calendar.

The next bill which has been placed at the foot of the calendar will be stated.

The bill (S. 25), Calendar 1232, to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto, was announced as next in order.

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

Mr. SCHOEPPPEL. Mr. President, let me say very frankly to the Members of the Senate that this bill is quite long in its technical and other details. I believe it is not a bill which properly should be considered during the call of the Consent Calendar. Therefore, I shall object.

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

That completes the calendar.

MINERAL LEASES ON CERTAIN SUBMERGED LANDS

The Senate resumed the consideration of the joint resolution (S. J. Res. 20) to provide for the continuation of operations under certain mineral leases issued by the respective States covering submerged lands of the Continental Shelf, to encourage the continued development of such leases, to provide for the protection of the interests of the United States in the oil and gas deposits of said lands, and for other purposes.

Mr. McFARLAND. Mr. President, unless some Senator wishes to speak now on the unfinished business, I shall ask that the Senate take a recess until tomorrow. When the consideration of the bill is resumed, I hope we may make some progress on it and may dispose of it rapidly.

OVERPOPULATION IN PARTS OF WESTERN EUROPE—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 400)

The ACTING PRESIDENT pro tempore laid before the Senate a message from the President of the United States, relating to the problems arising from the present world crisis created by the overpopulation in parts of Western Europe, which was referred to the Committee on the Judiciary.

(For President's message, today's proceedings of the House of Representatives, see pp. 2758-2761.)

EXECUTIVE MESSAGES REFERRED

As in executive session,

The ACTING PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

AGREEMENT WITH CANADA FOR PROMOTION OF SAFETY ON THE GREAT LAKES BY MEANS OF RADIO—REMOVAL OF INJUNCTION OF SECRECY

The ACTING PRESIDENT pro tempore. As in executive session, the Chair lays before the Senate Executive M, Eighty-second Congress, second session, an agreement between the United States of America and Canada, signed at Ottawa on February 21, 1952, for the promotion of safety on the Great Lakes by means of radio. Without objection, the injunction of secrecy will be removed from the agreement, and the agreement, together with the President's message, will be referred to the Committee on Foreign Relations, and the message from the President will be printed in the RECORD. The Chair hears no objection.

The message from the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the agreement between the United States of America and Canada signed at Ottawa on February 21, 1952, for the promotion of safety on the Great Lakes by means of radio.

I transmit also, for the information of the Senate, the report by the Secretary of State with respect to the agreement.

HARRY S. TRUMAN,

THE WHITE HOUSE, March 24, 1952.

(Enclosures: (1) Report by the Secretary of State; (2) agreement with Canada for the promotion of safety on the Great Lakes by means of radio.)

RECESS

Mr. McFARLAND. Mr. President, I move that the Senate stand in recess until tomorrow at 12 o'clock noon.

The motion was agreed to; and (at 1 o'clock and 38 minutes p. m.) the Senate took a recess until tomorrow, Tuesday, March 25, 1952, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate March 24, 1952:

DIPLOMATIC AND FOREIGN SERVICE

George P. Shaw, of Texas, a Foreign Service officer of class 1, now Ambassador Extraordinary and Plenipotentiary to El Salvador, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Paraguay, vice Howard H. Tewksbury, resigned.

Angler Biddle Duke, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to El Salvador, vice George P. Shaw.

IN THE ARMY

The following-named person for appointment in the Army Nurse Corps, Regular Army of the United States, in the grade of second lieutenant, under the provisions of Public Law 36, Eightieth Congress, subject to physical qualification:

Rosa M. Belle, N900254.

PROMOTIONS IN THE AIR FORCE

The following-named officers for promotion in the Regular Air Force under the provisions of sections 502, 508, and 509 of the Officer Personnel Act of 1947 and section 306 of the Women's Armed Services Integration Act of 1948. Those officers whose names are preceded by the symbol (X) are subject to physical examination required by law. All others have been examined and found physically qualified for promotion.

To be majors

AIR FORCE

With rank from December 6, 1951

Duffy, Ann, 21253W.
 X Kubli, Lorna Virginia, 21327W.
 X Franzel, Adeline, 21336W.
 X Foxworth, Dorothy Marguerite, 21381W.
 Culbertson, Omer William, 6191A.
 Whittington, Riley Norwood, 6193A.
 Van Neste, Henry Irving, 6198A.
 Baker, Donald Ralph, 6209A.
 Sarte, Victor Joseph, 6214A.
 Alford, James Strickler, 6218A.
 Mendelsohn, Irving Phillip, 6224A.
 Wilson, Campbell Perry Monroe, 6229A.
 Pomeroy, Don Allen, Jr., 6237A.
 Thompson, Milton Elmo, 6239A.
 Woltanski, Thaddeus Lewis, 6240A.
 McNelly, Fred Wright, 6241A.
 X Babb, Harold Thaddeus, 6242A.
 Schupp, Ferdinand Francis, 6259A.
 Vaughn, William Enoch, Jr., 6261A.
 Abington, Edward Gordon, 6264A.
 Woolles, Marcellus Ronald, 6271A.
 X Sutin, Nathan, 6295A.
 X Winget, Francis Edward, 6296A.
 Gaylord, Maurice Bailey, 6299A.
 Verbeck, Peter, 6300A.
 Gaffney, George Preston, 6301A.
 Lyons, James Thompson, 6302A.
 X Bainer, John William, 6313A.
 Fogle, Melvin Woodrow, 6317A.
 Eldgeil, James McLaurin, Jr., 6319A.
 Della, Andrew, 6321A.
 X Murphy, Edward Aloysius, Jr., 6323A.
 Root, George Raymond, 6326A.
 Halst, Glade F., 6333A.
 Scott, Travis Moran, 6352A.
 Maples, Clyde Alexander, 6354A.
 Feallock, William John, 2d, 6358A.
 Pratt, Ogen Nelson, 6359A.
 Carwell, Ivan Leon, 6368A.
 Lucas, Noel Alex, 6370A.

Brockway, Gerald Marion, 6372A.
 Oldershaw, Douglas C., 6377A.
 Noonan, Stephen Frederick, 6380A.
 X Eyres, William Gordon, 6390A.
 Koger, Harlis Raymond, 6393A.
 Cade, William Albert, Jr., 6397A.
 Vignetti, John Lawrence, 6410A.
 Bondhus, John O., Jr., 6411A.
 Martin, Stanley Everet, 6413A.
 X Kommers, William Westover, 6414A.
 Magrill, Arthur Edwin, 6416A.
 Harris, Richard Clayton, Jr., 6424A.
 Hall, Joseph Andrew, 6426A.
 X Atkins, James Martin, 6428A.
 X Denton, John Hartig, 6433A.
 Belgard, John Robert, 6436A.
 Watkins, John Raymond, 6445A.
 X Coburn, Blaine K., 6447A.
 X Ziegeweld, Eugene Joseph, 6448A.
 X Miles, Charles Clinton, 6450A.
 Stafford, Gordon Howard, 6454A.
 Watson, Richard Clark, 6455A.
 X Urban, Emil Lewis, 6460A.
 Gilbert, John Holman, Jr., 6463A.
 Hamilton, Frank Alexander, 6474A.
 Raymond, William Henry, Jr., 6476A.
 Walker, John Henry, 6483A.
 Schwengels, Forrest Victor, 6485A.
 Kraft, Eugene John, 6490A.
 Davis, Jesse Charles, 6492A.
 X Miller, Kenneth Robert, 6493A.
 Williams, Richard Arnold, 6498A.
 Roberts, Joe Edward, 6499A.
 McEvoy, Edwin Walter, 6506A.
 Murray, Norman Leroy, 6513A.
 Anderson, John McLemore, Jr., 6514A.
 Dennis, Charles Gardner, 6515A.
 Duke, William Francis, 6521A.
 Manuel, Earl H., 6523A.
 Boone, Lewis Perkins, Jr., 6524A.
 Poppell, James Marvin, 6528A.
 West, Howard Fletcher, 6529A.
 Disbrow, Bill Louis, 6539A.
 McDowell, Rex Wampler, 6541A.
 Christensen, William Robert, 6545A.
 X Taylor, Charles Meredith, 6551A.
 X Middlebrook, Paul Louis, 6552A.
 X Cabell, John Kennedy, 6555A.
 Shirk, Harley Owen, 6556A.
 Husztek, William Stephen, 6561A.
 Price, Thomas Llewellyn, 6567A.
 X Suggs, John Jacob, 6570A.
 Francis, Howard Champney, 6575A.
 Frost, Lyle Gooden, 6583A.
 X Walker, William Allan, 6586A.
 X Bush, William Kenneth, 6588A.
 X Philippe, Hilbert Wayne, 6593A.
 X Hicks, Jefferson Pascal, 6595A.
 X Naffke, John Henry, 6606A.
 Eldridge, Sheldon Fleming, 6607A.
 X Romaine, Owen Wallace, 6614A.
 X Wood, Marvin James, 6615A.
 X Kennedy, Elmore McIntosh, Jr., 6634A.
 X Graham, Charles Samuel, 6642A.
 X Birbeck, Richard Wellington, 6655A.
 X Clarke, Walter Campbell, 6657A.
 X Joos, Walter James, 6671A.
 X Williams, Hilbert Baker, 6683A.
 Paddock, Kenneth Quentin, 6689A.
 Cabral, William Mervyn, 6692A.
 Loomis, Richard Edward, 6694A.
 X Monsell, Charles Frederick, Jr., 6706A.
 X Pengue, Marcy Louis, 6713A.
 Garrett, Leslie Fraser, 6725A.
 X Stafford, Robert Cottom, 6735A.
 Bracy, Carroll Harlan, 6741A.
 Eldridge, Arthur Clarence, 6753A.
 X Metz, Robert Carter, 6769A.
 Halsey, Fryer Preston, 6772A.
 Krafka, Edward, 6783A.
 X Fallon, Edward, 6805A.
 Brownell, Gerald Simpson, 6808A.
 Williams, Yancey, 6822A.
 Johnston, James Eston, 6827A.
 Willis, Lloy Cecil, 6828A.
 Woodruff, David Terry, 6829A.
 Ferrelle, Charles Harvey, Jr., 6835A.
 X Sanborn, Bert Sumner, 6845A.
 Brock, Richard Crawford, 6863A.
 Garland, William James, 6872A.
 Ford, Wilson, 6878A.
 Gamage, Leonard Alfred, 6888A.
 Smith, William Kirkland, 6895A.

Mr. DWORSHAK. Mr. President, will the Senator from Texas yield to me, to permit me to ask a question?

Mr. JOHNSON of Texas. I yield.

Mr. DWORSHAK. Unfortunately I did not hear all of the statement made by the Senator from Texas in regard to the North African bases situation. I should like to ask him a question regarding that matter.

According to press reports, the Secretary of the Army has recalled the Army Engineer Corps colonels who have been in charge of that particular project. Does not the Senator from Texas think it is not sufficient merely to recall those officers and to reassign them or give them new tours of duty? Instead, does not the Senator from Texas think the Secretary of the Army should initiate proceedings for a court martial to determine to what extent such Army officers have been derelict in their duty?

Mr. JOHNSON of Texas. I agree with the Senator from Idaho, and I have no doubt that he will agree with the procedure outlined in the letter coming from Secretary Pace.

First, Secretary Pace promptly relieved the two colonels involved; second, he stated that he would give them an opportunity to present their side of the case, and that he would follow up energetically to see that whatever action was appropriate would be promptly taken.

The committee's experience with Secretary Pace leads it to believe that he will do just what he said he would do.

Mr. DWORSHAK. Mr. President, will the Senator from Texas yield further?

Mr. JOHNSON of Texas. I yield.

Mr. DWORSHAK. This morning I dispatched to Secretary Pace a letter suggesting that he arrange for the court martial of those officers, if he believes such action is justified.

Mr. JOHNSON of Texas. I know the Senator from Idaho believes, as I know the committee believes, that Secretary Pace can be relied upon to take the appropriate action in the circumstances.

CALL OF THE ROLL

Mr. McFARLAND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Alken	Hendrickson	Millikin
Anderson	Hennings	Monroney
Bennett	Hickenlooper	Moody
Bridges	Hill	Mundt
Butler, Md.	Hoey	Murray
Cain	Holland	Neely
Capehart	Humphrey	Nixon
Carlson	Hunt	O'Connor
Case	Ives	O'Mahoney
Chavez	Johnson, Colo.	Pastore
Clements	Johnson, Tex.	Robertson
Connally	Johnston, S. C.	Russell
Cordca	Kem	Saltonstall
Dirksen	Kilgore	Schoeppel
Douglas	Knowland	Seaton
Duff	Lehman	Smith, Maine
Dworshak	Lodge	Smith, N. J.
Ecton	Long	Stennis
Ellender	Magnuson	Thye
Ferguson	Martin	Tobey
Flanders	Maybank	Underwood
Frear	McCarran	Watkins
George	McCarthy	Welker
Gillette	McFarland	Wiley
Green	McKellar	Williams
Hayden	McMahon	Young

Mr. JOHNSON of Texas. I announce that the Senator from Connecticut [Mr. BENSON], the Senator from Virginia [Mr. BYRD], the Senator from Mississippi [Mr. EASTLAND], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Tennessee [Mr. KEFAUVER], the Senator from Oklahoma [Mr. KERR], the Senator from Arkansas [Mr. McCLELLAN], the Senator from Florida [Mr. SMATHERS], the Senator from North Carolina [Mr. SMITH], and the Senator from Alabama [Mr. SPARKMAN] are absent on official business.

Mr. SALTONSTALL. I announce that the Senator from Maine [Mr. BREWSTER], the Senator from Nebraska [Mr. BUTLER], the Senator from Indiana [Mr. JENNER], the Senator from Oregon [Mr. MORSE] and the Senators from Ohio [Mr. BRICKER and Mr. TAFT] are necessarily absent.

The Senator from North Dakota [Mr. LANGER] is absent by leave of the Senate.

The Senator from Nevada [Mr. MALONE] is absent on official business.

MINERAL LEASES ON CERTAIN SUBMERGED LANDS.

The PRESIDING OFFICER. A quorum is present.

The Chair lays before the Senate the unfinished business, which is Senate Joint Resolution 20, relating to mineral leases on certain submerged lands.

The Senate resumed the consideration of the joint resolution (S. J. Res. 20) to provide for the continuation of operations under certain mineral leases issued by the respective States covering submerged lands of the Continental Shelf, to encourage the continued development of such leases, to provide for the protection of the interests of the United States in the oil and gas deposits of said lands, and for other purposes.

Mr. CONNALLY. Mr. President, I desire to address myself to Senate Joint Resolution 20 and amendments in the nature of a substitute which have been submitted, relating to the so-called tidelands.

The joint resolution is called an interim measure. It will not, if enacted, settle many of the issues which have been raised with regard to the so-called tidelands controversy.

The question involved has quite a long history. It began in the days of the Nye committee, and I desire to refer briefly to what transpired.

Until the bill which was vetoed by the President was enacted, the Senate and the House of Representatives had consistently refused to direct or authorize the Attorney General to bring suits against States for the title and possession of lands known as tidelands. Senate Joint Resolution 92 sought to accomplish that result. It was a resolution which was pending before the Committee on Public Lands and Surveys on March 27, 1939.

HEARINGS IN 1939

In the hearings before the committee at that time, the late Senator Morris Sheppard, of my State, appeared and testified against the proposal to have the State sued for title to the submerged lands off the State coast. I also appeared

on the same date, March 27, 1939, long before the public agitation about tidelands had arisen.

Mr. President, I ask unanimous consent to have placed at the end of my remarks on the pending resolution the text of my statement before the committee.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

(See exhibit 1.)

Mr. CONNALLY. Mr. President, the resolution on which I was speaking never became law; it was never adopted.

Later, House Joint Resolution 225, introduced by Mr. Summers, of Texas, was passed by the Senate on July 27, 1946. I voted for that joint resolution. On July 27, 1946, the House agreed to the Senate amendments to this joint resolution. That was the measure, Mr. President, which was vetoed by the President of the United States. I voted for the joint resolution and did all I possibly could to bring about its enactment.

ACTION IN 1948

Senate bill 1988 was a bill introduced by the late Senator Moore, of Oklahoma, and a number of other Senators, of whom I was one. I testified on that bill on March 9, 1948. I ask similar leave to have my testimony on S. 1988 printed at the end of my remarks, following the previous exhibit.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

(See exhibit 2.)

Mr. CONNALLY. Mr. President, in 1939 the House Committee on the Judiciary held hearings on House Joint Resolution 176. At those hearings I opposed the granting of authority for suit.

I ask unanimous consent to have my statement on that joint resolution printed with the other two statements.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

(See exhibit 3.)

Mr. CONNALLY. Mr. President, five times the Department of the Navy and other departments of the Government have sought permission to bring suits involving title to the submerged lands, but they were never brought. Legislation to permit the filing of suits was never passed, and no authority ever was given. Congress refused permission to accomplish what was proposed.

SUBSTITUTION OF HOUSE BILL

House bill 4434, known as the Walter bill, passed the House of Representatives on July 27, 1951. I have submitted and there is lying on the table an amendment to the O'Mahoney joint resolution, Senate Joint Resolution 20. The amendment proposes the substitution of House bill 4434 for Senate joint resolution 20.

As I have said, House bill 4434 passed the House July 27, 1951, every Member of Congress from my State of Texas, who was present and voting, voted for it. That bill is now the proposal contained in my pending amendment.

Mr. President, as is well known, 3 States have had litigation with respect to the title to the submerged lands. First, there was the California case, in

which complaint was filed October 22, 1945. The opinion in that case was delivered by Mr. Justice Black on June 23, 1947. The California case was filed even before suit was brought in the Texas case. It stood out by itself.

ACTION OF SUPREME COURT

On May 16, 1948, the Supreme Court granted the Government the right to file a complaint in the Texas case. In the meantime, among other lawyers who took part in the California case, the attorney general of Texas appeared as *amicus curiae*. The opinion by Justice Black in the California case was delivered June 23, 1947, whereas the right to bring the Texas case was not granted until May 16, 1948.

In the Texas case, motion for judgment was granted on June 5, 1950; rehearing was denied October 16; rehearing was again denied December 11, and a decree was entered December 11, 1950.

Mr. President, in the Louisiana case leave to file complaint was granted May 16, 1948, the same day on which leave to file complaint in the Texas case was granted.

The opinion in the Louisiana case was handed down on June 5, 1950, permitting filing of the complaint, and entering judgment. Rehearing was denied October 16, 1950; decree was entered December 11, 1950; rehearing was denied February 26, 1951.

PRECEDENTS OVERTURNED

Mr. President, for more than a hundred years the decisions of the Supreme Court of the United States, of many other Federal courts, and of many State courts, had held that the tidelands belonged to the respective States. However, in the California case the Supreme Court abandoned that doctrine, and held that in the case of California the United States Government was possessed of paramount rights.

Mr. President, paramount rights can apply only to the rights which the Government has. It cannot claim other rights which it does not possess. The words "paramount rights" can be stretched to cover any property anywhere. There must be other rights, or the word "paramount" would not be used. Paramount means that among several rights some one right is paramount over the other rights. But the Supreme Court in the California case in effect ruled that California had no rights, and that all the rights appertaining to the tidal waters and the tidelands belonged to the Government of the United States. It took that action in the face of 100 years acquiescence on the part of the Federal Government in the principle that the title to the tidelands rested in the adjacent States, and in the face of innumerable decisions by the Federal courts and the State courts.

MEANING OF "PARAMOUNT RIGHTS"

How can there be paramount rights unless there are other rights? The term "paramount" is a relative term. It is not all-embracing. So there ought to be some other rights; and those rights belong to the States. The Federal Government cannot deprive the States of those rights, even though it has paramount rights.

It is said that the Federal Government must have paramount rights in order to promote national defense. If that doctrine is true, the title to every foot of property in the United States can be subordinated to the so-called paramount right of the United States Government in connection with national defense. Of course the Government can take property for national defense; but the Constitution provides in the fifth amendment: "Nor shall private property be taken for public use, without just compensation."

That is the Constitution of the United States. The Federal Government may have paramount rights in connection with national defense, but it cannot take a dollar or a foot of land from a citizen for national defense without awarding just compensation. Yet in this case the Supreme Court says that the Government can take property without any compensation whatever. It is the supreme authority, snatching from the hands of the States jurisdiction which the States have enjoyed for 100 years. It does so in the name of national defense, and yet it awards no compensation whatever.

POWER OF CONGRESS

Mr. President, the Supreme Court is not the last word in a case of this kind. Even though the Supreme Court decides that the title to the tidelands belongs to the United States rather than to California, the Supreme Court is not the last word. I quote the Constitution again. Section 3 of article IV says:

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

In other words, the jurisdiction of the Congress is entire. It has the right to dispose of any property which is supposed to belong to the United States. Though the Supreme Court has held in the California case that certain property is the property of the United States, that decision is not binding upon the Congress. The Congress has the right and the jurisdiction to decide what disposition shall be made of that public property.

Mr. President, so-called paramount rights do not cover ownership. The right of navigation is a right which the Federal Government possesses, but the right of navigation does not give authority to take private property for the use of the Government without compensation. Property taken for public use must be paid for by the Government.

I have already explained the situation with respect to national defense and with respect to navigation. With respect to foreign relations, of course, the United States has control of our relations with foreign governments. That does not give it the right to take private property for governmental use without just and adequate compensation.

Mr. President, the theory of paramount rights is not a sound one on which to base Government policy. There must be other rights before there can be para-

mount rights. But the Court held that California had no rights.

Mr. President, I wish to discuss the substitute offered by the two Senators from Texas. As I suggested a moment ago, this substitute for the O'Mahoney resolution is the House bill, the so-called Walter bill, which is pending before us in the Senate.

SUPERIOR RIGHTS OF TEXAS

What are the superior rights to which we contend Texas is entitled? We take the position that the Texas case is not in the same category with the California case or the Louisiana case. Texas is in a category by itself. Why? Because Texas was an independent republic for 9 years before it was admitted to the Union. Every foot of territory off the shores of Texas which belonged to anyone belonged to the Republic of Texas. While Texas was a republic it owned every foot of land under the tidewaters. It had every jurisdiction that an independent nation could have, because it was acting in its own right. It had all rights, whether they were paramount rights or some other kind of rights. Of course, Texas, as a republic, had paramount rights over all that area, because it had all the rights there were. No one within the boundaries of the Republic of Texas had any rights, sovereign, paramount, or proprietary, or rights of ownership. The Republic of Texas owned all the rights, and was possessed of all title. So there is a distinction between the California case and the Texas case on the facts. There is a distinction between the Louisiana case and the Texas case. California came into the Union as a result of conquest from Mexico, and later by an act of Congress providing for her admission.

Mr. LONG. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. HILL in the chair). Does the Senator from Texas yield to the Senator from Louisiana?

Mr. CONNALLY. I yield.

Mr. LONG. There is no doubt in the mind of the junior Senator from Louisiana that the case for Texas was completely sound and that there was no excuse whatsoever for anyone to attempt to take the submerged lands from Texas, inasmuch as Texas was an independent Republic before it was admitted into the Union; but the Senator from Texas and I have seen a demonstration of the fact that a majority of the Justices of the Supreme Court may decide to take property belonging to a State, and when that is done there is no recourse except to go to Congress with the case.

Mr. CONNALLY. That is correct. The case must be taken to Congress. That is where we are now. All rights of every kind, paramount or infinitesimal, maximum or minimum, belonged to the Republic of Texas. No one, except perhaps the long and grasping hand of the Supreme Court, could take it away from Texas, and it did take it away from Texas.

MINORITY COURT DECISION

When I say that, Mr. President, I want to remind you that the decision in the Texas case was by a vote of 4 to 3. In other words, one member of the Supreme

Court, one individual Justice, presumed to strip our State of its property, whereas three of the Justices held a contrary view. Three of the Justices dissented in the decision of the Supreme Court in the Texas case. They are Mr. Justice Reed, Mr. Justice Minton, and Mr. Justice Frankfurter. Mr. Justice Reed joined with Mr. Justice Minton in one dissenting opinion, and Mr. Justice Frankfurter wrote a separate dissenting opinion.

DISSENTING OPINIONS

The dissenting opinions point out that the Texas case is differentiated from all other cases, and that there is no reason on earth why the Supreme Court should strip Texas of its property, of its land, and of all the things that reside in the soil of the tidelands.

Mr. President, I ask unanimous consent to have the dissenting opinions of Mr. Justice Reed, Mr. Justice Minton, and Mr. Justice Frankfurter printed in the RECORD at this point in my remarks.

There being no objection, the dissenting opinions were ordered to be printed in the RECORD, as follows:

SUPREME COURT OF THE UNITED STATES—No. 13, ORIGINAL—OCTOBER TERM, 1949—THE UNITED STATES OF AMERICA, PLAINTIFF, V. THE STATE OF TEXAS—MOTION FOR LEAVE TO FILE COMPLAINT AND COMPLAINT—JUNE 5, 1950

Mr. Justice Reed, with whom Mr. Justice Minton joins, dissenting:

This case brings before us the application of *United States v. California* (332 U. S. 19), to Texas. Insofar as Louisiana is concerned, I see no difference between its situation and that passed upon in the California case. Texas, however, presents a variation which requires a different result.

The California case determines, page 36, that since "paramount rights run to the States in inland waters to the shoreward of the low-water mark, the same rationale leads to the conclusion that national interests, responsibilities, and therefore national rights are paramount in waters lying to the seaward in the 3-mile belt." Thus the Court held, page 39, that the Federal Government has power over that belt, an incident of which is full dominion over the resources of the soil under that water area, including oil. But that decision was based on the premise, pages 32-34, that the 3-mile belt had never belonged to California. The California case points out that it was the United States which had acquired this seacoast area for the Nation. Sovereignty over that area passed from Mexico to this country. The Court commented that similar belts along their shores were not owned by the original seacoast States. Since something akin to ownership of the similar area along the coasts of the original States was thought by the Court to have been obtained through an assertion of full dominion by the United States to this hitherto unclaimed portion of the earth's surface, it was decided that a similar right in the California area was obtained by the United States. The contrary is true in the case of Texas. The Court concedes that prior to the resolution of annexation, the United States recognized Texas ownership of the 3-league area claimed by Texas.¹

The Court holds immaterial the fact of Texas' original ownership of this marginal sea area, because Texas was admitted on an equal footing with the other States by the resolution of annexation (5 Stat. 797). The scope of the equal footing doctrine, how-

ever, has been thought to embrace only political rights or those rights considered necessary attributes of State sovereignty. Thus this Court has held in a consistent line of decisions that since the original States, as an incident of sovereignty, had ownership and dominion over lands under navigable waters, within their jurisdiction, States subsequently admitted must be accorded equivalent ownership. E. g., *Pollard v. Hagan* (3 How. 212); *Martin v. Waddell* (16 Pet. 367). But it was an articulated premise of the California decision that the Thirteen Original States neither had asserted ownership nor had held dominion over the 3-mile zone as an incident of sovereignty.

"Equal footing has heretofore brought to a State the ownership of river beds, but never before has that phrase been interpreted to take away from a newly admitted State property that it had theretofore owned. I see no constitutional requirement that this should be done and I think the resolution of annexation left the marginal sea area in Texas. The resolution expressly consented that Texas should retain all the vacant and unappropriated lands lying within its limits. An agreement of this kind is in accord with the holding of this Court that ordinarily lands may be the subject of compact between a State and the Nation. *Stearns v. Minnesota* (179 U. S. 223, 245). The Court, however, does not decide whether or not the vacant and unappropriated lands lying within its limits (at the time of annexation) includes the land under the marginal sea. I think that it does include those lands. Cf. *Hynes v. Grimes* (337 U. S. 86, 110). At least we should permit evidence of its meaning.

Instead of deciding this question of cession, the Court relies upon the need for the United States to control the area seaward of low water because of its international responsibilities. It reasons that full dominion over the resources follows this paramount responsibility, and it refers to the California discussion of the point (332 U. S. at 35). But the argument based on international responsibilities prevailed in the California case because the marginal sea area was staked out by the United States. The argument cannot reasonably be extended to Texas without a holding that Texas ceded that area to the United States.

The necessity for the United States to defend the land and to handle international affairs is not enough to transfer property rights in the marginal sea from Texas to the United States. Federal sovereignty is paramount within national boundaries, but Federal ownership depends on taking possession, as the California case holds; on consent, as in the case of places for Federal use; or on purchase, as in the case of Alaska or the Territory of Louisiana. 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. In my view, Texas owned the marginal area by virtue of its original proprietorship; it has not been shown to my satisfaction that it lost it by the terms of the resolution of annexation. I would deny the United States motion for judgment.

SUPREME COURT OF THE UNITED STATES—No. 13, ORIGINAL—OCTOBER TERM, 1949—THE UNITED STATES OF AMERICA, PLAINTIFF, V. THE STATE OF TEXAS—MOTION FOR LEAVE TO FILE COMPLAINT—JUNE 5, 1950

Mr. Justice Frankfurter:

Time has not made the reasoning of *United States v. California* (332 U. S. 19) more persuasive, but the issue there decided is no longer open for me. It is relevant,

however, to note that in rejecting California's claim of ownership in the offshore oil the Court carefully abstained from recognizing such claim of ownership by the United States. This was emphasized when the Court struck out the proprietary claim of the United States from the terms of the decree proposed by the United States in the California case.¹

I must leave it to those who deem the reasoning of that decision right to define its scope and apply it, particularly to the historically very different situation of Texas. As is made clear in the opinion of Mr. Justice Reed, the submerged lands now in controversy were part of the domain of Texas when she was on her own. The Court now decides that when Texas entered the Union she lost what she had and the United States acquired it. How that shift came to pass remains for me a puzzle.

TEXAS KEPT PUBLIC LANDS

Mr. CONNALLY. Mr. President, I am in sympathy with Louisiana's case. Louisiana came into the Union, not as an independent republic, but by purchase. It, too, can be differentiated, and it should be differentiated from the Texas case. When Texas joined the Union it was an independent republic. In joining the Union there was a specific reservation made that Texas should remain the owner of and have control of all unappropriated public lands. Those public lands extend out under the surface of the ocean to the traditional boundaries of Texas, which are 10½ miles, or three marine leagues. The congress of the Texas Republic passed an act defining its boundaries, and extended them into the ocean for 10½ miles.

Mr. President, those are some of the questions involved in this issue. The Texas case was decided by the Supreme Court by a division of 4 to 3. Is it sound public policy to allow one man to dominate the Supreme Court of the United States? Is it sound for the Supreme Court, in the face of the constitutional provision that the property of the United States shall be controlled by Congress, to violate that concept and to hand over to the Federal Government property which justly and rightfully belongs to the respective States?

SENATE JOINT RESOLUTION 20 EVADES ISSUE

The O'Mahoney joint resolution (S. J. Res. 20) does not decide these questions. It merely postpones the day of decision. It merely provides that exploitation and operation of the oil, minerals, and other things in the submerged lands shall take place, but it does not settle anything. We must settle this question sooner or later. It ought to be settled now. It ought to be settled right. For that reason the junior Senator from Texas and I have offered a substitute resolution for the O'Mahoney resolution. There are other amendments pending. The distinguished Senator from Florida [Mr. HOLLAND] has submitted a substitute resolution which has many very valuable

¹ The decree proposed by the United States read in part:

"1. The United States of America is now, and has been at all times pertinent hereto, possessed of paramount rights [of proprietorship] in, and full dominion and power over, the lands, minerals, and other things underlying the Pacific Ocean."

The words in brackets were omitted in the Court's decree (332 U. S. 804, 805).

¹ See the statement in the Court's opinion as to the chapters of Texas history.

aspects. I say that those who want to see the land restored to the States should not be divided in their approach to the question. We are not divided in interests, we are not divided as to the final result, but we are somewhat divided as to the method of procedure.

Mr. HOLLAND. Mr. President, will the Senator from Texas yield?

Mr. CONNALLY. I yield.

Mr. HOLLAND. I may say to the distinguished Senator from Texas that I appreciate his reference to the fact that other Senators, of whom the Senator from Florida is one, have submitted another amendment, in the nature of a substitute to Senate Joint Resolution 20.

I should like to say to the distinguished Senator from Texas that considering his argument up to this point the Senator from Florida is with him 100 percent. The amendment which the Senator from Florida and other Senators will offer will do exactly what the Senator from Texas has suggested should be done, namely, give back to the States property to which they are entitled, and control and jurisdiction of it out to the boundaries of the States, which they had prior to the Supreme Court decisions to which the Senator from Texas has alluded.

It is only when the substitute now being discussed by the distinguished Senator from Texas reaches beyond those boundaries and out into the submerged lands, and beyond those boundaries to the Continental Shelf, that the Senator from Florida and his associates find themselves in any disagreement with the Senator from Texas.

If the Senator from Texas will indulge the Senator from Florida for a moment he would like to say that he is entirely in accord with the Senator from Texas in his feeling that the case presented by the State of Texas, formerly the Republic of Texas, was by all means the strongest case of the three which were argued before the Supreme Court. He agrees with the Senator from Texas that the fact that that case was decided by a divided court, four for the contention of the United States, and three for that of Texas, certainly presents a question affecting equities which the State of Texas has long enjoyed, and to which Congress can well give consideration and heed.

The Senator from Florida would like to say to the distinguished Senator from Texas that he thinks the broad ground already laid down by the Senator from Texas, to the effect that this is a question of policy addressed exclusively to the discretion of Congress, is by all means the crux of the problem confronting us. Whether the decision of the Supreme Court was 4 to 3, as in the Texas case, or 6 to 2, as in the California case, the Supreme Court has decided and can decide nothing but some naked legal questions. The Congress of the United States not only has the power and authority, but it has the duty to dispose of and deal with interests and assets belonging to the United States in accordance with what it believes to be the soundest public policy and in the best interest of all the people.

I should like to call to the attention of my esteemed friend, the distinguished

Senator from Texas, the fact that no matter by how large a margin the case was decided—whether by the unanimous decision of the Court, or whether the decision represented a 6-to-2 vote of the members of the Court or a 4-to-3 vote of the members of the Court—the fact remains that, so far as we are concerned, Congress has jurisdiction in fields to which the jurisdiction of the Supreme Court does not extend, in that under the constitutional provision already so effectively quoted by the Senator from Texas, Congress has complete power and authority and complete discretion, as well as complete duty, to deal with questions of this kind in such a way as best to promote the general public good.

It is from that standpoint that I approach this question. Before thanking the distinguished Senator from Texas for allowing me to make these brief remarks and before taking my seat, I wish to say that it is only when the distinguished Senator from Texas tries to go beyond the constitutional limits of the States and tries to reach out into the submerged lands which extend from the limits of the States to the Continental Shelf, that there is any disagreement whatsoever between the Senator from Texas and his friend, the Senator from Florida.

To make the record completely clear at this time, Mr. President, I wish to refer briefly to what will be said at much greater length later, namely, that instead of insisting upon the precise wording of Senate bill 940, which was introduced much more than a year ago by approximately 35 Senators, of whom I was one, the Senators who introduced Senate bill 940 at that time are now perfectly willing to reach into the Walters bill, which has been mentioned by the distinguished Senator from Texas, and to take out of that bill some provisions which were perfected in the hearings before the House committees and in the argument and debate on the floor of the House since the time when Senate bill 940 was introduced. We expect to offer as our amendment in the nature of a substitute titles 1 and 2 of the Walters bill.

In other words, the only field in which we cannot agree completely and with finality with the distinguished Senator from Texas and with the philosophy of the Walters bill is the field dealt with by title 3, which reaches beyond State lines and out to the Continental Shelf.

In completing my comment on this point, let me say that I recognize that the States have some interest even in the Continental Shelf, because certain pools of oil and gas which exist partly within the States and extend into the Continental Shelf present a kind of joint problem as between the States and the Federal Government, if it is eventually determined that it has some jurisdiction there. In such cases, the States adjoining the Continental Shelf have some sort of interest which must be considered by the Congress. However, I feel that that is a separate question.

I believe that the principal problem of restoring to the States jurisdiction out to their constitutional boundaries is so much greater than the oil problem

and so much greater than the gas problem that it cannot be confounded at all with questions relating to the Continental Shelf and having to do only with oil and gas, because inside their limits the States not only have other assets, such as sand, shells, gravel, various minerals, including iron, and coal—and I note with pleasure that there is now on the floor the distinguished Senator from Minnesota [Mr. THYE], who already in this debate has shown that under Lake Superior and lying off the shoreline of his State are important deposits of ore—but the States also have questions affecting fisheries, shell fish, sponges and the vegetation growing there.

What is still more important, the States face the question of building piers out into the ocean, filling lands which extend into the ocean, erecting buildings on such filled lands, and the construction of various structures to preserve those lands. Those matters present an enormous question.

So I have been hoping that my distinguished friend, the senior Senator from Texas, would not insist upon injecting into this debate the question regarding the Continental Shelf extension. I take that position because of the fact that the other problems relating to the boundaries of the States and to the States' problems within those boundaries are, in my opinion, so vastly larger than the mere problem of oil and gas, the latter problem being only a temporary one, inasmuch as the oil and gas will be used up in a few years, whereas all the other problems having to do with the exercise of the real sovereignty of the States will continue to exist and will become more and more important as long as our States exist, which we hope will be forever.

Mr. President, I thank the distinguished Senator from Texas for yielding to me.

Mr. THYE. Mr. President, will the distinguished Senator from Texas yield to me at this time, to permit me to make a comment following the comment of the Senator from Florida?

Mr. CONNALLY. I yield, but I hope the Senator from Minnesota will be brief, because I desire to conclude my remarks.

Mr. THYE. I assure the Senator from Texas that I shall be brief.

Mr. CONNALLY. Very well; I yield.

Mr. THYE. I thank the Senator from Texas.

Mr. President, I wish to say that one of the reasons why I am a cosponsor of Senate bill 940 is that the sovereignty of the States must be recognized. The United States of America is made up of 48 sovereign States joined together. Unless some such provisions as those contained in Senate bill 940 are enacted, how soon will it be before another decision of the Supreme Court of the United States will encroach further upon what is the sovereignty of the States or the sovereignty of the people?

The State of Minnesota has many important mineral deposits lying under water. Those deposits include iron ore and other important mineral deposits. One of the Great Lakes forms part of

the boundaries of the State of Minnesota.

We who live in Minnesota have made a considerable study of this matter. The attorney general of Minnesota joined with the attorneys general of other States in the dispute and the legal action which developed at the time of the decision by the United States Supreme Court, and prior thereto.

I wish to thank the able and distinguished senior Senator from Texas for yielding to me so that I might associate myself with the remarks of the able and distinguished Senator from Florida [Mr. HOLLAND].

Mr. CONNALLY. Mr. President, I thank the distinguished Senator from Florida for his interrogations and his interruption.

HOLLAND AND CONNALLY AMENDMENTS

I wish to say that I have no quarrel with the Senator from Florida. The amendment in the nature of a substitute submitted by the two Senators from Texas deals with the Continental Shelf because that matter was dealt with in the House bill, which already has been passed by the House of Representatives. If we want action to be taken now, the Senate should proceed by adopting our substitute. In that way the proposed legislation will finally be passed by Congress and will go to the President.

Mr. President, I do not assume to try to dictate the course the Senate should take. The Senate can eliminate and reject any part of the amendment I have submitted. However, the Senator from Florida himself says there is much in the amendment in the nature of a substitute which has been submitted by the two Senators from Texas, and the Senator from Florida says that he proposes to adopt much of that amendment in case his amendment can be so amended. Is not that correct?

Mr. HOLLAND. Yes.

Mr. CONNALLY. So there is no quarrel there. That matter is absolutely one for the Senate to decide. If the Senate rejects my amendment, then I shall still have an opportunity to support, if I so decide, and to vote for the amendment of the Senator from Florida.

CONTINENTAL SHELF

But, Mr. President, one reason for the provisions in the House bill regarding the Continental Shelf is that the Federal laws pertaining to public lands and providing for their leasing give to the respective States in which those lands are located 37½ percent, as I recall the figure, of the revenues derived from those leases. In my opinion that principle should apply to the Continental Shelf as well as to the lands within the territorial boundaries of a given State. But that provision is not final. It can be rejected and eliminated from the measure, and still leave intact the main principle which is to restore to the respective States that which the Supreme Court violently seized and undertook to take from them.

Mr. President, if the measure covering the question of the Continental Shelf should be vetoed, or if the amendment in the nature of a substitute proposed by the Senators from Texas should be ve-

toed, the same reasons for objection would apply to the amendment offered by the Senator from Florida. So, I do not see how it can be forecast that his amendment would not be vetoed, and that the amendment in the nature of a substitute proposed by the two Senators from Texas would be vetoed. That is a matter which is in the lap of the gods, a matter about which no one can tell, a matter about which no one will know, until the Senate acts.

OUR CAUSE IS JUST

But, Mr. President, I am firmly convinced that our cause is just. I am forced to the conclusion that the Supreme Court of the United States has committed an unpardonable error, a judicial outrage, as it were, when although three of the Supreme Court Justices, sitting in the Texas case said, "No, you cannot do that to the State of Texas," four Justices of the Court decided otherwise. It is quite as wrongful to do it to any other State as to do it in the case of the State of Texas. When one man, one member of the Supreme Court is allowed to grasp and seize the property of 48 States, the result is to set one individual on a pinnacle so high that he could tickle the feet of the angels.

Let me say to the Senator from Minnesota there are other things which might be affected by this measure; for example, the taking of any kind of property over which paramount rights are asserted in connection with the national defense. Suppose the Government was to say, "We need a certain farm for national defense"; under the theory of paramount right, it could be taken without compensation, notwithstanding the fact that the Constitution prohibits the taking of private property for public use without just compensation.

Mr. MCKELLAR rose.

Mr. THYE. Mr. President, will the Senator yield momentarily?

Mr. CONNALLY. I shall yield again to the Senator from Minnesota, but I yield first to the Senator from Tennessee.

Mr. MCKELLAR. Let us take the case of the great Mississippi River; a river which almost cuts our country in two. In a way, the Government has a right in that river, since it is used in interstate commerce. Under judicial decision the Government holds certain rights. If oil should be found under that river—and it has been found—could the Government take the oil found under the Mississippi River, to be used in a manner similar to that which is here proposed? It would seem so, from the statement of the Senator from Texas.

Mr. CONNALLY. Theoretically, that may be true; but the Mississippi River is an inland waterway.

Mr. MCKELLAR. It is an inland waterway, but it is an interstate stream over which the Government has control.

Mr. CONNALLY. That is true. An inland waterway problem presents itself in that connection, a problem which I am not prepared to discuss at this time.

Mr. MCKELLAR. It is unnecessary to discuss it, but it is well to think of it in connection with the passage, or even in

the consideration of the passage of a joint resolution of this kind.

Mr. CONNALLY. Certainly.

Under the theory of paramount rights, announced by the Supreme Court by a majority of one vote, any property within the boundaries of any State may be taken, if it is needed either in connection with our foreign relations, our self-defense, or other Federal purposes of that kind; and it may be taken without compensation. Of course, things which are necessary for the national defense may be taken whenever the Government needs them; but the owner must be compensated. In this case, however, it is proposed to take property without compensation to anyone.

Mr. President, I do not care to discuss this question at further length at this time. However, in the course of the debate, I expect to make other remarks regarding some of the questions which I have raised thus far. I am very hopeful that Senators will study these questions very carefully, and that the opinion of three of the Justices of the Supreme Court, declaring that Texas has a supreme claim above the claims of any other States in the Union, will be considered in connection with the importance of this decision.

The amendment in the nature of a substitute to the joint resolution, which the senior Senator from Texas and the junior Senator from Texas have offered merely asks the Federal Government to return to us what the Federal Government admitted for more than a hundred years belonged to the State of Texas and to other States.

TEXAS ONLY ASKS RESTITUTION

Mr. President, we simply seek restitution of what justly belongs to us, confirmed repeatedly for a period of 100 years by the Federal Government, in decisions respected by all departments of the Government. Former Secretary of the Interior, Mr. Ickes, himself refused to grant Federal leases in the areas in controversy, stating that, under the law, those areas belonged to the States. But something happened to Mr. Ickes to change his mind; since which time efforts have been made, without success, to secure favorable action by the Congress to make possible the taking of the property of citizens in these areas without the payment of just compensation.

Five times the Federal agencies have undertaken to obtain consent of the Congress to the bringing of suits for the offshore submerged lands, but that consent has never been given. In 1946 a bill was passed in both Houses of the Congress confirming the restoration to the States of titles of which the Supreme Court had undertaken to deprive them. That decision of the Congress ought to be the law. We have as much right to exercise the power given us by the Constitution as had the Supreme Court to write its opinion.

CONGRESS NOT BOUND BY COURT

Mr. President, the Congress is not bound by the decision of the Supreme Court in these cases, because the Constitution says that the Congress has the power and the jurisdiction to determine the disposition to be made of Federal

lands; and if these lands are not State lands, they are Federal lands. But they are not Federal lands, because they have never been Federal lands. They never were Federal lands, until the dictatorial attitude was assumed by the Supreme Court in the California case.

It is important to note that in the Texas case and in the Louisiana case the Supreme Court simply contented itself with saying that Texas was bound by the California case, and that Louisiana was bound by the California case. The Supreme Court never at any time gave due consideration to the claims of Texas as being different from those of California or of Louisiana; so that, after all, the decision in the California case was final, was definite, was all-embracing. Said the Court, "Whatever we decided in the California case binds Texas and also binds Louisiana," although neither of those States was a party to the California case.

Mr. President, as I suggested a little while ago, I expect to make further remarks on this subject from time to time in the course of the debate, but I am perfectly willing—to have the Senate pass upon the various amendments, and if the amendment in the nature of a substitute which the Senators from Texas have offered is not adopted, Senators are free to adopt the amendment offered by the Senator from Florida or by any other Senator. But I can see no reason for thinking that, if the amendment in the nature of a substitute proposed by the Senators from Texas were adopted and were later vetoed, similar action would not be taken in connection with other amendments of a quitclaim nature.

Mr. President, I thank the Chair and other Members of the Senate.

EXHIBIT 1

STATEMENT OF HON. TOM CONNALLY, A UNITED STATES SENATOR FROM THE STATE OF TEXAS

Senator CONNALLY. I wish to express to the chairman my deep appreciation of the privilege of appearing before the committee this morning, and want to be as brief as possible.

In addition to Senator Sheppard there are present a number of representatives from Texas who will wish the privilege of representing that State. For instance, there are present the attorney general and assistant attorney general of Texas, and quite a number of others, who will present this matter adequately and I am sure in fine fashion.

In addition to what Senator SHEPPARD has said I only want to call the attention of the committee to certain aspects of the resolution now under consideration: It will be remembered that the original resolution contemplated the assertion of title to all submerged lands everywhere contiguous to States of the Union, with direction to the Attorney General to proceed by suit to possess and take over such submerged properties.

However, the present resolution is confined to the State of California; and yet in its assertions of policy and in its implications there is a breadth to the title to submerged lands and their deposits of every other coastal State in the Union. If it were confined to California, and even then we certainly would not favor the resolution, but we would feel their representatives are able to present their views in the matter; but for the reasons just stated I want to join them in challenging this new doctrine this resolution seeks to establish. After 150 years of existence of the Federal Government, here for the first time so far as I know it is sought

by legislative declaration to assert that, under the claim of sovereignty, the United States has the right of title to the soil beyond low-water mark.

Now, in answer to the question propounded by the chairman to Senator Sheppard, I will say that this resolution seeks to establish a different doctrine as between strictly speaking tidal lands, which are lands within the boundaries of high- and low-water marks and lands beyond low-water mark.

This resolution seeks to lay down the doctrine that by law beyond low-water mark the Government of the United States is not alone sovereign as to rights of navigation and national defense, and ordinary governmental functions, but that it has a direct title to the lands and what lies underneath the lands.

We challenge that proposition. What are the rights of sovereignty with respect to navigation and national defense? Of course, as to those particular functions the United States is absolutely sovereign. The right of nobody else can stand in her way. For instance, if she wanted to deepen a channel in the interest of navigation, the owners of submerged lands would have to accommodate themselves to whatever the Government might do as incident to navigation. But that would not oust the title of the owners of the lands. They would still own the lands, with the necessary easement in the Government for the purpose of navigation. It is the same way with reference to fortifications along the coast. If it became necessary to take over properties the Government could do it, but under the Constitution it would have to make adequate, fair, and just compensation therefor.

Now, this particular Senate Joint Resolution 24—I believe, Senator Nye, that is your resolution?

Senator NYE. Yes; that is the original resolution.

Senator CONNALLY. And Senate Joint Resolution 83 is the one we are now considering?

The CHAIRMAN. No; Senate Joint Resolution 92 is the present resolution offered by Senator Nye that the committee is considering.

Senator CONNALLY. As I understand it, the so-called Hobbs resolution, before the House committee, and the Nye resolution before this committee, so far as the enacting sections are concerned are identical, but they are not identical with respect to preamble or introductory sections; but what we desire to challenge is this:

"Is hereby declared," and that starts out with the declaration "that the conservation of petroleum deposits underlying submerged lands adjacent to and along the coast of the State of California, below low-water mark"—that is where the announcement is made of this new doctrine—"below low-water mark and under the territorial waters of the United States of America."

What kind of waters? Territorial water. I am surprised that they do not assert ownership actually to the waters themselves. Then it goes on to say:

"Is hereby declared to be essential for national defense, maintenance of the Navy, and regulation and protection of interstate and foreign commerce, and that in the exercise of the paramount and exclusive powers of sovereignty of the United States for those purposes"—directed now to those purposes—"there are hereby reserved and set aside as a naval petroleum reserve any and all such deposits, subject to the same control of the Secretary of the Navy as is provided for other naval petroleum reserves; subject, also to any superior right, title, or interest of any person, partnership, association, corporation, or of the State of California, or any municipality, or local subdivision of that State which may have heretofore been granted by the United States of America, or which may have become otherwise validly and lawfully vested, or which may be recognized and

established in the judicial proceedings hereinafter authorized."

In other words, the resolution seeks to restrict the rights of whatever owners may be found to have rights granted by the Federal Government, so as to maintain the theory of ownership by the Federal Government of submerged lands.

We take the position that the passage of this resolution, although it may be confined in its direct effect to California, yet would indirectly affect or at least cast a cloud upon the title of submerged lands of every other State in the Union.

Senator JOHNSON. I should like to ask for my own information and for the record if you can tell me, Senator CONNALLY, why the first resolutions related to all of the Coastal States and how they present a resolution applicable to California alone?

Senator CONNALLY. I will venture the statement that as a result of the hearings held last spring by the Judiciary Committee of the House of Representatives, in which a showing was made in behalf of the State of Texas, and particularly the Thirteen Original States, that the proponents of the resolution felt they could not stand on that ground any longer, and that perhaps it deterred them from getting results even as to California. So they eliminated all States except California on the theory that if they tried it out on you and were successful, then they would come back and try it out on the rest of us a little later. I do not mean to make any comparison between California and any other victim, but you know the old saying about trying it out on a certain animal. Perhaps they did not fully realize they would have the talents and abilities of the senior Senator from California to meet.

Senator JOHNSON of California. And so well was the case of Texas and other coastal States presented, that they admit now that they could not secure the adoption of a resolution attempting to bind them.

Senator CONNALLY. They do not admit it except under the stress of necessity. It was stated in the House hearings the other day by one of the proponents of the resolution that it was clear Texas had the strongest case of any of the States and that California had the weakest. California, according to their idea, having the weakest position may look like a good opportunity for doing something along this line.

Senator JOHNSON of California. Then through this committee they are trying to dig on one side of the continent where they think they might have a chance of success.

Senator CONNALLY. According to their theory they assert this policy still in reference to any such lands in any State in the Union.

Senator HOLMAN. Will you pardon me for a question?

Senator CONNALLY. I will be glad to have any question.

Senator HOLMAN. May I address the Chair? Not being an attorney or versed in the law I would like to ask—

The CHAIRMAN (interposing). The Chair would like to remark that it is one of the curious things that all nonlawyer Senators preface their remarks with the statement that they are not attorneys.

Senator HOLMAN. Perhaps that may be so. But if it is in order I should like to get a distinction of definition between tidelands and lands below tidelands reaching onto the edge of the Continental Shelf. I do not know where it stops if it is not the Continental Shelf. It may be that an argument that would apply to tidelands would not apply to lands below tidelands on out to the edge of the Continental Shelf.

Senator CONNALLY. Does the chairman want to answer that question?

The CHAIRMAN. The Chair will be very glad to have the Senator from Texas give his view of it.

Senator CONNALLY. I always defer to the chairman, but am willing to try to answer the question propounded by the Senator from Oregon.

The CHAIRMAN. I will say that the committee, as a committee, is not the proponent or the opponent of the legislation; that we are endeavoring to get information. That is the reason we want to hear these gentlemen. I am told by Senator Nye that there is present a representative of the Navy who will be glad to present his views as to that matter.

Senator HOLMAN. I just want to understand the argument, because in my own mind there is a difference between tidelands and lands below tidelands.

Senator CONNALLY. I will say to the Senator from Oregon that tidelands are that section on which the tides operate. Now, beyond that line and out into the sea it is my contention, and I think the contention of most others who are cooperating with us, that whatever tideland there is out there, if there is any tideland out there, it goes with the territory adjacent to it, belongs to the respective States. It was urged before the House committee the other day that lands beyond low-water mark, out in the ocean, do not belong to anybody; that they were a sort of inchoate pool of interest that belong to all the nations of the earth; and that the first nation that went out and reduced them to possession would acquire title. I do not agree to that theory. My own theory is that if there is any tideland out there at all it belongs to the same territory that goes to low-water mark.

A good deal has been said about the jurisdiction of the United States. The old theory was 3 miles because that was about the range of defense armaments, and that a cannon shot 3 miles. In the case of the 12-mile limit under prohibition enforcement, as I recall it, that was brought about by a treaty between the United States and other countries in which other countries agreed that within a 12-mile limit the United States might exercise, not ownership, but jurisdiction, to enforce its laws.

Of course it may be said now that cannon range is 25 or 30 miles, but unless we get some agreement with other nations, that probably would not obtain. We would have to observe international law in that respect.

But that refers after all to the assertion of Governmental power. It refers to enforcement of our laws. It refers to navigation. It refers to those essential things that are a part of the national sovereignty. Ownership of soil is not a part of national sovereignty. The Federal Government has the right to regulate interstate and foreign commerce, but that does not mean its own highways within the State over which interstate commerce passes. That does not mean that in its control over interstate commerce it can reduce its title to fee simple and go down and get oil, gold, coal, or any other mineral under such a highway. In most cases the highway belongs to an individual citizen who owns the abutting property but has merely granted an easement. Of course in some cases the State takes fee simple title, and in such a case it belongs to the State. The Federal Government simply acquires control of traffic on top of the ground.

What is control of navigation? Why, it is control of the passage of commerce over the ocean, or under the ocean by means of submarines if commercial submarines there be. That does not mean ownership of submerged lands.

In the case of the national defense is it necessary for the Federal Government to have title to soil under waters in order to conduct the national defense? They say they need oil. They do not need that oil any more than they need oil in any tank.

If the powers of sovereignty in one case are good, and for a sample case they say they have oil, why cannot they go out and

take any other war supply they need? The Federal Government under the Constitution may take anything it needs in the exercise of any of its powers of sovereignty, but in order to do so it must comply with the other section, by giving compensation.

But the authors of this resolution do not want it placed upon that ground. In section 3 they provide "That nothing contained in this joint resolution shall be construed as a taking, as authorizing a taking, or as ratifying a taking, of any property by exercise of the power of eminent domain."

Thus they meticulously and carefully avoid any implication that the taking is under the powers of eminent domain. In other words, the taking is to be some other kind of taking. It is to be a case of the Government saying: "I want this and I am going to take it and you shall have no compensation whatever."

Now, I do not want to preempt the ground here because these other representatives of my State are present and I am anxious that they shall be heard, but I do want to speak a few words with respect to the State of Texas, and I think we may very safely generalize from the situation in which Texas finds itself to extend similar situations in other States.

As all of you know, Texas was originally a part of Spain. It was a Spanish dominion. In 1819, when the United States purchased Florida, United States entered into a treaty defining the boundaries of the Southwest, and that treaty contains the following language:

"The United States hereby cede to his Catholic Majesty, and renounce forever, all their rights, claims, and pretensions, to the territories lying west and south of the above-described line."

Now that line was the eastern boundary line of the State of Texas, along the Sabine River, beginning in the Gulf and proceeding thence northward on up into the northern territory. So whatever interest or title the United States had was renounced forever beyond that line and conceded to the King of Spain.

Of course when Mexico seceded from Spain, and established its independence in 1821, the territory which is now Texas being a part of Mexico; Mexico succeeded to all the rights which Spain had. Remember, Spain had not only title as an independent nation of anything which thus belonged to her, but she also had whatever title the United States may have had because the United States renounced its title specifically in the boundary treaty.

So, then, we have the Republic of Mexico owning whatever title, either in submerged lands or tidelands, whatever title any government owned in the lands adjacent to the Gulf of Mexico and adjacent to the territory now Texas.

And then, in 1836, when Texas became an independent republic, it acquired from Mexico all the title which it theretofore possessed, whether it extended 3 miles, 10 miles, or 100 miles. That became the property of the State of Texas.

The Republic of Texas by act of its congress declared that her jurisdiction extended to the following territory along the sea coast:

"Beginning at the mouth of the Sabine River, and running west along the Gulf of Mexico three leagues," which is about 10½ miles, "from land to the mouth of the Rio Grande."

When Texas was admitted to the United States first there were negotiations by way of treaty, but the United States Senate did not ratify the treaty, so it was then provided that Texas be admitted by joint resolution of Congress. Among other things that joint resolution provided as follows:

"Said State when admitted into the Union * * * 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, to be disposed of as said State may direct; but in no event are said debts and liabilities to become a charge upon the Government of the United States * * *"

Now, what were public lands under that declaration? There were only two kinds of lands when Texas came into the Union, either private or public lands. All other public lands, whether out on the surface of Texas territory or under the sea, were public lands. Texas was a republic or a nation. It was not a State but a nation, and whatever right any nation had in those lands adjacent to our waters were the property of the State of Texas, and continued to be its property when it was admitted into the Union, because Congress explicitly expressed through the joint resolution that those lands should be retained by the State of Texas.

Now, the Legislature of Texas, after it became a member of the Union, reasserted and reaffirmed its exclusive right to the jurisdiction over the soil included in the limits of the late Republic of Texas.

So, Mr. Chairman, it seems to me at least that under the indisputable title which Texas has not only possessed but asserted and maintained, there can be no question whatever as to this proposed resolution insofar as it relates to the submerged coastal lands of the State of Texas.

In the case of the Thirteen Original Colonies it seems to me there is no question as to their title, because when the Revolutionary War was over each one of those Colonies was an independent State, and it owned whatever title any of them had in and to coastal waters and lands.

In the case of California—and I won't put much time on that because they have so many more able Representatives to present their side of the question—but it seems to me when they came into the Union, unless there was some specific restriction to indicate that it came in under some other footing, it came in on the same basis of equality as every other State of the Union. It was admitted upon that theory and upon that theory alone. It did not seek to come into the Union as a Territory. It did not seek to come in in any subordinate capacity but desired to come in as full sister in the sisterhood of States.

Senator JOHNSON of California. And it was so provided.

Senator CONNALLY. Yes. Now, Mr. Chairman, I shall not argue the general theories asserted by this resolution as to a sort of inchoate, suspended, unasserted right of the Government out beyond the low-water mark to oils that lie below the surface.

If the United States owned those lands where did it get them? In the case of the State of Texas if the right and title did not come from Spain or Mexico, where did it get it?

In the State of California the same query might be propounded. If the United States owned the title of those lands below low-water mark how did it get it? This resolution says it gets it because it has charge of navigation. It gets it because it says it has the sovereign right of national defense. Nobody disputes these generalities. The Senator from Oregon is a businessman and, doubtless, he is the owner of some lands. I say to you if there are beneath your ownings, oil, while it is within the power of the Federal Government in the matter of national defense to ask for that oil, yet it cannot touch a gallon of it which you own unless it first makes compensation to you. You may own property adjacent to a navigable river in your State. They have the right to control navigation on that stream, but

they have no right to destroy your property without compensation.

Mr. Chairman, it seems to me the United States Government, if it is simply because it needs oil that it is proposing to do this, could easily get all the oil it needs. The Government is able to pay for the oil it uses. It has been paying for it heretofore. Why should the possessors of this title in the State of California have their property confiscated simply because the Government of the United States needs oil? Why should the property of citizens in any other State be confiscated simply upon the plea that under sovereignty the Federal Government has the right to regulate interstate and foreign commerce?

Mr. Chairman, the theory, it seems to me, is very finely spun, that it is a very inchoate sort of theory that, after 150 years, either longer or shorter exercise of jurisdiction and ownership by the States, the United States Government, through this resolution should seek to establish a new doctrine, a doctrine wholly alien to anything that has heretofore taken place under the theories of national defense and the regulation of interstate commerce.

I thank you, Mr. Chairman and gentlemen of the committee, and ask the indulgence of the committee in hearing other representatives of the State of Texas, and for that matter other opponents of the resolution.

Senator JOHNSON of California. I was going to suggest to the chairman, if he will permit me to do so, that the proponents of this resolution now present their case.

The CHAIRMAN. All that I will say to the Senator from California is that he has the right-of-way.

Senator JOHNSON of California. I do not think so.

The CHAIRMAN. Well, what I meant by that remark was that it is hereby tendered to you.

Senator JOHNSON of California. Oh, I understand that and I thank you for it. But I am going to remain here during the hearings, so I would like to hear the gentlemen who have proposed these resolutions. I want to know the theory upon which they are acting.

Senator CONNALLY. May I add one other word?

The CHAIRMAN. Certainly.

Senator CONNALLY. Whatever right the United States Government, either imaginary or otherwise may have, that right is based upon the theory that it acquired it as a nation because it was a nation. We in Texas insist that if that is the theory then it cannot apply to us, because whatever right Spain had as a nation, whatever right Mexico had as a nation, whatever right the Republic of Texas had as a nation, now rests in the State of Texas by reason of its explicit reservation in the joint resolution of admission to the Union.

I thank you.

The CHAIRMAN. Is Captain Stuart here?

Captain STUART. Yes, Mr. Chairman.

The CHAIRMAN. I suggest that Captain Stuart of the Navy come forward and give us the benefit of his statement.

Captain H. A. STUART. Mr. Chairman, I would suggest that Congressman Hobbs be heard first.

The CHAIRMAN. All right, we will be glad to hear Representative Hobbs of Alabama. Might I suggest to those who are present and who would like to be heard on this matter, to go to the clerk of the committee, Mr. Camaller, and give their names and whom they represent in the matter, so that we may endeavor to work out a schedule for the hearings.

Senator JOHNSON of California. I might say, Mr. Chairman, that I have a list of witnesses I should like to have heard. But I may wish to reverse the order in which they would appear, and will furnish it to your clerk shortly.

Senator NYE. You mean in opposition to the resolution?

Senator JOHNSON of California. Yes.

The CHAIRMAN. We will now hear Representative Hobbs.

EXHIBIT 2

STATEMENT OF HON. TOM CONNALLY, A UNITED STATES SENATOR FROM THE STATE OF TEXAS

Senator CONNALLY. Mr. Chairman, I thank the committee for its courtesy in hearing me, and I apologize to the committee for failure to present a scholarly and well-reasoned legalistic document.

Senator MOORE. We have lots of those.

Senator CONNALLY. I am not going to do that. I am going to talk very briefly and then ask for insertion in the record of some documents I have here.

Mr. Chairman, I voted for this bill, a similar bill which the President vetoed. I am supporting the present bill as well as I know how.

I will not cite a lot of legal cases by page and number. All of you are familiar with them, but I do want to confirm and ratify the able arguments made by the Governor of Texas and the Attorney General. Some of those extra legal statements I might not agree with, but I do agree on the legal position and the constitutional arguments which they have made.

I think they are sound and unassailable.

Mr. Chairman, it seems to me that the opinion of Mr. Justice Reed in the case before the Supreme Court was absolutely sound and based upon fundamentals. Allow me to say that in the case of the Original Thirteen Colonies when they revolted against Great Britain each one of them became a separate State. Each State really was a nation, in effect. It owed its existence to nobody except its own courage and prowess in winning its independence.

Now, let us see. These inland waters they admit belong to the States. The waters of the marginal sea out beyond the inland waters. To whom did those waters belong after the Colonies successfully revolted against Great Britain? They did not belong to Great Britain any longer; did they? They were not within the domain of the King. There was no United States. There was no Union, except the old Confederation that was in a sort of shaky condition.

They adopted that along toward the end of the Revolutionary War. It lasted 7 or 8 years.

Who owned those lands if the States did not own them? Who else could have owned them except the States that were adjacent to these lands?

Senator MOORE. Some testimony has been offered here that they probably belonged to the family of nations.

Senator CONNALLY. To the family of nations. The family of nations have never done anything about it, and, if they have, all this valuable territory lying around over the earth—it looks as if the family of nations would take some cognizance of it.

But they have not.

Mr. Chairman, in the case of my own State of Texas—and I want to be brief about this, if I can—we, as you know, first were a part of Spain, and then we had the French flag over us for a little while. I am getting a little ahead of myself. It was a domain of Spain. Of course, the Spanish civil law obtained.

Then Mexico revolted against Spain and achieved her independence in 1821. The present State of Texas was then a state or territory within the Mexican Government.

When Texas revolted it was successful in that revolt, and it became a republic. It was not a part of the Union. It was not a colony. It was not a State in the Union. It was an independent republic.

Who owned the lands adjacent to it, if it did not own them? The Federal Government had no claim. It did not even advance a claim. It did not own them. Mexico did not own them any longer, because the treaty of peace with Mexico acknowledged them as belonging to Texas.

It went on under that independent government as a republic for 9 years, and then finally it was annexed, or rather, became a member of the United States, a member of the Union—but Mr. Chairman, when it knocked at the door of the Union, those lands still belonged to Texas. They continued to belong to Texas unless Texas had done something looking to their alienation.

Instead of doing something looking to their alienation or to their being handed over to the Federal Government, in the joint resolution of the Congress which admitted Texas to the Union, it was specifically provided that Texas retained all of her public lands and public domain.

How in the face of that record can you say that they should belong to the United States Government? It is impossible unless you invent new words and new language, as we sometimes find in the law books.

That title never passed to the United States, at any period, because the United States was not claiming it and specifically acknowledged it to be in Texas.

The opinion of the Supreme Court says that this is a matter that must be solved in the arena of Congress, within the area of congressional power. Congress passed that joint resolution by a vote of Congress, and when it did, it acknowledged that these lands still belonged to the State of Texas.

Why is that not a determination in advance? It may have been anticipatory. Why is not that a determination in advance of the congressional power, the exercise of the congressional power as to the ownership and control of these lands, even under the extended theory that they might possibly belong to the Federal Government?

Congress in the act of admission foreclosed that question, and said these lands, under whatever power the Congress has, and the Congress pass a joint resolution, so far as congressional power is concerned, Congress said: "Texas you keep your lands. You keep your marginal sea lands. You keep your inland waterways. You keep it all."

Senator MOORE. Keep all the public lands, and pay your own debts.

Senator CONNALLY. Yes.

Why did they do that? There was a reason for that. They were not just out shooting at blackbirds. There was a reason for that.

The State was contending that we are not going to give up this Territory. We do not have to join your Union. You have invited us, and a lot of people have been advocating it, and so forth, but after all, we do not have to join this Union.

In order to join it, we are not going to give up these lands. They are ours, we won them by the blood of our forefathers. We are going to keep these lands. The Federal Government said, "Why, surely; that is all right. They are yours. We do not want them. You just keep them."

They said, "Wait a minute. We want something in writing. We want some solemn action." So they put it in the joint resolution, and the Congress voted.

So, I think on either theory, that they were ours and we kept them, or the theory that Congress has to act in order to determine the ownership, Congress has acted. It acted when it admitted Texas, as a State, saying "those lands are yours."

It does not require any additional argument, at least, from my viewpoint, on that subject.

Mr. Chairman, the Supreme Court decision in this case, it seems to me, is from many aspects a very unsatisfactory one. In the first place, while the Court by a species

of dictum, I think, said that California does not own it, it does not say who does own it. It does not decree that it belongs to the United States. What it does hold is that within these areas the Federal Government has paramount rights.

Mr. Chairman, paramount is a comparative word. Nothing can be paramount unless it is compared with something else. Of course, the Federal Government has paramount rights as to navigation of the waters. It has paramount rights so far as national defense is concerned.

Senator MOORE. That is a constitutional grant.

Mr. CONNALLY. Why, certainly. It has paramount rights as to customs and things of that kind. But if the State has not any right at all, why use the word "paramount?"

The use of the word "paramount" rights implies that the State has some rights. What are its rights unless it be the ownership of this territory?

Mr. Chairman, there is nothing in the world inconsistent between the existence of paramount rights within the field of Federal activity—and that is the only place the Federal Government has any right to act, within the sphere of its powers as conferred by the Constitution. There is no inconsistency in its having paramount rights in those respects, and the ownership of the land being in the States or, for that matter, in the hands of a private individual. There is no inconsistency at all. That is the case in every State in the Union.

I have a few acres of land down in my State. It belongs to me, supposedly. I made payment for it, bought it. I do not deny that the Federal Government has paramount rights over that land.

In case of war, if they should need it, they can take it by compensating me. They have paramount rights with regard to all these matters that we have spoken about.

But there is nothing antagonistic between the existence of that kind of rights and my private ownership of that land.

Mr. Justice Reed, in his opinion, points that out very clearly. He says that it is the case of every foot of land and every house and everything else in the United States. With the proper exercise of the jurisdiction, the Federal Government has these paramount rights. But the individual who owns the property still has his rights, subject to being expelled, in power only by these functions that I have spoken of; national defense, customs, and so forth.

Mr. Chairman, I will not take up this opinion and review it in detail, but it does seem to me it is not a thoroughly considered and well reasoned and well thought out opinion on the facts, because the pleadings in that case sought to draw the issue as to whether the Federal Government owned the land, and it prayed for a judgment to that effect, but the Court did not give it to it.

It has been pointed out already in these hearings that when the decree was prepared they struck out the word "proprietary" and ignored that particular finding.

I suppose that the reason the ones who drew the original decree had in mind to put in the word "proprietary" and they would say the Court has held here in the decree that the Federal Government owns that property because it is a proprietor. It owns it. But the Court was a little careful about that and did not insert it.

Mr. Chairman, I might also suggest that before when we passed this bill the President vetoed it on the idea that he wanted the Supreme Court to decide the matter. That does not imply that the decision of the Supreme Court is final at all.

In the first place, as I pointed out a moment ago, it is not responsive to the pleadings. It does not determine that the Fed-

eral Government owns the property, but if it does own it—

Senator MOORE. You are dead right about that.

Senator CONNALLY. I thank you.

On the other hand, if the Court decided it, and it can only be by a sort of implication if it did at all, the Court points out specifically, and it appears to me to be an invitation, that this question is not one for the Court, but for congressional action; that is, within the area of Congress.

So we certainly have a right and the power to declare that this is not Federal property, or if it is, that we quitclaim it back to the States. Unless it is some of these recent witnesses who have been on here, up until a few years ago everybody accepted that it was State property; even the Department of the Interior, as I remember now, at one time at least refused to make Federal leases on the ground that the land did not belong to the Federal Government. It belongs to the States.

So far as I know, legal authorities and political authorities and while we were a Republic the Congress of Texas passed a boundary fixing the distance at three marine leagues, which is about 10½ miles.

The reason for the veto does not exist any more, because the Supreme Court has had one guess at this thing. Now, according to my view, it is plainly up to this committee and the Congress to do whatever it may please with respect to this matter. There is nothing unusual in changing a court's decision by a statute subsequently. I do not mean by naming the Court decision and saying it is overruled. A Court decision in this country until it is overruled is something that usually has the form of law.

Every time Congress passes a bill it changes the law, does it not? Or extends the law, which is a change in a sense. Every congressional act in existence is an assertion by the Congress of the power to make a new law, to change a rule of action, to take a course that has never been pursued before. So if a court—and I believe in the courts; I fought the Court bill when President Roosevelt advocated it, because I did not want to make the Court a political machine. I have respect for the Court—but when the Court decided to take some action that was within the power of the Congress to change or correct, it is just as much an obligation of the Congress to make that change or to make that correction as it is for the Court to make its decision, and for the people to respect that decision.

So, if this committee and the Congress believe it is just and equitable and right for these States to retain these lands which we all thought were theirs all the time, there is nothing wrong with taking such action as we may desire, even though it does overrule a Supreme Court opinion.

The Supreme Court has the function over here in its field. We have ours over here. They are not supreme to us. We are not supreme to them, but each one within the field of its authority has the right to act according to what it believes to be the general welfare and the well-being of the people of the United States.

Senator MOORE. Of course, the Congress is the only body that has the supreme power to outline what the policy of the United States shall be.

Senator CONNALLY. That is right. It is the policy-making arm of the Government.

Of course, the Court is supposed merely to construe the laws already enacted, but it has no power to make law, although by some of its decisions it does seem to legislate.

They have legislated a good many times. Wherever they do, we ought to veto it by passing a law correcting it.

Mr. Chairman, unless somebody wants to ask some questions, which I hope they will not—

Mr. WOODWARD. May I make a suggestion? SENATOR CONNALLY. Yes.

Mr. WOODWARD. Because of your long service in the Senate of the United States—

Senator MOORE. And the Congress.

Mr. WOODWARD. And the Congress, and as chairman of the Foreign Relations Committee and as a member of that committee, there is no one better qualified, of course, to know the position that this country occupies in the international field; that we are looked upon as one of the strong nations of the world.

We are the strong Nation of the world, and the hope of the world.

Senator CONNALLY. That is right.

Mr. WOODWARD. We maintain that position, of course, not because we have more manpower, not because we have more territory, not because we have more mineral resources and natural resources—

Senator CONNALLY. All those things help some, though.

Mr. WOODWARD. But because we had the productivity, we had the productive capacity, we had the mass-production genius, and we had the productive oil wells when the war came on. We had the oil for the war.

There has been a great deal of newspaper comment throughout the country that the Congress was giving away great oil reserves that it owned. My question is:

In developing this country and the oil reserves that are alleged to be in these coastal lands, is it going to be better to create a policy that will encourage the development of these lands, for whatever purposes they may be developed, including oil, under local jurisdiction, or will that best be done by a centralized Federal commission or bureau?

Senator CONNALLY. That is a very comprehensive question, all right, and covers a lot of territory.

Of course, all my predispositions are to localize all forms of government as much as they can be localized, and still retain their efficiency and vitality and strength. It seems to me that with the various States owning these lands and many of them, no doubt, explored for oil, if they are retained by the States, and by the great oil industries which are constantly advancing and thinking up new approaches and new methods, there would not be a great deal of danger of any State frittering away its oil resources, because it would have bidders, no doubt.

It would soon become more or less standardized as to what the rates of royalty and rates of leases and things of that kind would be. I do not apprehend the fact that the Federal Government would be so much more efficient. I think in many respects it has shown itself, during the recent depression and during the war, for that matter, not to be so efficient as the local authorities in the various States.

That answers your question, maybe not so far as you would want me to answer it.

Mr. WOODWARD. I think it does, Senator. I thought it might be well to develop that because of the fear that some people have that it is being given away. All the wealth that we have in this country is of no use to us unless it is productive wealth and usable wealth. The oil industry of this country has developed our oil resources under private ownership and under local jurisdiction and control.

Senator CONNALLY. That is right.

Mr. WOODWARD. And they have done a good job up to date.

Senator CONNALLY. Of course, in case of war, if they need the oil, all they have to do is call on them and say "Here, we want this oil."

Senator MOORE. Whoever owns it.

Senator CONNALLY. Yes; whoever owns it. We want it, and we want it at reasonable prices.

Senator MOORE. Not for nothing.

Senator CONNALLY. That is right. They will pay them for it. Still, that sovereignty applies. Just as they might want a carload of wheat out here. If they want it to feed the Army, they go out there and take it. They appraise it later and pay them for it.

The matter of price, of course, would be a subsidiary question that could be determined by the courts or by arbitration or any action between the two parties.

Mr. WOODWARD. The Government could even fix the price it paid for oil during the war, if it wanted to, could it not?

Senator CONNALLY. I understand that was done during the last war.

Senator MOORE. Not a very satisfactory price.

Senator CONNALLY. I should think that is pretty drastic, all right, but it looks to me as if there ought to be some forum, and there is a forum, and that is the Congress of the United States, just where you are now.

If anybody could show that their property had been taken by the Government, even in the stress of war, and too low a price or too wasteful a price was applied, they have their appeal to the Congress to pass a bill to give them relief.

We passed 40 different relief measures over there yesterday.

Senator MOORE. I know we did.

Senator CONNALLY. Under the Unanimous Consent Calendar; just whole flocks of them. That is because the Congress is the ultimate power in those things. When it feels that an injustice has been done, it has the authority to correct it.

I think that would obtain in the case of oil which has been taken over at too small a price.

Mr. Chairman, I know this is a voluminous matter, but I want to ask consent to place these matters in the record.

Here is a very scholarly and learned discussion of this whole question by Mr. Robert E. Hardwicke, a very distinguished oil attorney in my State, Mr. Carl Illig, and Dr. C. Perry Patterson.

Dr. Patterson is a doctor of philosophy or something, but he is a professor of history and government at the University of Texas. He is a very learned man. He came before our Committee on the Judiciary when we were considering the Supreme Court bill some years ago, and I think delivered one of the ablest and finest and most splendid arguments against the bill that was delivered during that long course of hearings.

Here is an introductory sort of statement, Senator MOORE. I have heard about that, and I am glad you are introducing it.

Senator CONNALLY. It is rather voluminous, but still I think it would be helpful to the committee to have it in permanent form and being printed in the record.

Senator MOORE. It will be introduced in the record.

Senator CONNALLY. Thank you, Mr. Chairman.

Mr. ROBERT E. LEE JORDAN (Washington, D. C.). In the Texas-United States of America treaty Texas reserved its submerged land. No navy in the world was able to go out and take those lands away from them. It goes on to recite that they would not assume any obligations.

When California came in she came in differently.

Senator CONNALLY. She came in under the Treaty of Guadalupe Hildaigo. I would not argue the California case particularly. You agree then that the lands in Texas still belong to Texas?

Mr. JORDAN. Absolutely.

Senator CONNALLY. I am glad to hear that.

Of course, if the lands belong to Texas, what is in the lands, the minerals and all the other deposits, go along with it.

Mr. JORDAN. I will have to let Congress or the Supreme Court answer that.

Senator CONNALLY. All right.

I just make the point that applies with those two different situations under which those two States came into the Union.

Senator MOORE. I wanted a copy of that Texas-United States of America treaty you had on the wall. I am going to bring it up here.

Senator CONNALLY. It is not a treaty. It was a joint resolution. The treaty was not ratified. They had a treaty of admission.

Mr. JORDAN. This was ratified and signed.

Senator CONNALLY. That must have been the joint resolution you are talking about. We made a treaty with the United States to join the Union, but it was not ratified.

Then they resorted to the method of joint resolution, and that is the way we came in.

I thank you, Mr. Chairman and the committee.

EXHIBIT 3

STATEMENT OF HON. TOM CONNALLY, A UNITED STATES SENATOR FROM THE STATE OF TEXAS

Senator CONNALLY. Mr. Chairman and gentlemen of the committee, I want first to express my very earnest appreciation of the courtesy that the committee has extended in allowing me to appear here. And I want to be as brief as I possibly can. There are a number of representatives of the State of Texas and its various agencies who are present who will later on develop this matter: The Commissioner of the General Land Office; former Senator Robert A. Stuart, representing certain interests; Mr. McCorkle, of Dallas; Mr. Keys, of Corpus Christi; and others whom I probably have not been able to recall at the moment.

Mr. Chairman, I understand that at the last session of the Congress this committee struck from the then resolution the State of Texas and several of the Thirteen Original States, and some others; and that the present resolution relates only directly, at least, to the State of California.

Of course, I know that California is ably represented and it will take care of its own interests. If the resolution did not have implications, and if it were not based upon a theory which, if adopted, would probably set a precedent for future action, as against the State of Texas, in some other resolution or some other proceeding, I should not ask your indulgence to listen to me today.

While I was very much interested in the presentation by Judge Hobbs, his closing shot clearly set forth that, as to my own particular State, he entertained the hope of doing to Texas what he is undertaking now to do to California. Therefore, I want to express the view at the outset that if the Federal Government owns these oil lands, or these oil deposits, a joint resolution confined simply to a direction to the Attorney General to bring suit would settle the issue.

But that is not the purpose of the proponents of this resolution. The proponents of this resolution have as their purpose first to declare a policy and assert a right as the basis of some judicial action, because, according to my view, if the Federal Government owns these oil deposits beyond the 3-mile limit—if they own them, as has been very clearly pointed out by the gentleman from Kentucky, it does not need assertion. Executive officers and the Attorney General can proceed by going into the courts and have a declaration of title and an adjudication of the rights of the respective parties in interest.

But I want particularly to point out the situation as it relates to the State of Texas and leave largely to others the development of those aspects.

As has been known, of course, by all of you for a great many years, Texas was originally a part of Spain. In 1819, when the United States purchased Florida, it entered into a treaty defining the limitations of the purchase and fixing the boundary between the United States and Spain. And a clause in that treaty reads as follows:

"The United States hereby cede to His Catholic Majesty and renounce forever all their rights, claims, and pretensions to the territories lying west and south of the above-described line."

The above-described line in that particular case was a line from the mouth of the Sabine River out into the Gulf, and down to the mouth of the Rio Grande. I think the record will disclose that.

So that the United States, in settling its business with Spain, recognized Spain's title to all the lands out in the Gulf of Mexico and contiguous to what is now the territory of the State of Texas.

Then when Mexico achieved its independence in 1821, of course, Mexico acquired sovereignty and whatever rights belonged to any nation were acquired by the Republic of Mexico.

Now, by the success of the Texas revolution, in 1836, the Texas Republic was established. Whatever title belonged to the Republic of Mexico, or whatever rights as a government they had obtained, it was acquired by the State of Texas or by the then Republic of Texas.

And the Republic of Texas, by an act of its congress, declared and asserted its right and title to these lands out in the Gulf of Mexico. The Republic of Texas, by act of congress, declared that her jurisdiction extended to the following territory along the seacoast:

"Beginning at the mouth of the Sabine River and running west along the Gulf of Mexico three leagues from land, to the mouth of the Rio Grande."

So, whatever right there was there, whether imaginary or real, declared or undeclared, whether possessed or unpossessed—whatever right there was, was acquired by the Republic of Texas.

When Texas was admitted to the Union in 1845, the joint resolution, you will recall, and you will recall that they first undertook to negotiate for admission into the Union by way of treaty, but the treaty was rejected and then the State was admitted by joint resolution of the Congress. And that joint resolution provided that—

"Said State when admitted into the Union * * * 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, to be disposed of as said State may direct; but in no event are said debts and liabilities to become a charge upon the Government of the United States."

Now, bearing in mind that in the treaty of 1819 with Spain the United States renounced all claim of every kind to these lands; and then bearing in mind that whatever rights any government possessed in them was acquired by the Republic and then by the State of Texas; and then further the express declaration by the Federal Government in the joint resolution of Congress admitting the State of Texas, that Texas retained all of these rights, retained every right and every title, it follows that Texas retained them in and to the lands adjacent to the Gulf coast.

So it seems to me that as a legal proposition it is clear that so far as the State of Texas is concerned, the title is absolutely without any color or claim in the Federal Government; that it is in the State of Texas. And it is somewhat wearisome, no doubt, to the

committee, to have this iterated and reiterated.

But, Mr. Chairman, this resolution is predicated, as I understand it now, upon the theory that beyond the low-water mark there is some sort of an inchoate right in these lands. Well, in the case of Texas, no matter whether they are public or private, or whether the right is inchoate or reduced to possession, whatever right there was belongs now to the State of Texas and to its school fund, under its own act, and under its own power of disposition.

We have no fear of a judicial determination, but we do not think it is quite fair to the State of Texas to have the threat hanging over our heads constantly, as will be asserted by this resolution, that the Federal Government at some future time not only will make this indirect attack made in this resolution, but will make a direct attack on the title of the State of Texas to these submerged or coastal lands and the oil deposits lying thereunder.

Now, as to the question of sovereignty. I do not care to consume your time on that further, because I think most of the members of this committee, in fact all the members of this committee, I am quite sure, thoroughly understand the doctrine of sovereignty.

We have two sovereignties, that of the State and that of the Nation. Each one is within its own particular sphere and within its own particular jurisdiction it is supreme. But the one does not oust the other. The fact that the United States Government is a sovereign Nation and controls navigation and controls fortifications along the coast simply means that its sovereignty applies to its particular jurisdiction, of that character. It is simply an easement to regulate commerce and perform these other functions. But it does not reach the title to or the ownership of land.

Mr. ROSSON. I would like to ask the Senator a question. Suppose the Government should find oil in Kentucky—and it is there, and all the gold, too—and suppose it desired to have that oil. Suppose it could exercise the right of eminent domain and take the oil for the use of the Navy or any other purpose it had in mind. What difference is there between that and the right of the Government to go down into Texas and take the oil there under the right of eminent domain, or in California, or any other place.

Senator CONNALLY. I point out in my statement, along the line of your suggestion, that if there is a question of need of the oil, we would have a perfect right to go out and take anything that the Government may need for the national defense, under the condemnation processes. But in doing so, we must pay just and adequate compensation.

Now, let us assume that the United States Government has the sovereign right to regulate interstate commerce, as it does, everywhere throughout the United States. That commerce passes over somebody's line every day, does it not? Can you deduce from that, because we regulate commerce on the surface of the land, that the United States Government has any right or title to the land or beneath the land? It simply has an easement or a regulatory power to control the currents of commerce.

Mr. WALTER. You take the position then that this resolution is an attempt to establish a right rather than assert one?

Senator CONNALLY. I cannot arrive at any other conclusion from the statement of Judge Hobbs, because if we have the right now, you did not need a resolution. All you have got to do is direct the Attorney General to bring suit. I do not think it would need any direction. It seems to me, under the power of the Attorney General and the Executive to direct him, if he would not move of his own accord, a suit could be brought at any time.

Mr. WALTER. I asked Mr. Hobbs that question and he seemed to feel that under the decision in *Gilman v. Philadelphia* it was necessary where this dormant right had not been asserted, to have a congressional expression.

Senator CONNALLY. While I am not familiar with that case, it looks to me that the filing of a suit is a pretty good assertion, if it is done by the authorized agents of the Government. I think the department itself would probably think that it was an absolute demand.

Mr. MICHENER. Senator, if I recall, when this matter was up last year, the Department of Justice was not sure enough of its ground—and is not sure enough of its ground now—to start this kind of a suit without some declaration on the part of Congress. In other words, the legal department is of the opinion, as I understand it, that the Government did not have such title as would warrant it in starting this proceeding.

Senator CONNALLY. If that be true, would not a simple direction that they bring suit suffice?

Mr. MICHENER. That is what I brought out awhile ago.

Senator CONNALLY. If the committee will bear in mind the closing paragraph of Judge Hobbs' argument, there is something more than simply the testing of this right in the courts. He proposes by this resolution to assert a policy, to assert a right which he says can only be asserted by a declaration of Congress. In other words, it is a sort of a build-up, a little persuasion exercised on the court; a sort of an indication to the court that "we expect you to declare that these lands belong to the United States."

Now, I particularly want to object to section 3, for instance. While this committee last year struck out from the purview of this resolution the Thirteen Original States and the State of Texas, thereby permitting the deduction by implication that the committee had confirmed our rights, yet in this resolution, in section 3, they disclose the ultimate purpose as to all of the States. It is specifically provided here:

"Nor shall this joint resolution nor anything herein contained, nor any inference or deduction which may be drawn herefrom, or from any part hereof, be construed as releasing, waiving, abandoning, disclaiming, or affecting in any way whatsoever any right, title, claim, or interest which the United States of America has, or would otherwise have, to other petroleum deposits and submerged lands or the right to set aside other petroleum deposits and submerged lands elsewhere as naval petroleum reserves or for other purposes."

It seems to me that this language is very revealing. In other words, we are trying it out on California, and if it works, then at some later date we will come along and, as Judge Hobbs says, even as to Texas, they had a right to go out and at least bring suit.

Of course, they have the right to bring suit. But this clear implication was, that even as to Texas, if this policy and this doctrine can be asserted here by a solemn declaration of Congress, then we will go on as to these other States which, for the moment, we are willing to omit. But we will just save them for another time and another day. And that is clearly shown by his statement. The only reason it is restricted to California is that for the moment California is the only place where there is any danger of somebody getting the oil before the United States Government gets it.

Mr. ROSSON. Section 3 makes it clear that in this proceeding the Government is not assuming the right of eminent domain.

Senator CONNALLY. Exactly.

Mr. ROSSON. And section 3 declaring that, as my friend Mr. Michener brought out, why should we say that this oil is necessary for the defense of the country, and so on?

Senator CONNALLY. It seems to me that the language to which you refer is very adroitly drawn for the very purpose of reinforcing what I said a while ago was this declaration of doctrine or policy. In other words, the drafters of this resolution wanted to make it clear that we are not just going out and asserting a right to condemn this property under the right of eminent domain and pay for it, but are asserting a sovereign right, the power of the Federal Government to go out and take it.

And I think that is why, if I may say so, that particular language was inserted there.

Mr. ROSSON. If it belongs to the Government, why should we have to say that it is necessary for the national defense?

Senator CONNALLY. If it belongs to the Government, a suit would determine that matter, I assume, because I assume the courts would do their duty, and if it is Federal property, they would declare it to be Federal property.

Mr. Chairman, I do not want to take up more of the committee's time. I want to say there are representatives here in addition to the ones that I mentioned a while ago of the attorney general's department of my State and a number of other very eminent and able attorneys who will probably ask the indulgence of the committee.

But I did want to put on record our opposition to this resolution. I think if the committee should do anything, if it feels that anything is necessary, it should simply divest this resolution of everything except a straight-out authorization or direction to the attorney general to bring suit; and that is all.

I do not think that the Federal Government ought to declare that something belongs to it when it does not. And I do not think that these implications contained in the resolution and these reservations should be allowed to hang over the heads of the people of my State or the school children of my State.

You can frequently create almost as bad a condition by casting color on a title, by casting a cloud on a title as by bringing suit. We all know how hazardous and how ticklish and how greatly involved is the oil business.

In my State these lands belong to the school fund. Naturally, they want to get all they can for the school fund. But if, by the action of the Federal Government, a cloud is cast on all of these titles, we would have great difficulty in getting people to invest their money to carry out these drilling operations although our title might be just as clear as the daylight sun; because almost everybody is afraid of the Federal power. They realize what a tremendous force it can exert when it determines to do so.

Unless there are some further questions, Mr. Chairman, that completes my statement.

Mr. GWYNNE. Is it not true that whatever right or title there might be in the Federal Government as to this land, it got it from the States originally, did it not?

Senator CONNALLY. Exactly.

Mr. GWYNNE. Where in the Constitution is there anything on which you can suppose or assume that the States gave that right to the Federal Government simply by giving them the right to control navigation?

Senator CONNALLY. As to the Original Thirteen States, and the State of Texas, and perhaps some others, I do not think there is any question whatever about the fact that the States retained all of these rights and privileges, because, as you suggest, there is nothing in the Constitution to indicate that they surrendered that which was theirs when the Constitution was adopted.

Mr. GWYNNE. Do you not think that when the Government acquired new land, they acquired it in trust for the States? They acquired it in trust for the States that were

later created and every State that came into the Union came in on the same basis as the Original Thirteen States; is not that true?

Senator CONNALLY. I cannot quite agree with that. I am as familiar, however, as probably you are, with the history of the various admissions of States into the Union. Of course, when they come in, they are a State. But as to private property, anything of that kind, I can conceive how there might be reservations as there were in the case of the State of Texas. We specifically stipulated that our lands should remain the property of the State of Texas. We could have conveyed them, of course, to the Federal Government. With those exceptions, I think your view is correct.

Mr. TOLAN. As you know, the original Nye resolution of the Senate was introduced, and then it came over here and as you say, it was amended to apply to California alone. I do not know whether the Senator is aware of the fact that this committee at this time is considering a resolution introduced by Congressman O'Connor which is similar to the Nye resolution.

Senator CONNALLY. I knew there was a resolution introduced, but I did not know that the committee was now considering it.

Mr. TOLAN. We are considering both of them.

Senator CONNALLY. My remarks were confined to this particular resolution because it is immediately before this committee, and for that reason I thought I should direct my attention to it.

I want, again, Mr. Chairman, to express my appreciation to the members of the committee and to my distinguished colleague from Texas, Judge Sumners, for their courtesy and for the patience with which they have heard me. I ask your indulgence in giving time, such as the committee feels appropriate, to others from my State who may be here to present their views with regard to this resolution.

Mr. WALTER. Thank you very much, Senator.

Senator CONNALLY. Before I leave, Mr. Chairman, I had prepared a brief statement, only one or two extracts from which did I use in my presentation this morning. May I, with the permission of the committee, make this short statement a part of the record in this hearing?

Mr. WALTER. Without objection, permission to do so is granted.

(The statement referred to, filed by Senator CONNALLY, is as follows:)

"When I realize that the present resolution is confined in its direct effect to the lands of the State of California, yet the original Senate resolution of the last session included tidal or submerged lands in other States of the Union, including those of Texas. While, primarily, I am concerned with the title of the State of Texas to the tidal or submerged lands, I desire to oppose setting the precedent by this resolution which might, in the future, result in a similar attack upon the title of the State of Texas to these lands.

"While I think it was clearly determined by this committee at the last session that Texas has absolute title to tidal or submerged lands along the Gulf coast as a result of which Texas was stricken from the bill, yet I feel it necessary to here reassert and set forth the indisputable title of the State of Texas and its public-school funds to such lands adjacent to the State of Texas.

"By the boundary treaty with Spain in 1819, the United States renounced all claims to the territory which is now the State of Texas, in the following language:

"The United States hereby cede to His Catholic Majesty, and renounce forever, all their rights, claims, and pretensions, to the territories lying west and south of the above-described line."

"The territory now constituting Texas was a part of the Kingdom of Spain and thereafter it became Mexican territory. Upon the success of the Texas Revolution, the Republic of Texas succeeded to the Mexican and Spanish title.

"The Republic of Texas, by act of Congress, declared that her jurisdiction extended to the following territory along the seacoast:

"Beginning at the mouth of the Sabine River, and running west along the Gulf of Mexico three leagues from land, to the mouth of the Rio Grande' (Gammel's Laws 1193, vol. 1 Sayles Early Laws of Texas, art. 257).

"When Texas was admitted to the Union, the joint resolution of the Congress specifically provided that—

"Said State when admitted into the Union * * * 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, to be disposed of as said State may direct; but in no event are said debts and liabilities to become a charge upon the Government of the United States."

"After becoming a State of the Union, Texas, through her legislature, reaffirmed its exclusive right to the jurisdiction over the soil included in the limits of the late Republic of Texas."

"It will thus be seen that the indisputable title to all the coastal submerged lands adjacent to the State of Texas, at least to the extent of the 3-mile limit, is vested in the State of Texas. This title has never been challenged or attacked by the Government of the United States. This committee, by its action at the last session, in striking Texas from the bill, recognized this right. I here, now, strongly urge that the committee take appropriate action to recognize that right and title beyond all question so that it may never, under any color of claim, be attacked or challenged by the Federal Government.

"Even the pending resolution can find no support in the doctrine that under a claim of sovereignty of the United States title to tidal lands may be acquired without just and adequate compensation to the owners under the express terms of the Constitution.

"I submit that this committee should take no action which even, indirectly, might be construed as casting doubt upon the integrity of the title of the State of Texas or other States similarly situated to such tidal or submerged lands."

Mr. WALTER. Last year quite a record was made on this matter and it seems to me that that record ought to be incorporated by reference into these proceedings. In that way we may avoid a great many repetitious statements, statements of those who may come from distant points. I think we ought to confine the remarks made in this hearing to new matter.

The CHAIRMAN (Mr. Sumners of Texas). May I suggest before you put on another witness that it would be a good idea for the committee to determine the procedure for this afternoon. I do not know at this moment what is going to be in the House this afternoon, but I think it well to suggest to the subcommittee chairman that if you do sit this afternoon, someone representing the committee obtain permission from the House for your subcommittee to sit during the session of the House this afternoon.

May I also suggest to the gentlemen who are appearing here in connection with this matter that if they have not already done so, they should arrange to have somebody act as sponsor in introducing the various witnesses. I think that would facilitate the hearings.

Mr. WALTER. I think Mr. Tolan of California knows everyone who is here and could very probably arrange the order of the appearance of the witnesses.

Mr. McLAUGHLIN. Is it possible to get an idea of how much longer we are going to sit this morning, Mr. Chairman?

Mr. WALTER. There is present, I think, a representative from the Navy Department, and I think it would be well to hear the proponents this morning so that the opponents may be aware of the position taken by them, including the position of the Navy Department. I think if the representative of the Navy Department is here, we ought to hear him at this time.

Senator CONNALLY. Mr. Chairman, may I add this: Senator Sheppard, my colleague, would have been here with me today but for the fact that he is out of the city. I want to speak for him as well as myself in expressing his interest in this matter.

Mr. WALTER. Thank you.

Mr. CHANDLER. Mr. Chairman, as I understand, it is the plan of the committee to incorporate by reference in the hearings, the hearings previously held in February of 1938.

Mr. WALTER. That is right.

Mr. CHANDLER. If anyone wishes to make any corrections in his previous testimony, I imagine that it would be proper for him to do so; or, somebody might want to take something back.

Mr. WALTER. That is quite true. If the representative from the Navy Department is present, we shall hear him at this time.

MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions:

H. R. 648. An act to record the lawful admission for permanent residence of aliens Max Mayer Hirsch Winzelberg and Mrs. Jenty Fuss De Winzelberg;

H. R. 748. An act for the relief of Basil Vasso Argyris and Mrs. Aline Argyris;

H. R. 773. An act for the relief of Mering Bichara;

H. R. 827. An act for the relief of Doctor Manuel J. Casas and Mrs. Julia Nakpil Casas;

H. R. 1043. An act to provide for medical services to non-Indians in Indian hospitals, and for other purposes;

H. R. 1234. An act for the relief of Mrs. Selma Cecelia Gahl;

H. R. 1416. An act for the relief of Giuseppe Valdengo and Albertina Gioglio Valdengo;

H. R. 1446. An act for the relief of Calcedonio Tagliarini;

H. R. 1828. An act for the relief of Maria Szentgyorgyi Mayer;

H. R. 1831. An act to admit Luigi Morelli to the United States for permanent residence;

H. R. 1857. An act for the relief of James Yao;

H. R. 2283. An act for the relief of Setsuko Yamashita, the Japanese fiancée of a United States citizen veteran of World War II, and her son Takashi Yamashita;

H. R. 2775. An act for the relief of Annelese Barbara Vollrath and Mrs. Margarete Elise Vollrath;

H. R. 2833. An act for the relief of Rudolf Bing and Nina Bing;

H. R. 2923. An act for the relief of Adelaida Reyes;

H. R. 3144. An act relating to certain construction cost adjustments in connection with the Greenfields division of the Sun River irrigation project, Montana;

H. R. 3153. An act for the relief of Signa Angela Maino Cristallo;

H. R. 3374. An act for the relief of Mrs. Lourdes Augusta Pereira Ladeira Rose;
 H. R. 3847. An act to authorize the Secretary of the Interior to issue to school district No. 28, Ronan, Mont., a patent in fee to certain Indian land;
 H. R. 4010. An act for the relief of William Grant Braden, Jr.;
 H. R. 4268. An act for the relief of Elvira Zachmann;
 H. R. 4467. An act to incorporate the Conference of State Societies, Washington, D. C.;
 H. R. 4798. An act to amend the Hawaiian Organic Act relating to qualifications of jurors;
 H. R. 5347. An act for the relief of Fusako Terao Scogin;
 H. R. 5389. An act for the relief of Ching Wong Keau (Mrs. Ching Sen);
 H. R. 5558. An act for the relief of Anna Maria Krause;
 H. R. 5598. An act to authorize the Administrator of Veterans' Affairs to convey a parcel of land to the Mount Olivet Cemetery Association, Salt Lake City, Utah;
 H. R. 5951. An act to add certain owned land to the Mound City Group National Monument, in the State of Ohio, and for other purposes;
 H. R. 6065. An act for the relief of Patrick J. Logan;
 H. R. 6242. An act to restore certain land to the Territory of Hawaii and to authorize said Territory to exchange the whole or a portion of the same;
 H. J. Res. 108. Joint resolution providing for recognition and endorsement of the International Trade Fair and Inter-American Cultural and Trade Center in New Orleans, La.; and
 H. J. Res. 363. Joint resolution to provide for the presentation of the Merchant Marine Distinguished Service Medal, to Henrik Kurt Carlsen, master, steamship *Flying Enterprise*.

MINERAL LEASES ON CERTAIN SUBMERGED LANDS

The Senate resumed the consideration of the joint resolution (S. J. Res. 20) to provide for the continuation of operations under certain mineral leases issued by the respective States covering submerged lands of the Continental Shelf, to encourage the continued development of such leases, to provide for the protection of the interests of the United States in the oil and gas deposits of said lands, and for other purposes.

Mr. KNOWLAND. Mr. President, I desire to read into the RECORD at this point several telegrams and letters which I have received from the State of California apropos of the amendment offered by the Senator from Alabama for himself and several other Senators, dealing with the setting aside of certain funds under Senate Joint Resolution 20 for educational purposes. The first one which I desire to read is a telegram dated March 17, 1952, and reading as follows:

NATIONAL CITY, CALIF.,
 March 17, 1952.

Senator WILLIAM F. KNOWLAND,
 Senate Office Building, Washington, D. C.:
 Governing board of National School District at regular meeting March 12 took formal action opposing any oil for education amendment to Senate Joint Resolution 20 and urges its defeat. Will appreciate any action opposing such legislation. Our district non-beneficiary of any revenues from oil tideland.

GOVERNING BOARD OF NATIONAL
 SCHOOL DISTRICT.

I have here a letter from H. H. Stabbert, president, board of education, Ana-

heim City School District, which reads as follows:

ANAHEIM SCHOOL DISTRICT,
 Anaheim, Calif., March 14, 1952.
 The Honorable WILLIAM F. KNOWLAND,
 United States Senator,
 Tribune Tower, Oakland, Calif.

DEAR SENATOR KNOWLAND: The board of education of the Anaheim city school district wishes to commend to you a resolution adopted by the California State Board of Education on February 28, 1952, opposing the enactment of the United States Senate Joint Resolution 20, popularly known as Oil for Education.

The members of our board feel that the sentiment expressed in this resolution should be supported by all of our California citizens. Sincerely yours,

H. H. STABBERT,
 President, Board of Education,
 Anaheim City School District.

The resolution referred to in the foregoing letter reads, as follows:

Whereas there are pending in the Congress of the United States resolutions designated respectively as House Resolution 4484 and Senate Resolution 940 that recognize the rights of the States of the Union to the ownership of submerged lands and provide for the relinquishing of those lands to the States respectively entitled thereto; and

Whereas the passage of such legislation is seriously endangered by the introduction of an amendment to Senate Joint Resolution 20, popularly referred to as the "oil for education amendment," which would provide for the application of a portion of the royalties derived by the Federal Government from these lands to grants in aid to the States for public education; and

Whereas the question of Federal aid to education has no proper relationship to the question of the title to submerged lands, and it is not proper to offer any part of the royalties derived from such lands in order to obtain support for or opposition to legislation relating to the title to lands; and

Whereas the State of California and others contend that the Federal Government is not the rightful owner of these lands and therefore that it has no right, legal, or moral, to receive royalties from their use or to offer those royalties to education or otherwise: It is hereby

Resolved by the California State Board of Education, That—

1. It opposes and condemns any oil for education amendment to Senate Joint Resolution 20 and urges its defeat.

2. It believes that the question of the ownership of submerged lands should be decided honestly and on its own merits.

3. This resolution shall be printed in California Schools and copies of the resolution shall be sent to all local school boards in California and to the National Education Association in Washington, D. C., and to all other State boards of education.

Mr. President, I should also like to invite the attention of the Senate to the fact that in the speech delivered by General MacArthur at Jackson, Miss., there is one paragraph related to the question of dealing with tidelands, which reads as follows:

Of possibly most immediate concern to the South has been the manner in which this Federal autocracy has sought by the unconstitutional assumption of authority and power of inordinate taxation to seize or suppress the sovereign powers expressly reserved to the States. Efforts to sequester their tideland resources or to regulate their purely local social problems are among the many recent incidents.

Mr. President, I ask unanimous consent to have printed in the body of the RECORD, as a part of my remarks, a letter addressed to Members of the Senate of the United States by the Massachusetts Bar Association, Boston, Mass., and also a copy of a resolution adopted by the Massachusetts Bar Association relative to the importance of the restoration of title to the several States.

There being no objection, the letter and resolution were ordered to be printed in the RECORD, as follows:

MASSACHUSETTS BAR ASSOCIATION,
 Boston, Mass., March 10, 1952.
 To the Honorable Members of the Senate of the United States:

DEAR SIRS: I understand that the so-called tidelands matter is to come up for action in the Senate in the near future. The executive committee of the Massachusetts Bar Association has twice circularized Congress to protect Massachusetts and the other States by the passage of an act reaffirming the title of the States. I enclose a copy of the resolution of May 16, 1951.

The question arises from the six-to-two opinion of the Court in the *California Case* (322 U. S.) which was reduced to a minority-majority of four to three in the Texas case. These opinions clouded the titles of property in all the States.

None of the original 13 States were parties to that litigation. Neither Massachusetts nor any of the original States have had a day in court to defend the titles of their citizens to property acquired by the Colonies before the United States was born, against a Federal attack after a lapse of about 150 years during which their title was repeatedly recognized.

The history of the title of Massachusetts was set forth at length in the Massachusetts Law Quarterly for March 1950 and May 1951. The Federal Government has never acquired anything from Massachusetts for light-houses or other purposes except by express cession.

While many seem to think the issue is one of oil on the coast of California and the Gulf States, it is not. We have no oil in Massachusetts. We are concerned because the opinions strike not only at all land titles but at the structure of American Government and the rights of citizens throughout the Nation.

I send you herewith a copy of the Massachusetts Law Quarterly for December in which the matter is discussed on pages 24-25; see also pages 22-23. There is no difference between oil on the coast and oil in an inland State. As the opinion of Justices Reed, Frankfurter, and Minton in the Texas case, shows the reasoning in the majority opinions would apply to all property in the country, and as Governor Warren points out in the Saturday Evening Post of January 7, the Federal Government appears to be so applying it in California (see Quarterly, pp. 26-32, at p. 32).

The Solicitor General stated before the Senate committee that in his opinion the Government could take without compensation all the oysters and clams on the Maryland coast. That seems to mean that the Federal Government could take over all the control of fishing on the New England coast and the reasoning of the opinions would authorize them to take all the crops and everything else in every State without compensation.

Neither Massachusetts, Virginia, or the other States would have ratified the Constitution if any such centralized power over the property of its owners had been contemplated. I submit that the record of the ratifying convention in Massachusetts, the

largest of all, by far, demonstrates this historic fact and the reason for the tenth amendment which was proposed to that convention by John Hancock.

Yours respectfully,

FRANK W. GRINNELL,
Secretary, Massachusetts Bar Association.

The President of the United States and the Honorable Members of the Senate and of the House of Representatives of the United States:

As members of the executive committee of the Massachusetts Bar Association we respectfully submit for your consideration the following resolution (adopted May 16, 1951):

Samuel P. Sears, president; Reuben Hall, vice president, Newton; Thomas M. A. Higgins, Lowell; Paris Fletcher, Worcester; Fredric S. O'Brien, Lawrence; Bennett Sanderson, Littleton; Frederick M. Myers, Pittsfield; Inez Di Persio, Belmont; Fletcher Clark, Jr., Middleboro; William B. Sleight, Jr., Marblehead; Frank W. Grinnell, secretary, Boston.

"RESOLUTION ON TIDELANDS

"Whereas Massachusetts received title to its submerged sea lands from the English Crown by the Colony Charter of 1629 subject to certain reserved rights of the crown, and said title and that of persons holding thereunder were confirmed by the crown by the Province Charter of 1692 and all reserved rights of the crown were released and ceded to the commonwealth by the Definitive Treaty of 1783 and protected by the Constitution of the United States, especially by the tenth amendment, and were recognized by the Supreme Court of the United States in *Harcourt v. Gaillard* (12 Wheat., 524), and many other cases as specifically set forth and explained in the Massachusetts Law Quarterly for March 1950; and

"Whereas by chapter 289 of the acts of 1850 (now sec. 3 of ch. I of the General Laws of Massachusetts) the Territory was specifically defined as follows:

"Sec. 3. The territorial limits of the Commonwealth shall extend one marine league from its seashore at extreme low water mark. If an inlet or arm of the sea does not exceed two marine leagues in width between its head lands, a straight line from one headland to the other shall be equivalent to the shore line; and

"Whereas the United States never acquired any title to the submerged sea lands of Massachusetts, one of the original 13 States, except by express cession, but the Supreme Court of the United States, in recent cases to which Massachusetts was not a party, has confirmed a claim of the United States to such submerged sea lands of all of the original 13 States and thus clouded the title of Massachusetts land, which claim is called 'paramount rights in and power and dominion over' the sea lands 'an incident to which is full dominion over the resources of the soil under that water area.' (See *U. S. v. California* (332 U. S. at p. 38)), and these 'rights' are asserted to transcend those of 'a mere property owner' (see p. 29): Now, therefore, the members of the executive committee of the Massachusetts Bar Association urge upon the Congress the passage of pending legislation to confirm the rights and title of Massachusetts within its historic boundaries."

This resolution supplements the memorial of the Massachusetts Legislature of March 18, 1948 (partly reprinted in the Massachusetts Law Quarterly for March 1950) and the resolution of this committee in support of similar legislation then pending in Congress, which was sent to the President and all Members of Congress in April 1949.

Mr. KNOWLAND. Finally, Mr. President, I ask unanimous consent to have

printed in the body of the RECORD as a part of my remarks, a copy of the brief regarding the effect of an assertion or exercise of jurisdiction by California over coastal waters, in the absence of any action by the United States, which was filed in the proceedings before the special master, Hon. William H. Davis.

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

BRIEF REGARDING THE EFFECT OF AN ASSERTION OR EXERCISE OF JURISDICTION BY CALIFORNIA OVER COASTAL WATERS, IN THE ABSENCE OF ANY ACTION BY THE UNITED STATES

At the close of the hearing in Washington, D. C., on February 22, 1952, the special master asked both parties to file briefs on March 17, 1952, on the effect of acts constituting an assertion of jurisdiction by California over certain coastal water areas, in the absence of any formal action by the United States with regard to those waters.

This question arises in part because plaintiff concedes that there may be historical exceptions to the narrow policy regarding inland waters which it claims that the United States has adopted (transcript, p. 27). The letter from the State Department dated November 13, 1951, which is claimed by plaintiff to state the policy of the United States, makes the following reservation with respect to historic waters:

"In connection with the principles applicable to bays and straits, it should be noted that they have no application with respect to the waters of bays, straits, or sounds, when a State can prove by historical usage that such waters have been traditionally subjected to its exclusive authority. The United States specifically reserved this type of case at the Hague Conference of 1930. (Acts of Conference, 197.)"

It is emphasized that these historic exceptions are exceptions to the alleged policy of the United States, not exceptions to the general rules of international law. The Anglo-Norwegian decision seems to make it clear that the base lines advocated by California are well within the limits of international law.

It should also be noted that California believes that historical evidence of actions by California has a broader relevance than its use in the establishing of historic exceptions to the alleged policy of the United States. At the proper time California will show that such historical data establish that the coastal segments are inland waters within the limits of international law and should be so recognized by the special master.

Without conceding that this alleged policy stated in the State Department letter has been adopted by the United States, California will attempt to show in these proceedings that the coastal segments under consideration here do constitute historic exceptions to this policy. The master's determination as to whether there are such historic exceptions will be made on the same basis as if this were a proceeding before an international tribunal between the United States and a foreign nation. In this brief California will demonstrate that the effect on this determination of an assertion or exercise of jurisdiction by the State of California, which is within the limits of international law and which is made in the absence of any action by the United States, should be and is the same as if the action had been taken by the United States.

It may be useful to give illustrations of the assertions and exercises of jurisdiction that have been made by California. The California constitution of 1849 provides that "all the islands, harbors, and bays along and adjacent to the coast" shall be included within the boundaries of the States (art. XII, sec.

1).¹ In interpreting this constitutional provision, the California Supreme Court has held that Monterey Bay from Point Santa Cruz to Point Pinos is within the boundaries of California and that California can exercise jurisdiction by enforcing its fishing laws in the waters of the bay (*Ocean Industries, Inc. v. Superior Court* (200 Cal. 235; 252 Pac. 722)). It has also been held by the California Supreme Court that Santa Monica Bay from Point Vicente to Point Dume is within the boundaries set forth in the constitution and that California can exercise jurisdiction by enforcing its gambling laws in the waters of this bay. (*People v. Stralla* (14 Cal. 2d 617, 96 P. 2d 941).) It is with the legal effect of these and other actions that this brief is concerned.²

CALIFORNIA'S ASSERTIONS AND EXERCISES OF JURISDICTION OVER INLAND WATERS ARE VALID UNDER OUR FEDERAL SYSTEM

In considering the effect of assertions and exercises of jurisdiction by California, we must first determine whether they are valid as a domestic matter within our Federal system. In *Manchester v. Massachusetts* (139 U. S. 240 (1891)), the United States Supreme Court had before it a situation which closely parallels the assertions of jurisdiction that have been made by California. The public statutes of Massachusetts provide that "when an inlet of the sea does not exceed two marine leagues in width between its headlands," the boundary of the State is "a straight line from one headland to the other." Massachusetts sought to enforce in Buzzard's Bay its statutes regulating fishing which were confined by their terms to waters "within the jurisdiction of this Commonwealth." Manchester challenged the enforcement of the regulatory statutes on the grounds that the waters of the bay were beyond the jurisdiction of Massachusetts. He argued that jurisdiction over the waters of the bay rested "upon rights of sovereignty inseparably connected with national character" and thus was exclusively vested in Congress.

The Supreme Court explicitly upheld the authority of Massachusetts to define its boundaries so as to bring within its jurisdiction such inland water areas as Buzzard's Bay. The Court said:

"Within what are generally recognized as the territorial limits of States, by the law of nations, a State can define its boundaries on the sea and the boundaries of its counties; and by this test the Commonwealth of Massachusetts can include Buzzard's Bay within the limits of its counties."

As this question indicates, the only restriction placed by the Court on the State's power to assert jurisdiction over inland waters was that the assertion must not exceed the limits of international law. The Court went on to hold that in the absence of any conflicting Federal regulation, Massachusetts could exercise its jurisdiction over the bay by enforcing its statutes regulating fishing.

The validity of the ruling in *Manchester v. Massachusetts* that a State can assert and exercise jurisdiction over inland waters is recognized by the Supreme Court in the decision on the merits in the case now before the master (*United States v. California* (332 U. S. at 37)). The Court distinguished the Manchester case on the ground that it did not involve the open sea, but the Court indicated that it approved the holding that Massachusetts could assert jurisdiction and

¹ It is significant that the act admitting California to the Union recited that the California constitution "was submitted to Congress by the President," and that it was accepted by the Congress.

² Since this brief is concerned with the legal effect of assertions or exercises of jurisdiction by California, no attempt has been made to present here an exhaustive compilation of such actions.

regulate fishing in the inland waters of Buzard's Bay.

Manchester v. Massachusetts thus makes it plain that California was fully warranted in asserting and exercising jurisdiction over the inland waters along its coasts. In the light of the Anglo-Norwegian decision, it is apparent that the inland waters claimed by California do not exceed the limits laid down in international law. Moreover, *Manchester v. Massachusetts* clearly indicates that California was justified under our Federal system in asserting and exercising jurisdiction of these inland waters.

The right of a State to assert and exercise jurisdiction over its coastal inland waters in the absence of conflicting Federal action was confirmed and reiterated in the recent decision of the Supreme Court in *Toomer v. Witsell* (334 U. S. 385 (1948)). This case involved the validity of a South Carolina statute regulating shrimp fishing not only in the inland waters of that State but also in the 3-mile marginal belt off the shore (334 U. S. at 389, note 9). The appellants in that case challenged the South Carolina statutes on the ground that the State had no jurisdiction over the coastal waters. They relied on *United States v. California* to support their position. The Court rejected this contention, however, and upheld the statute because it found no conflict between South Carolina's regulatory scheme and any assertion of Federal power.

It is not possible to discount the action of a State with regard to inland waters or a Supreme Court decision approving such action by arguing that it is limited to a regulation of fishing. The control and regulation of fishing is precisely the sort of an assertion of jurisdiction which gives rise to historic rights. This is indicated by emphasis placed in the Anglo-Norwegian decision (p. 142) on the historic evidence of the issuance of fishing licenses by Norway. It is also shown by Judge Hsu Mo's opinion which took a narrow view as to the relevant historical evidence but which acknowledged that: "As for prohibition by the Norwegian Government of fishing by foreigners, it is undoubtedly a kind of State action which militates in favor of Norway's claim of prescription" (p. 142).

It is important to recognize that California's assertion and exercise of jurisdiction over its inland waters is sharply distinguishable from the boundary extensions which were considered in *United States v. Louisiana* (339 U. S. 699, at 705-706), and *United States v. Texas* (339 U. S. 707, at 720). Louisiana and Texas made no attempt to limit their assertion of jurisdiction to their inland waters. By attempting to extend their boundary far seaward of the inland waters and even seaward of the marginal belt, Louisiana and Texas sought to assert jurisdiction over a portion of the international domain, where foreign nations have rights and where protection and control is a function of national external sovereignty. (*United States v. Texas* (339 U. S. at 719); *United States v. California* (332 U. S. at 34-36).) No such problem is presented by California's action. California's assertion of jurisdiction has been limited to the waters which can be designated as inland waters under international law. Since inland waters are the sole and exclusive concern of the adjacent nation, their control is an internal matter to be adjusted between the State and the Federal Government. As *Manchester v. Massachusetts* and the cases following it demonstrate, California was fully justified under our Federal system in asserting jurisdiction over inland waters and in exercising jurisdiction over them in the absence of conflicting Federal regulation.

AN ASSERTION VALID UNDER OUR FEDERAL SYSTEM MUST BE RECOGNIZED IN INTERNATIONAL LAW

We said earlier that the master's task is to determine whether the coastal segments

are historic exceptions to the alleged policy adopted by the United States and that this determination must be made on the same basis as if this were a proceeding before an international tribunal between the United States and a foreign nation. In determining the effect of an assertion or exercise of jurisdiction by California under those circumstances, it is important to bear in mind the basic facts of our Federal system. In our dual system of government * * * the States are sovereign, save only as Congress may constitutionally subtract from their authority (*Parker v. Brown* (317 U. S. 341, 351 (1943))). Any extension of Federal control into these traditional local domains is a delicate exercise in legislative policy (*Davis Warehouse Co. v. Bowles* (321 U. S. 144, 155 (1944))). Even though a State's action will have some incidental or indirect effect in foreign countries, it is not invalid for that is true of many State laws which none would claim cross the forbidden line. (*Clark v. Allen* (331 U. S. 503, 517 (1947)).)

In view of these facts, there can be no doubt that if an assertion or exercise of jurisdiction by California is valid under our Federal system, it would be treated by an international tribunal or a foreign nation as fully efficacious in creating historical rights. It is a matter of indifference under international law whether the Federal Government or a State government has authority to assert and exercise jurisdiction over inland waters under our Federal system. The adjustment of powers within our Federal system is of national, not international, concern. The fact of significance for purposes of international law is that there has been an assertion of exercise of jurisdiction which is valid under our Federal system.

Since the act of one of the constituent States, if valid and proper under our Federal system, is effective under international law, the conclusion must follow that the assertion of jurisdiction by a State must be recognized in determining whether the coastal segments are historic inland waters. In short, the master should consider an assertion and exercise of jurisdiction by California as having the same effect as an act by the United States.

STATE ACTION WITH REGARD TO DELAWARE AND CHESAPEAKE BAYS

In the United States, Delaware and Chesapeake Bays are the standard examples of "historic waters." They have been so referred to by the plaintiff in this case (transcript, p. 27). Consequently, it will be useful to consider the facts which have caused these bays to be recognized as historic inland waters.

Delaware Bay's status as inland waters was recognized in 1793 in an incident in the war between France and Great Britain. A French vessel captured an English brig in Delaware Bay and England demanded the release of the brig on the ground that it had been seized in the neutral waters of the United States. Attorney General Randolph of the United States concluded that Delaware Bay was part of the neutral waters of the United States and thereafter the French complied with the British demand. The significant point in connection with the issue discussed in this brief is that in determining that Delaware Bay is part of the inland waters of the United States, Attorney General Randolph relied heavily upon the fact that the entire bay was within the boundaries of the States of New Jersey and Delaware. (1 Moore's International Law Digest, p. 738.) Moreover, Attorney General Randolph also pointed out that Chesapeake Bay "for the length of the Virginia territory is subject to the process of several counties to any extent" and he emphasized that if Delaware Bay were not held to be inland waters, Chesapeake Bay would likewise be beyond the control of the United States.³

The decision which confirmed the status of Chesapeake Bay as part of the inland waters of the United States also relies on the fact that that bay is within the boundaries of individual States of the United States.

The question of the status of Chesapeake Bay came before the Court of Commissioners of Alabama Claims in 1885 in the case of *Stetson v. United States*, which involved the destruction of the ship *Alleganenan* by the Confederate Navy. In holding that Chesapeake Bay was not part of the "high seas" within the meaning of that term as used in the Act of June 5, 1872, but was instead wholly within the territorial jurisdiction of the United States, the Court emphasized that "the boundary lines of adjacent States encompassed it" (Scott and Jaeger, Cases on International Law, pp. 297, 302).

These decisions concerning the recognized historical waters of Delaware and Chesapeake Bays make it clear that the inland character of these waters is based in a substantial part on the fact that the individual States have asserted jurisdiction over these waters. The fact that California has asserted and exercised jurisdiction over various inland waters should be considered equally effective in establishing that the waters claimed by the State of California are historical inland waters.

DISCUSSION OF CERTAIN COMMENTS BY MASTER IN REQUESTING THIS BRIEF

California now wishes to advert to two comments made by the special master in requesting this brief. The first was the special master's statement that there is as yet no evidence of any assertion of jurisdiction by the United States over the coastal segments which California claims to be inland waters (master's memorandum of February 22, 1952, p. 1). The master's statement appears not to consider *United States v. Carrillo* (13 F. Supp. 121) (S. D. Cal. 1935), which California mentioned earlier in the hearings (transcript, p. 124) and which was discussed in detail in California's brief of July 31, 1951 (pp. 76-79, 112-114). This case involved a prosecution by the United States against Carrillo and others under an indictment charging in four counts that the defendants had committed acts of piracy and robbed and plundered a gambling ship in violation of Federal statutes. The case was brought by the United States Attorney and the trial was held in a Federal district court. Federal District Judge Stephens held that the vessel was anchored in the inland waters of San Pedro Bay. Therefore, he ruled that the counts of the indictment charging piracy on the high seas and breaking and entering a vessel must be dismissed but that the court had jurisdiction of counts charging plundering of vessel and attacking vessel with intent to plunder. This prosecution by the United States under Federal criminal statutes and the decision by a Federal court clearly constitute an assertion and exercise of jurisdiction by the United States over San Pedro Bay.

The second comment by the special master which we wish to refer to is his statement that he believes that testimony with regard to historical usage and occupancy

³ In holding Delaware Bay to be within the inland waters of the United States, Attorney General Randolph also relied on the fact that "under former and present governments, the exclusive jurisdiction has been asserted." This indicates that in determining the historical status of a water area, it is proper to take into account not only the assertions of jurisdiction of the present Government but also of the predecessor nations. In California this means that any assertions of jurisdiction over the coastal waters by Mexico or Spain should be considered.

is not relevant on the question of historical waters and that it is relevant only on the question of the criteria which would influence him if he were persuaded that he should fix the base line. (Master's memorandum of February 22, 1952, p. 3.) The master's view in this regard was based primarily on the following statement in Judge Hsu Mo's separate opinion in the Anglo-Norwegian case:

"As far as the fishing activities of the coastal inhabitants are concerned, I need only point out that individuals, by undertaking enterprises on their own initiative, for their own benefit and without any delegation of authority by their government, cannot confer sovereignty on the State, and this despite the passage of time and the absence of molestation by the people of other countries" (p. 157).

Examination of Judge Hsu Mo's separate opinion will show that while much of the opinion is a concurring statement, the remark quoted might be taken as a view, dissenting from the position taken in the majority opinion. Although Judge Hsu Mo concurred in the Court's holding that the straight line method used in the 1935 Norwegian decree was not contrary to international law, he felt, contrary to the view of the majority of the court, that the base line between Points 11 and 12 traversing Svaerholtvet and the base line between Points 20 and 21 traversing LoppHAVET did not follow the general direction of the coast line. Since the majority opinion also held that the base line traversing LoppHAVET was justified on historical grounds, Judge Hsu Mo also considered the question whether the two base lines which he felt did not follow the general direction of the coast line might be justified on historical grounds. He concluded, however, that Norway had not established historic title to the water enclosed by these base lines. It was in stating this dissenting view that Judge Hsu Mo made the statement quoted above, which was relied upon by the special master.

Contrary to the position taken by Judge Hsu Mo, the majority opinion in the Anglo-Norwegian case indicates that historical usage and occupancy are relevant in establishing a historical title to waters. The majority pointed out that even if the LoppHAVET base line were a deviation from the direction of the coast line, the "Norwegian Government has relied upon a historic title clearly referable to the waters of LoppHAVET" (p. 142). After discussing the historical evidence with regard to LoppHAVET, the court said that traditional rights in an area which are "founded on the vital needs of the population and attested by very ancient and peaceful usage, may legitimately be taken into account" (p. 142) in determining what are a nation's inland waters. This reference to "ancient and peaceful usage" seems to make it clear that evidence of such usage and occupancy is highly relevant in establishing the existence of historical inland waters.⁴

⁴It seems clear that by agreeing with Judge Hsu Mo's statement that individuals cannot confer sovereignty by undertaking activities on their own, Judge Manley O. Hudson did not intend to indicate that evidence of historical usage and occupancy is irrelevant in connection with the establishment of historic waters. Judge Hudson apparently construed Hsu Mo's remark to indicate that individuals on their own initiative could not establish jurisdiction for their nation over a distant, unclaimed area which is not sufficiently closely linked with the land domain to enable the adjacent nation to claim it as inland waters under international law. That this was Judge Hudson's construction is shown by his reference to the case of an unauthorized exploration of Antarctica which he said would create no rights for the United States (Tr. pp. 81-2). Judge Hudson's views were not di-

The view that historical use and occupancy are persuasive in showing that a water area is historical inland water is in full accordance with long established international law. A few examples will bear this out. Article III adopted by the Institute of International Law in 1894 stated that bays would be territorial waters if they were less than 12 miles wide "unless a continued usage of long standing has sanctioned a greater width. In the Stockholm resolutions of 1898 the institute adopted a 10-mile width for bays unless international usage has sanctioned a greater width. In 1926 the International Law Association adopted the provision that each maritime State shall exercise territorial jurisdiction at sea within the limits hereinafter provided and not further, save to the extent that jurisdiction is conferred * * * by occupation or established usage generally recognized by nations. The American Institute of International Law qualified its clause concerning bays by the statement "unless a greater width shall have been sanctioned by continued and well-established usage." (Draft No. 10, art. 6.) The basis of discussion for the 1930 conference at The Hague provided that the belt of territorial waters shall be measured from a straight line drawn across the entrance of a bay, whatever its breadth may be, if by usage the bay is subject to the exclusive authority of the coastal State: the onus of proving such usage is upon the coastal State.

These examples confirm what the majority opinion in the Anglo-Norwegian decision indicates: Long established usage and occupancy are an important factor in the establishment of a historical title to a water area. Consequently, California believes that the master should give full weight to evidence of usage, occupancy, and recognition in determining whether the coastal segments are historic waters.

Dated March 14, 1952.

Respectfully submitted.

EDMUND G. BROWN,
Attorney General of the State of California,

EVERETT W. MATTOON,
Assistant Attorney General of the State of California,

FRANK J. MACKIN,
Assistant Attorney General of the State of California,
Counsel for California.

Mr. HILL. Mr. President, I ask unanimous consent to have printed in the body of the RECORD the opinion of the Court in the Texas case.

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

UNITED STATES V. TEXAS (339 U. S. 707)—
No. 13, ORIGINAL—ARGUED MARCH 28, 1950;
DECIDED JUNE 5, 1950

1. In this suit, brought in this Court by the United States against the State of Texas under article III, section 2, clause 2, of the Constitution, held: The United States is entitled to a decree adjudging and declaring the paramount rights of the United States as against Texas in the area claimed by Texas which lies under the Gulf of Mexico beyond the low-water mark on the coast of Texas and outside the inland waters, enjoining Texas and all persons claiming under it from continuing to trespass upon the area in violation of the rights of the United States, and requiring Texas to account to the United States for all money derived by it from the area after June 23, 1947 (pp. 709-720).

ected to the sharply distinguishable situation of long usage and occupancy in a coastal area which a nation is entitled to claim under the principles of international law enunciated in the Anglo-Norwegian decision.

2. Even if Texas had both dominium and imperium in and over this marginal belt when she existed as an independent republic, any claim that she may have had to the marginal sea was relinquished to the United States when Texas ceased to be an independent nation and was admitted to the Union on an equal footing with the existing States pursuant to the joint resolution of March 1, 1845 (5 Stat. 797) (pp. 715-720).

(a) The equal-footing clause was designed not to wipe out economic diversities among the several States but to create parity as respects political standing and sovereignty (p. 716).

(b) The equal-footing clause negatives any implied, special limitation of any of the paramount powers of the United States in favor of a State (p. 717).

(c) Although dominium 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 (p. 719).

(d) If the property, whatever it may be, lies seaward of low-water mark, its use, disposition, management, and control involve national interests and national responsibilities, thereby giving rise to paramount national rights in it. (*United States v. California* (332 U. S. 19.) (P. 719.)

(e) The equal-footing clause prevents extension of the sovereignty of a State into the domain of political and sovereign power of the United States from which the other States have been excluded, just as it prevents a contraction of sovereignty which would produce inequality among the States (pp. 719-720).

3. That Texas in 1941 sought to extend its boundary to a line in the Gulf of Mexico 24 marine miles beyond the 3-mile limit and asserted ownership of the bed within that area and in 1947 sought to extend the boundary to the outer edge of the continental shelf do not require a different result. (*United States v. Louisiana*, ante, page 699. (P. 720.)

4. The motions of Texas for an order to take depositions and for the appointment of a special master are denied, because there is no need to take evidence in this case (pp. 715, 720).

5. In ruling on a motion by the United States for leave to file the complaint in this case (337 U. S. 902, and on a motion by Texas to dismiss the complaint for want of original jurisdiction (338 U. S. 806), this Court, in effect, held that it had original jurisdiction under article III, section 2, clause 2 of the Constitution, even though Texas had not consented to be sued (pp. 709-710).

The case and the earlier proceedings herein are stated in the opinion at pages 709-712. The conclusion that the United States is entitled to the relief prayed for is reported at page 720.

Solicitor General Perlman argued the cause for the United States. With him on the brief were Attorney General McGrath, Assistant Attorney General Vanech, Arnold Raum, Oscar H. Davis, Robert E. Mulrone, Robert M. Vaughan, Frederick W. Smith, and George S. Swarth.

Price Daniel, Attorney General of Texas, and J. Chrys Dougherty, Assistant Attorney General, argued the cause for the defendant. With them on the brief were Jesse P. Luton, Jr., K. Bert Watson, Dow Heard, Walton S. Roberts, Claude C. McMillan, Fidencio M. Guerra, and Mary K. Wall, assistant attorneys general, and Roscoe Pound and Joseph Walter Bingham.

Mr. Justice Douglas delivered the opinion of the Court.

This suit, like its companion, *United States v. Louisiana*, ante, page 699, decided this day, invokes our original jurisdiction under article III, section 2, clause 2 of the Constitution and puts into issue the conflict-

ing claims of the parties to oil and other products under the bed of the ocean below low-water mark off the shores of Texas.

The complaint alleges that the United States was and is "the owner in fee simple, or 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 on the east and southwest, respectively, by the eastern boundary of the State of Texas and the boundary between the United States and Mexico."

The complaint is in other material respects identical with that filed against Louisiana. The prayer is for a decree adjudging and declaring the rights of the United States as against Texas in the above-described area, enjoining Texas and all persons claiming under it from continuing to trespass upon the area in violation of the rights of the United States, and requiring Texas to account to the United States for all money derived by it from the area subsequent to June 23, 1947.

Texas opposed the motion for leave to file the complaint on the grounds that the Attorney General was not authorized to bring the suit and that the suit, if brought, should be instituted in a district court. And Texas, like Louisiana, moved to dismiss on the ground that since Texas had not consented to be sued, the court had no original jurisdiction of the suit. After argument, we granted the motion for leave to file the complaint (337 U. S. 902). Texas then moved to dismiss the complaint on the ground that the suit did not come within the original jurisdiction of the Court. She also moved for a more definite statement or for a bill of particulars and for an extension of time to answer. The United States then moved for judgment. These various motions were denied and Texas was granted 30 days to file an answer (338 U. S. 806).

Texas in her answer, as later amended, renews her objection that this case is not one of which the Court has original jurisdiction; denies that the United States is or ever has been the owner of the lands, minerals, etc., underlying the Gulf of Mexico within the disputed area; denies that the United States is or ever has been possessed of paramount rights in or full domination over the lands, minerals, etc., underlying the Gulf of Mexico within said area except the paramount power to control, improve, and regulate navigation which under the Commerce Clause the United States has over lands beneath all navigable waters and except the same dominion and paramount power which the United States has over uplands within the United States, whether privately or State owned; denies that these or any other paramount powers or rights of the United States include ownership or the right to take or develop or authorize the taking or developing of oil or other minerals in the area in dispute without compensation to Texas; denies that any paramount powers or rights of the United States include the right to control or to prevent the taking or developing of these minerals by Texas or her lessees except when necessary in the exercise of the paramount Federal powers, as recognized by Texas, and when duly authorized by appropriate action of the Congress; admits that she claims rights, title, and interests in said lands, minerals, etc., and says that her rights include ownership and the right to take, use, lease, and develop these properties; admits that she has leased some of the lands in the area and received royalties from the leases, but denies that the United States is entitled to any of them; and denies that she has no title to or interest in any of the lands in the disputed area.

As an affirmative defense, Texas asserts that as an independent nation the Republic of Texas had open, adverse, and exclusive possession and exercised jurisdiction and control over the land, minerals, etc., underlying that part of the Gulf of Mexico within her boundaries established at three marine leagues from shore by her First Congress and acquiesced in by the United States and other major nations; that when Texas was annexed to the United States the claim and rights of Texas to this land, minerals, etc., were recognized and preserved in Texas; that Texas continued as a State to hold open, adverse, and exclusive possession, jurisdiction, and control of these lands, minerals, etc., without dispute, challenge, or objection by the United States; that the United States has recognized and acquiesced in this claim and these rights; that Texas under the doctrine of prescription has established such title, ownership, and sovereign rights in the area as preclude the granting of the relief prayed.

As a second affirmative defense, Texas alleges that there was an agreement between the United States and the Republic of Texas that upon annexation Texas would not cede to the United States but would retain all of the lands, minerals, etc., underlying that part of the Gulf of Mexico within the original boundaries of the Republic.

As a third affirmative defense, Texas asserts that the United States acknowledged and confirmed the three-league boundary of Texas in the Gulf of Mexico as declared, established, and maintained by the Republic of Texas and as retained by Texas under the annexation agreement.

Texas then moved for an order to take depositions of specified aged persons respecting the existence and extent of knowledge and use of subsoil minerals within the disputed area prior to and since the annexation of Texas, and the uses to which Texas has devoted parts of the area as bearing on her alleged prescriptive rights. Texas also moved for the appointment of a special master to take evidence and report to the Court.

The United States opposed these motions and in turn moved for judgment asserting that the defenses tendered by Texas were insufficient in law and that no issue of fact had been raised which could not be resolved by judicial notice. We set the case down for argument on that motion.

We are told that the considerations which give the Federal Government paramount rights in, and full dominion and power over, the marginal sea off the shores of California and Louisiana (see *United States v. California*, 332 U. S. 19; *United States v. Louisiana*, *supra*) should be equally controlling when we come to the marginal sea off the shores of Texas. It is argued that the national interests, national responsibilities, and national concerns which are the basis of the paramount rights of the National Government in one case would seem to be equally applicable in the other.

But there is a difference in this case which, Texas says, requires a different result. That difference is largely in the preadmission history of Texas.

The sum of the argument is that prior to annexation Texas had both dominium (ownership or proprietary rights) and imperium (governmental powers of regulation and control) as respects the lands, minerals, and other products underlying the marginal sea. In the case of California we found that she, like the Original Thirteen Colonies, never had dominion over that area. The first claim to the marginal sea was asserted by the National Government. We held that protection and control of it were, indeed, a function of national external sovereignty, (332 U. S. 31-34). The status of Texas, it is said, is different: Texas, when she came into the Union, retained the dominium over the marginal sea which she had previously ac-

quired and transferred to the National Government only her powers of sovereignty—her imperium—over the marginal sea.

This argument leads into several chapters of Texas history.

The Republic of Texas was proclaimed by a convention on March 2, 1836.¹ The United States² and other nations³ formally recognized it. The Congress of Texas on December 19, 1836, passed an act defining the boundaries of the Republic.⁴ The southern boundary was described as follows: "beginning at the mouth of the Sabine River, and running west along the Gulf of Mexico three leagues from land, to the mouth of the Rio Grande."⁵ Texas was admitted to the Union in 1845 "on an equal footing with the original States in all respects whatever."⁶ Texas claims that during the period from 1836 to 1845 she had brought this marginal belt into her territory and subjected it to her domestic law which recognized ownership in minerals under coastal waters. This the United States contests. Texas also claims that under international law, as it had evolved by the 1840's, the Republic of Texas as a sovereign nation became the owner of the bed and subsoil of the marginal sea vis-à-vis other nations. Texas claims that the Republic of Texas acquired during that period the same interest in its marginal sea as the United States acquired in the marginal sea off California when it purchased from Mexico in 1848 the territory from which California was later formed. This the United States contests.

The joint resolution annexing Texas⁷ provided in part:

"Said State, when admitted into the Union, after ceding to the United States, all public edifices, fortifications, barracks, ports and harbors, navy and navy yards, docks, magazines, arms, armaments, and all other property and means pertaining to the public defence 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, to be disposed of as said State may direct; but in no event are said debts and liabilities to become a charge upon the Government of the United States."

The United States contends that the inclusion of fortifications, barracks, ports and harbors, navy and navy yards, and docks in the cession clause of the resolution demonstrates an intent to convey all interests of the Republic in the marginal sea, since most of these properties lie side by side with, and shade into, the marginal sea. It stresses the phrase in the resolution "other property and means pertaining to the public defence." It argues that possession by the United States in the lands underlying the marginal sea is

¹ 1 Laws, Republic of Texas, p. 6.

² See the resolution passed by the Senate March 1, 1837 (CONGRESSIONAL GLOBE, 24th Cong., 2d sess., p. 270), the appropriation of a salary for a diplomatic agent to Texas (5 Stat. 170), and the confirmation of a chargé d'affaires to the Republic in 1837; 5 Exec. Journ. 17.

³ See 2 Gammel's Laws of Texas, 655, 880, 889, 905 for recognition by France, Great Britain, and the Netherlands.

⁴ 1 Laws, Republic of Texas, p. 133.

⁵ The traditional 3-mile maritime belt is one marine league or three marine miles in width. One marine league is 3.45 English statute miles.

⁶ See joint resolution approved December 29, 1845, 9 Stat. 108.

⁷ Joint resolution approved Mar. 1, 1845, 5 Stat. 797.

a defense necessity. Texas maintains that the construction of the resolution both by the United States and Texas has been restricted to properties which the Republic actually used at the time in the public defense.

The United States contends that the "vacant and unappropriated lands" which by the resolution were retained by Texas do not include the marginal belt. It argues that the purpose of the clause, the circumstances of its inclusion, and the meaning of the words in Texas and Federal usage give them a more restricted meaning. Texas replies that since the United States refused to assume the liabilities of the Republic it was to have no claim to the assets of the Republic except the defense properties expressly ceded.

In the California case, neither party suggested the necessity for the introduction of evidence (32 U. S. 24). But Texas makes an earnest plea to be heard on the facts as they bear on the circumstances of her history which, she says, sets her apart from the other States on this issue.

The Court in original actions, passing as it does on controversies between sovereigns that involve issues of high public importance, has always been liberal in allowing full development of the facts. *United States v. Texas*, 162 U. S. 1; *Kansas v. Colorado*, 185 U. S. 125, 144, 145, 147; *Oklahoma v. Texas*, 253 U. S. 465, 471. If there were a dispute as to the meaning of documents and the answer was to be found in diplomatic correspondence, contemporary construction, usage, international law and the like, introduction of evidence and a full hearing would be essential.

We conclude, however, that no such hearing is required in this case. We are of the view that the "equal footing" clause of the joint resolution admitting Texas to the Union disposes of the present phase of the controversy.

The "equal footing" clause has long been held to refer to political rights and to sovereignty. See *Stearns v. Minnesota*, 179 U. S. 223, 245. It does not, of course, include economic stature or standing. There has never been equality among the States in that sense. Some States when they entered the Union had within their boundaries tracts of land belonging to the Federal Government; others were sovereigns of their soil. Some had special agreements with the Federal Government governing property within their borders. See *Stearns v. Minnesota*, *supra*, pp. 243-245. Area, location, geology, and latitude have created great diversity in the economic aspects of the several States. The requirement of equal footing was designed not to wipe out those diversities but to create parity as respects political standing and sovereignty.

Yet the "equal footing" clause has long been held to have a direct effect on certain property rights. Thus the question early arose in controversies between the Federal Government and the States as to the ownership of the shores of navigable waters and the soils under them. It was consistently held that to deny to the States, admitted subsequent to the formation of the Union, ownership of this property would deny them admission on an equal footing with the original States, since the original States did not grant these properties to the United States but reserved them to themselves. See *Pollard's Lessee v. Hagan*, 3 How. 212, 228-229; *Mumford v. Wardwell*, 6 Wall. 423, 436; *Weber v. Harbor Commissioners*, 18 Wall. 57, 65-66; *Knight v. United States Land Association*, 142 U. S. 161, 183; *Shively v. Bowlby*, 152 U. S. 1, 26; *United States v. Mission Rock Co.*, 189 U. S. 391, 404. The theory of these decisions was aptly summarized by Mr. Justice Stone

speaking for the Court in *United States v. Oregon*, 295 U. S. 1, 14 as follows:⁸

"Dominion over navigable waters and property in the soil under them are so identified with the sovereign power of government that a presumption against their separation from sovereignty must be indulged, in construing either grants by the sovereign of the lands to be held in private ownership or transfer of sovereignty itself. See *Massachusetts v. New York* (271 U. S. 65, 89). For that reason, upon the admission of a State to the Union, the title of the United States to lands underlying navigable waters within the States passes to it, as incident to the transfer to the State of local sovereignty, and is subject only to the paramount power of the United States to control such waters for purposes of navigation in interstate and foreign commerce."

The "equal footing" clause, we hold, works the same way in the converse situation presented by this case. It negatives any implied, special limitation of any of the paramount powers of the United States in favor of a State. Texas prior to her admission was a republic. We assume that as a republic she had not only full sovereignty over the marginal sea but ownership of it, of the land underlying it, and of all the riches which it held. In other words, we assume that it then had the dominium and imperium in and over this belt which the United States now claims. When Texas came into the Union, she ceased to be an independent nation. She then became a sister State on an "equal footing" with all the other States. That act concededly entailed a relinquishment of some of her sovereignty. The United States then took her place as respects foreign commerce, the waging of war, the making of treaties, defense of the shores, and the like. In external affairs the United States became the sole and exclusive spokesman for the Nation. We hold that as an incident to the transfer of that sovereignty any claim that Texas may have had to the marginal sea was relinquished to the United States.

We stated the reasons for this in *United States v. California*, page 35, as follows:

"The 3-mile rule is but a recognition of the necessity that a government next to the sea must be able to protect itself from dangers incident to its location. It must have powers of dominion and regulation in the interest of its revenues, its health, and the security of its people from wars waged on or too near its coasts. And insofar as the nation asserts its rights under international law, whatever of value may be discovered in the seas next to its shores and within its protective belt, will most naturally be appropriated for its use. But 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

⁸The same idea was expressed somewhat differently by Mr. Justice Field in *Weber v. Harbor Commissioners*, *supra*, pp. 65-68 as follows: "Although the title to the soil under the tidewaters of the bay was acquired by the United States by cession from Mexico, equally with the title to the upland, they held it only in trust for the future State. Upon the admission of California into the Union upon equal footing with the original States, absolute property in, and dominion and sovereignty over, all soils under the tidewaters within her limits passed to the State, with the consequent right to dispose of the title to any part of said soils in such manner as she might deem proper, subject only to the paramount right of navigation over the waters, so far as such navigation might be required by the necessities of commerce with foreign nations or among the several States, the regulation of which was vested in the General Government.

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 international obligations. See *United States v. Belmont* (301 U. S. 324, 331-332). The very oil about which the State and Nation here contend might well become the subject of international dispute and settlement."

And so although dominium and imperium are normally separable and separate,⁹ this is an instance where property interests are so subordinated to the rights of sovereignty as to follow sovereignty.

It is said that there is no necessity for it—that the sovereignty of the sea can be complete and unimpaired no matter if Texas owns the oil underlying it. Yet, as pointed out in *United States v. California*, once low-water mark is passed the international domain is reached. Property rights must then be so subordinated to political rights as in substance to coalesce and unite in the national sovereign. Today the controversy is over oil. Tomorrow it may be over some other substance or mineral or perhaps the bed of the ocean itself. If the property, whatever it may be, lies seaward of low-water mark, its use, disposition, management, and control involve national interests and national responsibilities. That is the source of national rights in it. Such is the rationale of the California decision, which we have applied to Louisiana's case. The same result must be reached here if "equal footing" with the various States is to be achieved. Unless any claim or title which the Republic of Texas had to the marginal sea is subordinated to this full paramount power of the United States on admission, there is or may be in practical effect a subtraction in favor of Texas from the national sovereignty of the United States. Yet neither the original 13 States (*United States v. California*, *supra*, pp. 31-32) nor California nor Louisiana enjoys such an advantage. The "equal footing" clause prevents extension of the sovereignty of a State into a domain of political and sovereign power of the United States from which the other States have been excluded, just as it prevents a contraction of sovereignty (*Pollard's Lessee v. Hagan*, *supra*) which would product inequality among the States. For equality of States means that they are not "less or greater, or different in dignity or power." See *Coyne v. Smith*, 221 U. S. 559, 566. There is no need to take evidence to establish that meaning of "equal footing."

Texas in 1941 sought to extend its boundary to a line in the Gulf of Mexico 24 marine miles beyond the 3-mile limit and asserted ownership of the bed within that area.¹⁰ And in 1947 she put the extended boundary to the outer edge of the Continental Shelf.¹¹ The irrelevancy of these acts to the issue before us has been adequately demonstrated in *United States v. Louisiana*. The other contentions of Texas need not be detailed. They have been foreclosed by *United States v. California* and *United States v. Louisiana*.

The motions of Texas for an order to take depositions and for the appointment of a special master are denied. The motion of the United States for judgment is granted. The parties, or either of them, may before September 15, 1950, submit the form of decree to carry this opinion into effect.

So ordered.

⁹See the statement of Mr. Justice Field (then chief justice of the Supreme Court of California) in *Moore v. Smaw*, 17 Calif. 199, 218-219.

¹⁰Act of May 16, 1941, L. Texas, 47th Leg., p. 454.

¹¹Act of May 23, 1947, L. Texas, 50th Leg., p. 451.

Mr. HILL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HOLLAND in the chair). The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. HENBRICKSON in the chair). Without objection, it is so ordered.

Mr. ANDERSON. Mr. President, a short time ago the distinguished senior Senator from Texas [Mr. CONNALLY] placed in the RECORD the minority views of the Supreme Court in the Texas case. In order that there may be a counterbalancing item in the CONGRESSIONAL RECORD—

Mr. HILL. Mr. President, if the Senator will yield, I placed the majority opinion in the RECORD.

Mr. LONG. Mr. President, will the Senator yield?

Mr. ANDERSON. I yield.

Mr. LONG. Inasmuch as the opinion of the Supreme Court has already been placed in the RECORD, I should like to state that I do not believe it is necessary to place it in the RECORD again. I believe that by now the record of the debate contains both the minority and majority opinions three or four times. They appear also in the record of the committee hearings. I believe that Senators are probably unnecessarily cluttering the RECORD by placing opinions of the Supreme Court in the RECORD again and again throughout the debate.

Mr. ANDERSON. I wonder if the Senator would not agree that, the minority views having been placed in the RECORD, those of us who are on the other side have the right to place the majority views in the RECORD.

Mr. LONG. Of course I agree with the Senator from New Mexico. I was only suggesting, however, that I am sure that the California, Texas, and Louisiana opinions are already in the RECORD and have been placed in the RECORD several times by Senators. I believe that by now we should stop placing those Supreme Court opinions in the RECORD. They are already there.

Mr. ANDERSON. I fully agree with the junior Senator from Louisiana.

Mr. LONG. Mr. President, the pending amendment was agreed to by the senior Senator from Wyoming [Mr. O'MAHONEY] and myself. Subsequent to that the senior Senator from Wyoming asked that that amendment be reconsidered. I believe he has some doubts about it. So far as I am concerned, I should have no objection to the Senate disagreeing to that amendment, now that it has been reconsidered, if we may have unanimous consent that the amendment may be offered at a later date. Otherwise, as a parliamentary question, the matter might be foreclosed. I therefore ask unanimous consent that, in the event the amendment is disagreed to by the Senate, it may again be offered at a later date.

The PRESIDING OFFICER. Is there objection?

Mr. HILL. Mr. President, reserving the right to object, why should we act on it at this minute, in the absence of the distinguished Senator from Wyoming? He is in the city. He will be here very shortly. He has been detained through no fault of his own. I see no reason why we should act at this moment.

Mr. LONG. It is my understanding that that is what the distinguished Senator from Wyoming would have us do. I believe that is the reason why he asked that the amendment be considered. I thought my suggestion was simply going along with his wishes. If there is objection, I shall not press the request.

Mr. ANDERSON. Mr. President, reserving the right to object, I think the junior Senator from Louisiana has stated the situation entirely correctly; and I should be pleased if what he is now suggesting could be agreed to.

The senior Senator from Wyoming, in an effort to be completely fair with the Senator from Louisiana, who has worked hard to try to get proper legislation through the Senate, agreed to an amendment. He dictated some extra language to be inserted in the amendment in order to try to meet all points of view.

An examination of that language raises certain questions which I am sure were not in the mind of either the Senator from Wyoming or the Senator from Louisiana. I know, from having talked with the Senator from Wyoming, that his desires are as represented by the Senator from Louisiana. I believe that if we could agree to the request of the Senator from Wyoming to reconsider the action by which the amendment was adopted, and lay it aside temporarily, with the unanimous understanding that the Senator from Louisiana may present it again if he so desires, it would help the Senator from Wyoming. It would meet the full approval of the Senator from Louisiana. In behalf of the Senator from Wyoming, who is not now present, and who has authorized me to act, I agree to the suggestion made by the distinguished junior Senator from Louisiana.

Mr. LONG. Mr. President, the only reason I make the request is that I do not wish, as a parliamentary matter, or as a moral matter, to foreclose this type of amendment from being offered in the future. I do not believe it would be foreclosed in any event, because, with a slightly different wording, we could offer substantially the same amendment anyway.

The PRESIDING OFFICER. In the opinion of the Chair the suggestion by the distinguished Senator from New Mexico offers the best parliamentary solution.

Mr. ANDERSON. Mr. President, I call up the motion of the distinguished senior Senator from Wyoming [Mr. O'MAHONEY] who sought reconsideration of the action by which the amendment of the Senator from Louisiana was adopted. The record will show that this is done at the suggestion of the Senator from Louisiana.

The PRESIDING OFFICER. Is there objection to the suggestion of the Senator from Louisiana?

Mr. HILL. Mr. President, reserving the right to object—and I shall not object—the distinguished Senator from New Mexico is the acting chairman of the committee in the absence of the distinguished Senator from Wyoming [Mr. O'MAHONEY], and he is also one of the coauthors of the pending resolution, Senate Joint Resolution 20. I know that the Senator from Wyoming and the Senator from New Mexico are in closest contact and are working very closely together in behalf of Senate Joint Resolution 20. Since he is the acting chairman of the committee I shall not object to the request of the Senator from New Mexico.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Mexico?

Mr. ANDERSON. I not only shall not object, but I wish to thank the distinguished Senator from Louisiana for his courtesy to the senior Senator from Wyoming.

The PRESIDING OFFICER. Without objection, the O'Mahoney amendment is disagreed to.

POLICIES OF SECRETARY BRANNAN

Mr. WILLIAMS. Mr. President, I desire to read at this point an article which has come over the ticker service. The article is as follows:

An information officer said 2,200 mimeograph copies of Brannan's letter were made under supervision of the Department's press service.

He said copies were distributed to (1) newspapers and reporters in Washington, (2) editors of farm magazines throughout the country, (3) a small group of commercial papers interested in farm commodities, (4) directors of radio farm programs throughout the country, (5) a small group of Negro papers interested in agriculture, (6) a list of individuals who have asked that they be put on a Department mailing list for statements issued by the Secretary, and (7) to the Department's own agencies for their own information.

The official said the Department's Production and Marketing Administration received 250 copies for mailing to field and State offices. The Department's Extension Service, which handles educational phases of the Department's work, also got copies for mailing to State extension services.

The official said that a "somewhat less than normal" distribution for a secretarial statement was given the letter.

Mr. President, I understand that after the letters are received by the field agencies of the Department of Agriculture they will be mimeographed again and distributed throughout the country.

I have no objection to Mr. Brannan's expressing his opinion of me. In fact, I extend an invitation to him to appear anywhere in the State of Delaware to debate the issue of his pet farm program. I shall be glad to furnish a hall for such a debate. I do insist on one thing, however, and that is that Mr. Brannan conduct his personal grievances with the Senator from Delaware and his political campaign at his own expense or at the expense of the Democratic National Committee, and not finance his campaign with money out of the pockets of the taxpayers of this country.

At present this campaign is being paid for by taxpayers' money. The letter is

nothing but a personal attack on the Senator from Delaware, 99 percent of which is unfounded. However, be that as it may, the Secretary of Agriculture is using his office and the taxpayers' money to promote his own political ambitions. I am asking the Committee on Appropriations of the Senate, when the appropriation bill for the Department of Agriculture comes to it, to find out how much of the funds of the Department of Agriculture are set aside for the campaign of 1952, with particular reference of how much of the funds is being set aside for the campaign against the Senator from Delaware. I have no objection, to the Secretary of Agriculture's joining with the Secretary of the Treasury and with the President in making me their target. I welcome their doing so, and I challenge them to come to the State of Delaware to debate the issues with me. However, I shall insist upon their paying their own expenses. I shall insist that every employee of the Department of Agriculture and every other employee of the Government abide by the rules of the Hatch Act. I am serving notice on the Secretary of Agriculture that I shall expect him to render an accounting of how he spends our money.

Mr. President, the Secretary of Agriculture for the last few weeks has been going around the country making a great to do about what he describes as the terrible Williams amendment to the Commodity Credit Charter Act of 1949.

I had not denied that statement previously because, frankly, I thought that it was my amendment to which he was referring. I knew that I had sponsored such an amendment in 1948 at the time the Charter Act was before the Senate. However now I find that I have been in error in accepting that compliment. I want the RECORD to be absolutely clear, with respect to the section of the act to which Mr. Brannan has referred, therefore I shall review its history.

In 1948, at the time that the Charter Act was before the Senate the Senator from Delaware, the Senator from Georgia [Mr. GEORGE] and the Senator from Nebraska [Mr. BUTLER] offered an amendment to the Charter Act known as section 4 (h). This amendment was agreed to unanimously by the Senate. Every Member of the Democratic side of the aisle as well as the Republicans voted in favor of it. The House also voted in favor of it. The conference report was accepted without objection, and the President of the United States signed the act and took no exception to this provision.

In July 1948 Congress was called back into special session, but the President never once mentioned this amendment. It was not until the middle of the political campaign of 1948 that Mr. Brannan ever found out that there was such a section as section 4 (h), and he then made quite an issue of it.

The interesting part of it is that at the same time that he was making such an issue out of this "terrible amendment," as he calls it, during the 1948 political campaign, and charged that it was responsible for the shortage of grain bins we find that their own records in

Washington show that they were actually selling grain bins as surplus equipment.

In 1949, after the election, when the New Deal version of the charter act was before Congress, the Senator from Delaware and the Senator from Massachusetts [Mr. SALTONSTALL] again submitted a similar amendment. Knowing my position on this amendment I had thought, like the Secretary of Agriculture, that it was my amendment that had been adopted. However, last night it was called to my attention that I have been in error in that respect. The record shows that at the time the bill was under discussion, the junior Senator from New Mexico [Mr. ANDERSON], who is now on the floor, and who has served as Secretary of Agriculture, had an identical amendment. It was identical with the Williams amendment. I thought it was a good amendment, and out of my great respect for the former Secretary of Agriculture I withheld submitting mine and voted in favor of his amendment. It is this amendment of the Senator from New Mexico [Mr. ANDERSON] which is now on the statute books. It was put on the statute books with the support of the Senator from Delaware and every other Member of the Senate. It was a good amendment. However we find that for the last few weeks the Secretary of Agriculture, Mr. Brannan, has been going all over the country talking about the "terrible" Williams amendment, and thoroughly denouncing it as a great hindrance to the American farmers, whereas actually it was an amendment offered by the former Secretary of Agriculture, Mr. ANDERSON.

In other words if Mr. Brannan is a gentleman he will apologize for his error in denouncing this as my amendment and now proceed to campaign during the 1952 election denouncing the "terrible" Anderson amendment.

Even at that I expect him to pay his own expenses.

Better still he should acknowledge that the Anderson amendment is a good amendment and is not responsible for the chaotic conditions in which he finds the affairs of his department.

MINERAL LEASES ON CERTAIN SUBMERGED LANDS

The Senate resumed the consideration of the joint resolution (S. J. Res. 20) to provide for the continuation of operations under certain mineral leases issued by the respective States covering submerged lands of the Continental Shelf, to encourage the continued development of such leases, to provide for the protection of the interests of the United States in the oil and gas deposits of said lands, and for other purposes.

Mr. LONG. Mr. President, I should like to state the parliamentary situation as I understand it. An amendment to Senate Joint Resolution 20 was offered by the Senator from Wyoming [Mr. O'MAHONEY], for himself and on behalf of the Senator from New Mexico [Mr. ANDERSON], the Senator from Arizona [Mr. McFARLAND], the Senator from Alabama [Mr. HILL], the Senator from Illi-

nois [Mr. DOUGLAS], the Senator from Wisconsin [Mr. WILEY], the Senator from Alabama [Mr. SPARKMAN], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Vermont [Mr. AIKEN], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Connecticut [Mr. BENTON], the Senator from Oregon [Mr. MORSE], the Senator from West Virginia [Mr. NEELY], the Senator from Missouri [Mr. HENNINGS], the Senator from North Dakota [Mr. LANGER], and the Senator from Tennessee [Mr. KEFAUVER]. That amendment was agreed to, but with a modification suggested by the junior Senator from Louisiana.

The PRESIDING OFFICER. That is correct.

Mr. LONG. It is my understanding that we have rescinded action on the modification suggested by the junior Senator from Louisiana, with the understanding that that modification may again be offered.

The PRESIDING OFFICER. That has not yet been done.

Mr. LONG. I ask unanimous consent that the modification suggested by the junior Senator from Louisiana, providing that Congress shall decide the boundaries of inland waters, be withdrawn at this time and that the amendment to Senate Joint Resolution 20, offered by the Senator from Wyoming [Mr. O'MAHONEY] and other Senators be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLAND. Mr. President, at the conclusion of my remarks I expect to offer for myself and a number of other Senators an amendment in the nature of a substitute to Senate Joint Resolution 20. However, I should like first to mention the fact that Senate Joint Resolution 20, although it has now been amended to include other objectives, dealt originally only with the subjects of oil and gas, and only with the subjects of oil and gas as existing under the submerged lands found between the low water mark and—

The PRESIDING OFFICER. Does the Chair understand that the distinguished Senator from Florida wishes to offer the amendment at this time?

Mr. HOLLAND. No; at the conclusion of my remarks. I should like to ask unanimous consent at this time that Mr. Walter R. Johnson, former attorney general of the State of Nebraska and presently special counsel of the National Association of Attorneys General, and Mr. John L. Madden, assistant attorney general of Louisiana, be permitted to be present in the Chamber during the discussion of this subject.

The PRESIDING OFFICER. Without objection, it is so ordered, and the Chair wishes to welcome these two distinguished gentlemen to the floor of the Senate.

Mr. HOLLAND. Mr. President, as I was about to say, Senate Joint Resolution 20, as originally introduced, applied solely to the subject of oil and gas, and solely to those subjects in connection with what we call the two belts of submerged land. To one of those belts I like to refer as a shoestring, because that is

all it is. It is a narrow belt of land and water which surrounds all the maritime States of the Union, extending from the low-water mark out to either the 3-mile limit, in the event a State has no constitutional limit, or to the constitutional limit of the State, in the event that by its constitution it has such a boundary. That little shoestring of land is generally 3 miles wide. In two cases it is 3 leagues wide, because of the fact that the Constitution of Texas, in one case, and the Constitution of Florida, in the other case, provide that the boundaries of those States shall be three marine leagues from the low-water mark. In the case of Florida that limit extends only along the western part of the State; but, in the case of Texas, the 3-league limit extends along the entire Gulf of Mexico frontage of the State of Texas.

With those two exceptions the little belt of land I am first mentioning is the one extending around the States and 3 miles out into the salt water, the ocean.

Senate Joint Resolution 20 deals not only with that shoestring, but also with the much larger areas of land and of water extending from the State boundaries, as I have just described them, out to the Continental Shelf, whether that shelf be in the Gulf of Mexico, in the Atlantic Ocean, or in the Pacific Ocean. The particular area of land and water I have just mentioned is much larger in extent than the tiny shoestring of land and water that immediately pertains to each of the maritime States, in that it immediately adjoins the low-water mark of the Gulf or ocean that touches the States.

Mr. President, Senate Joint Resolution 20 deals only with gas and oil. Some of the Senators who have sponsored Senate Joint Resolution 20, and some of the newspaper and other publicity writers, seem to feel that the efforts of those who sponsor the cause of the States is largely built around their interest in oil and gas. However, that does not happen to be the case; but it is the case that those who sponsor Senate Joint Resolution 20 dealt in the beginning with oil and gas; and that joint resolution was an oil and gas joint resolution, and nothing else.

The second thing I should like to mention is that Senate Joint Resolution 20 does not propose merely an interim solution of this problem, as sometimes is suggested by its proponents. Instead, the joint resolution proposes a permanent, final, and lasting solution under which the last drop of oil and the last bit of gas in either of the belts of submerged lands which I have just described can be extracted. There is no time limitation; there is no volume limitation; there is no area limitation, except as to these two belts in their entirety, as I have just referred to them. Senate Joint Resolution 20 is designed to permit the complete exhaustion of the oil and gas in those affected areas. In other words, all the more clearly does it appear that this joint resolution is an oil and gas resolution; and it was intended to give to those charged with authority under it—namely, the Secretary of the Interior and his agents—the right to exhaust

completely the oil and gas deposits under both the belts of land and water which I have just described.

However, I wish to make it perfectly clear that in its present form Senate Joint Resolution 20 is not solely an oil and gas joint resolution, because gradually—and, I suspect, reluctantly—the authors and sponsors of the joint resolution have, as this debate has proceeded, whether in committee or here on the floor, come to see that in connection with this matter, there are very vital questions which affect the rights of the States; and by way of various amendments, those Senators have proceeded to seek to diminish the troubles of the States. As a result, they have offered the amendments to which I shall refer.

Section 9 was submitted as an amendment in committee, largely because of the insistence and urging of the distinguished junior Senator from Louisiana [Mr. LONG]. Section 9 allows, at least for the time being—there is nothing permanent about it—the States to control the fishing and the handling of the problems affecting marine life in the waters immediately around them and within their constitutional limits.

Mr. LONG. Mr. President, will the Senator from Florida yield to me at this point?

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Louisiana?

Mr. HOLLAND. I yield.

Mr. LONG. In order to keep the record straight, I should like it understood that I claim no responsibility for section 9. I have merely urged consistently that all these things could be handled by State management.

Mr. HOLLAND. I appreciate the Senator's interruption and statement, Mr. President. It is quite true that the amendment embodied in section 9 of the joint resolution by no means goes so far as would the distinguished Senator from Louisiana or as would any other advocate of States' rights; but, to the contrary, it throws out a sop by way of a temporary right to use and control the belt of water and land immediately around the States, lying within the constitutional limits of the States, for the sole purpose of the regulation and control of fishing and other uses of the marine and vegetable life lying in that narrow belt.

Since this debate has begun, another amendment has been submitted, namely, an adaptation of Senate bill 1540. That amendment has been reluctantly placed in this picture by the sponsors of Senate Joint Resolution 20 since they began to realize some more of the great difficulties confronting the States because of the decision of the United States Supreme Court in the California, Louisiana, and Texas cases. That adaptation of Senate bill 1540, which has been offered on the floor as an amendment, proposes to take care of the rights of the several States in their inland waters and in the submerged lands which lie under their inland waters, and also proposes to take care of the rights of the States which border upon the Great Lakes in their waters out to their constitutional limits

and in the submerged lands which lie under those waters.

So that the record will be perfectly clear, I wish to call special attention to the fact that there is a real need for clarifying the question relating to the inland waters, in that the attorneys for the Federal Government, the attorneys of the Department of Justice, in the handling of the California case and by various recitals contained in their briefs in that case, made it very plain that they do not regard as sound the earlier rulings and the present rulings of the Supreme Court of the United States to the effect that the States own and control their submerged lands under their inland waters. Those attorneys regard those rulings as a mistake. There, Mr. President, they have hoisted a red flag which should be a warning to anyone in any State which has inland waters and should make him reluctant to have these questions not decided in an affirmative way by the Congress of the United States.

Mr. LONG. Mr. President, will the Senator from Florida yield briefly to me at this point?

Mr. HOLLAND. I yield.

Mr. LONG. In connection with the Senator's argument, it is interesting to note that in the California case the Federal Government spent approximately 8 pages of its brief in arguing that the doctrine that the States own the beds of their navigable streams was unsound in the first place, and that actually the Federal Government should own them, and in further claiming that inasmuch as the doctrine was unsound, it should not be extended. Strangely enough, after the Supreme Court upheld that, certain Senators representing inland States now apparently are willing to offer an amendment to protect their rights in inland waters, taking the position, apparently, that it is all right to nationalize things that do not affect their particular States, but perhaps it would be in the public interest to nationalize the assets of other States, so long as their own States were not affected.

Mr. HOLLAND. The Senator is correct, and this is a sop, a second sop which I wish to mention, thrown out to those Senators who are very properly disturbed about what is going to happen to their inland waters; and very properly disturbed because of the very facts cited by the Senator from Louisiana, and mentioned by the Senator from Florida, with reference to the many recitals contained in the briefs and arguments of the attorneys for the Department of Justice in the California case. Particularly should every Senator who has inland waters to protect be concerned about this matter, when he remembers that all three of these suits, the California, Louisiana, and Texas suits, were not brought after approval given by the Congress of the United States. Although such approval was sought very eagerly it was denied by the Congress. As so ably stated by my distinguished friend, the senior Senator from Texas, in his arguments of a few minutes ago, the RECORD should be crystal clear upon that point. The Congress denied passage of measures which would

have allowed court tests to be made of the question of the submerged lands off California, Texas, and Louisiana. We now know that such court tests were made simply under a directive of the Chief Executive, the President of the United States, backing up a ruling by the Secretary of the Interior, who had changed his mind. Previously, for years, he had held, and those who had preceded him in office had held, that the submerged lands off the coasts belonged to the States; but Mr. Secretary Ickes began to have a doubt. He did not say in his testimony that he had changed his mind; but he had a doubt, and finally that doubt became so insistent that he went to the President and asked him for an executive order to require the bringing of these suits.

I call attention, in passing, therefore, to the fact that nothing but an executive order is required to test the inland water question now; and we know how near we are to such an executive order, if we read carefully the declarations made in writing by the attorneys of the Department of Justice, themselves, who, time after time, say with complete finality, that they do not agree with the decisions of the United States Supreme Court relative to the inland waters.

Mr. LONG. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. LONG. Is it not only true that the Attorney General of the United States originally proceeded in this matter upon the theory that he must have the consent of Congress to sue the States, in order to take their submerged lands, but also that, when he could not obtain such consent, he then changed his mind, just as Secretary Ickes changed his mind, when he had previously said that the States owned the lands?

Mr. HOLLAND. The Senator from Louisiana is absolutely correct in what he has said. There has been so much mind-changing of Federal officials in connection with this question that Senators who have any regard at all for the rights of their States must look at the record with great apprehension. It is a fact that the then acting Attorney General thought that the only way he could bring a suit would be after action by Congress directing him to do so; but, after Congress had refused such direction and after the Secretary of the Interior, who in the meantime had changed his mind and had become extremely eager about the question, went to the President of the United States, the President said, "Well, you did not have to go to Congress at all, and I will issue an executive order directing the Attorney General to bring these suits." That is what was done.

So the question of inland waters is now in this picture by reason of an amendment offered from the floor by the sponsors of this joint resolution, a very liberal rewriting of Senate bill 1540, which had not extended nearly so far until its sponsors saw the temper of the Senate and began to realize that the States did have rights and did have Senators who were perfectly willing to express the rights of the States.

I call attention to the fact that the amendment offered, which I think will be found to be an adaptation of Senate bill 1540, because it was so referred to by the distinguished Senator from Wyoming who offered it for himself and other Senators, for the first time, from those advocates at least, constitutes an admission of the fact that there is involved, a serious question which affects the Great Lakes situation, and the States which border upon the Great Lakes. The original bill, Senate bill 1540, provided no relief at all to the Great Lakes States; but when it became necessary to adapt that bill in the first place and then to offer that adaptation as an amendment to the pending measure, then and then only did the sponsors of Senate bill 1540, who in general were the same as the sponsors of Senate Joint Resolution 20, agree that relief should be provided for the States which border upon the Great Lakes.

Mr. President, for the first time, as I was saying, Senators who were in opposition to the position taken by those of us who are fighting for the States realized, during the course of this debate, that there was a serious question relating to the Great Lakes States. So by a rewriting, and a very generous rewriting, of Senate bill 1540, and then offering that adapted Senate bill 1540 as an amendment to this bill, they proposed to give relief and recognition to those great States of the Union which border upon the Great Lakes. But in passing I call attention to the fact that here is every reason why those States which border on the Great Lakes should be most apprehensive about their ability to maintain control of the areas of water and of land underlying the water adjacent to their shores. They not only have all of the reasons for apprehension which pertain to those who have inland waters other than the Great Lakes, but they also have knowledge of the fact, that the Solicitor General of the United States, Mr. Perlman, testifying before the Senate committee on the hearings of this case, made it very clear that he had omitted from Senate bill 1540 the Great Lake States and the submerged lands of the Great Lakes, because he felt that that was a different question from the question presented by inland waters in general.

Replying to questions addressed to him by the Senator from Louisiana and others, the Solicitor General, Mr. Perlman, said not once but several times that the fact that international boundaries were involved in all the Great Lakes except one raised a very difficult question there, which he did not want to see handled by Senate bill 1540, and, for that reason, he had omitted it deliberately in drafting Senate bill 1540. So there is every reason why States which do have frontage upon the Great Lakes should be apprehensive. The sponsors of this bill provide a third sop, which I am mentioning now, by the recognition for the first time of the fact that there is a real problem on the Great Lakes.

As a matter of fact, in passing, I want to say that proportionately I think it is a much larger problem than that which

pertains to most maritime States, because the limits of the States which border upon the Great Lakes go very far out into the Lakes, and because, in addition to all of the purposes for which the maritime States may use their shores and submerged lands, the Great Lakes States have repeated need for use of the water, the fresh water from the Great Lakes, and have to go far out into those Lakes with heavy structures built upon the bottom in order safely to take those waters for various municipal and other purposes.

Mr. President, there is a fourth sop which the advocates of the proposed legislation throw out to believers in States' rights in their amendment which they call an adaptation of Senate bill 1540, namely, that they offer to quitclaim the Federal rights affected by fills, piers, bulkheads, groins, and other structures of that kind erected along the shore lines of the various States and projecting into the Atlantic Ocean or the Gulf of Mexico or the Pacific Ocean, and, in many cases, actually extending the lands out into the salt water.

The original Senate bill 1540 had offered to clear up that question as to some past date, but the new adaptation of Senate bill 1540 is generous enough to throw that question into the future, and, I hope, into the very remote future, because it proposes to quitclaim back to the States and the private owners who are interested, the bottom lands occupied by piers, fills, bulkheads, and so forth, if the new amendment shall be adopted, as of the date when the proposed law becomes effective. So there is an additional sop thrown out to the believers in States' rights.

Mr. President, I have already stated that this proposed legislation is not an interim measure, and that it was originally an oil bill.

I want to add one other thing, which I know is true because I have been myself approached, that the pending joint resolution, instead of being opposed by the oil interests, as has been suggested by some of its sponsors, is being supported by oil interests who are eager for the passage of the resolution in order that their investment in the leases heretofore made with the States of California, Texas, and Louisiana, may be protected, and that they may move ahead immediately.

Mr. President, I desire to make it completely clear, so that everyone can understand, that I have personally been asked by representatives of oil companies to support Senate Joint Resolution 20 and various others of the sponsors of the measures which protect the States have had similar experiences. I merely want the RECORD to be perfectly clear that this is an oil resolution which originally had nothing to do with anything except oil and gas, and it comes here supported actively, but, I hope, not effectively enough to allow it to become law, by various oil companies and oil interests.

Mr. LONG. Mr. President, will the Senator yield at that point?

Mr. HOLLAND. I yield.

Mr. LONG. Does the Senator know that a representative of the oil companies chosen by the major oil companies of the Nation to be their spokesman appeared before our committee and stated, in effect, upon questioning by the junior Senator from Louisiana, that he thought the States' position was right, but that the oil companies, in their desire to protect their investment, were willing to go along with the so-called interim bill, and that he supported it on that basis?

I do not agree with that position. I believe it would be a mistake to sacrifice the interests of the States in order to protect oil leases, but I do believe that some legislation should be passed to enable the oil companies to produce oil in these areas. A proper interim bill would be preferable, I believe, to no legislation at all, but I believe the amendment which the Senator is offering is probably the preferable solution to the problem.

Mr. HOLLAND. I thank the Senator from Louisiana. I think he is in complete accord with the Senator from Florida in feeling that the interim bill now under consideration is not interim, but is definite, firm, and final, and that under it the last drop of oil could be extracted as well as the last bit of gas, and it is so intended.

Mr. LONG. I am sure the Senator from Florida is familiar with some of the cartoons published in some of the ultra-liberal newspapers, indicating that we have intended to make it appear that the position taken by us is actually at the instance of the oil companies, which is anything but the truth. The actual fact is that the oil companies are not at this time in support of the position taken by the Senator from Florida or by the junior Senator from Louisiana.

Mr. HOLLAND. The Senator from Louisiana is correct. Various oil companies have been approaching those of us who are defending the rights of the States and have been insisting that we support the so-called interim bill, as is well known to the Senator from Louisiana.

Mr. President, what is the interest of those who, like the Senator from Florida and the Senator from Louisiana, believe that there are involved many vital questions which affect the States and which require the States to defend their interests and rights in the forum of the Senate and of the House of Representatives where the ultimate decisions must be made, under our form of government?

In order that the record may show, at least in part, one important source of the interest of the Senator from Florida, he presents at this time a resolution entitled "Senate Concurrent Resolution No. 95," of the State Legislature of Florida, approved by the Governor of Florida on May 2, 1949, which was adopted unanimously by both Houses of the Florida Legislature and certified on May 3, 1949, by the secretary of state of Florida, Hon. R. A. Gray. I ask unanimous consent that the resolution be incorporated in the Record as a part of my remarks.

The PRESIDING OFFICER (Mr. SCHOEPEL in the chair). Is there objection?

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Senate concurrent resolution 95

A concurrent resolution concerning State ownership of and control over lands beneath its navigable inland waters and marginal seas

Whereas the State of Florida owns and possesses approximately 7,340 square miles of land beneath its marginal seas, and approximately 4,298 square miles of land beneath its inland waters, or a total of approximately 11,638 square miles of land beneath the navigable waters within its boundaries, subject only to the constitutional grant of authority, to the Federal Government, over navigation, commerce and national defense; and

Whereas State ownership of this property has been and will continue to be an important source of revenue for our State, the loss of which would be a great injury to the State and our people, for whom it is held in trust; and,

Whereas after over 100 years of recognized State ownership without interference with the delegated Federal powers, certain Federal officials are now suing other States for similar property and advocating Federal seizure of the lands: Now, therefore, be it

Resolved by the Senate of Florida (the House of Representatives concurring):

That the State of Florida favors continued State ownership and control, subject only to the powers over navigation, commerce and national defense only granted to the Federal Government by the Federal Constitution, of lands and resources within and beneath the navigable waters within the boundaries of the respective States, including such lands and resources within and beneath the marginal seas, and requests that the Congress of the United States enact suitable legislation to that end.

That the Members of our delegation in Congress are hereby requested to give their active opposition to all pending and proposed measures which would create Federal ownership or control of lands, fish or other resources beneath navigable waters within State boundaries.

That the Members of our delegation in Congress are hereby requested to give their active support to legislation which would recognize and confirm State ownership of such property.

That a copy of this resolution be mailed to each Member of our delegation in Congress.

Approved by the Governor May 2, 1949.

Mr. HOLLAND. I have not taken the time of the Senate to read the resolution of the Florida Legislature. I simply want to say, in brief, that the resolution states the fact that Florida has tremendously vital interests involved, not only in its submerged offshore lands, but in its inland waters, and that through unanimous action of the legislature, approved by the governor of the State, our State asks that every possible effort be made by the representatives of the State of Florida in both Houses of the Congress to see that the rights of the State are protected and restored.

Mr. President, there is not any need at this time to go with great detail into the provisions of the amendment which I shall offer later, or into the position of the Florida Legislature and other legislatures of both maritime and non-maritime States. But I think it should be said that each resolution I have seen, and certainly the Florida resolution, specifically saves to the Federal Government,

as, of course, it should, every legitimate Federal interest in the fields of navigation, commerce, and defense, and there is no thought and no purpose on the part of anyone in behalf of the States to lessen in the slightest degree the completeness of control of the Federal Government not only of submerged lands but of the entire area of the Nation in the vital fields given by the Constitution to the Federal Government.

Mr. KNOWLAND. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. KNOWLAND. Is it not a fact that in both World War I and World War II and, as a matter of fact, in prior wars, in which we were facing a foreign foe, the States have always cooperated to the very fullest extent in making available lands which they owned, and in cooperating in every possible way in the common defense of the Nation, so that from the point of view of national defense it certainly is not a valid argument that the Federal Government needs to seize these tidelands in order to be able to protect the needs of the Nation?

Mr. HOLLAND. Of course, the Senator is correct. Every sound citizen of every State is a citizen of the United States and is loyal to the Federal Government, and we will all stand together on questions of the type which the Senator from California has mentioned.

Mr. President, I think it would be proper at this time to restate what is a fact, that not once but dozens and dozens of times the Federal Government has gone to the States and asked for a grant of title when it had some special interest, and to be allowed to take over lands in the submerged belt for purposes of national defense; and, so far as the Senator from Florida knows, there has never been the slightest unwillingness on the part of any State to grant a legitimate request in that field. Certainly as to submerged lands in the State of Florida, there are many instances of the Federal Government having been granted lands which it needed for national defense.

The attitude of the State of Florida and, I am sure, that of all other States, has not been confined to those fields. I will recall that when the Federal Government was establishing the Everglades National Park it was necessary, so the people in the National Park Service thought, to include in the grant to the Federal Government the whole body of Florida Bay which extends across the entire south end of our State, extending from the mainland to the chain of keys, with a mouth from 30 to 50 miles wide. Certainly it is an immense body of water. The records will show that by the action of the Florida Legislature, carried out later by the executive officials, the State of Florida very clearly granted complete jurisdiction and complete ownership, and that ownership and title were accepted by the Federal Government for a purpose which certainly was not so vital a purpose as that of national defense. That action by the State of Florida shows Florida's willingness to cooperate with the Federal Government, indeed, its insistence upon cooperating, in important fields of Federal activity other than those in which the Federal Government

has complete control, such as navigation, commerce, and defense which have just been mentioned.

Mr. KNOWLAND. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield to the Senator from California.

Mr. KNOWLAND. I may say to the Senator from Florida that I believe he will find that the same situation prevailed in various sections of the State of California, as I am sure it did in other States of the Union which have been cooperative with the Federal Government.

I should like to ask the able Senator from Florida a question. Is it not his judgment that in its decision, the Supreme Court itself did what seemed, at least to me as a layman, not a lawyer, to be an unusual thing, namely, the divesting of the State of California, in the California case—and the other States in their cases—of ownership, but not going so far as to vest ownership in the Federal Government? The Supreme Court came forward with the theory of paramount rights.

Does not the Senator believe that in the California case the Supreme Court gave a clear indication that, as a matter of equity and public policy, the Congress of the United States would be in a position to take action such as that which is now being suggested by the Senator from Florida, and that the place where policy should be determined would be the Congress of the United States?

Mr. HOLLAND. The Senator is correct as to each of the points he has made. The Supreme Court in its majority decision made it completely clear that Congress had ample and ultimate authority to handle a matter of this kind.

The Supreme Court also made it equally clear, because it was asked upon petition for rehearing to clarify its position, that it was unwilling to hold that the Federal Government had title. Instead, the Supreme Court stuck to the new term, "paramount rights," which was not defined, and which does not have any sufficiently certain meaning as to protect anybody under the conditions now existing.

I wish to reiterate a point I made a few minutes ago, while the Senator from Texas was speaking, that here is a case peculiarly addressed to the Congress, which by the Constitution is given plenary power, complete power, to deal with any property in which the United States Government has an interest.

By the Supreme Court decision, the question where the fee-simple title is or where it may be is left clouded. There may be an intimation in the Court's opinion, which was confused, as to whether there can be fee simple title, but, at any rate, the Court makes no decision at all upon that point.

The Senator is completely correct in his view that the Supreme Court has opened wide the door to action by the Congress of the United States, if indeed equities or rights of the States or those claiming under them are to be protected.

Mr. KNOWLAND. Mr. President, if the Senator will yield once more, I shall not interrupt him again during the course of his remarks.

Mr. HOLLAND. I yield gladly. I appreciate the interruptions.

Mr. KNOWLAND. I may say that in the State of California there has been considerable concern not only about the tidelands situation, in which we feel there has been definite encroachment upon rights of the State in seizing what historically had been its property ever since California was admitted to the Union in 1850, but, in addition, there has been a growing concern in the State of California that the same doctrine of paramount rights might be gradually expanded from the tidelands area into control of the water supplies in the State of California, because, as the able Senator from Florida knows, unlike some of the States on the eastern seaboard, where there is the problem of too much water, water is the lifeblood of California and other Western States.

In the case of the Santa Margarita River, which has caused some considerable concern in the county of San Diego, and has attracted widespread national attention through articles in the Saturday Evening Post, the Reader's Digest, and other magazines, the doctrine of paramount rights was also enunciated.

It is true that representatives of the Department of Justice say, and so stated before one of the committees of this body, that the term "paramount rights" did not mean exactly the same thing in the water case that it meant in the tidelands case.

A few days ago, as a result of a statement made on the floor of the Senate by the distinguished Senator from Wyoming [Mr. O'MAHONEY] under date of March 18, 1952, a letter was sent to him by Mr. Ed Ainsworth, of the Los Angeles Times. I may say that Mr. Ainsworth is a very able and competent writer and was one of the coauthors of the article on this case which appeared in the Saturday Evening Post. This is his letter to the Senator from Wyoming:

MARCH 18, 1952.

SENATOR JOSEPH C. O'MAHONEY,
Senate Office Building,
Washington, D. C.

DEAR SENATOR O'MAHONEY: I trust that you will see fit to retract publicly the statements you made on the floor of the Senate March 5, in connection with the Fallbrook case in California. As you will note from the enclosed clipping you were totally in error on the matter.

In addition, you made the statement as quoted on page 1882, column 3, of the CONGRESSIONAL RECORD for March 5, that "for example, I have on my desk the decision in a California water-rights case."

There could have been no "decision" in the Fallbrook case.

It has not even been tried.

Furthermore, the so-called stipulation to which you refer already has been repudiated by United States Attorney General McGrath, who has denied that the right even exists under California State law for an application to the State division of water resources.

You have been grossly misled by William H. Veeder, special assistant to Attorney General McGrath, who finds himself in the unpleasant predicament of having fronted in suits aimed at 14,000 defendants and who now does not know how to proceed with such an unprecedented trial.

The great harm which you have done, either wittingly or unwittingly, to the remedial legislation now pending in Congress

on the Fallbrook case can be completely undone only if you make a public retraction.

If you do not see fit to make such a retraction, perhaps other Senators will call it to the attention of your colleagues.

Very truly yours,

ED AINSWORTH.

Mr. President, I ask to have printed as part of my remarks, immediately following the letter from Mr. Ainsworth, extracts from an article by Mr. Ainsworth which appeared in the Los Angeles Times of March 16, 1952.

The PRESIDING OFFICER. Is there objection?

There being no objection, the extracts were ordered to be printed in the RECORD, as follows:

KNIGHT BLASTS UNITED STATES IN FALLBROOK CASE

(By Ed Ainsworth)

A bitter attack on Federal officials in the Fallbrook water-seizure case was voiced in Sacramento yesterday by Lieutenant Governor Knight, who also is a member of the State lands commission.

LONG PERIOD OF STUDY

He asserted that a so-called stipulation entered into between the Attorney General of the State of California and the United States Attorney General is "a convenient subterfuge used by Attorney General McGrath to lull protesting citizens into the belief that their rights have been protected."

The Lieutenant Governor said he is issuing the statement as the result of a long period of study of Federal encroachment in California and the attempt of Federal officials to seize private property rights without compensation under a doctrine of paramount rights.

HITS ENCROACHMENTS

"An issue concerning the individual rights of citizens of California has reached a point where I consider it necessary to add my voice most vigorously against the Federal encroachments which are threatening constitutional government in this State and throughout the United States," Lieutenant Governor Knight said.

"I speak of the Fallbrook water case, in which United States Attorney General J. Howard McGrath is seeking through a doctrine of paramount Federal powers to seize private water rights of 14,000 persons in the Santa Margarita River watershed in San Diego County.

"This matter has been a compelling public issue for almost a year, and has caused protests by the California Legislature and many individuals and organizations, but it has just now reached a crucial stage in Congress. One phase of it has been seized upon and distorted during the last few days by an ardent advocate of centralization and added Federal control."

"On Wednesday, March 5, 1952, Senator O'MAHONEY caused to be entered in the CONGRESSIONAL RECORD a copy of the so-called Santa Margarita stipulation. In so doing, Senator O'MAHONEY said, 'the case is known as the Santa Margarita River case, in which the Federal Government sought to obtain water for a military reservation, not as a sovereign but as a proprietor.'

"A stipulation was recently entered in this case making it clear that the Santa Margarita River case has no relation whatever to the controversy over submerged lands" (that is, the so-called tidelands case in which the Federal Government is seeking to take over the oil-bearing lands off the California

and other coasts under a paramount rights doctrine).

"In addition, the pleadings of the United States Attorney General specifically assert that the United States is acting as a sovereign and that it is not in the category of an ordinary litigant.

"This means the United States sets itself up as above and beyond established law and thus attempts to crush a mere individual under the weight of Federal paramount and sovereign powers."

RECORD OF CASE ITSELF

"The ridiculous nature of the intimation that the Santa Margarita River case has been settled or rendered harmless by the so-called stipulation with the attorney general of California can be proved by the record of the case itself. Hardly had the stipulation been entered into when it was repudiated by the United States Attorney General.

"The stipulation was supposed to provide that the rights of the United States were to be measured in accordance with State laws. But the United States Attorney General in a formal pleading in the proceeding not only denied the control of State laws but even challenged the right of the defendants to proceed under recognized principles of California law.

"The United States Attorney General contended that even the filing of an application with the State division of water resources constitutes a cloud upon the rights of the United States."

CALLED SUBTERFUGE

"This contemptuous disregard for the stipulation merely confirmed what informed observers had already realized—that the stipulation made by the attorney general of California with the Attorney General of the United States merely was a convenient subterfuge used by Attorney General McGrath to lull protesting citizens into the belief that their rights had been protected.

"Actually, the prosecution of the Federal case seeking to seize the water rights in the Santa Margarita River Basin is proceeding at full speed. More than 3,200 defendants already have been served and the United States Attorney General places the total number to be sued at about 14,000 and is proceeding to serve them with complaints."

REMEDIAL LEGISLATION

"A measure to nullify the Federal encroachment in the Fallbrook case now is pending in Congress. The bill—reported out unanimously by both Democratic and Republican members of the House Interior and Insular Affairs Committee—is known as H. R. 5368. A similar measure—S. 2809—has been introduced in the United States Senate by Senators KNOWLAND and NIXON.

"This remedial legislation should be passed to safeguard the rights of the people in the Fallbrook area and to prevent greedy Federal officials from seeking again to invoke their paramount rights' doctrine against helpless citizens in the future.

"Every citizen must join in the struggle to crush these brazen attempts to override established private rights guaranteed under the Constitution. We must defeat any theory of paramount Federal powers and establish once again the basic American doctrine of private rights guaranteed under the first and fifth amendments of the Constitution."

Mr. KNOWLAND. Mr. President, will the Senator from Florida yield further?

Mr. HOLLAND. I yield.

Mr. KNOWLAND. Mr. President, I merely bring up this matter to show that there is a very real and growing concern in the State of California about

the constant encroachment on the part of the Federal Government. As I mentioned in my remarks on the proposed tidelands legislation a week or two ago, the longer I am in Washington, where I have now been for a little more than 7 years, the more I become concerned with the gravitation of power to the Federal Government, and the more I am becoming a States' righter. I may say to my distinguished friend from the South, the Senator from Florida, that I do not believe, after my experience here, that I would be any less interested in preserving the rights of the States than are he and his distinguished colleagues.

Mr. HOLLAND. I thank the distinguished Senator from California. It seems to me that the feeling which has just been voiced by the Senator from California is not found merely in the Halls of Congress. I believe it is a happy augury that millions and millions of the American people are beginning to see that the Federal Government is becoming a behemoth so gigantic, that no conscientious legislators can tell, to save their souls, anything satisfying about the details of the appropriation bills and many other measures. They realize that that does not make for good government, and is not safe, but, instead, results in lack of economy, in waste, and in loose administration which too often has been reflected in corruption, and has contributed more than anything else to the collapse of confidence on the part of average citizens everywhere in their Federal Government. The Government is simply too big. And yet here are good citizens and fine Senators who want to make it very much bigger.

Mr. LONG. Mr. President, will the Senator yield at that point?

Mr. HOLLAND. Just a moment.

A few moments ago the Senator from California [Mr. KNOWLAND] recited the discomfiture of the Attorney General at finding that he had some 14,000 defendants in a case. Let me say to my distinguished friend from California that if the pending legislation should be enacted, and if no remedial legislation were passed giving back to the States their rights in their tidelands or their submerged lands as far as the State limits, anything which the Federal Government has seen up to this time in the way of litigation and numbers of parties will fade into oblivion compared with what we shall see then.

The other day the Senator from Florida received a copy of a letter from a minority member of the city commission of Miami Beach. It was a letter which he had written to the Hon. Howard McGrath, Attorney General of the United States, imploring him to handle, as a Federal matter, the protection of the shore line along the front of Miami Beach where not one, but dozens, and perhaps hundreds of fills have been made, where there are many private beaches, pavilions, cabanas, swimming pools, and hotels, which encroach upon lands which originally were a part of the ocean bottom.

That particular city commissioner was asking the Attorney General to take action because of the three decisions to which reference has been made, and to

prevent certain uses being made of that frontage of Miami Beach, extending, I believe, for 8 or 10 or perhaps 12 miles. The Attorney General was asked to take over that immense question, already pending in litigation in the State courts. It was sought to lay that problem in the lap of the Federal courts for decision, and to have the litigation handled by the Department of Justice.

If the country and those who propose this measure persist in following out the philosophy of Senate Joint Resolution 20, and the philosophy which is behind the California, Texas, and Louisiana decisions, we can expect a Federal Government swollen to a greater extent than any other one thing has ever caused heretofore—swollen not only in personnel, in expenses, and in details of administration, but terribly swollen in the field of litigation, to which the Senator refers.

I remind the Senator from Louisiana, and the Senate, of the fact that since the decision 3 or 4 years ago in the California case by the United States Supreme Court, there has been pending before a special master appointed by the United States Supreme Court to hear the facts, a controversy as to only a few miles of the shore line of California. As I recall, it involved 6½ miles. It may be more or less. That controversy has not yet been terminated. The record of the hearings has grown volume by volume, into thousands upon thousands of pages. I remind the Senate that if we persist in this kind of philosophy we shall be entrusting to the handling of the Department of Justice and the Department of the Interior all the controversies, all the troubles, and all the difficulties affecting all the maritime States of the United States growing out of their frontage of many thousands of miles upon the ocean. It is unthinkable that anyone who has really thought the problem through would want further to aggrandize the Federal Government so as to make it necessary, in a community such as Miami Beach, for the property owner who wants to build a groin to protect his hotel, which cost several millions of dollars, to come to Washington with his hat in hand, or with a tin cup, appear before a bureau, and finally, at long last, after finding his way from office to office, present a request for a right to do something which he knows is absolutely necessary to the preservation and protection of his investment of millions of dollars. It is unthinkable that we should allow such a situation to continue.

Mr. LONG. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. LONG. The Senator is discussing the problem of big government. I am sure the Senator realizes that some Government agencies have ways of using every bit of additional power they can get, as a prying pole by which to obtain more power. They find ways of using it so as to curry favor with various people and extend their power, building up their little empire by the use of the power which they manage to obtain. It is like a snowball rolling downhill. Every time they find an additional bit

of power, they find a way to use it to obtain more power.

Mr. HOLLAND. The Senator is, of course, entirely correct. Everyone knows that the Federal bureaus are hungry for power and more power. In spite of the fact that they are now suffering from elephantiasis of the worst sort, they are still grasping for power and more power. That is exactly what they want in the field in which this proposed legislation is being considered.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. CHAVEZ. I fully agree with the Senator from Florida that there seems to be a tendency to try to concentrate all power in Washington. This thought comes to my mind: Is not Congress at times responsible for that situation? Only 2 weeks ago this body, in my opinion, surrendered much of the power which the Senator from Florida is now talking about, when we approved the reorganization plan which was before us at that time. All we did was to concentrate more power in Washington and take it away from the States, irrespective of the merits of the reorganization plan, or the value of the recommendations of Senators with respect to collectors of customs in the various States. Did we not surrender the power which was in the hands of the people and concentrate it in the Federal Government in Washington?

Mr. HOLLAND. I think we did. I appreciate the Senator's contribution. I believe that when we approved the reorganization plan referred to we deprived our people of the benefit of the judgment of the two Senators from each State, which should have been, and I believe was, an asset to be used in the protection of all the citizens of a State.

I believe that in other particulars that plan represented centralization gone wild. Take the matter of the 25 district deputy commissioners. Under that plan, a citizen in my State, instead of being able to obtain a full hearing within the State before a State collector, apparently will have to go to the good city of Atlanta, Ga., or Birmingham, Ala.—I am glad to see my friend from Alabama [Mr. HILL] present in the Chamber. If we must go to Birmingham, we shall certainly be pleased to see the good city we shall find there. The people of Birmingham are hospitable folk, but we much prefer to go to Jacksonville or somewhere else within our own State. It does not serve the convenience of the citizens of our State to be compelled to go even to the delightful city of Birmingham or the equally delightful city of Atlanta, or to Columbia, S. C., or Charlotte, N. C. We much prefer to go to a representative of the Government who knows our people, who comes from among our people, and who can be reached within our State. We think that is sounder government. We are still Jeffersonian Democrats down our way. We believe, with the Senator from New Mexico, that that government is soundest which is kept closest to the people. We believe that before long there will be a startling realization of the fact that in the action taken in approving that reor-

ganization plan Congress has resigned, abdicated, and given away a portion of its precious trust. We have substituted for one sort of political handling another political handling. If anyone chooses to debate with me the question whether or not political control still resides in the Chief Executive, his experience differs from the experience we have daily in considering civil-service questions.

Mr. CHAVEZ. Mr. President, will the Senator further yield?

Mr. HOLLAND. I yield.

Mr. CHAVEZ. With relation to the Government personnel in the various individual States, I do not see any reason why someone from the city of Birmingham, from which my good friend from Alabama [Mr. HILL] comes, should have to go to Georgia about a tax matter. The argument used was that the reorganization plan would result in obtaining more honest collectors.

The collector of internal revenue in New Mexico, like the collector of internal revenue in Mississippi, is in point of service one of the oldest members in the whole system. There has been no trouble with him thus far. He has given out a statement that, though he may have to continue under civil service, he will not change his mode of living; that is, he will be no better and no worse than before. That is all right.

I hope more arguments along the line of that of the Senator from Florida with reference to Government centralization will be made. I have not followed the discussion of the pending joint resolution as much as I should like to, because I have been very busy on committee work. I hope that Congress itself will use its power to keep control in the American people and not concentrate it in Washington. If Congress surrenders its powers, we shall have no one to complain about except ourselves.

Mr. HOLLAND. I thank the distinguished Senator from New Mexico. There is no question at all about the fact that in this instance Congress does have the power to make the decision. No one else has such authority. The Senator from Florida feels that it is the duty, and a very high duty, of Congress to recognize the fact that this situation cries to high heaven for a definite and certain solution. The best solution which can be afforded is to return to the States and confirm in the States the right to handle the multifarious local problems which have to do with the use of the little shoestring of land and water which surrounds each of the maritime States.

Mr. President, while we are talking about these offshore questions, which were brought up by the Senator from California [Mr. KNOWLAND], I think it might be well to exhibit, so that Members of the Senate can see it, a map which illustrates some of the problems affecting maritime States such as the State of Florida. A table already introduced into the RECORD shows that our State has by far the largest mileage of shore line of any State of the Union. Therefore, it would be interesting to see some of the aspects which pertain to the problems which have been occasioned in our State.

Mr. President, we have many piers in our State. Some of them are built out into the open Atlantic and a few of them are built out into the open Gulf. The same situation obtains in the State of New Jersey, and it was referred to by the Senator from New Jersey [Mr. HENRICKSON] when he brought to the attention of the Senate the other day the fact that there were numerous expensive piers in his good State, for instance at Atlantic City, Ocean City, and at other places in the State. Such piers have been built at enormous expense and under the present Supreme Court decisions they are now located upon Federal lands. That question must be cleared up.

In Florida there is a similar problem. However, I wish to invite attention to a particular problem which I believe has not been mentioned in the debate. I invite the attention of Senators to the string of islands to which I am now pointing on the map. They extend 200 miles into the open sea, roughly from the southeast corner of Florida, westward and southward by Key West to Loggerhead Key, on which there is a lighthouse. Just short of Loggerhead Key there is Garden Key, on which Fort Jefferson is located. That whole string of islands constitutes all that is left of Monroe County, which gave all of its mainland area—and it was a very considerable area—to the Federal Government, to become a part of the Everglades National Park. Most of that mainland area is swamp and morass, and it is as near a wilderness as can be found anywhere in the United States. Therefore, it was desirable for park purposes. All there is left to this county is this long string of islands, 200 miles in length, all of which or most of which are affected vitally by the proposed legislation which we have under discussion.

These islands—and there are hundreds of them—are mostly very narrow and lie between the Atlantic Ocean and the Gulf, or between the Florida Straits and the Gulf. They must be extended into the shallow areas of water surrounding them if they are to be developed. On many of them land is sold on the front-foot basis, because they are extremely desirable for the location of winter homes. No one could start making a development there without being confronted with the questions: "How are we going to make the fill? Where are we going to get the sand?" The islands themselves are practically all coral rock, with only a little skim of sand on them. Anyone trying to develop such an island would naturally have to ask, "Where are we going to get the sand to enlarge our investment to the point where we can build a beautiful home?" Or perhaps someone may wish to build a hotel. "Where are we going to get the authority to build a bulkhead or the groins, which are necessary to be built in order to protect our investment? Where are we going to get the authority to lay out sewerage lines, which have to be built in the form of permanent concrete and steel structures?" Such developments must be protected from the standpoint of health. Incidentally it can be seen how ridiculous it is to take away from the

local people and from the local health officers the problem of determining where it is safe to dump sewage and where it is safe to dump industrial waste. There are numerous places in our State where industrial waste is pumped out into the Atlantic or the Gulf. How else than by local handling can that problem be safely solved, with the certain knowledge that the sewage or industrial waste will not come drifting back to the shores of the people who live there, and where else can one go for a solution, if the needed authority is not given to State and local authorities?

Under this proposal, enormous as it is, we find that the good people of our State who live on the mainland, which has a shore line of approximately 1,200 miles, the people who live on all of these keys, and the thousands of others who seek to live there are confronted with the necessity of coming up to Washington every time they want to build or develop anything. They must come to a place which is so remote from them, and at a place where there would have to be built a huge staff in order to check, on the facts upon which it could safely exercise discretion. It is ridiculous.

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

Mr. HOLLAND. I yield.

Mr. LONG. As a matter of fact, does not the Senator from Florida agree that everyone, even among the Federal advocates, realizes that the Federal Government had no reason for claiming this property and that there was no basis upon which anyone thought the Federal Government ever owned it or should own it, until oil was discovered in the tidelands of California?

I am going to read a statement made by Mr. Perlman along that line. He was one of the principal Government advocates. In answering a question propounded by the junior Senator from Florida [Mr. SMATHERS], Mr. Perlman said:

I think that the resources of the marginal sea never were an issue. They never were important until it was found that oil could be economically taken from the bed of the ocean. Then the question was raised after some time as to who had the rights there, and then litigation was brought to determine it.

In other words, there never had been any occasion to do so, and they never asserted their claim. The Federal Government realized that there was no reason why it should be bothered with that problem and that it was a problem of local government. Only when oil was discovered, 175 years after the Federal Government was formed, did the Federal Government say, "Now is the time that we should make claim to this property."

Mr. HOLLAND. The Senator from Louisiana is correct. Mr. Perlman, at another place in his testimony, said the question never would have arisen except for oil.

So far as the Representatives of the States are concerned, oil is but a small part of this question. We have not discovered any oil in the offshore lands of Florida. We may never do so. However, we have a tremendous interest in what

happens in reference to our piers, built-up lands, bulkheads, sewage-disposal facilities, the control of our fisheries, and our sponge industry, the use of sand, gravel, and shell, and other matters which our people have been accustomed to controlling on a State and local basis ever since we were purchased from Spain, and before that time. That is the only sensible basis.

Yet because Mr. Perlman testified at the hearings that there is no present disposition on the part of the Federal Government to take away any of these things, we are asked to promptly put the oil bill through without taking care of these much more vital and permanent matters.

Let me suggest to the Senator from Louisiana that in the case of oil and gas, the question is purely a temporary one. Various witnesses have suggested that 20, 25, or 30 years will see the complete exhaustion of all the oil and gas in those lands. However, Florida has been having problems of the kind I have been mentioning since 1565, and I hope Florida will continue to have those problems in the future. I have the same hope for every other State as well. Those problems will become of much greater importance and magnitude and will affect vastly more persons as the States become greater and stronger.

Mr. President, Florida is growing very rapidly. As a result, the importance of all these problems, as they affect Florida, is increasing rapidly. So I am unwilling to have the Congress enact a bill at the urging of those who are interested only in oil and gas and in the oil companies and the gas companies, when such a bill will affect so vitally all the States lying along the shore line of our great Nation.

Mr. LONG. Mr. President, will the Senator from Florida yield to me at this time?

The PRESIDING OFFICER (Mr. SCHOEPEL in the chair). Does the Senator from Florida yield to the Senator from Louisiana?

Mr. HOLLAND. I yield.

Mr. LONG. Does the Senator from Florida agree with me that the reason why some of the Federal advocates are willing to back up for the moment and leave to the States some of their resources—at least, their shrimp, kelp, and sponge resources, and so forth—is that such a strong attack has been made by those who oppose them, that the Federal advocates are afraid they will lose the entire battle, and so they are willing to concede to the States, temporarily, for the time being, some of their resources?

Mr. HOLLAND. I think the Senator from Louisiana is correct. I hope and I believe that those advocates of control by the Federal Government will lose, because I think all the strong points and strong arguments are on the side of those who support the position of the States.

Mr. President, I hold in my hand a photograph showing how largely these matters relate to the progressive development of the coast lines of the States affected. This photograph happens to have been taken from the wall of my office, for I did not know I would have such

a use for it. The photograph shows approximately 2 miles of the ocean frontage of the city of Miami Beach. It shows approximately 12 of the beach-front hotels there. Of course, there are approximately 350 hotels at Miami Beach, in all, many of which lie along the coast line. The photograph shows—and anyone can determine this for himself, by examining the photograph—fills which have been made at numerous points; and it shows that many of the hotels, or parts of many of them or their cabanas or swimming pools or other important properties in connection with them, and in nearly all cases their private beaches, are built or erected or located on filled land. The picture also shows the great municipal pier. It appears in the far distance in the photograph. That pier was built at a cost of several million dollars, I would suppose. It was the center for the entertainment of veterans during World War II, at a time when 84,000 members of the Air Force were being trained at one time in the good city of Miami Beach. The photograph also shows the completely local nature of the improvements required to be made in order to protect these huge investments. I believe that anyone looking at this picture would say that several hundred million dollars' worth of investments are represented by the hotels which appear in this limited view of the city of Miami Beach.

I have tried to count in this photograph the structures built into the Atlantic Ocean as a measure of protection of the filled land or of the land which was there before the fills were made—structures which were built to protect that land from the devastating force of the ocean's waves. As I count them, there are 19 different groins in that very limited area; and each of them extends several hundred feet from the shore line, into the body of the Atlantic Ocean. Each of those groins consists of a steel-and-concrete structure built down to the very mother rock itself. An excavation must be made, and part of the underlying rock must be removed, in order to weld, as we might say, this protective structure into the rock which underlies the little film of sand at the bottom of the Atlantic Ocean at that point. As I said a moment ago, 19 such structures appear in this photograph.

Mr. President, I see that the Senator from Wyoming is rising to his feet. I feel sure that he will call attention to the fact that the adaptation of Senate bill 1540, which he and other Senators have offered as an amendment to Senate Joint Resolution 20, will take care of these particular cases, in that that adaptation offers to quitclaim to the States or to the grantees to the States the bottoms upon which these particular structures rest, and to give to the States and their grantees some comfort and some repose in their titles to those lands. As I have pointed out, immense amounts of money have been invested even in the groins. The suggestion which I believe the Senator from Wyoming will make is no answer to the situation, because the Senator from Wyoming knows full well that a little later in his amendment it will be found that in the case of all such future improvements, either those to be built in

the future or changes in those which already have been built, we shall have to come running to Washington to see what we shall be allowed to do.

Mr. O'MAHONEY. Mr. President, will the Senator from Florida yield to me?

Mr. HOLLAND. I yield. I hope the Senator from Wyoming will examine the photograph to which I have been referring, because I think it will give him an idea of the immensity of the problem to which he apparently gave no attention at all in connection with the provisions of Senate Joint Resolution 20, but to which he offers to give partial treatment under the amendment which, very generously, would quitclaim to the States title to the improvements already made.

In this connection, let me point out that we do not think that in the building of a great State, we should be confronted with the discouragement provided by the treatment the Senator from Wyoming attempts to give to the States and to these problems which affect the States. In other words, when we come for bread, we do not like to be given a stone.

Mr. O'MAHONEY. Mr. President, the Senator from Florida is most generous in yielding to me.

Of course, like every other Member of the Senate, I have had the enjoyable opportunity of visiting Miami, and I hope Miami will continue to grow.

Mr. HOLLAND. The Senator from Wyoming will always be made most welcome there.

Mr. O'MAHONEY. I am quite sure of that.

I am also quite sure, let me say, that most of the discussion which has occurred in opposition to the measure which has been reported by the Committee on Interior and Insular Affairs deals with imaginary fears.

However, I did not rise to question the Senator from Florida about the contents of the amendment which we have adopted to the joint resolution, namely, the amendment with respect to inland waters. I wished to ask the Senator from Florida whether he was telling the Senate that the State of Florida and other coastal States are not now under obligation, in many instances, to secure permits from the Federal Government?

Mr. HOLLAND. In reply to that question, I simply say that only where questions of navigation or questions of national defense are involved, do we have to come to Washington.

Of course, the Senator from Wyoming knows that for 4 years I had the honor of serving as chief executive of my State. During that period, in presiding over several of the State boards which have to do with matters of this kind, I was amazed at the multifarious problems in this field which come to Tallahassee for decision or to the legislature for special action. Although a few of these matters do have to reach Washington, they are few indeed.

For instance, in the case of the groins to which I have referred, certainly not by the remotest stretch of the imagination could anyone say that navigation is hurt by the building of those groins. No one could say by any stretch of the imagination that navigation is hurt by the

extension for a few hundred feet of the shore line into shallow waters. Originally Miami Beach was just a little strip of sand and mangroves; but now, as the Senator from Wyoming can see by looking at this photograph, the city of Miami Beach comprises a sizable area, because it has been built up both into the bay and into the ocean.

At this time we are dealing with the growth into the ocean. Permits would not have to be secured from the Federal Government in regard to most of that growth. In that regard, we are not seeing things in the dark; we are not conjuring up imaginary fears. We simply do not want to have to secure consent from Washington.

Mr. O'MAHONEY. Those matters might take the Senator from Florida or other Floridians to Jacksonville, to the office of the Corps of Army Engineers. Representatives of Florida could reach that office with much less inconvenience and much less annoyance than they could reach the capital of the State of Florida, at Tallahassee.

However, I wish to ask the Senator from Florida whether he fully agrees—and I think he does agree—with the statement he has just made, namely, that in matters of national defense and matters of navigation, without respect to any argument which has been made here on the flood, the Federal Government has a substantial interest.

Mr. HOLLAND. It has paramount interest.

Mr. O'MAHONEY. It has a paramount interest?

Mr. HOLLAND. I agree.

Mr. O'MAHONEY. Then does the Senator from Florida agree that it has been the custom of the Army engineers for many years to issue permits to coastal States for the erection of piers and jetties into the open ocean?

Mr. HOLLAND. I do; that is wherever navigation was affected.

Mr. O'MAHONEY. Yes. Of course that is true; there is no question about it.

Mr. HOLLAND. That would be an infinitesimal percentage of the total number of cases.

Mr. O'MAHONEY. Very well. Then does the Senator from Florida agree, or does he disagree, that if it be a fact—as he has now acknowledged—that where navigation is concerned, a permit must be obtained from the Federal Government to build a jetty or a pier into the open ocean, but the Federal Government should not be consulted if the State issues an oil lease which will also extend into the open ocean?

Mr. HOLLAND. The Senator is talking—

Mr. O'MAHONEY. Mr. President, there are oil companies which have been operating upon these lands, and sometimes they build islands in the open ocean, for the purpose of reaching the oil strata. Does the Senator from Florida feel that he is in a logical position if he contends that a State should be permitted, without any interference by the Federal Government, to build an island out in the ocean and to sink a well there and to draw oil from beneath the

submerged land there, but that the State must be required to apply to the Federal Government for permission to build a pier into the open ocean? Does one affect navigation less than the other?

Mr. HOLLAND. The Senator from Florida thinks that the Senator from Wyoming is confusing two separate and distinct things.

Mr. O'MAHONEY. If I am, I am following the example of Senators who have been supporting the quitclaim doctrine, because the quitclaim doctrine undertakes to transfer to the States an authority they never had, under the waters of the open ocean.

Mr. HOLLAND. The Senator I think is incorrect in at least a part of his statement. The quitclaim deed does not in any degree seek to take from the Federal Government any power which it has in connection with navigation; it could not do it if it wanted to. But, so that there could be no possible question on the point, the quitclaim deed, so-called—in fact, each of the quitclaim deeds—has contained explicit recitals reserving completely the control of navigation in the Federal Government; and the Senator from Florida feels that his distinguished friend is confusing two things which are entirely different. One has to do with the rights to drill, to produce oil or gas and to use it when it is produced. The Senator has been talking about that field. The other has to do with the erection of structures which may or may not be hindrances to navigation. If they are hindrances to navigation, there is not the slightest thing in the contention of the State, there is not the slightest thing possible under Federal law, which would take away in the least measure the duty and responsibility of the Federal Government to handle these questions of navigation; and if there is sought to be built a structure on a property taken from a State under a lease to drill and produce oil, a structure which would hurt navigation, which would be harmful, certainly the Federal Government has the power and has the duty of protecting navigation, and of protecting those who navigate; and there is not the least disposition on the part of those who are trying to protect the States to take away the slightest scintilla of the authority or the duty of the Federal Government in this vital field of navigation.

Mr. LONG. Mr. President, will the Senator yield for a question?

Mr. HOLLAND. I yield to the Senator from Louisiana.

Mr. LONG. Would it be a correct statement to say that those of us who take the States' point of view, and, we believe, correctly so, have always recognized that there were certain paramount rights which the Federal Government should have, to regulate navigation and to provide for national defense; but when the Government has the paramount rights to provide for navigation and to provide for national defense, we disagree with the theory that those two rights have a way of coalescing, as the court explained it, to cause the Federal Government to own the property. It is that with which we disagree.

Mr. HOLLAND. We certainly do not agree that the Federal Government owns our property because it has the duty of controlling navigation on it.

Mr. President, if Senators will look for a moment more at this map, and if the Senator from Wyoming will look at it, one of the questions brought up by the Senator might be answered somewhat more clearly. I call his attention to the fact that the entire fringe of this 200-mile string of islands westward and northward is in nonnavigable waters, except for two or three places, where well-marked channels, channels controlled by the engineers, exist, and where, of course, there could be no impingement on those channels. But here is a 200-mile area of shallows. A ship of any size, headed for Tampa, cannot go through there. It goes all the way around the Loggerhead Light before it can head back to Tampa. A ship going from Tampa out into the Atlantic has to go west of this line of islands before it can get into the Florida Straits. So that certainly all of the mileage on the north end of that string of islands—hundreds of them—is going to be hurt by any rule which requires the people there, before they do these many things that they must do in order to develop those areas, to come running to Washington or to some minions of Washington.

On the south side, almost the same story exists, because navigation there is confined to relatively few places. The Senator probably recalls that there is a reef that is encountered just before one gets to the Florida Straits, and that there are great areas of shallows which are involved on that side as well as on the inland or the Gulf side of those islands.

The Senator would actually have us believe that navigation problems would become of great consequence in the development of that string of jewels there, which are going to be used from one end to the other for the erection of beautiful winter homes and for all kinds of expensive investments. There are already many millions of dollars invested there, which will become hundreds of millions, and which may become billions of dollars, before they get through; and yet, before we build a groin, before we put a sewage outlet over in these shallows on the north side, before we do any of the things which are necessary to be done, before we even find where we can get sand to pump in, to make these islands a little broader and a little higher, the Senator would require us to go to the Federal Government; and I say that that is not good government, it is not sound government. I do not think the Senator wants to follow that sort of logic, and yet he comes in here with a measure confined to oil. Mr. President, I tell you we are thinking too much in terms of oil, we are thinking too much in terms of a commodity, which seems to make people lose their sense of proportion in other fields. The permanent problems of the people who dwell in the maritime States have to do much more largely with questions other than oil than with the oil question or gas. Oil is a temporary problem. These others are permanent questions which we hope will be-

come more and more powerful in their effect upon all efforts at development and growth for thousands and thousands of years to come. I think we dare not set up a federalized bureau here in Washington which shall direct what shall be done and what shall not be done over the thousands of miles of the coastline of all the good maritime States. If we do, we have gone further astray in the field of federalization than in any other field where we have ever proceeded heretofore, because 9 out of 10, and I believe one could say 99 out of 100 of the problems of the use of these submerged lands are local problems, and are intimately tied to the chance to develop, to the chance to grow, to the chance to build, to the chance to do something worthwhile; and yet we would have ourselves bound about the wrists and stymied by a law which would say that the Federal Government is to control this little shoestring, which binds us as a garrote all around our shore line, to say that we must come here to Washington before we can do anything for ourselves.

Mr. O'MAHONEY. Mr. President, will the Senator from Florida yield?

Mr. HOLLAND. I yield.

Mr. O'MAHONEY. I think the Senator has completely misconstrued the argument which has been made that we are dealing with a new use of submerged land, and the argument against the assertion of the paramount right which was made by the Supreme Court has been, since 14 years ago the struggle began to get a quitclaim, that the Federal Government was trying to grab something.

I invite the attention of the Senator to the fact that he has already acknowledged that the United States has an unquestioned right to issue permits for the construction of piers, jetties, wharves, and structures of that kind, and for the dredging of waters of the coastal States under the open ocean. The Senator has pointed out most vividly and eloquently with respect to the State of Florida that although the Federal Government has had that right, it has not interfered with the growth of the State of Florida. What we are dealing with here, Mr. President, I would say to my very able friend from Florida, is not an attempt upon the part of the Federal Government to grab anything, but it is an attempt upon the part of certain coastal States to grab the submerged lands that are under the open ocean, and which have always been under the jurisdiction of the Government of the United States.

I submit to the Senator that his acknowledgment that although the Federal Government, through the Army engineers, has had the undoubted right, and has exercised it, of granting or refusing permits where navigation has been concerned, he has never found the Army engineers acting like the terrible bureaucrats who the Senator feels will take over on the part of the Federal Government if the decision of the Supreme Court is upheld.

Mr. HOLLAND. I will say to my distinguished friend that there are many citizens who would not quite agree with him in his statement that there has

never been any trouble with the Army engineers. May I say again to my friend that when he talks about navigation he is talking about a field in which all of us concede the Federal Government must maintain the jurisdiction which it has always had; but when he talks about all these other things, he is not talking about a field in which the Federal Government has ever known it had any power until after these decisions were rendered. The Federal Government never for a moment dreamed that such a ruling would come as would make it necessary for persons to get permission to build a groin to protect an investment of several millions of dollars. The Solicitor General, appearing before the committee, stated that the question would never be raised, but when the Senator from Oregon [Mr. CORDON] asked him, "Suppose a citizen tries to take sand or gravel which the State has been selling under concessions, and says, 'I will not pay you any more; this belongs to the Federal Government,' what would happen?" The Solicitor General, answering that question, said, "Of course it will require legislation." It does require legislation.

Before the Senator came to the floor, I pointed out that within the past few days one of the city commissioners of the city of Miami Beach wrote a letter in which he requests—it is almost a demand—that the Department of Justice protect for the use of all citizens in the entire area the coast line along the shore which is depicted in the picture here and which has been produced by individual owners building out and protecting their holdings by bulkheads, jetties, groins, and the like. He insists that that is federalized public property, that the decisions make it so, and he is demanding that the Federal Government defend the right of all citizens to use it as public property.

I say to the Senator that he may have the most complete willingness on his part never to raise these other questions, and yet they are going to be raised. The decisions mean what they say, and until Congress makes some disposition of the problem we are going to have chaos in this field.

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

Mr. HOLLAND. In a moment.

Yet the Senator from Wyoming comes in with a bill confined to oil and gas in the beginning, ignoring the fact that oil and gas affect only three States, and only a limited area of the coast lines of those States, ignoring the fact that 17 other States have no known oil or gas deposits at all in their submerged lands, ignoring the fact that the Great Lakes States have an interest here—a bill is introduced which in the beginning was nothing but an oil and gas bill supported, as it is, by so many of the oil-and-gas-producing companies. The point I am making is that it seems to me that if the States which have these tremendous issues at stake sat idly and did not insist upon their problems being given consideration at this time, that we should expect to have and will have the bureaus drifting into more and more of these fields, with

the certainty which will completely prevent the floating of loans of five or ten million dollars to build such hotels as we see depicted in this photograph, to maintain a private beach which will not be eroded, and to establish buildings which will not be eroded but which will stand against the wrath of the Atlantic Ocean.

For that reason those Senators who have a very tender regard for the needs of the people of their States do not propose to have any such measure passed without having the whole subject thoroughly considered and without getting the relief which we feel the States need and are entitled to, relief under which there can be sound government and sound democracy which we think cannot prevail with federalization of these important natural assets of the various States and of the communities along the coast.

I now yield to the Senator from California.

Mr. KNOWLAND. Mr. President, apropos of the question raised by the Senator from Wyoming, I should like to say that I think the Senator from Florida has very effectively answered because, after all, the Federal Government has authority over navigation and has authority over the building of a bridge across a navigable inland water, where the Army engineers give their permission. But the able Senator from Wyoming would not say that because we must get the approval of the Army engineers for the building of a bridge across a navigable inland stream, therefore there is any doctrine of paramount rights that can be applied in connection with the ownership of tidelands up to the constitutional or legal limits of the State.

I quite agree with the Senator from Florida. I do not go along with the amendment of the Senator from Texas [Mr. CONNALLY] that it would extend into the Continental Shelf, because I think that is an entirely different issue and one over which the States historically have not had sovereignty, but certainly it extends out to the 3-mile limit in the case of California and a number of other coast States, and 9½ or 10 miles, or whatever the distance may be, in the case of Texas.

I think there is a very basic issue raised. All we are asking is for the return of that which was recognized for a period of more than a hundred years.

Mr. O'MAHONEY. Mr. President, will the Senator from Florida yield?

Mr. HOLLAND. I yield.

Mr. O'MAHONEY. I desire to comment with respect to what the Senator from Florida has said and what the Senator from California has said.

I have cited the recognized power of the Federal Government to issue or deny permits for certain structures extending into the open ocean, not for the purpose of using that fact as an argument for the paramount right of the Federal Government over submerged lands, but merely to illustrate the fact that Federal power has not been abused.

The argument which is being made in the daily press, the argument which has been made in support of the quitclaim

bills, is without exception that the Federal Government is seeking to take over submerged lands everywhere. The whole argument has been propaganda of distortion and misrepresentation of what the Federal Government claims and asserts.

I readily acknowledge that the Senator from Florida and the Senator from California have not engaged in that propaganda. The Senator from California clearly recognizes the position which the sponsors of Senate Joint Resolution 20 have taken when he says that he would not support the Walter bill, as passed by the House, because it undertakes to seize the Continental Shelf beyond the boundaries of the States. But that is language that is written into the House bill.

All I am saying in support of the proposed legislation before the Senate is that the coastal States need not fear any abuse merely because in the past they have suffered from abuses.

Mr. HOLLAND. I may say to the Senator from Wyoming that we do not believe in his doctrine of, "Papa won't hurt." We do not want paternalism in this field. We do not desire that the Federal Government shall have such important rights. We have had experiences too recently with the Federal Government in Washington to needlessly entrust our important rights and our important interests to agencies of the Federal Government.

Mr. O'MAHONEY. But the remedy the Senator from Florida proposes to prevent possible abuse by the Federal Government of authority which it has under the decisions of the Supreme Court and under the history of this Government, is to lop off the arm of the Federal Government, to deprive it of its power, and to turn that power over to the States, which never had it.

The decisions of the Supreme Court in the Louisiana, California, and Texas cases have asserted one thing with emphasis and with clarity, namely, that the Original Thirteen States never had sovereignty over the submerged lands under the open ocean, and that the paramount right over such lands is the right of the Federal Government, because those lands are submerged by the open ocean, as to which only the Federal Government, and not the States, can assert title of the people.

The Senator from Florida speaks of the apprehension—

Mr. HOLLAND. If the Senator from Wyoming will let me talk a little in my own time—

Mr. O'MAHONEY. Very well.

Mr. HOLLAND. I may say that the Senator is particularly confused in the two things which he has just said. He first says we do not have to fear because the Federal Government has not exercised any of the powers to which he has referred.

Mr. O'MAHONEY. The Senator from Florida will acknowledge he interrupted me before I had finished.

Mr. HOLLAND. The next thing the Senator says is that if we do what is proposed we are going to lop off the right arm of the Federal Government, which needs its right arm to defend itself; al-

though he has just said the Federal Government did not use its right arm at all, that we are talking about powers the Federal Government has not used and does not propose to use.

I have not the slightest doubt that the Senator from Wyoming would hope and pray the Federal Government would not exercise its powers, but by these decisions the Federal Government is given these powers. It never had them before. It never had occasion to use them before. Therefore, its failure of user heretofore is no indication of what we may expect in the future. I think what we can expect is better gleaned from our inspection of what Federal bureaus like to do. They like to reach out for more and more power.

There are now between two and two and one-half million employees in Federal civilian agencies. The more powerful those agencies becomes the weaker we are, and the more chance there is for collapse, and the more we continue to build the huge Federal state, whose huge size is basic to the troubles we are having.

What I have said is that the sooner there is enacted a bill which will give to the States again the right to control their affairs in the fields which they have been controlling since the foundation of our Government, and up to the bad day when the decisions which have been cited came down from our Supreme Court, the more wholesome our Government will be, and the better shape we will be in.

I yield to the Senator from California.

Mr. KNOWLAND. In conformity with and in support of what the Senator from Florida has just said, I wish to point out that prior to the time Mr. Ickes, then Secretary of the Interior, took the position he assumed, he had previously, in a letter, declared that the authority rested in the States.

Mr. HOLLAND. It was not merely one letter, but some 13 to 16 such letters that he sent.

Mr. KNOWLAND. That is correct. In addition to that, I may say to the Senator from Florida that there are a number of cases in California where the municipalities or the particular areas had been asked to make available to the Federal Government certain areas for installations that were in the so-called tidelands areas. In each instance the Federal Government insisted on getting a transfer of title from the State, which clearly shows that up until the time the Supreme Court decisions came down the Federal Government itself recognized that the State had title to those lands.

Mr. HOLLAND. The Senator is correct. There are instances known to me in which the outer ends of jetties built in Florida ports, resting, as they do, on the bottom of the open sea, were built upon lands acquired by deeds issuing from the State of Florida, through its regular agency established for that purpose, to the Federal Government, deeds conveying lands which were accepted by the Federal Government and were evidently required as a condition to the expenditure of moneys by the Federal Government in building structures, which were required to be put up by it as aids to navigation.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. O'MAHONEY. The Senator from Florida, with the able assistance of the Senator from California, seeks to draw us a picture of the terrible ogre of Federal Government.

Mr. HOLLAND. The Senator is beginning to see it. I am happy that he is.

Mr. O'MAHONEY. I am going to suggest to the Senator from Florida a way in which he can stop the extension of this Federal ogre. One of the things he can do is to introduce a bill to abolish the Federal Bureau of Public Roads. That is the Federal bureau which builds Federal-aid highways into the State of Florida, upon which are carried thousands of tourists, thousands of citizens, from all the States in the Union, who go down to Miami Beach and occasion the growth of the State of Florida.

The Senator from Florida can introduce a bill to abolish the agency of the Federal Government which handles rural electrification—an agency of the terrible Federal Government which is seeking to take away from the people the rights they ought to have. The Senator can introduce a bill to destroy social security. I could go through a long list of great reforms which have been accomplished since the passage of the Federal highway bill in the administration of Woodrow Wilson.

I venture to say that the Senator from Florida will not introduce any bill to abolish any of those agencies in particular. Oh, it is so easy to denounce them in generalities. What does the Senator want to do? The Senator wants to take away the right arm of the Federal Government to exercise its paramount power over the submerged lands beneath the open ocean, to which, under the decisions of the Supreme Court, the States never had any title.

Mr. HOLLAND. I thank the distinguished Senator. I think in his last remarks he has made two distinct contributions to the debate.

In the first instance, for the first time, he has used the word, with reference to this whole program, which I have been using for a good while, and which I think is implicit in this entire program of Federal control of submerged lands, namely, the word "reform." There is not a question of doubt that those who believe we must have reform, reform, and reform, more and more control by the Federal Government, particularly in the so-called liberal fields, are for the pending bill. This is reform.

The second contribution which was made by the distinguished Senator was in his comment upon various reforms with respect to which, I take it, he has some question as to whether they should continue to exist. Certainly I have offered no measures to discontinue them. But we do not happen to be in a position in which we must offer such measures. What we are trying to do is to prevent the mushrooms from growing before they grow. What we are trying to do is to prevent the growth, to the huge proportions which would be necessary to handle the questions arising in

the thousands upon thousands of miles of littoral of our States, of any department to the degree it would have to grow to bring about the solution of those problems throughout the length and breadth of our coastal areas. Now is the time to scotch it. When the snake is just aborning is the best time for us to do away with it. That is what we are trying to do.

Mr. KNOWLAND. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. KNOWLAND. It seems to me that my able friend from Wyoming [Mr. O'MAHONEY], for whom I have the highest regard, and with whom I served on a subcommittee of the Committee on Appropriations, is taking the position that if the patient is being operated upon and has had a little ether, it is all right to pour the entire can of ether over him and suffocate him. That is just the thing we do not intend to have done by the Federal Government. I think we would be derelict in our duty as Representatives of the various States who have an honest difference of opinion with our friend from Wyoming on this score, if we did not try to get this legislation in such shape that it would at least do what we honestly believe should be done, namely, to bring about the situation which we believed existed up until the time Mr. Ickes, through the Department of Justice, brought suits in the Supreme Court of the United States, against the States.

Mr. HOLLAND. I thank the Senator.

Let me make one further comment. I noted that the distinguished Senator from Wyoming referred to the Federal Bureau of Public Roads as illustrating his argument. I call to his attention the fact that the Federal Bureau of Public Roads does not build roads in the States. To the contrary, it uses State machinery, State highway departments, and State equipment. The States put up most of the money. All the Federal Government does is to recognize the fact that there is a proper Federal question under the commerce clause. The Federal Government contributes a small part of the total funds used in constructing the road systems of our States and of the Nation. It contributes a small part because of its recognition of the fact that there is a Federal question. However, the administration, the making of decisions, the making of contracts, and the building of the roads themselves, are handled through the States.

I well recall that in the case of my own State we found, during World War II, that the Bureau of Public Roads was without any machinery, without any personnel, without any ability itself to come in and build roads. On the contrary, it was continuously asking, and was always very gladly receiving, help from the State personnel. It was receiving equipment, tools, and the benefit of management and know-how of the State Highway Department of my State, and of every other State, in getting things done which needed to be done in that field.

The distinguished Senator would despoil the States of those values which they have had ever since the foundation

of the Nation. Mr. Justice Black, in his very able majority opinion in the California case, says that that view was evidently accepted by the Supreme Court Justices from decade to decade.

The States have always had the handling of these problems themselves. They thought they had the right to handle them. Certainly the Federal Government has no experience in this field. However, the Federal Government now wants to take over this particular field. I say that it is not good democracy. It is not good government. It will not serve our people well. It will continue the over expansion of Federal Government, which I think our Nation now recognizes is a real hazard to our continued existence.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. O'MAHONEY. The Senator is now quite ready to defend the Federal Bureau of Public Roads, as I am. He would not abolish it. I assume that the Senator would also defend rural electrification. I assume that he would defend social security. I assume that he would defend all those things.

The point I am making is that in his argument the Senator draws a picture of a terrible Federal Government, but only when the coastal States are seeking to seize that area of paramount domination and right over the open ocean and the submerged lands which certain coastal States would like to have. The argument is that this is a terrible Federal Government. But when it comes down to specific facts, the challenge is not made. The States are seeking to extend their power into a field which they never occupied from the foundation of the Government. The argument is made, as it has been made in all the publicity which has been circulated in the States, that the great ogre is going to seize the inland waterways of the interior States. The Senator from Wyoming has added an amendment to the joint resolution to make it clear that the Federal Government does not propose to seize those rights; but instead of attempting to make that declaration more perfect—I grant that it is not perfect—Senators indulge in generalities of denunciation in order that the States may obtain rights which belong to the Federal Government in the domain of the open ocean.

Mr. HOLLAND. Let me say to the Senator that, in the first place, I think he was in error in one of his statements. He said that the States had not enjoyed such rights until the time of these decisions. As the Senator from Florida understands, the States have enjoyed such rights from the foundation of this Nation. The admission is made by Mr. Justice Black in the majority opinion in the California case that, in what he calls dicta in numerous cases prior to that date, members of the Supreme Court quite evidently had shared the opinion that the States did have such rights, which they were certainly enjoying.

On the question of enjoyment, I invite the attention of the Senator to the fact that, as shown by the record of his

own hearings, the State of California began to enjoy the production of oil from its submerged lands in 1922. A table which appears as a part of the record shows that the State was enjoying the proceeds of that oil, but the record also shows that more than half of the California offshore oil is now used up. The record shows that the States have been the ones with initiative, the ones with imagination, the ones with know-how. They have done the remarkable job which has been done.

If the Senator wishes me to be completely specific, let me say that I am completely against vesting in the Federal Government in Washington control over the multifarious marginal fields which are vital to our States and to local communities. I am against vesting in the Federal Government control of the things which are done with respect to the submerged lands in the shoestring of land and water which surrounds our coastal States. I believe that by doing those things through the Federal Government we shall be doing them much more wastefully, much more slowly, much more selfishly, and much more politically. Such a program would strike a great blow at those interests and communities which are growing and expanding, not because the Federal Government has had charge of them and has regulated them, but in part, at least, because the Federal Government has not been in charge of them and has not been regulating them. We have made tremendous growth and progress under the present system, and I want to see that system continued.

Mr. LONG. Mr. President—

Mr. O'MAHONEY. Mr. President, may I make a comment at this point?

Mr. HOLLAND. I yield to the Senator from Wyoming.

Mr. O'MAHONEY. If the fear which the Senator now entertains were to become real I would say to the Senator that it would be entirely at variance with the record which the Department of the Interior has made in handling oil lands upon the public domain.

Mr. HOLLAND. If the Senator will let me comment right there I would say that if the Senator is pointing to the performance of the Department of the Interior for any comfort he had better be looking to some other example, because it has been the observation of the Senator from Florida, during his membership here, that many of the occasions for friction between the Federal Government and States, and between the executive department and the legislative branch of the Government, have arisen out of the administration of the Department of the Interior.

Mr. O'MAHONEY. Mr. President, may I ask another question of the Senator?

Mr. HOLLAND. I should first like to complete my thought; then I shall be glad to yield to the Senator from Wyoming. I am thinking at the moment of the book which former Senator Downey wrote under the title of "They Would Rule the Valley." I have read the book with a great deal of interest. It indicated a rather horrible record as having

been made by the Department of the Interior in some fields in California.

Mr. O'MAHONEY. Mr. President, may I ask the Senator a question?

Mr. HOLLAND. I should like to complete my thought first. I remember the speech made by my good friend, the distinguished senior Senator from North Carolina [Mr. HOEY], last year, in which he pointed out that not for a few months but for some years the Department of the Interior by its obstinacy, and in spite of the fact that the Federal Power Commission had granted permission to a commercial power company to build a dam and create hydroelectric power facilities on a certain river in North Carolina with which the Senator is familiar—the Department of the Interior had ruled otherwise and was carrying the question through the various courts up to the Supreme Court. If the Senators from North Carolina and the Senators from Virginia were at all happy about that decision, or at all felt that it was a proper decision or a sound decision, I certainly misunderstood their attitude.

Likewise, in various other fields that I might mention the Department of the Interior has not shown the kind of administration which would give us confidence that its handling of these additional tens of thousands of employees, to direct where our bulkheads and groins shall be built into the Atlantic or into the Pacific or into the Gulf, would be a good addition to the Federal setup.

Mr. O'MAHONEY. Mr. President, may I now ask my question?

Mr. HOLLAND. If the Senator will be patient—

Mr. O'MAHONEY. I will be patient.

Mr. HOLLAND. The last example was the arbitrary and dictatorial letter written by the Secretary of the Interior to the Governor of the State of Washington. The letter has already been discussed in the RECORD. Not paying the slightest attention to the fact that for 3 or 4 years the United States Supreme Court had been struggling with the question of how to delineate proper lines between inland waters and outside waters along a few miles of the California coast line, the Secretary of the Interior proceeds to adopt a line across hundreds of miles of frontage of the State of Washington and to write in his letter, not in general cautionary tones, to the effect that the Governor of Washington should make reference to these decisions and make sure that in any exercise of his State's responsibilities he does not impinge upon the rights of the Federal Government, and knowing perfectly well that the matter of fixing upon a definite line is a very difficult thing to do, as shown so clearly in the case that has been dragging along for approximately 3 or 4 years, the Secretary of the Interior proceeds to write to the governor of a sovereign State: "Here is the line, from one end to the other. Do no step over it. If you do, you are a trespasser."

It reminded me again of the signs that farmers used in order to give warning to the Senator from Florida, and I suppose to the Senator from Wyoming also, years ago when as small boys we went hunting and were run summarily—at least the

Senator from Florida was—out of various inclosures, on the ground that we had no right to be in there.

That is the kind of attitude that we must expect. Expecting it, we are going to voice our unwillingness to help bring it about. I make the statement without any reference to any individual. The Secretary of the Interior undoubtedly is a very able and conscientious gentleman, or he would not be where he is. The Senate certainly voted to confirm him. However, when we observe the swollen bureaucracy, with thousands of employees, and when we observe power being delegated down through various shoots until it finally reaches a little twig out on the periphery of the administrative tree, we are bound to have and to expect many miscarriages of administration.

The Senator from Florida does not want to visit that kind of situation upon the tens of thousands of citizens of his own State, who own land along the Atlantic and along the Gulf, or upon the countless millions of persons who similarly live in the other maritime States. He believes he would be doing them a great disservice. He hopes that his good friend the Senator from Wyoming will reexamine the situation and come to the same conclusion.

It is the opinion of the Senator from Florida that it is impossible, in the interest of proper administration of the many details which have to do with the development and growth of a fine community, to have decisions made by someone sitting up here in Washington, in majesty and power, and by going through various channels to get here and then going through the same number of channels to get back again, without loss of time and without great expense and without the feeling on the part of citizens that there is selfishness and politics and that the whole problem is not being effectively handled.

Mr. O'MAHONEY. Mr. President, may I now ask my question?

Mr. HOLLAND. I am glad to yield to the Senator from Wyoming.

Mr. O'MAHONEY. Mr. President, the Senator from Florida has drawn an indictment of the Department of the Interior with respect to its excesses, abuses, and tendencies to step over the line of its authority.

Mr. HOLLAND. Principally its immense size.

Mr. O'MAHONEY. Very well; its immense size. Am I mistaken in my memory that the Senator from Florida himself appeared before the committee of which I have the honor to be chairman, the Committee on Interior and Insular Affairs, and urged the extension of the power of the Department of the Interior through the National Park Service over the Everglades in Florida?

Mr. HOLLAND. The Senator from Wyoming is mistaken. The act which the Senator from Wyoming has in mind had to do solely with the question of permitting the bringing of condemnation suits, to be handled and concluded by the Department of Justice in the courts of the United States for the purpose of acquiring lands which could not otherwise be acquired by bargaining.

Mr. O'MAHONEY. For the National Park Service.

Mr. HOLLAND. Yes. The Senator from Florida has never taken the attitude that he will not help any department of the Government which can show that it needs help. The Senator from Florida does not want the departments to grow so great. Before the Senator from Wyoming came on the floor, I made a statement that I like so well that I shall make it again. I believe they are already suffering from elephantiasis in the third degree.

Mr. O'MAHONEY. I heard the statement.

Mr. HOLLAND. I am glad the Senator heard it. The Senator's attitude since then has indicated to me that my thought has not sunk in. I do not want that malady, already existing in such an aggravated state, to be enlarged, because I fear for the patient.

Mr. O'MAHONEY. What was the purpose of these condemnation suits which the Senator from Florida said he supported?

Mr. HOLLAND. The purpose of the condemnation suits was to fill out the missing spots in the park, the land for which had been given largely by the Senator's State. The State of Florida gave much more than half of the acreage and \$2,000,000 more for the purpose of acquiring the rest of the land. Much of the rest of the land was acquired through bargaining, but there were spots that had to be filled out.

Mr. O'MAHONEY. Is it not a fact that the State of Florida, with the support of the Senator from Florida who now stands upon the floor, sought to expand the Everglades National Park under the jurisdiction of the National Park Service in the Department of the Interior?

Mr. HOLLAND. Expand is not the right word.

Mr. O'MAHONEY. Did not the State of Florida make a contribution to the National Park Service of land which it owned?

Mr. HOLLAND. The Senator from Wyoming is exactly correct.

Mr. O'MAHONEY. In spite of the fact that there existed such a giant of oppression the State of Florida was willing voluntarily to give away its own land, and the Senator from Florida was willing to support a law which would give the Department of Justice the right to bring suits of condemnation to get some more land. Is that correct?

Mr. HOLLAND. No; the Senator is again mistaken. It was to fill out the missing spots.

Mr. O'MAHONEY. Is that not the same as getting more land?

Mr. HOLLAND. Ever since the Everglades National Park was authorized by act of Congress the Senator and the State of Florida have been seeking to cut off certain parts of that park, and by agreement between the State and the Federal Government, not yet enacted by Congress, certain parts of that park have been cut off.

However, I have a very deep and very devoted interest in the realization of what was intended in the beginning,

namely, the setting up of a fine park there.

Mr. O'MAHONEY. A fine national park?

Mr. HOLLAND. Yes; a fine park in a semitropical setting which could not be found anywhere else in the United States.

Mr. O'MAHONEY. A national park?

Mr. HOLLAND. When it was impossible to find persons who would bargain as reasonably as seemed to be required—

Mr. O'MAHONEY. Citizens of the State of Florida, no doubt?

Mr. HOLLAND. Some of them were, and no doubt some of them were citizens of the State of Wyoming. Let me say that I have never favored putting any citizen above the State in any matter of vital State or national importance.

Mr. O'MAHONEY. In that I disagree; I would put the State above the individual, because I think the doctrine of putting the individual above the State is the false doctrine of totalitarianism which we are now fighting.

Mr. HOLLAND. Perhaps the Senator from Wyoming may come around to the view that he should support the position of the States, because we are attempting to keep hundreds of thousands and, in fact, millions of citizens who own lands which abut upon the Atlantic Ocean or the Pacific Ocean from having to consult the Federal Government and from being subject to Federal bureaucracy, whether they want it or not, for every minor detail in regard to their growth and development. The very gist of our argument is that we are placing first the rights of the citizens.

Mr. O'MAHONEY. Now the Senator from Florida has changed his argument, and I am very glad to know it. No one is more agile than is the Senator from Florida.

Mr. HOLLAND. Except the Senator from Wyoming.

Mr. O'MAHONEY. But the Senator from Florida is now in the position that he has supported the very agency which he condemns, so far as concern its activities in his own State. He does not believe that the National Park Service is a terrible enemy of the public, and he supported that agency.

Mr. HOLLAND. Mr. President, to get back to serious matters for a moment—

Mr. O'MAHONEY. Oh, these are serious.

Mr. HOLLAND. And to make the record completely clear, let me say that I have never taken it to be my duty to attack agencies of Government which are necessary in the performance of their proper functions; but I have regarded it as my duty, and I believe it to be an important part of my duty, to prevent the undue growth of the Federal Government and the undue encroachment of the Federal Government upon State and local governments and upon the rights of citizens. If I looked a long, long way, I think I would have difficulty in citing any better example than this pending bill of the ills that can be brought upon individual citizens and local communities and States and indus-

tries by legislation enacted in the National Capital which will give undue growth and undue power and undue importance to a Federal agency. I believe it will be most difficult to find a better illustration of that principle than this one.

In the photograph to which I have referred, the Senator from Wyoming will see the 19 groins in the very short distance shown in the photograph. Each of those groins protect millions of dollars' worth of property, and navigation is not affected in the slightest degree by any of them. Yet the Senator from Wyoming would say that before a prudent citizen should attempt to protect himself or his property by building such a groin, so that he could build a hotel or an apartment, he should come to Washington in regard to that detail of local expansion and local growth, one which does not affect navigation or which does not conceivably affect any Federal right or interest. The Senator from Wyoming says that in that respect the citizen must come to Washington to ascertain whether an agent of a bureau or department or agency of the Federal Government can leave Washington long enough to come to Florida and examine into that situation and determine whether a Federal permit for that purpose is justified. Of course, during the winter, agents of the Federal Government always seem to be able to come to Florida. However, in the summertime they do not seem to like so well to come to Florida.

I think a policy of trusting to the Federal Government the administration of this tremendously vital field would be terribly unwise, and would bring on the greatest tragedy in the way of maladministration of most important matters and interests which are vital to the maritime States.

Mr. LONG. Mr. President, will the Senator from Florida yield at this time to me?

The PRESIDING OFFICER (Mr. HILL in the chair). Does the Senator from Florida yield to the Senator from Louisiana?

Mr. HOLLAND. I yield.

Mr. LONG. I can certainly appreciate the difference between a State's feeling that it would be nice to have a national park somewhere within its boundaries, and offering to donate some land for that purpose to the Department of the Interior, on the one hand, and, on the other hand, an attempt by the Federal Government to seize for itself a function which the State has been performing satisfactorily for hundreds of years.

Merely because the State of Florida might see fit to donate to the Federal Government some land in the Everglades for use as a national park does not mean that the State of Florida would like to have the Federal Government seize all submerged lands in the State of Florida.

Mr. HOLLAND. That is entirely correct. In other words, just because we are willing to give to the Federal Government something we own does not mean that we are willing to give to the

Federal Government everything we own or everything we have.

Mr. LONG. At least, not without sufficient limitation to prevent the Federal Government from taking all the rest of the State of Florida.

Mr. HOLLAND. Certainly not so far as Florida is concerned.

Mr. President, we are going to fight in this matter, so as to protect the rights of the individual citizens in connection with the use of their ocean-frontage property.

Mr. LONG. Mr. President, will the Senator from Florida yield again to me?

Mr. HOLLAND. I yield.

Mr. LONG. Of course, some of us have supported Federal appropriations for Federal aid to highways, and in that connection we have paid our share of taxes under whatever formula was established. However, the Federal Government did not build those highways. To the contrary, the States built them.

Similarly, we supported measures for Federal aid for electrification and similar matters. However, we feel that the extension of that power has proceeded far enough, and we believe it is time to curtail it.

Some of our so-called liberal friends favor measures by which it is proposed that the Federal Government take over the field of medicine or the field of agriculture. Some of our so-called liberal friends support measures providing that any corporation of any consequence should have a Federal charter if it is to do business.

On the other hand, some of us believe that that trend—in other words, the trend toward having the Federal Government take over various functions and activities—has gone far enough; and we believe that additional steps of that kind are not needed and are not desirable.

Mr. HOLLAND. Of course I agree completely with the distinguished Senator from Louisiana.

Mr. LONG. Mr. President, will the Senator from Florida yield further to me?

Mr. HOLLAND. I yield.

Mr. LONG. As a matter of fact, as the Senator from Florida well knows, and as I know, the Secretary of the Interior has never had power to control these lands or to lease them or to provide for the production of oil from them. Applicants for Federal leases have attempted to obtain such leases from the Secretary of the Interior; but not later than 6 months ago the Secretary of the Interior himself issued statements to the effect that he does not have that authority, but that he hopes to obtain it.

Mr. HOLLAND. Of course, that is correct.

The Congress has to act one way or another in this matter. Of course, it is the belief of the Members of Congress who favor the retention and preservation of States' rights that action of the kind we are suggesting is proper, rather than to give such control to the Federal Government and to postpone to a later day consideration of rights which are most important to all of us.

Mr. LONG. Mr. President, will the Senator from Florida yield further?

Mr. HOLLAND. I yield.

Mr. LONG. On page 59 of the hearings on Senate bill 155, in the previous Congress, we find that in answer to a question by the Senator from Colorado [Mr. MILLIKIN], Mr. Perlman said:

The executive branch is not so much interested in the money as in retaining management and control of these resources for the benefit of all the people. You have to decide and you should decide, of course, where the revenue should go.

That is an indication that many of the advocates of Federal control are more interested in the control of these functions than they are in the distribution of the revenues coming from them.

We feel that the States have done a good job in managing these matters; and we believe that this function is peculiarly a local one, not only with regard to oil, but also with regard to all the other problems arising in connection with the lands which are immediately adjacent to the shores of the States.

Mr. HOLLAND. Of course, I agree with the distinguished Senator from Louisiana.

Mr. President, I have already made the point that the oil question is only a temporary one, and that the many other problems are permanent ones which become more and more important as we become stronger and stronger, as our maritime States become more heavily populated, and as the development along the shore lines becomes more impressive.

There is not the slightest reason for a duplication of personnel or of regulation. To the contrary, all of us have found by prior experience that administration by the Federal Government is not, generally speaking, as economical or as satisfactory from the standpoint of serving the local community and the citizens as is administration by the local government, which is so close to the persons who are served.

In connection with the question of duplication of regulation, let me say that perhaps one of the most unimpressive portions of this proposed program comes out clearly when we remember that the underground pools of oil and gas as a rule are found over considerable areas, and many times extend from land areas into submerged areas, in which case we find that part of a pool lies inland and part of it lies under the submerged bottom of the Gulf or of the sea.

Mr. President, only a cursory consideration of a duplication of regulation and a duplication of control, by means of which two sets of officials, under two sets of regulations, under two sets of laws, would seek at the same time to control the bringing into production of the oil and gas in those pools, shows how completely foolish it would be to substitute for the present system such an arrangement, particularly when it could extend for only 3 miles, as a rule and would relate to only the narrow strip of tidal lands, as compared with the much larger land areas which have to be controlled by the States and their agencies.

I have dwelt at some length on the question of the permanent problem.

Mr. President, the Senator from Wyoming has suggested a recess until to-

morrow, and I shall be agreeable to that course in a very few moments, but there are certain points which I should like to make before we recess for the evening.

Mr. O'MAHONEY. Mr. President, may I inquire whether the Senator has completed his analysis of the case—

Mr. HOLLAND. Oh, no.

Mr. O'MAHONEY. Or whether he intends to do so further tomorrow?

Mr. HOLLAND. I do; and I would rather go a little further tonight, then I will not have so far to go tomorrow. The Senator has been so gracious in his questions that, so far as time is concerned, I have been led to lengths, to which I had not expected to go.

Mr. President, I shall not dwell at great length on the legal questions involved in this matter, because it seems to me that that is far the least portion, the smallest portion of this argument. That question has been debated at great length, and most ably, by some of my associates, particularly the Senator from Louisiana and the Senator from California; and I shall not exhaustively go into those legalistic questions.

I think it is completely clear, first, that the rights of States to their coastal waters and the submerged lands therein, to the 3-mile limit, or to their constitutional boundary, were asserted by the States, and were in many respects fully enjoyed by the States from the founding of the Nation to about 1937—or 1940.

Second. It is quite clear that many recitals by the Federal courts, including the United States Supreme Court, show clearly that the Federal judiciary regarded the coastal belt as belonging to the States. This was admitted by Mr. Justice Black in his major opinion in the California case. He said they were in error, and that this case—which he called a case of first impression, because he said the other statements were made in cases which did not require a decision of this particular matter—was decided in the face of his statement that former judges and former courts had viewed the matter differently from the way he saw it, and had believed and had announced in black and white that the coastal belt belonged to the States.

Third. Federal administrative officials, it is quite clear, had frequently taken the same position, as had Justices of the Supreme Court, to the effect that the States and not the Federal Government controlled these coastal lands.

It is recalled that during the debate it has been shown that Mr. Secretary Ickes had written 13 or more letters, officially stating over his signature as Secretary of the Interior that the Federal Government had no interest in the coastal lands lying off California or other States, because they belonged to the States. It was clearly shown that members of the Department of Justice had taken the same position. It is clearly shown that insofar as the attitude of administrative officials within the Federal Government was concerned, that attitude was just the same on their part, up to nearly 1940, as it was on the part of State officials and business people in general.

Fourth. It is clear that if the rule of estoppel, by acquiescence and by performance and by the admission of Federal officials, and by long and uninterrupted usage by States—if that rule had been applicable, as it is in private cases between private litigants, the States would surely have prevailed in these three cases.

Fifth. It is quite clear that the Court decisions now existing create a condition of complete instability growing out of the strong division of the Court, and out of the failure of Congress to act since the Court's decisions were announced. In the California case, the decision was six for the United States, two for the State of California, or dissenting, and one not participating.

In the Texas case, the division was four for the United States, three dissenting, and two not participating. Surely that marked difference of opinion clearly shows the complete instability which will continue to exist until this Congress has acted, because the membership of the court is apt to change at almost any time, and, if changed now, there is a distinct chance, and I hope it would come to fruition, that the majority of the Court would again represent the sound thinking and the moderate people of this Nation rather than the thinking of the ultraliberal group.

Sixth. It is also quite clear that the majority opinion shows that congressional action is necessary to effect the settlement of this question. Mr. Justice Black says so; the Department of the Interior says that it needs legislation before it can do anything; the Lands Division Solicitor of the Department of the Interior says the same thing; the Department of Justice says that it needs legislation; and the question therefore is, what kind of legislation shall be passed?

Seventh. I am fully opposed to the majority decisions of the Court; I am completely convinced that they are unsound and should not be supported by congressional action for any reason; but I do not feel that the principal point in this case hangs upon the legal question of whether a bare majority of the court felt one way or the other. I do not feel that, if the whole court had decided this question in favor of the United States, the Congress of the United States would be justified in taking no action, but instead, that the Congress would be required to take action, and should then act, as it must now, from the standpoint of what is the soundest policy, what is best for all our people; and that is the point of view which we shall endeavor to follow in bringing in the legislation which we will suggest, at the end of my argument, as an amendment in the nature of a substitute for the pending measure.

Mr. LONG. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. LONG. The Senator is making an extremely able and effective argument, with which I agree, that even if the States had never urged their ownership or title at all, yet when such resources are found in the submerged

lands, it would nevertheless be up to Congress to determine what division should be made of revenues derived from such lands. In interior States, where Federal land is located in large measure, the decision of Congress was that 37½ percent of all revenues should go directly to the States, and that the remainder should go either to the administrative fund in the amount of 10 percent, with 52½ percent to the reclamation fund, if I recall correctly, to be used in the identical arid States where all this Federal land was located; the result being that those States obtained perhaps 90 percent of the benefit of all revenues derived from Federal lands located within those States.

Certainly Congress should give consideration to the rights of the coastal States somewhat in line with, or at least consistent with, the position in regard to Federal lands located in the western arid States.

Mr. HOLLAND. The Senator is correct.

I repeat, Mr. President, the point I just made before the Senator from Louisiana interrogated me, and I appreciate his interrogation, that even if the majority decisions were unanimous in the cases which have been decided, if they were so unanimous as to be apparently stable, that is, to fix a policy which could stand under its own strength for an indefinite period of time, which is not true, with the present division of the Court, but even if there were unanimity in the thinking of the Court, and even if they were supported by the best legal opinion, which they are not, because, as the Senate well knows, the committees of the American Bar Association, the attorneys general of most of the various States, and other eminent lawyers have almost with one voice said the decision of the majority is hopelessly wrong, but even if it were correct as measured by those standards, I would still feel that the question posed to the Congress is a question of what is the soundest permanent public policy in this matter, not a temporary policy relating only to the production of oil and gas, which will soon be gone, but a permanent policy as to how best to control and use to the best advantage of our people the ribbon of land and water which surrounds our maritime States.

Mr. President, perhaps it would be appropriate to invite attention to the fact that Congress certainly has authority to act even if the Supreme Court had unanimously decided the other way.

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

Mr. HOLLAND. If the Senator will first allow me to make this point, I shall be happy to yield.

I have in my hand a decision of the Supreme Court of the United States rendered by Mr. Chief Justice Vinson in the case of the United States of America against the State of Wyoming and the Ohio Oil Co., which is a unanimous decision, holding that the United States, and not the State of Wyoming, was the owner of the priority rights coming from the production of oil from certain public lands in the State of

Wyoming. Notwithstanding the fact that it was a unanimous decision, apparently not questioned by anyone, certainly not by any other member of the Court, the two Senators from Wyoming—and I think they were completely within their rights in so doing—introduced two or three bills to repair the damage and to see that the State of Wyoming received back by grant from the Congress of the United States rights in that oil or gas—I do not remember which it was; it may have been both—which the State thought it had but which the Supreme Court said by unanimous decision it did not have and had never had.

I do not wish to criticize my friend from Wyoming, the distinguished senior Senator [Mr. O'MAHONEY] or his colleague, because they were properly proceeding in the way they thought would solve the problem in their State to the best interests of all concerned. Certainly Congress must have thought so, because it went along with them by voting for the solution suggested by those distinguished Senators.

The point I am making is that when the Court has spoken on the questions of law involved there is no assurance whatsoever that the decision is a long-time solution of a grave public question.

Mr. LONG. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. LONG. I believe that the hearings in the Seventy-ninth or Eightieth Congress contain a statement by the now junior Senator from Wyoming [Mr. HUNT], who was then the Governor of that State, who stated that in view of the action taken in that instance to favor Wyoming, he thought it would be only fair that the same principle be applied, insofar as the coastal States were concerned, in regard to property which everyone had always thought belonged to them. Those of us who read that statement regarded it as being consistent, and insisted upon the same fairness that others had displayed in regard to the State of Wyoming.

Mr. HOLLAND. Does the Senator speak of the junior Senator from Wyoming?

Mr. LONG. Yes.

Mr. HOLLAND. I feel that he was completely sound in his position and in his consistency in standing back of the advocates of States' rights in this matter. The Wyoming case was not a matter that was finished in a day. I hold in my hand the report accompanying Senate bill 3771, dated in 1931. It would appear that the Senators from Wyoming, as long ago as 1931, were seeking to bring a solution to that particular problem. They kept driving until not only this body but the House of Representatives also agreed with them in the soundness of their position and passed the bill even over the disapproval of the Federal agencies which were affected. If any Senator wants to see strong disapproving reports, let him look into these reports.

Mr. LONG. Can the Senator tell us how many years that fight consumed?

Mr. HOLLAND. I would rather have the Senator from Wyoming state that, but it appears clearly from the papers which I hold that it extended at least from 1931 to 1948, and it may have been longer than that.

Mr. LONG. So that over a period of 17 years the delegations from Wyoming fought for the same type of consideration which we believe should be given at this time to the coastal States.

Mr. HOLLAND. One of the Attorneys General who is sitting with me calls my attention to a recital in the report of 1931 to the effect that the case arose in 1920, and that the State of Wyoming since 1920 has been asserting its right in its recognition of a certain policy which was later found by the United States Supreme Court to be faulty, and the State kept on fighting, just as the coastal States intend to keep on fighting in this matter, until what was held to be the rights of the State of Wyoming were recognized by the Congress of the United States. No one seemed to think it was improper for Congress to override the United States Supreme Court. The distinguished senior Senator from Wyoming [Mr. O'MAHOONEY] did not think so, because these bills bear his name. I think he was within his rights in trying to rectify what he regarded as a wrong to his State. Those of us from the maritime States feel exactly that way in the present situation.

Mr. LONG. Did not the Federal agents say that the property should be kept by the Federal Government because it was worth millions of dollars?

Mr. HOLLAND. That is correct. The report shows that upwards of a million dollars was involved in one measure which was enacted, affecting only approximately 80 acres out of a much larger area than was ultimately covered by the several acts.

Mr. President, I have taken an unduly long time, and I regret the fact that I have done so, but there is one thing I want to say tonight before I close, because I want Senators on the other side of this issue to have an opportunity to look into this problem from the standpoint of the remarks which I am about to make, based upon my feeling that this whole problem is one of the problems which the ultraliberal elements of our people and of our public officials are visiting upon our Government, our Nation, and our people as a whole. I think it is a very unwise and unsound policy that they are advocating. I think it will be extremely hurtful to our people if it be successful.

I want to invite attention as briefly as I may, and without any rancor whatever, without any question of the soundness of the conviction and of conscience which I am sure prevails in the heart of every ultraliberal Senator and every ultraliberal Federal official who sponsors this decision and other decisions which I shall mention briefly, that I think they are wrong and are out of tune with the best interests of our Nation. I know they are out of step with the thinking of the great majority of our people who see danger ahead if we continue to follow this ultraliberal philosophy and continue to build our National Government

to such a huge size that it will collapse under its own weight. The reason why I go into the subject of the ultraliberal philosophy is because it was debated on the floor of the Senate recently, and I thought the subject would bear some repetition and some enlargement.

The ultraliberal philosophy may be defined as having three clear characteristics, as follows:

First. The ultraliberals are zealous reformers who are imbued with the passionate desire to reform and reorganize our Government and its institutions to accord with their philosophy.

Second. They are continuously fighting for what they regard as the rights and liberties of individuals, whether such individuals be citizens or aliens, and even though such so-called individual rights and liberties, as I see it, frequently run counter to the interest of our citizens as a whole or even counter to the vital security of our Nation.

Third. Because they realize that the most effective and the quickest way to accomplish their objectives is through an all-powerful centralized Federal Government whose mandate shall completely prevail over the views of individual States or local communities, they are generally found supporting the extension of bureaucratic Federal power and control into more and more vital fields.

Mr. President, it seems to me those are the three dominant characteristics of ultraliberals of character and conviction. Of course, I am not talking about the other kind of ultraliberals, because they have no place in this picture. I am talking about sincere people who have the so-called ultraliberal program in their hearts, and who are trying to carry out a program which I think is full of the gravest danger to our Nation and our States.

I said a moment ago, and I repeat, I do not question in the slightest either the motives or the patriotism of these ultraliberals, but I feel that we would be blind indeed if we did not recognize where they are trying to take us, and weak indeed if we did not object strongly to any portions of their program which we regard as dangerous to our Nation or our people.

In connection with the decisions of the United States Supreme Court in the California, Louisiana, and Texas cases, it is of course clear that Mr. Justice Black and Mr. Justice Douglas have been the leaders in the approval of the new philosophy which has overturned the belief of our people, including former members of the Supreme Court, of more than a hundred years, since the founding of the Nation and until recent years, that the submerged lands within the original boundaries of the several States or extending out to the constitutional limits thereof are fully within the jurisdiction, ownership, and control of the States except in the Federal fields of navigation, commerce, and national defense. We must remember that in both the California and the Texas cases strong dissents were issued from the majority decisions as written by Justices Black and Douglas, and that it is quite apparent that the thinking of the majority of the Court is apt to change, if not cer-

tain to change, if ever the membership of the Court is so changed as to reflect the more moderate thinking which now prevails in our Nation. I hope such a day will soon come.

Mr. LONG. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. LONG. It is certainly true that the indication today is that the trend is not toward the ultraliberal point of view, and that if a President who did not share the ultraliberal viewpoint should occupy the White House, he might not in the future nominate, for the Supreme Court, Justices who shared the ultraliberal point of view, which is strange to many of us.

Mr. HOLLAND. The Senator is, I believe, correct.

In the California case, with one Justice disqualified, the Court was divided 6 to 2, with four other Justices following Justices Black and Douglas, and two others dissenting strongly, namely, Justices Reed and Frankfurter. In the Texas case, with two judges disqualified, the majority decision—a 4-to-3 decision—was written by Justice Douglas, who was supported by Justice Black and two other Justices against three who dissented strongly, namely, Justices Reed, Minton, and Frankfurter. It is completely clear that no stability can exist under such a situation, which is subject to probable change as the personnel of the Court will change in the future. It is clear that Justices Black and Douglas, the ultraliberal members of the Court, were the determining factor in the above decisions. The primary result of these decisions is, of course, equally clear. It is to vastly weaken the States and to greatly strengthen the centralized Federal Government, or to greatly enlarge it.

It is interesting to note how other phases of the zealous convictions of these ultraliberal members of the Supreme Court have been manifested within the recent past. I think it is informative to refer briefly to four cases in which the decisions were announced by the Court on March 3 and March 10, 1952.

The first case, No. 8, of the October term, 1951, is the decision announced March 3, by which six members of the Court upheld the so-called Feinberg law of New York State. This law is designed to prevent the infiltration of the public-school system of New York by teachers who are Communists or who are members of organizations affiliated with communism. The majority opinion of the Court was written by Mr. Justice Minton, with five other Justices concurring. Two strong and unyielding dissents were written by Justices Black and Douglas. The opinion of Justice Black ends with the sentence:

I dissent from the Court's judgment sustaining this law which effectively penalizes school teachers for their thoughts and their associates.

The dissenting opinion of Justice Douglas includes the following quotations:

I have not been able to accept the recent doctrine that a citizen who enters the public service can be forced to sacrifice his civil

rights. I cannot for example find in our constitutional scheme the power of a State to place its employees in the category of second-class citizens by denying them freedom of thought and expression. The Constitution guarantees freedom of thought and expression to everyone in our society. All are entitled to it; and none needs it more than the teacher.

Further, Justice Douglas says:

The teacher is no longer a stimulant to adventurous thinking; she becomes instead a pipeline for safe and sound information.

He ends his dissent with this statement:

So long as she is a law-abiding citizen, so long as her performance within the public-school system meets professional standards, her private life, her political philosophy, her social creed should not be the cause of reprisals against her.

The dissent of Justice Frankfurter was purely on the technical ground that he did not think the appropriate time had arrived for challenging the New York State law. That was what they were trying to do. They were trying to prevent the people of the State which is greatest in terms of population from exercising discretion in connection with their control of school teachers, so that Communists should be weeded out and kept out of the school system.

The majority opinion of Justice Min-ton contains the following recital:

A teacher works in a sensitive area in a schoolroom. There he shapes the attitude of young minds toward the society in which they live. In this the State has a vital concern. It must preserve the integrity of the schools. That the school authorities have the right and the duty to screen the officials, teachers, and employees as to their fitness to maintain the integrity of the schools as a part of ordered society cannot be doubted.

It is not necessary to comment, but I ask Senators which side of this divided court has acted in the interest of the people, and in accordance with the convictions of the majority of sound-thinking American people who want to see their schools protected against the infiltration of communism?

The second case which I shall mention, No. 201, was announced March 10, 1952. This case had to do with whether contempt sentences should stand which were imposed by District Judge Medina on the attorneys who represented the 11 Communist Party leaders who were convicted by a Federal jury in New York, after a turbulent 9-month trial, for violation of the Smith Act. In the majority decision, which upheld the contempt sentences, Justice Jackson was joined by four other Justices. Justice Clark was disqualified, Justice Frankfurter dissented on the ground that the trial should have been before another judge. Justices Black and Douglas dissented generally, insisting even that the defendants were entitled to right of trial by jury.

In other words, the 9 months which had already dragged the case out in such a way as to offend the sense of propriety of most people in this Nation were not sufficient, but another such trial must be held of the lawyers who represented the Communists to see whether

they should be adjudged guilty of contempt.

The flagrant misconduct of counsel, and their disrespect for the trial court which was evident throughout this long trial, was noted by the Nation as a whole, and I do not think it requires discussion at this time. I note only the quotation from the dissenting opinion of Justice Black, as follows:

I believe these petitioners were entitled to a jury trial. I believe a jury is all the more necessary to obtain a fair trial when the alleged offense relates to conduct that has personally affronted a judge.

In other words, if a trial judge, as was held by the dissenting opinion, has felt that he must not act peremptorily at the very time of the contempt, but must instead, in order to avoid starting again a trial which has already consumed months, let the matter go over until the end of the trial, he must, under that thinking, because he is confronted by the contemptuous statement of trial counsel about him, certify the matter to be tried by a jury, and begin all over again the whole ridiculous procedure.

In Justice Douglas' dissenting opinion is contained the following:

I also agree with Mr. Justice Black that petitioners were entitled by the Constitution to a trial by jury.

The third case to which I refer was announced March 10, and it combines Nos. 43, 206, and 264 of the October term. With Justice Clark disqualified, Justice Jackson writes the majority opinion for himself and five other members of the Court. Justices Douglas and Black alone dissent. The question was whether the United States constitutionally may deport a legally resident alien because of membership in the Communist Party which membership terminated before the enactment of the Alien Registration Act of 1940. In other words, can aliens who have been Communists in the past continue to reside in our Nation as a matter of right though continuing to refuse to take upon themselves the duties and obligations of our citizenship? In upholding the act of Congress, Justice Jackson's opinion reads in part as follows:

Under the conditions which produced this act can we declare that congressional alarm about a coalition of Communist power without, and Communist conspiracy within, the United States is either a fantasy or a pretense?

Again:

We think that in the present state of the world, it would be rash and irresponsible to reinterpret our fundamental law to deny or qualify the Government's power of deportation. However desirable world-wide amelioration of the lot of aliens, we think it is peculiarly a subject for international diplomacy. It should not be initiated by judicial decision which can only deprive our own Government of a power of defense and reprisal without obtaining for American citizens abroad any reciprocal privileges or immunities. * * * It (the Congress) regarded the fact that an alien defied our laws to join the Communist Party as an indication that he had developed little comprehension of the principles or practice of representative government or else was unwilling to abide by them.

The dissenting opinion by Justice Douglas in which he is joined by Justice Black in refusing to uphold the right of Congress to exclude these aliens of longtime residence who were formerly Communists reads in part as follows:

The right to be immune from arbitrary decrees of banishment certainly may be more important to liberty than the civil rights which all aliens enjoy when they reside here. Unless they are free from arbitrary banishment, the liberty they enjoy while they live here is indeed illusory. Banishment is punishment in the practical sense. It may deprive a man and his family of all that makes life worth while. Those who have their roots here have an important stake in this country. Their plans for themselves and their hopes for their children all depend on their right to stay. If they are uprooted and sent to lands no longer known to them, no longer hospitable, they become displaced, homeless people condemned to bitterness and despair.

The fourth and last case which I mention, decided March 10, which combines No. 35 and No. 136, relates to the authority of the Attorney General, as upheld by the majority of the Court, to hold without bail aliens who are present Communists, until they can be deported. Justice Reed was joined by four other Justices in upholding the authority of the Attorney General. Justices Frankfurter and Burton differed from the majority opinion on technical grounds relating to whether or not the discretion of the Attorney General must be personally exercised. As in the preceding case, however, the opinions of Justice Douglas and Black go all out in denying the authority of the Attorney General to hold alien Communists without bail until their cases can be concluded. I quote from Justice Douglas' opinion, as follows:

If the Constitution does not permit expulsion of these aliens (aliens who are present Communists) for their past actions or present expressions unaccompanied by conduct—and I do not think it does—then they are illegally detained and should be set free, making the issue of bail meaningless.

Mr. Justice Douglas held, in other words, that he felt that Communists, though admitted to be such, and though admitted to be aliens, could not be excluded because of past actions or present expressions unaccompanied by conduct.

I quote also from Mr. Justice Black's opinion, as follows:

Thus it clearly appears that these aliens are held in jail without bail for no reason except that they had been active in the Communist movement.

Apparently the fact that they have been active in the Communist movement and the fact that they are aliens should not justify deportation.

He also refers with disapproval to the action of the trial judge, as follows:

He (the trial judge) said, "I am not going to release men and women that the Attorney General's office says are security risks"; he also said, "I am not going to turn these people loose if they are Communists, any more than I would turn loose a deadly germ in this community. If that is my duty, let the circuit court say so and assume the burden."

Of course, the Supreme Court eventually told him that it was his duty and his right.

These remarks to counsel show that he kept these people in jail only because he thought Communists, as such, were too dangerous to the Nation to be allowed to associate with other people.

Mr. President, I have not quoted from these decisions with any other purpose than to show that those who are so ardently aware of the problems of individuals and of individual freedom and liberty have allowed their liberalism to go to the lengths disclosed by the reading of the decisions which I have just read.

At the same time they seek to build heavy additions to the Federal power, because through that means they can so quickly overcall and rule out attempted activities and actions by the States and the lesser communities. They are entitled to their views; and it is one of the glories of our Nation that we permit them to have such views.

The real question addressed to the discretion of the Congress is whether or not we want to follow people who have that philosophy, people who, with their ultra-liberalism, are leading the Nation in the direction in which they are leading it, to overgreat federalization and paternalism, to too great grants of Federal powers, and to too great control by the Federal Government of the State governments, as was attempted in the minority decision in the *Feinberg* case, in its effort to upset the law of the State of New York.

Is that the sound direction in which to go? Is it not absolutely clear and true that the sounder decision and the better policy is that expressed in each instance by those on the other side of the fence from the ultraliberal thinkers?

We, as the representatives of the people of this Nation, must be on the alert not to make any additional dangerous decisions for the overaggrandizement of our Federal bureaucracy and for the continued diminution of the powers and responsibilities of the States and for the tearing down of the protection of the great majority of our people.

Mr. KNOWLAND. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. KNOWLAND. Is the Senator familiar with the fact that from time to time, particularly in some of the academic circles, some of the so-called ultra-liberals have taken the position that even our structure of State government is outmoded, and that a better system might be to have vast regional authorities established which would take over some of the powers which are now exercised by the States? Fortunately, under our Constitution there is no way in which the States can be deprived of equal representation in the Senate, because the only part of the Constitution, as I read it, that is not subject to amendment is that part dealing with the equal representation of the States. The Constitution provides that no State shall be deprived of its equal representation in the Senate without its consent. Having been foreclosed from destroying our Federal system under the Constitution, the only alternative they have is to shift

from the States the powers which were reserved to them, and to move those powers either to the Federal Government itself or to some vast new system of regional authority.

I say to the able Senator from Florida that it is not too far-fetched to believe that if this tendency continues we shall find in the years ahead that there will be set up vast regional authorities which in effect will make some of the regions of this country merely provinces of the Federal Government. It is only by a very clear defense of the rights of the States of the Nation under the Constitution that we can stop that tendency here and now.

Mr. HOLLAND. Mr. President, I thank the Senator from California. He is eminently correct. I believe this is the place and now is the time and this is the subject matter in which the trend toward socialism, the trend toward overgreat Federal power, the trend away from State responsibility and the trend away from local and individual responsibility must be stopped. There will not be a better occasion, and there will not be a more worth while cause in which the Congress can rally and see that that trend shall be stopped and reversed, because the Senator knows perfectly well that with this overcentralization and overgreat growth has come such great weight that the whole overgrown structure almost falls apart under its own weight.

The Senator is a devoted member of the Committee on Appropriations. He knows how completely impossible it is for any one Senator to digest all of the provisions of that great volume which embraces in a very general way indeed the various appropriations which are required to be made to keep running our Federal Government and its multifarious agencies. The thing has gotten so big that it invites disastrous mismanagement, invites corruption and fraud, invites overpaternalism on the part of the Federal Government, and invites the coming here of individual citizens for things that they ought to do for themselves on a local level.

As an example, the pending measure would force our citizens who live along the seacoasts of our Nation to come to Washington in connection with relatively minor matters having to do with the development of the coastal lands which I have mentioned during the course of my remarks.

Mr. President, I understand that it is agreeable to the majority leader for me to have the floor again tomorrow when the Senate convenes, and I should like to make a motion for a recess at this time.

The PRESIDING OFFICER. The Senator from Florida has the floor.

RECESS

Mr. HOLLAND. Unless there is further business to be transacted, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 23 minutes p. m.) the Senate took a recess until tomorrow, Wednesday, March 26, 1952, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

TUESDAY, MARCH 25, 1952

The House met at 12 o'clock noon. The Chaplain, Rev. Bernard Braskamp, D. D., offered the following prayer:

Almighty God, as we unite our hearts in a prayer of penitence and confession, of praise and adoration, of supplication and intercession, wilt Thou bestow upon us the blessings which we most need.

Forgive us for so often seeking merely the transient and temporal blessings, which will minister to our epicurean desires, and with little concern for the abiding and eternal spiritual blessings.

Grant that the life of our Republic may be more firmly rooted in the moral principles and that we may be a people whose God is the Lord, striving to bring in the kingdom of righteousness, justice, freedom, and fraternity.

Hear us in the name of the Prince of Peace. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Landers, its enrolling clerk, announced that the Senate had passed without amendment bills and joint resolutions of the House of the following titles:

H. R. 648. An act to record the lawful admission for permanent residence of aliens Max Mayer Hirsch Winzelberg and Mrs. Jenty Fuss De Winzelberg;

H. R. 748. An act for the relief of Basil Vasso Argyris and Mrs. Aline Argyris;

H. R. 773. An act for the relief of Mering Bichara;

H. R. 827. An act for the relief of Dr. Manuel J. Casas and Mrs. Julia Nakpil Casas;

H. R. 1043. An act to provide for medical services to non-Indians in Indian hospitals, and for other purposes;

H. R. 1234. An act for the relief of Mrs. Selma Cecella Gahl;

H. R. 1416. An act for the relief of Giuseppe Valdengo and Albertina Gioglio Valdengo;

H. R. 1446. An act for the relief of Calcedonio Tagliarini;

H. R. 1828. An act for the relief of Maria Szentgyorgyi Mayer;

H. R. 1831. An act to admit Luigi Morelli to the United States for permanent residence;

H. R. 1857. An act for the relief of James Yao;

H. R. 2283. An act for the relief of Setsuko Yamashita, the Japanese fiancée of a United States citizen veteran of World War II, and her son Takashi Yamashita;

H. R. 2775. An act for the relief of Annelese Barbara Vollrath and Mrs. Margarete Elise Vollrath;

H. R. 2833. An act for the relief of Rudolf Bing and Nina Bing;

H. R. 2923. An act for the relief of Adelaida Reyes;

H. R. 3144. An act relating to certain construction cost adjustments in connection with the Greenfields division of the Sun River irrigation project, Montana;

H. R. 3153. An act for the relief of Signa Angela Maino Cristallo;

H. R. 3374. An act for the relief of Mrs. Lourdes Augusta Pereira Ladeira Rose;

H. R. 3847. An act to authorize the Secretary of the Interior to issue to School District No. 28, Ronan, Mont., a patent in fee to certain Indian land;

H. R. 4010. An act for the relief of William Grant Braden, Jr.;

1952, regarding the visit to Macon of students from Manitowoc, Wis.

By Mr. BENNETT:

Article published in Ogden (Utah) Standard-Examiner of March 16, 1952, relating to unveiling of a plaque in memory of John Moses Browning, firearms inventor.

Editorial entitled "They Are Thinking of Our Posterity," published in the Deseret News of Salt Lake City, Utah, on March 22, 1952.

By Mr. MARTIN:

Editorial entitled "The National Guard," published in the Pennsylvania Guardsman for March 1952.

Editorial entitled "Pennsylvania's Korea Loss Mounts to 1,245 Killed in Action," published in the Pennsylvania Guardsman for March 1952.

By Mr. BRICKER:

Article entitled "Safeguarding the Constitution," written by Fred Brenckman, and published in the March 1952 issue of the Pennsylvania Grange News.

By Mr. CARLSON:

Article entitled "Interview With Eisenhower," published in U. S. News & World Report of March 28, 1952.

By Mr. MOODY:

Article entitled "Monday Wash Line," written by Malcolm W. Bingay, and published in the Detroit Free Press, March 24, 1952.

NATIONAL MONUMENT TO MARYLAND VOLUNTEERS IN BATTLE OF BROOKLYN DURING REVOLUTIONARY WAR—EDITORIAL FROM BALTIMORE SUN

Mr. O'CONNOR. Mr. President, one of the least known but certainly one of the most heroic battles ever recorded in the history of our country was the engagement between the courageous volunteers from the State of Maryland and the seasoned British regulars in the Battle of Brooklyn during the American Revolutionary War.

At long last there has begun a united effort to secure recognition for these gallant men. Recently I introduced a bill to establish a national monument to these men of courage.

I ask unanimous consent to insert in the body of the RECORD an editorial from the Baltimore Sun on this subject.

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

WHEN MARYLANDERS SAVED THE REVOLUTION

In military ground operations, seldom is there a more exacting assignment than acting as rear guard. Seldom is there anywhere greater opportunity for the display of heroism.

That rare opportunity came to Maryland troops early in the history of our country. Defending New York against the British, who were using Staten Island as a staging area for an amphibious attack, General Washington took up a precarious position with an army of 10,000 men on Brooklyn Heights, Long Island. There he was attacked by a British army of thrice the number.

Under the impact of the assault the left of the American line was broken and thrown into confusion. Behind the Army lay the East River. Washington's situation was desperate. The only hope of saving his forces from complete destruction rested in a retreat across the river. The British were driving him hard and time was precious. Fortunately there were New Englanders in the Army who could handle boats.

Fortunately too, as it turned out, there were present the flower of Maryland's youth to the number of about 400. This was Smallwood's first Maryland battalion, commanded by Maj. Mordecai Gist. Three com-

panies were composed of Baltimoreans. On this day, August 27, 1776, they were to get their baptism of fire.

While the rest of the Army withdrew, the Marylanders were ordered to counterattack and hold off the British. They did it so effectively that the American main body escaped with all its arms and equipment. But the cost to the Marylanders was heavy. Of the 400 who went into battle, 256 were killed, wounded, or missing.

The Marylanders were buried where they fell and the spot has since become a slum area of Brooklyn. Thanks largely to the unceasing efforts of Mr. James A. Kelly, Brooklyn Borough historian, who would not let the matter rest, it now looks as though those heroes of 175 years ago are going to get the honor they deserve. Bills sponsored by New Yorkers and Marylanders have been presented in both Houses of Congress authorizing the Army to purchase and restore the cemetery in which the Marylanders are buried and to erect a suitable memorial.

In recognition of Mr. Kelly's services, Governor McKeldin has made him an honorary citizen of Maryland. Certainly he has earned the gratitude of this State for the interest he has taken on behalf of its heroic sons.

MINERAL LEASES ON CERTAIN SUBMERGED LANDS

The Senate resumed the consideration of the joint resolution (S. J. Res. 20) to provide for the continuation of operations under certain mineral leases issued by the respective States covering submerged lands of the Continental Shelf, to encourage the continued development of such leases, to provide for the protection of the interests of the United States in the oil and gas deposits of said lands, and for other purposes.

Mr. MCFARLAND. Mr. President, I ask unanimous consent that there may be a quorum call without jeopardizing the right of the Senator from Florida [Mr. HOLLAND] to the floor.

The VICE PRESIDENT. Does the Senator from Florida yield for that purpose?

Mr. HOLLAND. I have no objection, provided I do not lose the floor. I yield for that purpose.

The VICE PRESIDENT. Is there objection to the request of the Senator from Arizona? The Chair hears none.

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

The VICE PRESIDENT. The Secretary will call the roll.

The legislative clerk proceeded to call the roll.

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

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. HOLLAND. Mr. President, before resuming my remarks on the pending business I wish to refer briefly to a matter which has been called to my attention, having to do with a news article in the New York Times of this morning, from the United Press. The pertinent portion of the article reads as follows:

The Senate suspended its jealously guarded rules today to permit an \$18,000-a-year lobbyist to sit in a chair on the Senate floor to advise a Senator during debate.

The Senator was SPESARD L. HOLLAND, Democrat, of Florida, who spoke on the controversial issue of Federal control of the rich oil lands along the country's coasts.

Mr. HOLLAND asked unanimous consent of the Senate to give Walter R. Johnson floor privileges. The latter is a former attorney general of Nebraska and since 1948 has been a registered lobbyist for the National Association of Attorneys General. Only a few Senators were present when Mr. HOLLAND made his request and no one objected.

Mr. Johnson has been a leading lobbyist for legislation to give the States unquestioned title to the off-shore oil lands. In 1947, the Supreme Court ruled that the Federal Government has paramount rights to these lands.

During his 3-hour speech, Senator HOLLAND conferred with Mr. Johnson from time to time. Veteran Senate attachés said that they could recall no precedent for permitting a lobbyist floor privileges during debate. Senate rules permit former Senators who become lobbyists floor privileges, but others are barred.

Mr. President, I shall not read the latter portions of this article, which are factual reports of the matters which came up during the course of yesterday's discussion. I think, however, that I would be wholly derelict in my duty, both to former Attorney General Johnson and to all the States of the United States, as well as to myself as a Senator representing a sovereign State, which State has a very deep conviction on the submerged lands' question, as shown by the resolution of the Florida Legislature, which I introduced in the RECORD yesterday and which was unanimously adopted by both Houses of the Florida Legislature and approved by the Governor of Florida, if I did not at this time say that in my judgment it was completely proper and a perfectly legitimate exception to the ordinary rules of the Senate for me to ask for a waiving of the rule by unanimous consent so that Attorney General Johnson could be available to give technical and professional advice in the course of my argument on the highly complex questions of law and fact which we are now discussing.

Mr. President, in order that the record may show rather fully what the facts are, I ask Senators to listen to a recital of the position of General Johnson in this whole picture.

Gen. Walter R. Johnson served as attorney general of the State of Nebraska, after being elected five times to that office by the people of Nebraska, from 1939 to 1949.

He was chairman of the submerged lands committee of the National Association of Attorneys General during the consideration by the United States Supreme Court of the California case, from the very inception of this question, and the beginning of the showing of necessary interest on the part of the States in seeing to it that their own interests were heard and properly presented.

General Johnson has been the leading advocate for the attorneys general, and through them for all the States in the presentation of the States' side of this important question, beginning, as I have just said, when, as chairman of the submerged lands committee of the National Association of Attorneys General, he ap-

peared in 1946 and 1947 in the United States Supreme Court in company with various other attorneys general, as representative of the association, and as representative of all the States in the filing of briefs, as amici curiae.

The States have been diligent from the very beginning in seeing to it that their own interests were presented, and to the best of their ability were safeguarded, as is shown by his appearance and presentation of the case of the States as amici curiae, and as representing the submerged lands committee of the attorneys general, of which General Johnson was at the time chairman. Later he served as president of the National Association of Attorneys General, but by special request of the association he remained as chairman of the submerged lands committee throughout his incumbency as president of the association, because of his peculiar knowledge and technical skill in that field.

In 1948, while still attorney general of the State of Nebraska and while he was appearing before congressional committees as chairman of the Submerged Lands Committee in behalf of the Association and in behalf of all States, he thought that out of an excess of caution he should register as a lobbyist, though his whole appearance in Congress was in behalf of the States and at a time when he was serving as attorney general of a sovereign State.

There was a distinct question at the time as to whether he needed to register, but he felt that he should resolve that question in the affirmative, which he did. He has continued that course during the period of time since he ceased to serve as attorney general of Nebraska in 1949 when he came here under the employ of the States as a whole to serve, entirely in a professional way, as the technical consultant and adviser of the States who were seeking, through the development of this question in both Houses of Congress, to see that their case was properly presented and heard.

He has been employed from 1949 until this time by the National Association of Attorneys General, on a salary, to represent the States. General Johnson tells me that although repeatedly offered other Washington business to handle for private concerns before Congress he has represented no other interests during his handling of the case of the States, which he has conducted with the utmost decorum and the highest ability, and never in the attitude of being a behind-the-corner persuader of Senators. Instead, he has confined his activities to appearances in behalf of bills which were pending in the several committees in both Houses of Congress.

Mr. President, those services have been performed entirely as a professional, entirely under the name of the National Association of Attorneys General, and as the representative of the association and of all the States of the Nation.

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

Mr. HOLLAND. If Senators will allow me to do so, I should like to complete my statement, which will be brief. The record should show the complete background of the case.

Beginning in 1947 the National Association of Attorneys General, in order to make their position very clear, adopted a resolution, which they have continued annually to adopt, in which they have expressed their intention to see that the rights of the States are protected, defended, and adequately presented. In each instance one feature of the original resolution has been repeated, which I shall quote:

Resolved, That all of such activities in this association shall remain entirely independent of private interests and shall be financed solely from public funds voluntarily contributed by the States to this committee.

I understand that the resolution of each year adopted, since the one in 1947, contains that identical provision.

I have read the text of the resolution as it appears in the joint hearings before the Committees on the Judiciary of the Congress of the United States, Eightieth Congress, at page 1046. At that time the attorneys general wanted to make it very clear what their organization was doing in this matter, namely, that they represented no private interests, but, instead, were financed entirely from State funds. In pursuance of law, reports have been annually filed since that time showing clearly the sources of the association's finances. The reports show clearly that the financing has been solely from State sources and that its sole representative, General Johnson, has been the advocate of States' rights and has been the technical adviser and spokesman of the States in the presentation of their claims for consideration by Congress.

Mr. LONG. Mr. President, will the Senator from Florida yield to me at this point?

Mr. HOLLAND. When I yield, I shall yield first to the majority leader, the Senator from Arizona [Mr. McFARLAND].

Mr. President, if Senators will bear with me for a moment, I simply wish the Record to show this picture clearly.

First, Mr. President, I point out the fact that it is quite customary in the Senate to grant unanimous consent to Senators who are handling technical and complicated matters which closely affect the Federal Government or Federal agencies to have technical employees of those agencies admitted to the floor of the Senate for the purpose of advising the Senators who are handling those complicated matters. I could recall numerous instances of that kind, but at this time I shall mention only two. One of them was in connection with the handling of the extension of the Reciprocal Trade Agreements Act. In that connection it was considered entirely proper for the distinguished Senator from Georgia [Mr. GEORGE], the chairman of the Finance Committee, to request and receive unanimous consent to have a technical employee of the Department of State admitted to the floor, to advise the Senators who were handling that measure, which was of such great importance to the State Department, and was primarily requested and recommended by the administration and the State Department. Likewise, I recall that in connection with my own handling of the so-called dis-

persal bill, it was considered entirely proper for the Senate to admit to the floor of the Senate, by unanimous consent, following my request, the Commissioner of Public Buildings, Mr. Reynolds, and the technical officer from the Defense Department, Colonel Potts, who had peculiar knowledge of atomic energy matters. By unanimous consent, they were admitted to the floor of the Senate, so that their technical assistance might be available to me and to other Senators who were handling that measure, the enactment of which was so urgently desired and recommended by the agencies I have mentioned.

The only difference between those two cases and the instant one are as follows: First, the salaries of those experts were paid by the Federal Government, whereas General Johnson's salary is paid by all the State governments. That is one point of difference. A second point of difference is that General Johnson—out of what I regard as an excess of caution—has registered as a lobbyist, in order that by no means could his position here ever be misunderstood.

The present question is simply whether the States, acting together as a group in a matter which vitally affects them, and having paid out of their own public funds an able, skilled lawyer who began his representation as a distinguished attorney general for 10 years of a very fine State, may have him available here on the floor of the Senate, to advise on the technical side of the issue which is being presented and handled by a Senator who believes in States' rights, and who is supporting States' rights, and who is advocating the bill which has been approved by so many State legislatures and is supported by about 40 of the States, through their State governments. The question is whether the technical information solely available from this distinguished former attorney general, who alone has had continuous professional contact with this question in the precise capacity I have just mentioned, and who, as I have said, is paid out of State funds, shall be available in the way in which they were made available yesterday.

The Senate will recall, of course, that General Johnson came on this floor only after having been granted unanimous consent to do so, and that he spoke, I believe, to no one except myself. I was speaking at that time, and on two or three occasions I referred to General Johnson for some technical information.

Senators will also recall that I requested that consent, and that the consent was given, and that the distinguished Senator who then was serving as Presiding Officer of the Senate, in welcoming to the floor General Johnson and the assistant attorney general of Louisiana, another distinguished attorney, made comments which I shall now read into the Record from page 2816 of the CONGRESSIONAL RECORD for yesterday. First I shall read the request I made at that time, as follows:

I should like to ask unanimous consent at this time that Mr. Walter R. Johnson,

former attorney general of the State of Nebraska and presently special counsel of the National Association of Attorneys General, and Mr. John L. Madden, assistant attorney general of Louisiana, be permitted to be present in the Chamber during the discussion of this subject.

The Presiding Officer of the Senate replied as follows:

Without objection, it is so ordered, and the Chair wishes to welcome these two distinguished gentlemen to the floor of the Senate.

Mr. President, I simply wish to have these facts appear in the Record.

It so happens that the technical matters on which I wish to be advised by General Johnson and by Assistant Attorney General Madden are completed, insofar as my remarks are concerned; and now I propose to introduce the substitute bill which I announced in the beginning I would be ready to introduce for myself and a large group of other Senators at the close of my remarks. Therefore, although the question could not arise today because I now have no occasion to need the presence of either of these distinguished gentlemen, who are such outstanding experts in this technical field, yet I felt that in justice to them, in justice to the States of the Union, and in justice to myself as a Senator of the United States, I could not leave unchallenged the article which at least implies that there was something improper both in my request to have General Johnson available to advise in regard to technical matters, and in the granting of that request by the unanimous consent of the 20 or 30 Members of the Senate who were present at that time.

Incidentally, Mr. President, the article would also in a measure reflect upon the remarks of the distinguished Senator who then was the Presiding Officer of the Senate, and who at that time I think was not only entirely within the facts, but also was most gracious in welcoming those two distinguished attorneys to the floor of the Senate, after the Senate had given its unanimous consent to their presence here. I felt that the Record should affirmatively show these facts.

Then the whole issue becomes as follows: Can the States of the United States be deprived of the presence of the sole person, as a technical adviser, who has had continuing professional contact with these important and highly technical questions, simply because he has registered as a lobbyist, although he has carefully confined all his activities in Washington solely to representation of the States of the Union, which it seems to me are equally entitled to have their rights safeguarded by such a proceeding, which is customary in the matter of safeguarding the rights of agencies of the Federal Government.

Now I yield to the distinguished majority leader.

Mr. McFARLAND. Mr. President, I wish to say to my distinguished friend, the Senator from Florida, that I do not think anyone has a higher standard of ethics than does he.

Mr. HOLLAND. I thank the distinguished majority leader.

Mr. McFARLAND. I know the distinguished Senator from Florida would

not under any circumstances do anything which he believed to be improper. I know also that he is very much interested in the joint resolution which is now pending before the Senate and in the way it affects his State.

On the other hand, Mr. President, I must say in all candor that had I been on the floor of the Senate when the unanimous-consent request was made, I would have been compelled to object, not because of General Johnson or his standing, but because of what I believe the rules to be and because I believe they should be observed on the floor of the Senate.

I happened to be in the majority policy committee, and was not on the floor of the Senate at the time. However, I simply wish to state the reasons why I would have objected.

Mr. President, if we were to allow representatives of States to appear on the floor of the Senate on behalf of proposed legislation in which the States were interested, we could have as many as 48 representatives of the various States on the floor at the same time, sitting by their respective Senators.

From time to time the Senate has had under consideration proposed legislation which vitally affected my State, and I must say in all frankness that I would have been happy to have had at my side one of the officials of my State. However, I did not think it was proper to do so.

Of course, the other States also are interested in this important measure, and they would wish to have representatives here on the floor. If that were permitted, there simply would be no limit to the number of persons who might be on the floor of the Senate.

I wish to explain my attitude because I do not desire to have the distinguished Senator from Florida think that my position in this instance is any different from what it will be in regard to requests of other Senators. If this question arises in the future, I shall be compelled to object.

In regard to the representatives even of the departments in Washington, I believe that, generally speaking, they should not be on the floor of the Senate. I think the people of the United States will misunderstand if an unlimited number of persons are admitted to the floor of the Senate. In my judgment, no member of any department of the Government should be allowed on the floor to lobby or lend aid to a bill in which he is interested. The only possible exception I can think of would be where a committee uses a technical man from one of the departments, who becomes in that respect an employee of the committee, although he is paid by the department. I would be willing to abide by the opinion of the committee that he was in truth an adviser of the committee, and, to that extent, an employee of the committee, although not paid by the committee.

I think there are frequently on the floor of the Senate too many persons who are not Senators; indeed it sometimes seems to me that too many of our own employees are on the floor. At

times when Senators are busy on the floor, it is almost impossible to get a seat, because of the presence of so many employees from our own offices. From time to time action has been taken to clear them off the floor.

Of course, this has nothing to do with the problem confronting the distinguished Senator from Florida, but I merely want to make my position clear, because in the future I shall have something to say about the presence on the floor of the Senate of employees who are not in fact assisting Senators.

I thank the Senator from Florida.

Mr. WELKER rose.

Mr. WILEY. Mr. President, will the Senator yield?

Mr. HOLLAND. Let me first reply to the remarks of the distinguished majority leader. He, of course, is entitled to his opinion, and no doubt will maintain it. There will probably be not one case out of a thousand where anyone registered as a lobbyist would so clearly fulfill the highest standards from every professional and ethical standpoint as did General Johnson in this particular case. In any other case of which I can think at the moment I would certainly concur with the distinguished majority leader. But I reiterate my feeling that it was entirely within the rules of propriety for one who was a distinguished Attorney General of his State for 10 years, and who served the State in general for a large part of that time as chairman of the Submerged Lands Committee of the Associated Attorneys General of the United States and likewise served as president of the association, to come here, after the end of his term, simply to finish the course of action which he had begun while serving as Attorney General. Particularly is this true when he had shown his ethical standards while he was Attorney General, by registering as a lobbyist, although I think no Senator would feel that that course was necessary, and when he has confined himself entirely and exclusively to the representation in technical matters of the States of the Union in this highly complicated presentation of the States' views in this subject matter.

I still respectfully differ with the view of the distinguished majority leader, for I think the States are entitled to some rights even upon the floor of the Senate; and, so far as the Senator from Florida is concerned, he is not disposed to abdicate those rights.

Mr. McFARLAND. Mr. President, will the Senator yield for one more remark?

Mr. HOLLAND. I yield.

Mr. McFARLAND. I merely wanted to say to my good friend that I hope no Senator will ask that any Attorney General be permitted to sit on the floor to advise in regard to these matters. I wish to commend the distinguished Senator for not having on the floor today, the gentlemen to whom reference has been made in view of the fact that objection has arisen.

Mr. LONG. Mr. President, will the Senator yield?

Mr. HOLLAND. Mr. President, let me make the point very clear that the only reason for my not having these gentle-

men on the floor today is because I had concluded those parts of my discussion which required their presence here; and the only thing I shall do, after the termination of this colloquy, will be to move ahead and to offer the amendment in the nature of a substitute sponsored by more than 30 Members of the Senate of whom I am one.

I now yield to the Senator from Idaho. Mr. WELKER. Mr. President, I should like to say to the Senate that no explanation was required of the distinguished senior Senator from Florida, so far as the Senator from Idaho is concerned. There is not a man who occupies a seat on this floor who has a greater sense of honor or of duty than has the Senator from Florida.

I should say to my distinguished friend from the State of Florida that my own attorney general, Robert Smiley, has heretofore written me to contact General Johnson in connection with intricate and technical matters involved in the debate now proceeding in the Senate.

I agree with my distinguished colleague from Arizona, the majority leader, when he mentions the fact that perhaps we have had too many lobbyists here from the departments of the Government. It is rather embarrassing, indeed, to see a fight of gentlemen from the Defense Department or from the State Department coming to the Senate daily, whenever some question comes before the Senate which involves their respective departments.

I agree with my distinguished colleague from the State of Florida. He had a message to bring to the Senate of the United States and to the people, and he had honor and integrity enough to tell the people exactly the story which would come from this former attorney general, who has represented all the States of the Union. I think we owe the Senator from Florida a vote of thanks. We certainly know that his integrity and honor are of the very highest.

Mr. HOLLAND. Mr. President, I appreciate beyond measure the generous and friendly remarks of the distinguished acting minority leader.

Mr. WILEY, Mr. O'MAHONEY, and Mr. LONG addressed the Chair.

The VICE PRESIDENT. Does the Senator from Florida yield; and, if so, to whom?

Mr. HOLLAND. I had promised the Senator from Louisiana that I would yield next to him; after which I shall yield to the Senator from Wyoming.

Mr. LONG. I merely wish to say that, without reflection upon any Senator on the floor, that no more honorable or more principled or conscientious man has ever served in the Senate than the distinguished senior Senator from Florida. I say that because, to the best of my knowledge, men simply do not become any more principled than I have observed the Senator from Florida to be.

I regard it as unfortunate that those of us who have attempted to defend the rights of the States in what we believed was the just point of view in this matter, and who have opposed the trend of the Federal Government's seizing more and more power, have to be confronted with a constant barrage of smear on the

part of certain columnists and certain commentators who would like to attempt to impugn our motives. For example, at the present time, as everyone knows the oil and gas companies are not supporting the position taken by the Senator from Florida and the Senator from Louisiana, and yet the press is attempting to make it appear—and I refer to some of the ultraliberal papers—that there is something before the Senate designed to benefit the oil companies, when actually the oil companies are supporting the measure which we propose to defeat by means of an amendment in the nature of a substitute.

We observe other instances similar to that of yesterday, when someone who was not on the floor complains because someone else did come on the floor. The junior Senator from Louisiana, who opposed the Alaskan statehood bill, certainly did not object when the present Governor of Alaska, came on the Senate floor, to confer with Senators.

All in the world that happened yesterday was that two technical experts sat beside the Senator from Florida while he was delivering his speech, and occasionally assisted him in finding something in the record or in the hearings that he might wish to find.

The opposition to the side taken by the Senator from Florida has had available the entire committee staff of the Committee on Interior and Insular Affairs, and no one complains about that. It is only fair that they should have them available. But it seems to the junior Senator from Louisiana that it is a far cry when someone attempts to make headlines, or attempts to smear those of us who take the side of the States, merely because two men were by unanimous consent given the right to receive the privileges of the floor of the United States Senate.

As a matter of fact, all the Governors of the States have a right to come on the Senate floor, and the junior Senator from Louisiana many times has seen the same type of consent given, to permit one expert or other to have the privileges of the floor during debate on various and sundry measures in order that he might advise in connection with them, as happened in connection with discussions of foreign affairs, military aid, and many other measures. I have seen them come on the floor, and I regard it as very unfortunate that someone should have seized upon this incident to attempt to discredit someone representing the side of the States. I personally know that my own legislature has appropriated as much as \$40,000 in one session for this very cause, to assist in seeing that the point of view of the States was understood by the Representatives of the people in Washington and by the people generally. I believe that to have been a proper course of action. Certainly the Federal Government has many employees who come before our committees to advise us on the Federal side of this question, and it seemed only appropriate that the States should be entitled to have their side presented.

So far as the junior Senator from Louisiana is concerned, should the occasion present itself, he would again

urge his State legislature that it appropriate such money as might be necessary to help develop the facts and to have their side presented to the people of the Nation.

Mr. HOLLAND. Mr. President, I deeply appreciate the gracious and generous remarks of the Senator from Louisiana, and I also am glad that he mentioned the fact that apparently the press is quite indifferent to the fact, as stated upon this floor by several Members of the Senate—and it is true—that many of the oil companies are moving heaven and earth to secure the passage of Senate Joint Resolution 20, and have made contacts with Members of the Senate, including the Senator from Florida, in an effort to explain their point of view. They are certainly entitled to explain their position, and they have been graciously received by the Senator from Florida, but he dislikes the unwillingness of the press to carry what is the truth, that many oil companies are aggressively supporting Senate Joint Resolution 20.

Since the Senator from Louisiana has mentioned it, I invite attention to the fact that the article from which I quoted earlier is a dual article. There is a write-up from the United Press, and another write-up in the same column by the Associated Press. There are many factual matters in those two news items as to what transpired yesterday on the floor of the Senate, but Senators and the public will look in vain for the statement made clearly, unequivocally, and, as a matter of fact, to the effect that many oil companies are supporting this measure, Senate Joint Resolution 20, and that that is where the oil influence is at this time. Senators will look in vain for any such recital either by the United Press or the Associated Press, which I hope was a matter of oversight yesterday in the report of the debate, and which oversight I hope will not be repeated today as the story goes out from both of those fine press associations as to what takes place on the floor of the Senate.

I now yield to the Senator from Wyoming.

Mr. O'MAHONEY. Mr. President, I am very grateful to the Senator from Florida for yielding. First, I want to associate myself with all the Senators on the floor who have complimented the Senator from Florida. There is no more able Member of this body than is the Senator from Florida.

Mr. HOLLAND. I thank the distinguished Senator from Wyoming.

Mr. O'MAHONEY. There is none with a higher sense of propriety, none with a higher sense of integrity; and I know that the Senator from Florida would not, under any circumstances, take any undue advantage of any request he might make.

I was not present on the floor when the matter was brought up, but I can say without any reservation that any reflection that may have been made upon the character and the reputation of the Senator from Florida would be wholly and completely without foundation.

Mr. HOLLAND. I thank the distinguished Senator, and I hope he will be

gracious enough, also, since his seat adjoins mine in the Senate, to state what I know to be the fact: That the only activities of the two distinguished gentlemen who came to the floor of the Senate under unanimous consent to advise on these technical questions yesterday—the only activities in which they participated in any way—were on two or three occasions when the Senator from Florida sought information from them. They were not moving around the Senate buttonholing anyone else or even speaking to anyone else, but were here only as technical advisers on a very complicated subject.

Mr. O'MAHONEY. I am very glad to testify to that. I was here most of the time during which the Senator was presenting his point of view, and I know that during all that time neither of these gentlemen made any attempt to buttonhole or to influence any Member of the Senate. But there is a big "but" to which I now wish to invite attention, arising from the reference which the Senator from Florida has made to the fact that some of the oil companies have indicated that they would like to see passed the joint resolution reported by the committee. I think they would. I think their reason for wanting to see it pass may be exactly the same reason as that which I have had.

Mr. President, for 14 years the Coastal States have been striving to induce the Government of the United States to pass a quitclaim bill to these submerged lands. Perhaps the first bill for a quitclaim was not introduced as long ago as that, but quitclaim bills have been before the Senate. One was passed and went so far as to reach the President's desk. There it was vetoed. It was not passed over the President's veto. The result has been that when the Supreme Court of the United States, in its decisions in the California, the Louisiana, and the Texas cases, asserted without reservation that the States have no property right in the lands which are submerged, and declared unequivocally that the paramount right lies in the Government of the United States, the oil companies which were operating beyond the tidelands and on the lands bordering the open ocean were idle. I do not know how many rigs along the coast of the State of Louisiana have been idle because of this controversy. Oil workers have been idle. No exploration has been going on, because, naturally, the oil companies were not in position to expend their funds or make new investments so long as the title and the right of the State were in dispute. I think, as a matter of common sense, that the oil companies have reached the conclusion which I have reached—that a quitclaim bill cannot pass over a veto; that the wise thing for the Congress to do is to enact into law the measure which has been reported by the committee.

This resolution does not attempt to deny the leases which were made by the States. When the representatives of the Department of Justice appeared in the Supreme Court to argue against the claims of the States, the statement was made on behalf of the Department of Justice that no attempt would be made to cancel such leases. All this measure

does is to provide that good, safe leases may be confirmed by the Secretary of the Interior, and instead of undertaking to demand the last penny under the Supreme Court's decision, which asserts the paramount right, we make no attempt to cancel those leases, nor do we make any attempt to cut off the States. There is a provision in the measure to grant to the States 37½ percent of the royalties. The measure was presented in an effort to produce oil while the controversy was raging.

Every Member of the Senate knows that we are now involved in a great economic war with the Soviet government. Every Member of the Senate knows that petroleum is not only the fuel of industry, but is the fuel of military activity. So the Senate Committee on Interior and Insular Affairs was anxious to make certain that we could put oil rigs to work and put the oil workers to work and produce the oil needed by the Nation, instead of continuing the present stalemate in which there is not much production and no more exploration. Production, of course, is being carried on under the stipulation which was entered into in the Supreme Court cases.

But reference to the fact that some oil companies may be supporting this bill seems to me only to emphasize the fact that even oil companies can be guided by good sense. They support a measure which will again make it possible to begin exploration on the Continental Shelf, and which in turn will make it possible to produce oil that we need.

I am sure the Senator from Florida intended no reflection upon the members of the Committee on Interior and Insular Affairs when he said that oil companies were supporting the pending measure. Nor did he intend any reflection in his remarks about his disappointment that the press associations had not reported a statement he made and indicating that he was inviting them to tell their readers that the pending resolution presented by the Committee on Interior and Insular Affairs is an oil company resolution, and that some inference should be drawn from that.

That reminds me of a remark—

Mr. HOLLAND. Mr. President, before we get away from that point, I may say that there was not or is not any inference or implication of impropriety in the mere statement of a fact, which the Senator from Wyoming knows to be a fact, and which his present statement practically admits to be a fact—

Mr. O'MAHONEY. I do not admit it; I confirm it.

Mr. HOLLAND. The Senator confirms it to be a fact that many oil companies are actively supporting the proposed legislation. As a matter of fact, if the Senator does not already know it, the oil companies have their representatives present, and they are buttonholing Senators and are trying to get Senators to yield their convictions and to support the pending measure.

I do not blame the Senator from Wyoming for that, because the oil companies have a right to consider their own interests, and they have a right also to their own convictions as to what is in

the national interest, but I wish to make it very clear that the facts are as I have just stated, and as they are admitted, or rather confirmed, by the Senator from Wyoming, that much oil-company support is on the other side of the fence from those who are fighting for the principle advocated by those of us who favor a substitute measure. That is what I wish to have clear.

Mr. O'MAHONEY. Mr. President, I should like to say, in that connection, that the statement that the oil-company support is on the other side of the fence is just a wee bit too broad, because I have personal knowledge of a great deal of oil-company support which is on the other side.

So the point of this whole discussion, Mr. President, is simply that I know the Senator from Florida acted honorably and within his rights when he made the request yesterday for the presence of certain gentlemen on the floor of the Senate, in spite of the fact that one of them is a registered lobbyist under a law passed by Congress. The fact that Congress passed that law and permitted registration was an acknowledgment that the people of the United States, in the interest of the United States, are entitled to have registration. The only point of the law is that we should know who the lobbyists are. In that, of course, I think all agree.

Although the Senator from Florida should not be criticized because he asked unanimous consent to have these gentlemen on the floor, particularly since it is clear, from my own observation, that they were not trying to take advantage of their position and were communicating only with the Senator from Florida, at the same time it ought to be made perfectly clear in any report made with respect to this particular debate that no improper inference should be drawn because of the fact that some oil companies are supporting, in good, common sense, a measure which will restore the possibility of exploration and production of a natural resource which the Nation so greatly needs.

I may add one further word. The Senator from Louisiana said that supporters of the joint resolution have the aid of the entire staff of the Committee on Interior and Insular Affairs, of which the Senator from Louisiana is a very able and distinguished member. I merely wish to state that the chief counsel of our committee, who is presently on the floor, has served every member of the committee without regard to his position upon the pending measure, and there is no partisanship, either political or with respect to any other activity of the committee, on the part of the staff. We have had here only one member of the whole group, and none of them is lobbying.

Mr. LONG. Mr. President, I believe the RECORD should show that I said the committee staff was available to the committee chairman for technical information, as well they should be.

Mr. O'MAHONEY. Of course.

Mr. LONG. I may state further that the committee chairman has found for himself a very able committee assistant, who is an attorney, Mr. Stewart French,

to advise him in this matter. That is the good fortune of the Senator.

Mr. O'MAHONEY. We now have him blushing.

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

Mr. HOLLAND. I yield.

Mr. WILEY. Mr. President, I was not present yesterday, but I have heard a part of the discussion this morning. I wish to have it appear that I agree fully with the statement that there is no more honorable man than the distinguished Senator from Florida.

Mr. HOLLAND. I thank the distinguished Senator from Wisconsin.

Mr. WILEY. I am satisfied that when the Senate speaks, it speaks autonomously. It may have rules, but it can also set aside those rules and procedure in due form by receiving the consent of the Senate. It seems to me that that should end the controversy. However, I am happy to add to what has been said in relation to the fine character and dependability of the distinguished Senator from Florida.

Mr. HOLLAND. I again thank the distinguished Senator.

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

Mr. HOLLAND. I yield.

Mr. LONG. Since the question of the position of the oil companies has been raised, I should like to say that we do not claim there is anything wrong about their position or that there is anything shameful about the fact that the proponents of the joint resolution have the support of the oil companies in the position which the representatives of the Federal Government assume at this moment. We do believe it was very wrong and shameful, however, to have some members of the press attempt, over a period of years, to make it appear that there was something wrong about the advocates of the rights of the States trying to maintain their position, and at that time having the oil industry supporting their cause.

I refer the Senator to page 74 of the hearings, the statement by Mr. Walter Hallanan, president of the Plymouth Oil Co., of Pittsburgh, Pa., who appeared as chairman of the offshore lessees committee, which consists of representatives of most of the holders of leases on submerged lands off the coasts of Texas, Louisiana, and California.

I also refer to the statement of—

Mr. HOLLAND. Mr. President, may I ask the Senator a question? Did the witness whom the Senator mentioned as appearing on behalf of the Association of Lessees, which includes many oil companies, indicate their position with reference to the so-called interim bill?

Mr. LONG. That was not made nearly so clear by the testimony of Mr. Hallanan as it was by the testimony of Mr. Clary, another lessee representative, the only other witness to testify representing the lessees, to my knowledge. Mr. Clary's testimony with regard to this problem is found on page 324. I believe it should be quoted, in order that the record may be clear. He said:

Mr. CLARY. I want to add just a closing word. I personally have over the past years

appeared before this Congress and its committees on numerous occasions. I have advocated the enactment of what we shall call—and I do not object to calling it—quitclaim legislation, what, in effect, would vest the control of these areas in the States.

I advocated that because I believed the Supreme Court decision, while we respect it while it is in force, was unsound for the reason that I have already stated and other possible reasons. I have not changed my view on that at all.

Mr. Hallanan in his testimony the other day testified that it had always been the position of the oil tideland operators that they preferred and favored the State control of these areas. I think I am quoting him substantially correctly.

Nothing has happened to change that viewpoint so far as the ultimate disposition of this case, of this very complicated controversy, is concerned. But operators favor this bill primarily for the principal reason that we believed when it was introduced last summer and again this year, that it would bring about production of oil and enable the oil producers to meet the demands of the Military Establishment of the United States, which now looms up a million barrels a day, more quickly than any other possible solution. We have never opposed quitclaim legislation, and we appreciate the great efforts that have been made by the States to obtain that legislation, but we fear that, if that legislation is pursued, it may result in a veto and it may result in a stalemate which will drag this whole controversy along for perhaps another session of Congress.

That, as I understand, is the position of the oil operators. To the best of the knowledge of the junior Senator from Louisiana it is the position of every operator who holds a tidelands lease. If there is any different position, I have not heard from any State lessee holding such a position.

Mr. HOLLAND. As I understand, it is the position of those operators that they now favor the enactment of Senate Joint Resolution 20.

Mr. LONG. The Senator is correct. Many of us who take the States' position feel that those operators, finding their investments in jeopardy, have taken the position that they would almost be willing to sacrifice the States in order to protect their own investment. Possibly from the shareholders' point of view one can understand why they should take such a position. Nevertheless, those of us who represent the States feel that the States should not be sacrificed in order to protect the oil companies.

Mr. HOLLAND. I thank the distinguished Senator.

I note the presence in the Chamber of the distinguished senior Senator from Texas [Mr. CONNALLY], who yesterday rose to ask me a question. I told him that I would get back to him in a few minutes. When I did get back to him I found that he had left the Chamber. Does the Senator from Texas wish to ask me a question at this time?

Mr. CONNALLY. I have not been in the Chamber during the Senator's previous remarks. I do not care to interrupt the Senator at this time.

Mr. HOLLAND. I thank the Senator. I want him to know that I was looking forward to a colloquy with him. By the time I reached that point, apparently, he had been called from the Chamber.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. HOLLAND. For what purpose?

Mr. HUMPHREY. For the purpose of comment in reference to the discussion which has taken place regarding General Johnson.

Mr. HOLLAND. Mr. President, I ask unanimous consent that I may be allowed to yield for that purpose without losing my place on the floor.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, I wish to make it quite clear that I concur in the statements which have been made this afternoon by the majority leader and other Senators in reference to the honor, integrity, sense of propriety, and high ethical standing of the Senator from Florida.

Mr. HOLLAND. I thank the distinguished Senator.

Mr. HUMPHREY. I do not think anyone would question his qualifications in that regard. They have been demonstrated by his personal conduct and his actions as a Senator.

The issue which I rise to discuss is one which goes far beyond any question of propriety of the actions of the Senator from Florida. It goes to the matter of the use of the rules of the Senate for the purpose of legislative debate.

I have listened to the reading of the record of the distinguished former Attorney General, General Johnson. I think it is an enviable record. I believe that anyone who knows of his public service knows that his record is outstanding. However, the issue here is whether or not, in legislative debate on such a highly controversial issue as this, upon which men of honest convictions have differences of opinion, someone who is registered under the Lobbying Act, even though such registration was voluntary, and even though there is nothing improper in being a legitimate lobbyist—in fact, it may be very desirable—should be permitted to enjoy the privileges of the floor. The Senator from Florida surely was most fair about it. He asked unanimous consent for a departure from the rule, and he received unanimous consent. If those of us who were not present had a different opinion, and would have objected to the unanimous-consent request, surely we come in with belated arguments. However, in such a situation I think it is only fair, for the future, at least to make some declaration of intent and opinion, as to whether or not we should permit such a thing to happen again.

Of course, under the rules, those who are employed by the committees of the Congress are allowed the privilege of the floor. Rule XXXIII, on page 46 of the Senate Manual, lists the persons entitled to the privileges of the floor. As has been stated, I believe, by the Senator from Wisconsin [Mr. WILEY], the Senate may abridge its rules or suspend them by unanimous consent, which it has done.

However, I think it should be noted that the Association of Attorneys General has been one of the most active participating groups in America on this particular issue, pertaining to oil in the

submerged lands. Whether they are right or wrong is not the question. Furthermore, the Association of Attorneys General is not a governmental body as such. It is a representative, quasi-public body of public officials. It is no more a governmental body than the American Municipal Association, the United States Conference of Mayors, or the Council of State Governments. It represents certain persons in public office who have joined together for the purpose of improving their activities and their service as government officials. It does not speak for States. It cannot speak for legislatures. It cannot speak for any public body. It can speak only as an association.

For that reason I rise to protest. I submit, as the majority leader has well pointed out, that the use of the floor by persons other than Senators and others specifically accorded the privileges of the floor, is really an abuse.

I further submit that the States of the United States have plenty of representation on this floor, with two United States Senators each, and that at any time we wish to do so we can attach to our staffs, by making proper adjustments within the staffs, competent advisers in case we are vitally interested in a particular issue.

What is more important in this instance is that General Johnson has had plenty of opportunity to appear before the committees of Congress. He has had plenty of opportunity to appear in the office of any Senator, and to talk with any Member of Congress.

I do not say that anything that has been done is wrong. I think the Senator from Florida has carefully explained what has transpired. As an example, let us take a member of an association such as the National Public Housing Conference, which represents public-housing officials all over the United States. They are persons who are paid from public funds. Would we think for a moment of bringing one of those representatives onto the floor of the Senate when a public-housing bill was under consideration? If we were considering legislation pertaining to rent control, would we think of bringing onto the floor of the Senate representatives of the United States Conference of Mayors, even though they might have unanimously resolved in favor of a particular point of view with respect to rent control?

I submit that once a person has submitted a lobbyist's report—and I have a copy of such a report in my hand—he ceases to be a representative of the public, and becomes a private representative. Once a person submits a lobbyist's report, it indicates that a certain type of activity is going on, activity which comes within the provisions of the Lobbying Act.

On that basis I think we are going somewhat astray from the intent and purposes of rule XXXIII when we ask unanimous consent to expand that rule so far as it pertains to the categories of persons entitled to the privileges of the floor of the United States Senate.

I have only the highest respect for the Senator from Florida. He is a hard de-

bater; he is able; and certainly he knows how to present his point of view. I know that the Senator from Florida was seeking only legal advice and counsel from a man for whom he has great respect, and one who he felt had conducted himself most honorably in his relationship with the committees of Congress and other public bodies.

I still submit that such procedure is going afield in terms of privileges of the floor, and I say that in view of the great controversy involved in this issue and the millions of dollars which are involved, as well as the privileges and economic interests which are involved, not only to the States but to individuals as well, that we have made a very sad mistake. If not improper, at least it was unfortunate. Surely it was not done improperly, but I believe it could lead to unfortunate circumstances and consequences in the future. Therefore, I felt so strongly that I thought I should register a protest—not with the Senator from Florida—because of the precedent which may have been established.

Mr. HOLLAND. I thank the distinguished Senator from Minnesota for his courteous and cordial remarks with reference to the Senator from Florida, and also with reference to the very distinguished former attorney general of Nebraska, Mr. Johnson.

Of course, I do not agree with many of the things which the Senator from Minnesota has stated, because it seems to me to be very clear that not only were the rules of the Senate carefully followed, as confirmed by the statement of the Senator from Minnesota, but that in addition to that, the proprieties were all carefully observed. If there is one person of the highest technical and professional character, who has been constantly appearing in behalf of various States and knows all the ins and outs of the subject, and knows the subject better than any other living person in the United States, it seems to the Senator from Florida that the 48 States of this Nation are not on improper or unsound ground in asking that they may have nearby, in defending their States' rights, that one person, particularly when he meticulously has preserved himself from any proper charge of being a general lobbyist by refusing to take any business whatsoever except for the States, in which capacity, by the way, he acted while he was yet the attorney general of the sovereign State of Nebraska before he became private counsel.

Mr. HUMPHREY. Mr. President, will the Senator from Florida yield further?

Mr. HOLLAND. I yield.

Mr. HUMPHREY. I wish to point out that there are many distinguished former public officials whose record of public service has won them honor and who are of the highest integrity, who represent many private organizations and many quasi-public organizations. What I am pointing out is, first of all, that the National Association of Attorneys General is not like a legislature, like a governor's office, or like a judicial system. It is a quasi-public organization which represents public officials. I should like further to point out that it is not, to my

recollection, supported by all 48 States. I believe it is supported by approximately 40 States.

Mr. HOLLAND. Forty-four was the last I heard.

Mr. HUMPHREY. Forty-four.

Mr. HOLLAND. It may be less or more. At any rate, it is supported by almost all the States.

Mr. HUMPHREY. I am sure that if one were to examine the contributions which have been made to the National Association of Attorneys General he would find that the States which have been most vitally interested in the so-called submerged-lands bill have made the greatest contribution to the National Association of Attorneys General. I think that is entirely possible and perhaps probable. Because of the work of the distinguished former attorney general of Nebraska, Mr. Johnson, the National Association of Attorneys General is known throughout the land as having taken one of the most vigorous positions on the submerged lands issue.

Mr. HOLLAND. It is because they believe the States are right. It is because each attorney general is himself elected by the people of a sovereign State, and because he has not yet had his mind dimmed to the fact that States have rights, and he wants to preserve and conserve those rights. I think that the attorney general of a sovereign State, particularly of these many States which by action of their legislature have furthered State legislation in this matter would be derelict in his duty if he did not throw himself wholeheartedly into the furtherance of the protection of rights of his State and of other States, which he believes are being dangerously jeopardized and would even be taken away by the Supreme Court decisions, unless Congress in its discretion, and from the standpoint of what is best in the interest of sound national policy, provides otherwise.

Mr. HUMPHREY. Mr. President, I may say that one of the reasons why the legislatures of many of the States have taken the position that they have taken is because of the lobbying work of the National Association of Attorneys General. The attorneys general have taken the message back to their legislatures, as they have done in one State with which I am particularly familiar.

Mr. HOLLAND. If the Senator from Minnesota suggests that an attorney general is on unsound ground in making recommendations to his legislature on issues which very keenly and vitally affect his State, I shall have to differ very profoundly with the Senator from Minnesota.

Mr. HUMPHREY. That is not my view. My view is that the National Association of Attorneys General is a lobbying organization, which fact has been testified to by the very Honorable General Johnson himself. It is fundamentally improper for the Senate of the United States, as a precedent and as an experience, to have a paid lobbyist, who registers as a paid lobbyist, to sit on the floor of the Senate. I am afraid that there may be no end to this thing.

because almost everybody has a good case.

Mr. HOLLAND. I thoroughly recognize the fact that in most positions, or 99 out of 100, I would agree with the distinguished Senator from Minnesota. I think that there are differences in situations. I think the Senate has it completely within its own power to recognize those differences.

Mr. HUMPHREY. Yes.

Mr. HOLLAND. I think the Senate, acting regularly and properly and by unanimous consent did so act unanimously, with the exception of several Senators who were not present, including the Senator from Minnesota.

Mr. HUMPHREY. That is correct.

Mr. HOLLAND. Yesterday when the Senate granted unanimous consent for making an exception in this case the Senator from Florida felt that the States would have been deprived improperly of advice, which at least all the Senators present seemed to think they were entitled to have, if the action had not been taken. The Senator from Florida regrets the fact that his friend the Senator from Minnesota was not present. All that the Senator from Minnesota has to do to block a unanimous consent request, properly made during the consideration of this subject or any other subject requiring unanimous consent, is to be in his seat and to state his objection when such a request is made. Certainly there was no intent on anyone's part to bring this up behind the door somewhere.

Mr. HUMPHREY. Of course not.

Mr. HOLLAND. It was brought up in the open on the floor of the Senate, with the statement as to the representative capacity of General Johnson.

Mr. HUMPHREY. I want the Senator from Florida to know that no one is saying that anyone tried to pull a fast one, as the saying goes.

Mr. HOLLAND. I thank the Senator. I believe that the Senate will have to be its own judge on each question as it arises. I believe that the Senate very properly acted on its own judgment yesterday.

In closing this aspect of the matter I want to quote again from the very apt and very cordial words of the distinguished Senator who was presiding at the time the unanimous-consent request was granted:

Without objection, it is so ordered—

That is, the unanimous-consent request was granted—

and the Chair wishes to welcome these two distinguished gentlemen to the floor of the Senate.

Mr. HUMPHREY. Mr. President, will the Senator yield for further observation?

Mr. HOLLAND. Yes.

Mr. HUMPHREY. I notice that when associations such as this, which has public support, as they do have, go to my distinguished colleagues, there is a great deal of friendly spirit that permits these unanimous-consent requests to be granted. However, I want to say that insofar as the Senator is concerned, regardless of the proper manner in which the unanimous-consent request was

granted, in view of the fact that several Senators had leave to attend committee meetings, it is fundamentally wrong, on the basis of laws and rules which we have for the purpose of reporting the activities of lobbyists, to have persons who are registered lobbyists granted the privileges of the floor of the United States Senate, particularly upon such a controversial issue as this, which involves millions of dollars and a high public question, which has been resolved at one time by Congress and many times by the Supreme Court. I am only saying that I hope that what was done yesterday has not opened Pandora's box.

Mr. HOLLAND. I would agree with the Senator from Minnesota in that expression. I would not be in favor of a general letting down of the bars. The Senator from Florida felt that there was a proper exception made yesterday afternoon. If the Senator from Minnesota will read again the law to which he has referred he will find that there is no provision in it which excludes registered lobbyists from the floor of either House.

Mr. HUMPHREY. That is correct.

Mr. HOLLAND. The matter is left to the sound discretion of the Members of both Houses on any occasion when such a request is made. Of course, the Senator from Minnesota is not making any charge—and I think he would be hard put on the basis of any substantial reason to make a charge—that there was any departure whatsoever from completely proper course of conduct in what was followed yesterday by the Senator from Florida.

Mr. HUMPHREY. The only thing I would say is that when any such further request is made for an abridgment of the rules of the Senate at a time when several committees of the Senate have received special and official leave of the Senate to hold sessions, there should be a quorum call, so as those of us who have already received permission of the Senate to sit in committee to take testimony and conduct hearings may be alerted as to what is going on. I say that because I am sure that if that alert had been given, some of us would have objected.

Mr. LONG. Mr. President, will the Senator from Florida yield to me?

The PRESIDING OFFICER (Mr. UNDERWOOD in the chair). Does the Senator from Florida yield to the Senator from Louisiana?

Mr. HOLLAND. I yield.

Mr. LONG. I must object to the inference contained in the colloquy with the Senator from Minnesota and the suggestion that the reason why the counsels of State governments and various other groups were opposed to the Federal position was that they had been misinformed, in effect, by the attorneys general of the States.

Actually, the facts show that the American Bar Association appointed a committee on submerged lands to make a study of this matter, and that the American Bar Association is on record in favor of the States' position. It would be rather difficult to assume that the American Bar Association is a group which has the wool easily pulled over its

eyes and is fooled by individuals. As a matter of fact, it has been my impression that any attorney who made a study of this matter invariably arrived at the conclusion that the States were right in regard to it.

The United States Chamber of Commerce has supported the position taken by the States.

I have noticed that the conference of governors, composed of the governors of the 48 States, supports the position taken by the States, and it is my understanding that almost all the governors support the position taken by the States.

So, Mr. President, if the junior Senator from Minnesota objects, he will have to change the rules, because there are approximately 40 some odd Governors, among the 48 Governors, who have the privilege of the floor of the Senate, who also support the position taken by the States.

Mr. HOLLAND. Mr. President, I thank the Senator from Louisiana for his remarks.

Let me say that I think it will appear that practically all States and all important groups favor the position we have taken, except those relatively few organizations who favor the further swelling of centralized government and, in my humble judgment, the further weakening of it.

(At this point Mr. HOLLAND yielded to Mr. McCARRAN, who addressed the Senate, and whose remarks appear at the conclusion of Mr. HOLLAND's speech.)

Mr. HOLLAND. Mr. President, at the commencement of my remarks yesterday I had stated, and I had likewise stated during the able remarks made by the distinguished senior Senator from Texas [Mr. CONNALLY], in a colloquy with him, that at the end of my remarks I proposed to offer to the pending measure, Senate Joint Resolution 20, an amendment in the nature of a substitute for that measure. At this time I wish to send to the desk the amendment in the nature of a substitute, which is offered by me, for myself and the following other Senators: Mr. BUTLER of Maryland; Mr. BUTLER of Nebraska; Mr. BYRD, of Virginia; Mr. CAIN, of Washington; Mr. CAPEHART, of Indiana; Mr. CARLSON, of Kansas; Mr. CORDON, of Oregon; Mr. DUFF, of Pennsylvania; Mr. EASTLAND, of Mississippi; Mr. ELLENDER, of Louisiana; Mr. FREAR, of Delaware; Mr. GEORGE, of Georgia; Mr. HENDRICKSON, of New Jersey; Mr. HICKENLOOPER, of Iowa; Mr. JOHNSTON, of South Carolina; Mr. KNOWLAND, of California; Mr. LONG, of Louisiana; Mr. MARTIN, of Pennsylvania; Mr. McCARRAN, of Nevada; Mr. McCLELLAN, of Arkansas; Mr. MUNDT, of South Dakota; Mr. NIXON, of California; Mr. O'CONNOR, of Maryland; Mr. ROBERTSON, of Virginia; Mr. SALTONSTALL, of Massachusetts; Mr. SCHOEPEL, of Kansas; Mr. SMATHERS, of Florida; Mr. STENNIS, of Mississippi; Mr. TAFT, of Ohio; and Mr. THYE, of Minnesota.

Mr. President, in sending forward this measure, to lie on the desk at this time, I call attention to the fact that the list of over 30 joint sponsors of this amendment, which within a few minutes I shall ask to have considered and made the

pending question, includes not only Senators from the maritime States, but also approximately 10 or 12 Senators coming from interior States of the Nation.

I want to say for the Record that the Senator from Florida believes that a large number of additional Senators approve completely of the philosophy and substance of the proposed amendment in the nature of a substitute which is now to be offered to the pending measure, and will show their approval of it when the time comes for voting.

Mr. KNOWLAND. Mr. President, will the Senator from Florida yield, that I may address a parliamentary inquiry at the moment?

Mr. HOLLAND. I yield for a parliamentary inquiry.

Mr. KNOWLAND. I would merely like to inquire whether, under the procedure outlined by the Senator from Florida, this amendment in the nature of a substitute will be printed and made available automatically.

The PRESIDING OFFICER. The amendment in the nature of a substitute will be ordered to lie on the table and be printed. The Senator from Florida.

Mr. HOLLAND. Mr. President, I think it is incumbent upon me merely to make a few brief remarks about the amendment in the nature of a substitute just sent forward, and its contents. Senators will remember that early in 1951 more than 30 Senators—and of those the Senator from Florida was one—joined in presenting for the consideration of the Senate a bill, which was known as Senate bill 940, in the field of submerged lands of coastal States, likewise relating to the interior submerged lands, and likewise referring to the lands under the Great Lakes and to other subject matters.

Mr. President, unfortunately that measure was never reported from the Senate committee, but instead, the committee conducted hearings upon Senate Joint Resolution 20, and while those hearings had to do in general with the whole of the subject matters involved in this complex field, nevertheless the Senate Committee on Interior and Insular Affairs, so ably headed by the distinguished Senator from Wyoming, has not reported Senate bill 940, but, instead, still retains custody of that bill, as it likewise still retains custody of the so-called Walter bill, which has been passed by such a huge vote in the House, and which likewise came over to the Senate in ample time for consideration and action and recommendation to the Senate by the Senate Committee on Interior and Insular Affairs.

Mr. President, in that situation the Senators who are actively supporting the claim of the States for the return to them, out to their constitutional limits only, of those rights which they held, and which they enjoyed so fully, prior to the recent Supreme Court decisions—those Senators have felt justified in changing in several minor ways the provisions of Senate bill 940, so that the same will accord entirely with titles 1 and 2 of the Walter bill, dealing with the subject matter covered by the proposed amendment in the nature of a substitute,

namely, dealing solely, so far as coastal lands are concerned, with those lands extending out to the 3-mile limit, in most cases, and, in two cases, to a greater distance, because of the fact that the constitutional limits of two States go further than the 3-mile limit. The amendment in the nature of a substitute which we propose is carefully confined to that area, to that shoestring of land and water, whether it lies offshore in the coastal States from low water to the State boundaries, or to the 3-mile line, in the event the State has no fixed boundaries.

Mr. President, it so happens that titles 1 and 2 of the Walter bill completely relate to that particular subject, whereas title 3 of that measure goes much further and relates to a much larger belt of land and water lying outside the constitutional limits of the State, to which we may refer as the Continental Shelf lying off the various States. In some cases the Senator from Florida understands that that Continental Shelf may extend as far as 120 or even 150 miles offshore.

The Senator from Florida, and other Senators associated with him originally in the introduction of Senate bill 940, and now, in the introduction of rewritten Senate bill 940, to comport with the appropriate provisions of the Walter bill, have not felt that it is proper to confuse the issue of returning to the States the powers which were theirs, and the privileges and the property enjoyed, which was so fully held by them prior to the decisions of the United States Supreme Court. And so they have confined themselves deliberately to the presentation of the problem of whether the States should receive back from the Federal Government, by grant of Congress, such rights as they had, or believed they had, and such rights as they were enjoying in a completely full way prior to the action of the United States Supreme Court in the California, Louisiana, and Texas cases.

Mr. President, Senate bill 940 was confined to the limited field of the restoration of State jurisdiction which the States had formerly enjoyed, since the founding of this country. In the measure which we will submit today we are trying to take advantage of the perfecting language which has been adopted in the long hearings of the appropriate House committee, which took place during 1951, but subsequent to the date of the introduction of Senate bill 940.

Some of those changes—and many of them are entirely minor—are changes of wording. None of them are changes of material substance. But it is the judgment of those who are advocating a return to the States of the rights which were theirs that the wording as perfected by the House committee and subsequently in debate on the floor of the House, should be made available. So I want the Senate to understand fully that in submitting this measure instead of Senate bill 940 we offer a measure which in most respects is identical in language with Senate bill 940 but which in various respects, as Senators will find from reading the proposed measure, differs

because of the perfection of the language of the original bill, which took place in the consideration of the Walter bill by the House of Representatives. I want to say we excluded entirely title 3 of the Walter bill, which deals with the second belt of lands and waters; that is, that one which extends from the State boundary out to the Continental Shelf.

In order to make that exclusion effective we had to strike certain portions of section 1 which had to do with definitions of terms which appeared in the Walter bill only in title III. I think Senators will find from a consideration of the proposed measure that those are the principal changes, and that there are no changes of substance; that the bill has followed carefully the language of titles I and II of the Walter bill, with certain omissions from title I of matters which are handled only in title III, and that it is in substance the same as Senate bill 940, departing from the wording of that bill only in those particulars in which the House committee and the House itself perfected the measure.

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

Mr. HOLLAND. I yield.

Mr. CASE. Does the language of the substitute make any difference in the treatment of claims of the State of Texas over claims of other States? I have reference to the position of Texas with regard to the 10 miles supposedly reserved on the admission of Texas to the Union.

Mr. HOLLAND. I will say to the distinguished Senator that the bill as presented does recognize the State limits of Texas under its constitution, and existing even while it was a republic, as extending 3 leagues instead of 3 miles from the low-water mark. The point of the bill has been to seek to restore to each State its rights in accordance with its own constitutional limits, or, if it had none, in accordance with the 3-mile limit followed by most of the States, or the constitutional limits of any State which go beyond the 3-mile limit, which applies in only two cases, the State of Texas and the west-coast line of the State of Florida. That limit is fixed by the constitutions of those two States at 3 leagues.

The bill in that respect meticulously follows the path laid down by Senate bill 940 and does not depart from it in any regard.

Mr. CASE. With respect to the west coast of Florida, was there similar language in the enabling act for the State of Florida as there was in the enabling act for the State of Texas?

Mr. HOLLAND. I do not think so. I will say, as a matter of fact, that the language does appear in the State constitution, which constitution was approved by formal act of the Congress of the United States. But I am not able to say whether the language appeared in the enabling act, because I have not had opportunity to have access to that act. Insofar as Florida is concerned, we rely upon the clear provisions of our State constitution which have been accepted by affirmative act of the Congress of the United States.

Mr. CASE. Mr. President, if the Senator will yield for one further question—

Mr. HOLLAND. I will yield further; but may I make one further remark at this time? There is a reason, of course, for the slightly different situation in some places from that which is found in others. In the case of the west coast of Florida, as the Senator probably already knows, the waters are very shallow for a long distance. I am informed that before the Continental Shelf is reached, it is necessary in some places to travel 150 miles into the Gulf of Mexico from the west coast of Florida. So the reason why the early founding fathers, both of our State and those in Congress, gave approval to that limit was to give recognition to the fact that the shallows extend as far in that particular area as they do.

Mr. CASE. May I say to the distinguished Senator from Florida that the junior Senator from South Dakota has felt there was considerable merit in the argument advanced for the west coast of Florida and for the limits generally ascribed to the State of Texas, but I do not know that any similar situation exists with respect to other States?

Mr. HOLLAND. I would say that normally, as I understand, the enabling act provided for extending the distance to 3 miles, and that in the case of those States which originally came into the Union it would appear that the 3-mile limit has been considered as applicable for at least a hundred years. I understand that in admitting a State there has always been language entitling the new State, whether the limit be stated or not, to similar treatment with States formerly created.

The Senator from Florida is glad to hear that the Senator from South Dakota feels that where the constitutional limits are placed farther out than 3 miles, as is the case in only two instances, so far as I know, there is a substantial difference.

I should like to repeat only one thing, Mr. President, because of my feeling that under no circumstances should anyone receive the impression that those advocating the bill now to be introduced as a substitute feel that we would be justified in going beyond State lines. We feel that the question of the much larger belt outside the State lines is a completely different question from that of protecting the jurisdiction of the State. The State of Florida has to police its own waters in such cases as the sponge industry and the shellfish industry. That has been recognized by the Supreme Court out to the constitutional limits. It seems very important to give to the citizens of the States the full rights, duties, and service to which they are entitled out to the constitutional limits. But those of us who advocate the proposed substitute regard as a completely different matter the lands and waters lying outside the constitutional limits, and we do not wish to have that question becloud the consideration of the one which we propose, namely, that the States be restored to the position which they held

for more than 100 years prior to the recent cases decided by the United States Supreme Court.

Mr. President, with that brief discussion of the proposed substitute, I now ask that it be made the pending question if the parliamentary situation is such that that can be done.

The PRESIDING OFFICER (Mr. UNDERWOOD in the chair). There is a committee amendment on page 10, line 18, which has not been acted upon.

Mr. HOLLAND. Then, Mr. President, I ask that the amendment be printed and lie on the table, if that is as far as we can go under the existing parliamentary situation.

The PRESIDING OFFICER. The Chair will ask if there is any objection to the submission at this time of the substitute proposed by the Senator from Florida.

Mr. HOLLAND. In the absence of the Senator from Wyoming [Mr. O'MAHONEY], I would certainly want to see that he is advised, unless the Senator from Alabama can act for him.

Mr. HILL. Mr. President, I think it might be well if we could make the substitute amendment of the Senator from Florida the pending amendment. I then wish to make a perfecting amendment to the bill itself. If the Senator from Florida has concluded his speech, I think we might have a quorum call, as I had promised the distinguished Senator from Wyoming [Mr. O'MAHONEY] that I would suggest the absence of a quorum when the Senator from Florida had concluded. The Senator from Wyoming will then come to the floor. I think that would make for expedition.

Mr. HOLLAND. Of course, Mr. President, I have no opposition whatever to that course. As I understand, my proposed amendment in the nature of a substitute simply lies on the table, subject to be taken up by the Senate later. Is that correct?

The PRESIDING OFFICER. That is correct.

The amendment in the nature of a substitute, submitted by Mr. HOLLAND (for himself, Mr. BUTLER of Maryland, Mr. BUTLER of Nebraska, Mr. BYRD, Mr. CAIN, Mr. CAPEHART, Mr. CARLSON, Mr. CORDON, Mr. DUFF, Mr. EASTLAND, Mr. ELLENDER, Mr. FREAR, Mr. GEORGE, Mr. HENDRICKSON, Mr. HICKENLOOPER, Mr. JOHNSTON of South Carolina, Mr. KNOWLAND, Mr. LONG, Mr. MARTIN, Mr. McCARRAN, Mr. McCLELLAN, Mr. MUNDT, Mr. NIXON, Mr. O'CONNOR, Mr. ROBERTSON, Mr. SALTONSTALL, Mr. SCHOEPEL, Mr. SMATHERS, Mr. STENNIS, Mr. TAFT, and Mr. THYE) to Senate Joint Resolution 20, was ordered to lie on the table and to be printed.

Mr. HOLLAND subsequently said: Mr. President, I ask unanimous consent that the amendment in the nature of a substitute, submitted by me on behalf of myself and 30 other Senators, and heretofore ordered to lie on the table and be printed, be printed in the RECORD at the conclusion of my remarks, and as a part of them.

There being no objection, the amendment submitted by Mr. HOLLAND (for

himself and other Senators) was ordered to be printed in the RECORD, as follows:

Strike out all after the resolving clause and insert in lieu thereof the following:

"That this joint resolution may be cited as the 'Submerged Lands Act'.

"TITLE I

"DEFINITION

"SEC. 2. When used in this act—

"(a) The term 'lands beneath navigable waters' includes (1) all lands within the boundaries of each of the respective States which were covered by waters navigable under the laws of the United States at the time such State became a member of the Union, and all lands permanently or periodically covered by tidal waters up to but not above the line of mean high tide and seaward to a line three geographical miles distant from the coast line of each such State and to the boundary line of each such State where in any case such boundary as it existed at the time such State became a member of the Union, or as heretofore or hereafter approved by Congress, extends seaward (or into the Great Lakes or Gulf of Mexico) beyond three geographical miles, and (2) all filled in, made, or reclaimed lands which formerly were lands beneath navigable waters, as herein defined; the term 'boundaries' includes the seaward boundaries of a State or its boundaries in the Gulf of Mexico or any of the Great Lakes as they existed at the time such State became a member of the Union, or as heretofore or hereafter approved by the Congress, or as extended or confirmed pursuant to section 4 hereof;

"(b) The term 'coast line' means the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters, which include all estuaries, ports, harbors, bays, channels, straits, historic bays, and sounds, and all other bodies of water which join the open sea;

"(c) The terms 'grantees' and 'lessees' include (without limiting the generality thereof) all political subdivisions, municipalities, public and private corporations, and other persons holding grants or leases from a State, or its predecessor sovereign, to lands beneath navigable waters if such grants or leases were issued in accordance with the constitution, statutes, and decisions of the courts of the State in which such lands are situated, or of its predecessor sovereign: *Provided, however,* That nothing herein shall be construed as conferring upon said grantees or lessees any greater rights or interests other than are described herein and in their respective grants from the State, or its predecessor sovereign;

"(d) The term 'natural resources' shall include, without limiting the generality thereof, fish, shrimp, oysters, clams, crabs, lobsters, sponges, kelp, and other marine animal and plant life but shall not include water power, or the use of water for the production of power at any site where the United States now owns the water power;

"(e) The term 'lands beneath navigable waters' shall not include the beds of streams in lands now or heretofore constituting a part of the public lands of the United States if such streams were not meandered in connection with the public survey of such lands under the laws of the United States;

"(f) The term 'State' means any State of the Union;

"(g) The term 'person' includes any citizen of the United States, an association of such citizens, a State, a political subdivision of a State, or a private, public, or municipal corporation organized under the laws of the United States or of any State.

"TITLE II

"LANDS BENEATH NAVIGABLE WATERS WITHIN STATE BOUNDARIES

"SEC. 3. Rights of the States: It is hereby determined and declared to be in the public interest that title to and ownership of the lands beneath navigable waters within the boundaries of the respective States, and the natural resources within such lands and waters, and the right and power to control, develop, and use the said natural resources, all in accordance with applicable State law be, and they are hereby, subject to the provisions hereof, recognized, confirmed, established, and vested in the respective States or the persons who were on June 5, 1950, entitled thereto under the property law of the respective States in which the land is located, and the respective grantees, lessees, or successors in interest thereof; and the United States hereby releases and relinquishes unto said States and persons aforesaid all right, title, and interest of the United States, if any it has, in and to all said lands, moneys, improvements, and natural resources, and releases and relinquishes all claims of the United States, if any it has, arising out of any operations of said States or persons pursuant to State authority upon or within said lands and navigable waters. The rights, powers, and titles hereby recognized, confirmed, established, and vested in the respective States and their grantees are subject to each lease executed by a State, or its grantee, which was in force and effect on June 5, 1950, in accordance with its terms and provisions and the laws of the State issuing, or whose grantee issued, such lease, and such rights, powers, and titles are further subject to the rights herein now granted to any person holding any such lease to continue to maintain the lease, and to conduct operations thereunder, in accordance with its provisions, for the full term thereof, and any extensions, renewals, or replacements authorized therein, or heretofore authorized by the laws of the State issuing, or whose grantee issued such lease: *Provided, however,* That, if oil or gas was not being produced from such lease on and before December 11, 1950, then for a term from the effective date hereof equal to the term remaining unexpired on December 11, 1950, under the provisions of such lease or any extensions, renewals, or replacements authorized therein, or heretofore authorized by the laws of the State issuing, or whose grantee issued, such lease: *Provided, however,* That all rents, royalties, and other sums payable under such lease and the laws of the State issuing or whose grantee issued such lease between June 5, 1950, and the effective date hereof, which have not been paid to the State or its grantee issuing it or to the Secretary of the Interior of the United States, shall be paid to the State or its grantee issuing such lease within 90 days from the effective date hereof: *Provided, however,* That nothing in this act shall affect the use, development, improvement, or control by or under the constitutional authority of the United States of said lands and waters for the purposes of navigation or flood control or the production of power at any site where the United States now owns or may hereafter acquire the water power or be construed as the release or relinquishment of any rights of the United States arising under the constitutional authority of Congress to regulate or improve navigation or to provide for flood control or the production of power at any site where the United States now owns the water power: *Provided further,* That nothing in this act shall be construed as affecting or intending to affect or in any way interfere with or modify the laws of the States which lie wholly or in part westward of the ninety-eighth meridian, relating to the ownership and control of ground and surface waters; and the control, appropria-

tion, use, and distribution of such waters shall continue to be in accordance with the laws of such States.

"Sec. 4. Seaward boundaries: Any State which has not already done so may extend its seaward boundaries to a line three geographical miles distant from its coast line, or in the case of the Great Lakes, to the international boundary of the United States. 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. Nothing in this section is to be construed as questioning or in any manner prejudicing the existence of any State's seaward boundary beyond three geographical miles if it was so provided by its constitution or laws prior to or at the time such State became a member of the Union, or if it has been heretofore or is hereafter approved by Congress.

"Sec. 5. Exceptions from operation of section 3 of this act: There is excepted from the operation of section 3 of this act—

"(a) all specifically described tracts or parcels of land and resources therein or improvements thereon, title to which has been lawfully and expressly acquired by the United States from any State or from any person in whom title had vested under the decisions of the courts of such State, or their respective grantees, or successors in interest, by cession, grant, quitclaim, or condemnation, or from any other owner or owners thereof by conveyance or by condemnation, provided such owner or owners had lawfully acquired the title to such lands and resources in accordance with the statutes or decisions of the courts of the State in which the lands are located; and

"(b) such lands beneath navigable waters within the boundaries of the respective States and such interests therein as are held by the United States in trust for the benefit of any tribe, band, or group of Indians or for individual Indians.

"SEC. 6. Powers retained by the United States: (a) The United States retains all its powers of regulation and control of said lands and navigable waters for the purposes of commerce, navigation, national defense, and international affairs, none of which includes any of the proprietary rights of ownership, or of use, development, and control of the lands and natural resources which are specifically recognized, confirmed, established, and vested in the respective States and others by section 3 of this act.

"(b) In time of war when necessary for national defense, and the Congress or the President shall so prescribe, the United States shall have the right of first refusal to purchase at the prevailing market price, all or any portion of the said natural resources, or to acquire and use any portion of said lands by proceeding in accordance with due process of law and paying just compensation therefor.

"SEC. 7. Nothing in this act shall be deemed to amend, modify, or repeal the acts of July 26, 1866 (14 Stat. 251), July 9, 1870 (16 Stat. 217), March 3, 1877 (19 Stat. 377), June 17, 1902 (32 Stat. 388), and December 22, 1944 (58 Stat. 887), and acts amendatory thereof or supplementary thereto.

"SEC. 8. Nothing in this act shall be deemed to affect in any wise any issues between the United States and the respective States relating to the ownership or control of that portion of the subsoil and sea bed of the Continental Shelf lying seaward and outside of the area of lands beneath navigable waters, described in section 2 hereof.

"SEC. 9. If any provision of this act or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the act and of the application

of such provision to other persons and circumstances shall not be affected thereby."

Strike out all of the preamble.

Amend the title to read as follows: "Joint resolution 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."

CRITICISM BY THE DAILY WORKER AND BY DREW PEARSON OF THE McCARRAN OMNIBUS IMMIGRATION AND NATURALIZATION BILL

During the delivery of Mr. HOLLAND'S speech,

Mr. McCARRAN. Mr. President—

Mr. HOLLAND. Mr. President, I yield to the Senator from Nevada.

Mr. McCARRAN. Mr. President, in rising, it is not my intention to ask the Senator from Florida to yield to me in order that I may ask a question regarding the issue now before the Senate, the unfinished business. However, I have to leave the Chamber to preside at a committee meeting. Therefore, I wonder whether the Senator from Florida will yield to me at this time to permit me to submit a matter for printing in the RECORD.

Mr. HOLLAND. I yield for that purpose, provided I may do so with unanimous consent, so that I shall not lose the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCARRAN. Mr. President, on March 23 there appeared in the Daily Worker, the authorized mouthpiece of the Communist Party in America, an article entitled "New McCarran Bills Strike at Heart of Democratic Liberties."

On the same day, to wit, March 23, Mr. Drew Pearson, evidently taking his cue from the article which appeared in the Daily Worker, published a similar statement. I ask unanimous consent that both statements be printed at this point in the RECORD, to show how nearly along the path of communism Mr. Pearson travels, because he copies and carries on the sentiments of the Daily Worker.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Worker of March 23, 1951]

NEW McCARRAN BILLS STRIKE AT HEART OF DEMOCRATIC LIBERTIES

(By Harry Raymond)

New despotic powers, aimed at further restriction of liberties granted by the Bill of Rights to citizens and noncitizens alike, would be placed in the hands of the Justice Department by the new immigration and naturalization bill (S. 2550) introduced by Senator PAT McCARRAN.

The McCarran bill and companion measures in the House of Representatives are being pushed by both Senate and House leaders for early adoption.

These bills, disguised as recodification of existing deportation and naturalization laws, would, if adopted:

Subject the freedom and welfare of the noncitizen and naturalized citizen to arbitrary discretion of every petty Justice Department official.

Grant power to these officials to interrogate without warrants and under threat of imprisonment noncitizens and citizens alike.

House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2077) to provide for certain investigations by the Civil Service Commission in lieu of the Federal Bureau of Investigation, and for other purposes.

The message also announced that the House had agreed to the amendment of the Senate to each of the following bills of the House:

H. R. 761. An act for the relief of Yuriko Tsutsumi; and

H. R. 3668. An act for the relief of David Yeh.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H. R. 899) for the relief of Malka Dwojra Kron.

CERTAIN INVESTIGATIONS BY CIVIL SERVICE COMMISSION IN LIEU OF FEDERAL BUREAU OF INVESTIGATION—CONFERENCE REPORT

Mr. JOHNSTON of South Carolina. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2077) to provide for certain investigations by the Civil Service Commission in lieu of the Federal Bureau of Investigation, and for other purposes. I ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2077) to provide for certain investigations by the Civil Service Commission in lieu of the Federal Bureau of Investigation, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments numbered 1, 2, and 3.

OLIN D. JOHNSTON,
JOHN O. PASTORE,
FRANK CARLSON,

Managers on the Part of the Senate.

TOM MURRAY,
JAMES H. MORRISON,
EDWARD H. REES,

Members on the Part of the House.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. KNOWLAND. Mr. President, may we have an explanation of what the conferees did?

Mr. JOHNSTON of South Carolina. Mr. President, this is a bill which transfers to the Civil Service Commission the responsibility for making certain investigations which heretofore have been made by the FBI. The FBI has such a backlog of cases that we thought some of the investigations ought to be made by the Civil Service Commission. We passed the bill in the Senate and it went to the House. The House adopted amendments to which the Senate dis-

agreed, and the bill went to conference. The conferees struck out the amendments inserted by the House, and the bill is in the same form in which it passed the Senate.

Mr. KNOWLAND. Am I to understand that by this legislation the FBI would be relieved of the routine so-called file checks?

Mr. JOHNSTON of South Carolina. The Senator is correct.

Mr. KNOWLAND. But in the event that what we sometimes call file checks by the Civil Service Commission should reveal any information which appeared to be significant, the FBI would have an opportunity to investigate?

Mr. JOHNSTON of South Carolina. The case would be immediately referred to the FBI for further investigation.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

MINERAL LEASES ON CERTAIN SUBMERGED LANDS

The Senate resumed the consideration of the joint resolution (S. J. Res. 20) to provide for the continuation of operations under certain mineral leases issued by the respective States covering submerged lands of the Continental Shelf, to encourage the continued development of such leases, to provide for the protection of the interests of the United States in the oil and gas deposits of said lands, and for other purposes.

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

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

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

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. O'MAHONEY. Mr. President, as I understand, subject to correction by the Chair, the parliamentary situation is that there is still one committee amendment pending.

The VICE PRESIDENT. The Senator is correct. That is the amendment on page 10, line 18.

Mr. O'MAHONEY. That is the amendment to which I refer. That amendment was drafted in the spirit of compromise, when it was hoped that there might be an agreement between the supporters of the measure to allow these lands to be developed and those who were seeking to secure the passage of a quitclaim bill of one kind or another.

It is now quite obvious that the supporters of the quitclaim theory are not acting in the spirit of compromise, although, as I understand—and I speak quite frankly—House bill 4484 is not to be pressed. I understand that those who support the quitclaim theory will concentrate their efforts in support of the bill introduced by the able Senator from Florida [Mr. HOLLAND].

So, speaking for the supporters of Senate Joint Resolution 20, I have no particular desire to urge the adoption of this committee amendment, and I make the parliamentary inquiry as to whether, in these circumstances, I may withdraw the amendment.

The VICE PRESIDENT. If the Senator is making the request on behalf of the committee, if the committee has authorized him to make the request that the amendment be withdrawn, he may do so.

Mr. O'MAHONEY. I am making the request on behalf of the majority of the committee.

The VICE PRESIDENT. Otherwise the amendment may be withdrawn only by unanimous consent.

Mr. O'MAHONEY. I wish to be perfectly fair. The Senator from Florida [Mr. HOLLAND], the Senator from Louisiana [Mr. LONG], and all the other members of the committee have been perfectly fair, and I do not wish to withdraw the amendment without complete agreement. So in all the circumstances, I ask unanimous consent that the committee amendment on page 10, line 18, be withdrawn.

The VICE PRESIDENT. Is there objection?

Mr. LONG. Reserving the right to object, will the Senator yield to me?

Mr. O'MAHONEY. Yes, indeed.

Mr. LONG. Is this the amendment involving inland waters, and also shrimp and crabs?

Mr. O'MAHONEY. No. This is the amendment which provides that the Secretary may not lease within the State without the consent of the authorities of the State. It is the amendment which the Senator from Louisiana and I discussed at one time.

Mr. LONG. I have no objection to the amendment being withdrawn.

The VICE PRESIDENT. Is there objection to the request of the Senator from Wyoming?

Mr. CASE. Reserving the right to object, as I understand, this does not modify the position which the able Senator has been taking, that the rights of the States to inland waters should be permanently declared by this measure.

Mr. O'MAHONEY. No. I maintain that position absolutely.

The VICE PRESIDENT. Without objection, the committee amendment on page 10, line 18, is withdrawn.

Mr. HILL. Mr. President, on behalf of the Senator from Illinois [Mr. DOUGLAS], the Senator from Oregon [Mr. MORSE], the Senator from Connecticut [Mr. BENTON], the Senator from New Hampshire [Mr. TOBEY], the Senator from West Virginia [Mr. NEELY], the Senator from Alabama [Mr. SPARKMAN], the Senator from Tennessee [Mr. KEFAUVER], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Missouri [Mr. HENNING], the Senator from New York [Mr. LEHMAN], the Senator from Montana [Mr. MURRAY], the Senator from Iowa [Mr. GILLETTE], the Senator from North Dakota [Mr. LANGER], the Senator from Vermont [Mr. ARKEN], the Senator from Michigan [Mr.

Moody], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from South Dakota [Mr. CASE], and myself, I offer the amendment which I send to the desk and ask to have stated.

The VICE PRESIDENT. The amendment offered by the Senator from Alabama for himself and other Senators will be stated.

The CHIEF CLERK. It is proposed to strike out subsection (2) of subsection (a) of section 5, and insert in lieu thereof the following:

(2) All other moneys received under the provisions of this resolution shall be held in a special account in the Treasury during the present national emergency and until the Congress shall otherwise provide the moneys in such special account shall be used only for such urgent developments essential to the national defense and national security as the Congress may determine and thereafter shall be used exclusively as grants in aid of primary, secondary, and higher education.

(3) The National Advisory Council on Grants in Aid of Education is hereby created to be composed of 12 persons with experience in the field of education and public administration, 4 to be appointed by the President of the Senate, 4 by the Speaker of the House of Representatives, and 4 by the President of the United States. No more than 2 from each group of 4 appointees shall be members of the same political party. It shall be the function of such Council to draw and report to the President of the United States for submission to the Congress not later than January 1, 1954, a plan for the equitable allocation of the grants in aid of primary, secondary, and higher education provided in paragraph (2) of this section.

(4) It shall be the duty of every State or political subdivision or grantee thereof having issued any mineral lease or grant, or leases or grants, covering submerged lands of the Continental Shelf to file with the Attorney General of the United States on or before December 31, 1952, a statement of the moneys or other things of value received by such State or political subdivision or grantee from or on account of such lease or grant, or leases or grants, since January 1, 1940, and the Attorney General shall submit the statements so received to the Congress not later than February 1, 1953.

Mr. CASE. Mr. President, in view of the discussion which took place earlier in the afternoon with respect to the action which was taken under the unanimous-consent request of the senior Senator from Florida [Mr. HOLLAND], the junior Senator from South Dakota feels that he should state, speaking for himself, at least, that he does not believe that unanimous consent should be granted to admit to the floor of the Senate representatives of organizations who are registered lobbyists or representatives of organizations of any character other than those expressly provided for in rule XXXIII.

In venturing this personal observation, the Senator from South Dakota wishes to make it clear that he believes the senior Senator from Florida yesterday observed the spirit as well as the text of the rule by asking for unanimous consent. Rule XL expressly provides that—

Any rule may be suspended without notice by the unanimous consent of the Senate, except as otherwise provided in clause 1, rule XIII.

Clause 1 of rule XII relates to voting. It provides that—

No motion to suspend this rule shall be in order, nor shall the Presiding Officer entertain any request to suspend it by unanimous consent.

The privilege of the floor is expressly reserved, by rule XXXIII, to certain categories. It seems to me that unanimous consent to abrogate that rule should be requested only in very unusual circumstances. If in this case we look upon the gentleman who was admitted to the floor yesterday as in a sense a representative of a State, which personally I doubt, then it would follow that representatives in all the other categories which are named in rule XXXIII of the Senate might be expected to be admitted.

The President of the United States and his private secretary; the President-elect and the Vice President-elect of the United States; and ex-Presidents and ex-Vice Presidents of the United States are admitted to the floor of the Senate in the same manner that governors are admitted to the floor of the Senate. If the argument for admitting a representative of the Association of Attorneys General is that in some sense he is a representative of the States, it would follow that an association of Federal employees in an executive branch of the Government could expect admission to the floor of the Senate. A representative of the Federation of Post Office Clerks could just as logically say, "I am representing an association of Federal employees in the executive branch of the Government. The President is entitled to the floor; therefore we should be admitted to the floor also, because a representative of the Association of Attorneys General has been admitted to the floor."

It seems to me that the incident of yesterday should not be regarded as a precedent to be followed in the future, for it would lead us into innumerable difficulties.

Representatives of the Mutual Security Administration, representatives of the Defense Department, and representatives of various divisions of the executive branch of the Government could also be admitted to the floor of the Senate under such a precedent, whereupon the Senate would lose all semblance of being a deliberative and legislative body.

Mr. HICKENLOOPER. Mr. President, will the Senator from South Dakota yield?

Mr. CASE. I yield.

Mr. HICKENLOOPER. Does the Senator from South Dakota believe that certain specialists from the administrative branches of Government should be admitted to the floor of the Senate when bills are under consideration which are of special interest to such agency or executive department?

Mr. CASE. The junior Senator from South Dakota does not believe that they should be admitted to the floor of the Senate when bills of interest to their particular branch of the Government are being debated on the floor of the Senate.

Mr. President, my only reason for speaking is that yesterday when this subject came up I would have objected to the unanimous consent request except for the fact that I was attending a hearing of one of the committees of the Senate, which was meeting under permission granted to it by the Senate. I regret very much that occasionally committees of the Senate must meet when the Senate is in session. When they do meet Members of the Senate who are members of such committees have a special responsibility to discharge, and necessarily they must go to those meetings. The fact that I was not present on the floor of course forecloses my right to have protested the action that took place yesterday. However, my silence may be interpreted to be assent to the action taken yesterday, and therefore I want these remarks to make perfectly clear that I would have objected had I been present, and that I shall object in the future if I am present.

OIL FOR THE LAMPS OF LEARNING

Mr. HILL. Mr. President, I rise in support of the amendment which has been reported to the Senate and which was introduced by me in behalf of myself and in behalf of the Senator from Illinois [Mr. DOUGLAS], the Senator from Oregon [Mr. MORSE], the Senator from Connecticut [Mr. BENTON], the Senator from New Hampshire [Mr. TOBEY], the Senator from West Virginia [Mr. NEELY], the Senator from Alabama [Mr. SPARKMAN], the Senator from Tennessee [Mr. KEFAUVER], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Missouri [Mr. HENNING], the Senator from New York [Mr. LEHMAN], the Senator from Montana [Mr. MURRAY], the Senator from Iowa [Mr. GILLETTE], the Senator from North Dakota [Mr. LANGER], the Senator from Vermont [Mr. AIKEN], the Senator from Michigan [Mr. MOODY], the Senator from Arkansas [Mr. FULBRIGHT], and the Senator from South Dakota [Mr. CASE].

Mr. President, we support the amendment, and I rise to speak in defense of a priceless and incalculable national heritage against a determined effort on the part of a dissatisfied minority of the States to snatch that heritage from the American people. I refer, of course, to the so-called tidelands bill, which is designed to make a multi-billion dollar gift from the people of the United States to the three States of California, Louisiana, and Texas.

Mr. LONG. Mr. President, will the Senator from Alabama yield?

Mr. HILL. If the Senator will permit me to proceed with my speech, I should like to do so. However, I am delighted to yield to the distinguished Senator from Louisiana.

Mr. LONG. The Senator has referred to a multi-billion-dollar gift. Can the Senator tell me how many billions of dollars are involved within the original boundaries of the States, not considering the Continental Shelf? I ask that question because I intend to support the Holland amendment.

Mr. HILL. I refer not only to the Holland amendment but also to the bill which has been passed by the House, and which the distinguished senior Senator from Texas [Mr. CONNALLY] stated he will offer as an amendment. That bill is known as the Walter bill. It takes in not only the submerged land under the marginal sea but also considerable parts of the continental shelf.

Mr. LONG. I am referring to the bill which relates to the original boundaries of the States. It is that amendment which I intend to support. It is being sponsored by more than 30 Senators. Can the Senator from Alabama assure me that there is involved as much as \$1,000,000,000 of revenue to the Federal Government and the States?

Mr. HILL. I was coming to that point a little later in my remarks. I was coming to an estimated sum, because, as the Senator knows, in the case of oil we are still in the realm of estimates. I take it that no one really knows exactly how much oil there is until the oil wells have been drilled and it is ascertained how much oil comes out of the submerged lands.

The other day in debate the distinguished junior Senator from Louisiana referred to the fact that there were undoubtedly large amounts of oil off the coast of Louisiana, and we know that the continental shelf off the coast of Louisiana extends for many miles. Undoubtedly there are huge sums in terms of dollars and cents involved in the oil in the submerged lands, I will say to my friend from Louisiana.

Mr. LONG. The Senator from Alabama knows, does he not, that we can pretty well estimate how much oil can be found within the boundaries of the three States involved?

Mr. HILL. I shall come to estimates in a few minutes, if the Senator will bear with me.

THE GIVE-AWAY BILL

Mr. President, the bill which passed the House of Representatives and was rejected by the Senate Committee on Interior and Insular Affairs is claimed by its sponsors to be variously a tidelands bill, a quitclaim bill, and a bill to restore the historic rights of the States.

Mr. LONG. Mr. President, will the Senator from Alabama yield?

Mr. HILL. I yield to my distinguished friend from Louisiana.

Mr. LONG. Is the Senator sure that the bill was rejected by the committee?

Mr. HILL. I say it was rejected by the committee. When a bill comes over from the House of Representatives, with the prestige and backing and support of having been passed by that body, and instead of reporting that bill the committee reports a different bill, particularly when there are Senators on the committee who advocate that bill, I would say that that constitutes a rejection.

Mr. LONG. The Senator knows that there was no action taken in the committee on that bill.

Mr. HILL. There was no action taken on that bill because it was impossible to get it out of committee. The Senator is a member of that committee.

He knows that to be a fact. I do not doubt that if the Senator from Louisiana could have succeeded in having that bill reported he would have done so. It shows how weak the bill is. The very fact that there was such an able, brilliant, and indefatigable advocate as the Senator from Louisiana sitting on that committee, the bill did not come out of the committee, could not be better evidence of the fact that that bill was rejected by the committee.

Mr. LONG. Mr. President, will the Senator from Alabama yield further?

Mr. HILL. I yield to my distinguished friend from Louisiana.

Mr. LONG. Can the Senator from Alabama point to a committee of the Senate which is more favorably disposed to Federal ownership and Federal control than the particular committee to which the Senator refers?

Mr. HILL. The Senator from Louisiana is a member of that committee, and he knows his committee much better than I do. I have never had the honor of serving on it. I have great respect for the committee. I do not know that that committee is any more disposed toward Federal ownership and Federal control than any other committee. However, I would say, knowing the committee as I do, the committee has a keen sense of its responsibilities as trustees representing the Senate and representing the people of the United States in safeguarding and holding fast to the lands for which they are trustees.

Mr. KNOWLAND. Mr. President, will the Senator from Alabama yield?

Mr. HILL. I am delighted to yield to my friend from California.

Mr. KNOWLAND. The able Senator from Alabama would not mean to imply, would he, that the members of the committee had any higher sense of obligation as trustees for the people of the United States than the Members of the Senate of the United States. Would not the best test of how these trustees feel be demonstrated by a vote of the Senate on the subject?

Mr. HILL. It is surprising to me that my friend from California would even think that any Senator would have any higher sense of responsibility than the Senate itself, except that some Senators have a peculiar and a more immediate and more direct responsibility by virtue of the fact that they are members of the committee which has jurisdiction over our public lands and our natural resources.

Mr. KNOWLAND. Mr. President, will the Senator from Alabama yield to me?

Mr. HILL. I yield to my friend the Senator from California.

Mr. KNOWLAND. Is the Senator from Alabama familiar with the fact that when the prior measure was passed by the Senate another able committee of this body, the Judiciary Committee, I believe, which also has a high sense of trusteeship, favorably reported to the Senate the proposed tidelands legislation?

Mr. HILL. Yes; I am familiar with that. I am also familiar with the fact that the Senate Committee on the Judi-

ciary in August 1937, by reporting unani- mously to the Senate a resolution which subsequently was adopted by the Senate, really and truly began the struggle that has gone on through the years to make certain that that which belongs to all the people of the United States shall be used for their benefit and advantage.

Mr. President, as I was saying, I really feel somewhat gratified, for I did not realize that the first five sentences of my speech would draw so much blood. [Laughter.] The attack rather com- mends the speech.

As I said a moment ago, the bill which passed the House of Representatives and was rejected by the Senate Committee on Interior and Insular Affairs is claimed by its sponsors to be variously a tide- lands bill, a quitclaim bill, and a bill to restore the historic rights of the States.

Today I shall demonstrate to the Sen- ate that the bill is none of the things which its sponsors claim it to be. It is a give-away bill, which permits a few States, with the help of big companies, to grab from the people of the United States the inestimable oil resources of the marginal sea—and, even beyond this, to stick their fingers into the untold wealth of the great Continental Shelf.

Mr. LONG. Mr. President, will the Senator from Alabama yield for a ques- tion?

Mr. HILL. I yield to my friend the Senator from Louisiana.

Mr. LONG. Can the Senator from Alabama show that this measure is as much a give-away measure as is the Minerals Leasing Act, which provides for leases, for the purpose of mineral ex- ploration, discovery, and development, in the public lands in the various States, and with the further provision that the States shall receive directly 37½ percent of the revenues and that 52½ percent shall go into a reclamation fund for the benefit of those States?

Mr. HILL. Yes; I think those two things are entirely different. I think that is where my friend, the Senator from Louisiana, really has misunder- stood the entire question which is now before the Senate. He does not realize the difference between the lands in the public-land States and the submerged lands, lands under the water, and how they were acquired originally, how their whole genesis is different, how the entire historic arrangement is different. Fur- thermore, if the lands in the public-land States are in the hands of private per- sons, those lands are subject to taxation. All those factors must be considered.

Of course, Mr. President, the lands under the sea would not bring to anyone anything by way of taxation, and never have done so. So the two are entirely different, and in many respects the ac- quisition of these lands by the Federal Government has been somewhat dif- ferent.

I wish to say to my friend that one stems from our national external sov- ereignty; the other comes to us under what we might call the old common- law title to property, the holding of prop- erty, and so forth.

Mr. LONG. There was no doubt that the Federal Government owned the land in the interior States, was there?

Mr. HILL. I think that is undoubtedly true. However, there is a difference between the two, and that is the difference which the Senator from Louisiana has been unwilling to recognize. Of course, I can understand his position. He represents in part here the great State of Louisiana. Good gracious alive, Mr. President. Earlier today some Senators were speaking on the floor about having admitted to the floor of the Senate the attorney general of one of the States, to speak for some of the States, in advising Senators. I never dreamed that would occur. That would have been the last thing I would ever have thought, namely, that the great State of Louisiana would need to have its attorney general sit here on the floor of the Senate at a time when the two able Senators from Louisiana were also here on the floor.

Mr. LONG. The Senator from Alabama knows that I did not make that request.

Mr. HILL. I appreciate that fully, and I did not mean in any way to imply that the junior Senator from Louisiana did make the request. However, I cannot help but say that the presence here of the distinguished and able junior Senator from Louisiana, who always is so able, indefatigable, and devoted in his efforts to look after the welfare and the interests of the people of his State, and who now seeks to take from the people of the United States a property which the Supreme Court of the United States has said belongs to all the people of the United States, illustrates how diligent and how zealous is the Senator from Louisiana in behalf of the people of his State.

Mr. LONG. Mr. President, will the Senator from Alabama yield further to me?

Mr. HILL. Mr. President, I have not finished even the first paragraph of my speech, and I should like to proceed without too many interruptions. I do not think this debate is giving much light or information to the Senate. I am enjoying the debate, and I am sure the Senator from Louisiana is enjoying it, but I do not believe it is giving much information to the Senate.

However, I yield to my friend from Louisiana.

Mr. LONG. When the Senator from Alabama says this measure is a give-away to the States, with respect to property that has been regarded as theirs for 150 years, I ask the Senator whether this measure is any more a give-away than is the Minerals Leasing Act?

Mr. HILL. Of course, I do not accept the Senator's premise at all, namely, that this property has always belonged to the States. To the contrary, I think the present Chief Justice of the Supreme Court of the United States was correct in the case of *Toomer against Witsell*, when he said that this property has always belonged to the Nation.

Mr. President, if I may be allowed to proceed, I think I shall show that this property never belonged to the States.

Mr. MURRAY. Mr. President, will the Senator from Alabama yield to me?

Mr. HILL. I yield to the Senator from Montana.

Mr. MURRAY. There is a great difference between the oil under the land in the States and the oil under submerged lands along the coasts. The Minerals Leasing Act was designed to permit the discovery and development of oil-bearing lands in the interior areas, but that measure has no relationship to the situation we are considering at this time, in connection with which certain of the States are seeking to gain title to lands which the Supreme Court has held belong to the United States of America.

Mr. HILL. The Senator from Montana is exactly correct.

Of course, Mr. President, we have been generous under the Minerals Leasing Act, just as we have been generous under the sugar subsidy, about which the Senator knows.

Mr. President, in ordinary circumstances it would give me great personal pleasure to support the enactment of any proposed legislation which would be of particular benefit to the people of California, Louisiana, and Texas. But here we are dealing with an issue which is more important than any single State, more important than any single industry, more important than any special or local or private interest. We are dealing with a great national asset, declared by the Supreme Court of the United States to belong to the people of the United States: an asset which may prove essential to our national economic well-being in time of peace and vital to our common defense against threatened aggression; indeed, indispensable to our very national existence in time of war.

A MULTI-BILLION-DOLLAR GIFT

The oil resources of the marginal sea and the Continental Shelf are too great to be dealt with as the plaything of a political game or the pawn of a financial grab.

In an earlier speech in the Senate I pointed out that the ablest petroleum geologists in the oil industry estimate the offshore oil reserves of the marginal sea and the Continental Shelf at 15,000,000,000 barrels. More than a year ago Dr. E. O. DeGolyer, of Dallas, Tex., who has an international reputation as one of the most outstanding petroleum geologists in the world—if not the outstanding one—stated in an article in *Life* magazine that there may be 10,500,000,000 barrels of oil along the coasts of Texas and Louisiana alone. The Geological Survey of the United States Department of the Interior confirms these estimates. At present prices, these 15,000,000,000 barrels are worth over \$40,000,000,000.

Mr. President, I have stated that the distinguished Senator from Louisiana himself, when speaking on the floor just a few days ago in the course of this debate, referred to the fact that undoubtedly there are enormous amounts

of oil off the coast of Alaska. We also know that in addition to those enormous amounts of oil, there are large quantities of gas.

Mr. LONG. Mr. President, will the Senator from Alabama yield to me at this point?

Mr. HILL. I yield to my distinguished friend, the Senator from Louisiana.

Mr. LONG. I do not believe I can stand as an authority to the effect that there is oil off the coast of Alaska. That could be, but I do not know it to be so. I merely said that the Continental Shelf there is wider than the Continental Shelf along the coast line of the United States itself.

Mr. HILL. Mr. President I do not wish to attribute to the Senator from Louisiana statements which are not properly attributable to him. However, I am quite certain that the Senator from Louisiana will find, when he catches up with this procession, that there will be oil off the coast of Alaska, just as there is oil off the coast of Louisiana.

In addition to the huge reserves of undersea oil off the coasts of California, Texas, and Louisiana, estimates published by the American Petroleum Institute and the American Gas Association state that there are also fabulous quantities of gas. According to a bulletin in December a year ago, published jointly by the American Petroleum Institute and the American Gas Association, estimates of proven gas reserves off the coasts of these three States total a little over 140 trillion cubic feet of gas. The commercial unit of gas measurement is 1,000 cubic feet—called an mcf. This would place the gas reserves at 140,000,000,000 mcf. The price of gas per thousand cubic feet varies a little in different areas; but if we take 7 cents per thousand cubic feet as a fair figure for the purpose of arriving at the value of the gas reserves, and if we multiply it by the 140,000,000,000 mcf., we find that the gas is worth almost \$10,000,000,000.

We have seen the pressures that have been exerted, the false fronts that have been constructed. We have seen the parade of scarecrows that have been led up and down the aisles and in and out of the committee rooms of both Houses of Congress. Despite the false fronts, despite the specious arguments, despite the political pressures, I do not believe that the United States Senate is willing to assume the responsibility of giving away billions of dollars worth of the people's property. Indeed, I do not believe that the House of Representatives, which has already passed this measure, will be willing on the final show-down to assume such a responsibility. Indeed, Mr. President, I remind the Senate that the House of Representatives refused to assume that responsibility, as was demonstrated when the House of Representatives sustained the President's veto of the previous give-away bill.

Today it is my purpose to analyze the measure which passed the House of Representatives was rejected by the Senate committee, but is being offered here as a substitute for Senate Joint Resolution

20, and to strip from it the false labels intended to conceal this unprecedented proposal for giveaway and grab. Some of these labels are designed to frighten the American people and the American Congress. Others are designed to lull them into a desired sense of serenity as to what the joint resolution proposes to do. Let us, therefore, take a look at the RECORD and see just what the sponsors of this measure propose to do with the Nation's offshore oil reserves.

"TIDELANDS" A MISNOMER

In the first place, the very name by which the joint resolution has been tagged is a spurious one. It has been called a "Tidelands bill." The fact is that this joint resolution has nothing whatever to do with the tidelands, just as the measure which preceded it had nothing to do with the tidelands. The tidelands, properly called, are the lands around the coast which lie between the high-water mark and the low-water mark of the Atlantic and Pacific Oceans and the Gulf of Mexico. The Federal Government has never asserted the slightest claim to ownership or dominion over the tidelands or the oil or other minerals which may lie beneath them.

For more than a century the Supreme Court of the United States has held—and in the California, Texas, and Louisiana cases this holding has been reaffirmed—that the States—and here I quote the Court in the California case—are now seized of "ownership of lands under inland navigable waters such as rivers, harbors, and even tidelands down to the low-water mark."

Mr. LEHMAN. Mr. President, will the Senator yield?

Mr. HILL. I yield to my friend, the Senator from New York.

Mr. LEHMAN. In addition to the fact that the Federal Government has never asserted ownership to inland waters, is it not true that an amendment has been offered by the distinguished Senator from Wyoming, supported by a number of other Senators, which clearly sets forth that the Federal Government does not now, and never expects to assert ownership, of any of the inland waters?

Mr. HILL. The Senator from New York is entirely correct. I expected to refer to that amendment next in my remarks. But the Senator has stated it so well that I wish to thank him for his contribution. The amendment has been adopted by the Senate. The amendment is now an integral part of the pending measure, and it confirms the decisions of the Supreme Court of the United States which hold that all of the submerged lands under the inland navigable waters and the tidelands belong to the several States.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. HILL. I yield to my friend from Minnesota.

Mr. HUMPHREY. The Senator from Alabama will recall that I spoke to him recently about an editorial which appeared in the leading newspaper of my State, the Minneapolis Star, in reference to this very name, "tidelands," and

to the influence which "tidelands" has insofar as denying State control over those areas under rivers and under lakes. The editor, I am sure, did not wilfully misstate what was his opinion. He stated that it was clear to all people that the tidelands, or, as he called them, the submerged lands, under rivers and lakes, belong to the States; and yet that the measure which we are considering would deny to the States the land under the rivers and under the lakes.

Mr. HILL. It would not deny but would confirm the States' rights, titles, and interests in those submerged lands; and in confirming the States' rights, titles, and interest, it would confirm the decisions of the Supreme Court, decisions beginning, incidentally, with a case in my State of Alabama—Pollard against Hagen—over 100 years ago. In that case, the Supreme Court of the United States held that the right, title, and interest in tidelands was in the particular State.

Mr. HUMPHREY. That is correct.

Mr. HILL. There have been approximately 52 subsequent decisions, including the decisions in the California, Louisiana, and Texas cases, confirming the fact, as the Senator has said, that title is in the States.

Mr. HUMPHREY. Yet the opposition to the Senator's point of view has tried to distort this picture by making it appear as if the Federal Government were going to step in, by court action, to usurp those established rights, which we are now proposing to confirm by law.

Mr. HILL. The Senator is entirely correct. Unable to sustain on the merits their contention as to the rights they might have to the lands under the marginal sea and the Continental Shelf, they reached out and set up as a bogymen the idea that perhaps the Federal Government was going to take over all inland waterways.

Mr. HUMPHREY. This is the widows-and-orphans aspect of this picture, is it not?

Mr. HILL. The Senator is entirely correct.

Mr. LEHMAN. Mr. President, will the Senator yield?

Mr. HILL. I yield to my friend from New York.

Mr. LEHMAN. Is it not a fact that they went so far, in trying to paint a picture of an iniquitous Federal Government, as to state that there would be a question as to the title and the ownership and the control even of piers and structures which project from the land into the waters?

Mr. HILL. The Senator is correct. If there has been any bogeyman of which the mind of man could conceive, which has not been brought into this picture, I do not know what it is. But, fortunately, the people of the United States understand this issue. They know what is involved, just as we in the Senate know what is involved.

Mr. CASE. Mr. President, will the Senator yield?

Mr. HILL. I yield to my distinguished friend from South Dakota.

Mr. CASE. As I understand the Senator's amendment, it goes to the application of the funds, or a certain portion of the funds, leaving the remainder of the bill, which is to be offered as an amendment, to take care of the controversy as to the different types of land to be embraced.

Mr. HILL. No, all the funds which would accrue would be subject to this amendment, I would say to the Senator.

Mr. CASE. But the amendment itself does not go to the determination of the title to the land between the Continental Shelf and the 3-mile limit, does it?

Mr. HILL. No. The amendment itself does not go into that question at all, because the joint resolution to which the amendment is offered deals with all of that. This is merely a perfecting amendment to the joint resolution. It is not a substitute for the joint resolution. It merely goes to that section dealing with the funds, and then the amendment would provide the manner in which the funds should be distributed.

Mr. CASE. It seems to me that if that question could be clearly understood by the Members of the Senate generally, there would be little opposition to the amendment.

Mr. HILL. I thank my distinguished friend for his contribution, and for making the point entirely clear to the Senate.

Mr. President, as I have said, the whole question of a threatened Federal claim to ownership of the tidelands; lands under the rivers, harbors, bays, inlets, and other navigable waters lying inside the low-water mark of the sea is a bugaboo designed to get the backing of the other 45 States behind the 3 States which seek to have the Federal Government give them billions of dollars' worth of oil and gas, and perhaps other minerals. We do not know; it may be that as time goes on and modern technology develops—and we have discovered many things in recent years—other valuable minerals may be found. Let us remember that, once we give away this land, we can never reclaim it; it is gone; it is lost.

As I have said, the tidelands and other inland navigable waters are definitely not involved in this controversy. What is here involved and what was involved in the three historic cases of United States against California, United States against Texas, and the United States against Louisiana was the ownership of the rich oil lands lying under the marginal seas; that is, lying beyond the low-water mark out to the 3-mile limit. These lands are constantly under the waters of the sea and their ownership had never been adjudicated prior to the decision of the Supreme Court in these three cases that followed the discovery of oil a few years ago.

The fact of the matter is that Mr. Justice Reed, of the Supreme Court, who, as we recall, dissented in the California case, himself stated, as a dissenter, that this question had never been previously adjudicated or determined. That was confirmed a little later on by the Chief

Justice of the Supreme Court, in the case of Toomer against Witsell, and it was similarly confirmed in the Louisiana and Texas cases. In those cases, the three States involved asserted that they were the owners of the oil, while on the other hand the Attorney General contended that the Federal Government was the owner. The Attorney General's contention was upheld by the Supreme Court in each of the three cases.

The purpose of the give-away bill is to overrule the Supreme Court's decisions and to give away the oil which lies under the marginal sea. Title III of the give-away bill—that is, the amendment which will be offered by the distinguished senior Senator from Texas [Mr. CONNALLY]—goes even beyond the marginal sea and proposes to give to the States an interest in the royalties derived from oil in the Continental Shelf, namely, the submerged lands of the American Continent which lie beyond the 3-mile limit. Title III of the give-away bill deals with a proposition which was never considered by the Supreme Court in any of the three cases to which I have referred, and it goes far beyond the most fantastic claims ever made by the proponents of State ownership or State control.

So, Mr. President, I again emphasize that this is not a tidelands bill. This is a bill to give away to three States the Nation's oil, which the Supreme Court has said belongs to all the people of the United States—

Mr. KNOWLAND. Mr. President, will the Senator yield at that point?

Mr. HILL. I yield.

Mr. KNOWLAND. In the first place, I think the Senator from Alabama knows that there are many of us who believe that the States had for more than 150 years and, in the case of my State of California, for approximately 100 years, sovereignty and title out to the 3-mile limit, until the question was raised in a suit by the then Secretary of the Interior and the Department of Justice. I think the Senator also well knows that there are many of us who feel that there is a valid claim on the part of the States to have that area restored to them and who are not in favor of title III of the so-called Walter bill or the Connally substitute amendment which would go beyond the historic boundaries of the State on to the Continental Shelf, and for that reason they joined with the able Senator from Florida [Mr. HOLLAND] in a bill which strikes out, in effect, title III of the Walter bill.

Mr. HILL. I am delighted to know that my friend from California—and he is aware of the esteem in which I hold him—is not asking for all the oil, all the gas, and all the minerals which may lie under the sea, but is asking only for a good portion.

Mr. LONG. Mr. President, will the Senator from Alabama yield?

Mr. HILL. Of course, I yield to my good friend from Louisiana.

Mr. LONG. Even the Walters bill would leave the Federal Government with 62½ percent of the revenue pro-

duced from the Continental Shelf. After all 95 percent of the submerged land is on the Continental Shelf beyond State boundaries.

Mr. HILL. I did not say my friend was going to take every drop of oil; I said he was trying to take oil, gas, and perhaps other minerals which belong to all the people of the United States. An extremely large slice belonging to the people would be taken.

Mr. KNOWLAND. Mr. President, will the Senator yield further?

Mr. HILL. I yield.

Mr. KNOWLAND. Does the able and distinguished Senator from Alabama know that when the Supreme Court in its decision divested the State of California and in subsequent decisions divested other States of that which for a hundred years or more had been recognized as belonging to them, it did not at that time assert that the Federal Government had ownership, but enunciated the new and, we feel, very dangerous doctrine of paramount rights?

Mr. HILL. But they did not stop with paramount rights. They also asserted the proposition of the Federal Government having full dominion. The reason why the Supreme Court used the words "paramount rights," "power," and "full dominion," was that our rights and our dominion in this area came within the realm of international relations, international law, and international agreements. The Supreme Court did not refrain from using the word "title" because of any question in its mind as to any rights of the State of California, but because of the fact that we were in the realm of international affairs. In fact, the language of the Court, as I recall, stated very clearly that California did not have any ownership in these lands.

Mr. LONG. Mr. President, will the Senator from Alabama yield further?

Mr. HILL. I yield.

Mr. LONG. The Senator has brought in the international complications. He has been speaking of the resources as belonging to all the people. Is he speaking of all the people in the world or of all the people in the United States? It occurs to me that if these resources belong to all the people, perhaps we are going to see other nations of the world claiming they are entitled to some of the resources of the Continental Shelf off the United States.

Mr. HILL. The Senator from Louisiana knows that I was speaking of the people of the United States. But there is no gainsaying the fact that when we leave the shores of the United States and go out into the great ocean, we get into an international realm. I am sure that my brilliant friend from Louisiana recognizes that fact.

Mr. LONG. Was it not a Representative from Alabama, Mr. Hobbs, who argued that the resources belonged to the family of nations?

Mr. HILL. I cannot say what he argued. He was a very fine, estimable gentleman and a very able lawyer.

Mr. LONG. I agree.

Mr. HILL. The Supreme Court decided that the State of California was not the owner of the 3-mile marginal belt along its coast—

Mr. KNOWLAND. Mr. President, will the Senator yield at that point?

Mr. HILL. I yield.

Mr. KNOWLAND. Would the Senator say that the Federal Government has paramount rights or full dominion over all the 48 States, and, therefore, might in the future assert a right to the minerals beneath the soil on some broad theory—

Mr. HILL. No; I would not only not say that, but I invite the Senator's attention to decisions of the Supreme Court of the United States, beginning with a case in the State of Alabama, which completely nullify any such suggestion as that.

Mr. KNOWLAND. What confidence can one have in those decisions if in some future situation judges might be appointed who would perhaps change and upset the theories which have been expressed for a period of a hundred years, as was the case in the tidelands cases.

Mr. HILL. The Supreme Court not only did not upset or change those decisions, but it reaffirmed and ratified them and once again proclaimed them.

Mr. KNOWLAND. There is a considerable difference of opinion on that point.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. HILL. I am happy to yield to the Senator from Minnesota.

Mr. HUMPHREY. A good deal of effort is being made to differentiate between what we call property rights and sovereign jurisdiction over an area. I think the opinion of the Court in the Texas case contained some very enlightening language. I quote from that case as reported in the hearings on page 492:

Property rights must then be so subordinated to political rights as in substance to coalesce and unite in the national sovereign. Today the controversy is over oil. Tomorrow it may be over some other substance or mineral or perhaps the bed of the ocean itself. If the property, whatever it may be, lies seaward of low-water mark, its use, disposition, management, and control involve national interests and national responsibilities. That is the source of national rights in it.

But the Senator is interpreting the language of the Court and saying that property rights are inclusive within the rights of the national sovereign, and the principle of sovereign power is a principle which is recognized in the domain of international law. The term "title"—

Mr. HILL. A better word is "dominion."

Mr. HUMPHREY. The term as the Senator uses it, in terms of fee-simple title, is something which relates to what we call our national law.

Mr. HILL. Or common law.

Mr. HUMPHREY. Common law, yes. Dominion or jurisdiction or sovereignty relates more specifically to international law, and in this instance I think it is wrong to try to confuse what we call

common law or civil law, which is statutory law, with international law, which deals with the rights between nations, on which these very cases are based.

Mr. HILL. I thank the Senator from Minnesota for his splendid contribution.

A GIFT NOT A QUITCLAIM

Mr. President, this proposed give-away legislation has also been misnamed a quitclaim bill. Those of my colleagues who are lawyers will clearly realize what a false label this is. If my neighbor and I both claim a certain strip of ground that falls within the boundaries of our respective properties, we may wish to settle the matter without litigation. Each of us may have been advised by his lawyer that he has a good title to the property in question. One of us must be wrong. Each of us thinks he is right, but, in the absence of some court decision, neither of us can be sure which is right. Under these circumstances it might be desirable for us to compromise the matter rather than to incur the expense, the delay, and the bad feeling incident to a lawsuit. If that is the way my neighbor and I feel about the controversy, it would be natural for one of us to pay the other a sum of money, in return for which the rival claimant would abandon his claim and put an end to the controversy. If we resorted to that procedure, then one of us would give a quitclaim deed to the other relinquishing all claims to the disputed property.

If, Mr. President, there had never been any litigation between Texas, California, and Louisiana and the Federal Government; if there had never been a judicial determination as to the ownership of the oil lying under the marginal sea; if these things had never happened, then it might be proper to talk about a quitclaim bill. But all questions of claim have been settled. There has been litigation, and there has been a solemn determination of all the issues by the highest judicial tribunal known to our constitutional system, the Supreme Court of the United States.

Mr. President, after the suits have been brought, the briefs submitted, the arguments made, and the cases decided, how can there be any serious talk about quitclaims to \$50,000,000,000 worth of oil and gas? The Supreme Court of the United States has consistently held that this oil belongs not to the States but to the Nation. There is no controversy to be settled, nothing to be quitclaimed.

Mr. LONG. Mr. President, will the Senator yield?

Mr. HILL. I yield to the Senator from Louisiana.

Mr. LONG. Did not the distinguished Mr. Justice Black, who is from the Senator's State, and himself a former United States Senator, indicate in his opinion that it was up to Congress to decide what should be done with this property?

Mr. HILL. No, Mr. President. I think if one reads the language in the light of its text, he will find that Mr. Justice Black had particular reference to the fact that perhaps certain improvements had been made on the property and certain things had been done that would

create equities there, and he knew that the Congress of the United States would be fair and absolutely considerate in dealing with any equities or any questions which might arise.

Mr. LONG. Does the Senator from Alabama know that Mr. Perlman, the Solicitor General, testifying for the Federal Government, said it was up to Congress to decide what disposition should be made of this property and the profits which may come from it?

Mr. HILL. Of course Congress is the trustee of this property, just as Congress is the trustee of other property. Congress is the trustee of this very Capitol building. I suppose Congress, if it desired, could give away this Capitol building. It might even move it to Baton Rouge.

I wish to say, Mr. President, that although it has not been my pleasure to visit the capitol of Louisiana, the father of the distinguished junior Senator from Louisiana erected that building, and I understand it is one of the finest buildings in the United States, there being no other building in America that more fully reflects the dignity, the majesty, power, and greatness of a people than the capitol building at Baton Rouge reflects the greatness of the people of Louisiana.

Mr. LONG. I thank the distinguished Senator from Alabama. At least for a moment we are in agreement.

Mr. HILL. In that I rejoice.

Mr. President, if I may continue with my quitclaim parallel, if my neighbor and I, instead of compromising our differences, had gone to law, and if the courts had decided that the property in dispute belonged to me and not to my neighbor, then there would be no question of my quitclaiming anything. If my neighbor wanted the property, and if I were willing to sell it, perhaps he might buy it from me. Or, if I were sufficiently generous, I might even give it to him. But the newspaper Labor, the organ of the Railway Brotherhoods, put the oil issue in a nutshell when it stated "\$40,000,000,000 is too much to give away."

Mr. LONG. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. LONG. When the Senator speaks of \$40,000,000,000, he is speaking of the total value of all oil that might lie under the Continental Shelf. I think that is a very high estimate. Nevertheless, the Senator well knows that there would not be a net return of \$40,000,000,000 merely because \$40,000,000,000 worth of oil might be there. It would be necessary to reduce the estimate to about one-sixth of that figure, which would be about the best we could hope to get as royalty from oil and gas leases. If the Senator will divide by 6, he will not get \$40,000,000,000, but around \$7,000,000,000.

Mr. HILL. That might depend upon circumstances. If the United States needed the oil for its airplanes, battleships, and submarines, we might use far more than 12½ percent. I must say to the Senator, because I wish to be

perfectly frank with him, that of course there will be some cost involved in the exploitation and development of the property. To take the oil from under the property we are discussing will cost money. I agree with the Senator from Louisiana as to that.

Mr. LONG. I doubt if the Senator himself could get more than one barrel out of six. The Secretary of the Interior has estimated that the most that could be obtained, if the property were fully developed, would be about \$100,000,000 a year. As the Senator knows, the first budget estimate for Federal aid to education was \$300,000,000 a year, or three times the revenue which the Secretary of the Interior estimates the submerged lands could yield if they were fully developed.

Mr. HILL. I have a statement from the Senator's own committee, in a report filed by its distinguished chairman, the Senator from Wyoming, which sets forth the figures I have given, namely, 13,000,000,000 barrels of oil. That is to be found at page 5 of the committee report.

Mr. LONG. I do not know who wrote the committee report.

Mr. HILL. It bears the name of the distinguished Senator from Wyoming [Mr. O'MAHONEY]. It is from the Committee on Interior and Insular Affairs.

Mr. LONG. I know the Senator from Wyoming has subscribed to the figures given by the Secretary of the Interior, when he estimated that the property, fully developed, might yield the Government perhaps as much as \$100,000,000 a year. But I have not seen any estimate greater than that by anyone in a responsible position to make such an estimate.

Mr. HILL. This estimate is carried in the committee report, which is what I have stated earlier in my remarks—13,000,000,000 barrels.

Mr. LONG. That was a personal report by the chairman, so far as I know, because it was not submitted to me, and I doubt whether it was submitted to other members of the committee, if my experience was the same as that of other members of the committee.

Mr. HILL. The chairman of the committee thought so much of the estimate that he included it in the report on the joint resolution for the attention of the Senate.

Mr. LONG. Of course, the Senator knows that the chairman of the committee is the principal exponent of the Federal position in this matter.

Mr. HILL. I understand that, but I do not believe that that would affect the position of the chairman on the estimate. I think the chairman would have the same desire to present a true estimate as would the Senator from Louisiana, the Senator from Alabama, or any other Member of this body. We who seek to preserve this property as trustees are, of course, naturally very anxious to know exactly what the value of the property may be.

SYNTHETIC HISTORIC RIGHTS

The sponsors of this give-away legislation have referred to it as a bill to restore the historic rights of the States to the submerged lands underlying the marginal sea. As I have already pointed out, title III of the give-away bill—that is, the bill passed by the House, and now offered in the form of a substitute by the distinguished senior Senator from Texas [Mr. CONNALLY]—reaches far beyond the marginal seas, and I shall in this connection discuss it in a few moments at greater length. But even if this legislation were confined to handing over to the States just the oil underlying the marginal sea, it would still be incorrect to call it a bill to restore the historic rights of the States. No decision of the Supreme Court had ever held that this property belonged to the States. As I stated earlier, even in the dissenting opinion by Mr. Justice Reed it was declared that the question had never been litigated and adjudicated. While it may be true that the States claimed certain rights, or assumed certain rights, the Supreme Court, in the Texas, California, and Louisiana cases, held that these claims and assumptions were not valid.

Sometimes the proponents of this legislation talk of the historic rights of the States as if the States and their lessees had been drilling oil wells in the marginal seas for centuries. The fact is that it was only a few years ago that anyone suspected the existence of something to fight about. Then, when these three States and the Federal Government had reason to believe that valuable reserves of oil existed beneath the marginal seas, the controversy started to brew.

Mr. KNOWLAND. Mr. President, will the Senator yield?

Mr. HILL. I yield to my friend from California.

Mr. KNOWLAND. I think the able Senator from Alabama has quite accurately portrayed the situation. The Federal Government had never challenged the right of the States to their borders, extending out three English miles into the sea in the case of California, and 10 miles in the case of Texas, which had been an independent republic. The cupidity of the Federal Government was not excited until oil had been developed by the State of California and other States. When the Federal Government saw that there were mineral resources within the boundaries of California, in an area which is as much a part of the State of California as are our inland valleys such as the Sacramento and San Joaquin Valleys, it excited the cupidity of the Federal Government, and it undertook to seize a part of the sovereignty of the State of California and other States involved.

Mr. HILL. The Senator uses the term "cupidity." I shall not argue with him. He might have used the word "cupidity" with reference to the Federal Government as meaning all the States except perhaps three—that is, 45 States. Someone else might use the word "cupidity" with reference to the three other States. The fact remains, as the Supreme Court

has said in at least four different decisions, that this question had never arisen. As the Court said, these lands have never belonged to California or Louisiana.

Mr. KNOWLAND. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. KNOWLAND. How does the able Senator from Alabama explain the fact that, not once, but on numerous occasions when the issue arose as to whether the Federal Government had any power to lease, the Secretary of the Interior, the very one who later reversed himself, by written instrument had said that that power vested in the State governments? How does the Senator explain the fact that on numerous occasions, not only in my State of California, but in other States of the Union where the Federal Government wanted deeded to it control over certain areas, it insisted upon receiving a grant from the legislature, or from the municipal body, as the case might be?

Mr. HILL. I will say to my friend that the late Secretary of the Interior, Mr. Ickes, was very frank about this matter when he appeared before the committee. He said that when he came into office he found in existence the policy that the submerged lands did not belong to the Federal Government, and that he followed that policy until he had the time and occasion to examine into it, but that when he examined into it he found that that policy, which some predecessor of his had adopted, was subject to such serious question that he urged that the Government, through the Attorney General of the United States, file suit in the Supreme Court to have the question adjudicated.

Mr. LONG. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. LONG. Does the Senator know why the Secretary of the Interior looked into the question?

Mr. HILL. I do not know why he looked into it. I know that one of his predecessors as Secretary of the Interior was Albert B. Fall. I believe that if he had been one of my predecessors in office, I would have looked into every policy I might have inherited from him.

Mr. LONG. Does the Senator know that this problem arose, so far as we can determine—and we certainly have committee reports which so state—because certain Federal lease applicants hoped to obtain valuable leases by an offer of perhaps 50 cents an acre?

Mr. HILL. Not at all. I will tell the Senator when this question really arose and became serious. It became serious when this august body—as it is often described—the Senate of the United States, passed Senate Joint Resolution 208. That joint resolution was passed in August 1937.

Mr. LONG. Can the Senator tell me what the vote was?

Mr. HILL. It was passed unanimously.

Mr. LONG. What the Senator means is that it slipped through on the call of the calendar.

Mr. HILL. I do not mean that at all. I am not going to impute to the Senators from Louisiana who were here at that time any less diligence or alertness in the defense and protection of the rights of Louisiana than characterizes the distinguished junior Senator from Louisiana today.

Mr. LONG. Can the Senator tell me what action there was in the House on the same joint resolution when it reached the House?

Mr. HILL. As I recall, the House Committee on the Judiciary struck out the States of California and Texas, and reported the joint resolution relating only to the State of California. That was back in 1937. I believe that at that time the question was localized in the State of California. The House Committee on the Judiciary reported the joint resolution with that amendment, but the House did not act on the joint resolution.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. HUMPHREY. A moment ago the Senator, in colloquy with the Senator from Louisiana, mentioned the fact that there was a precedent or a tradition on the part of the Federal Government to reserve to the States the right to lease certain submerged lands. He stated that at one time the policy was that such right resided in the States, but that that policy was changed by the late Secretary of the Interior, the Honorable Mr. Ickes. Is that correct?

Mr. HILL. That is my understanding. The Senator can speak for himself so far as his own understanding is concerned, but that is my understanding.

Mr. HUMPHREY. As I understood the Senator from Alabama, he stated that the opinion of the Secretary of the Interior which had been reversed or contested was that of the late and well-known Secretary of the Interior Albert B. Fall.

Mr. HILL. No; I did not say that. I did not say that it was his policy. I do not know whether he adopted it or not. I said that the late Albert B. Fall was one of Secretary Ickes' predecessors. Then I said that certainly if I had been a successor to Albert B. Fall, particularly where oil was concerned, I would have carefully examined any policy which had been adopted or approved or followed by Mr. Fall.

Mr. HUMPHREY. In other words, the Senator is saying that the policy prior to Mr. Ickes had been that of State leasing.

Mr. HILL. That is my understanding.

Mr. HUMPHREY. I am sure that the Senator would also like to have the RECORD show that at one period in the history of this Nation the protection of the public rights, so far as oil reserves were concerned, was not too assiduous. In other words, such rights were not carefully guarded. There were such things as the Elk Hills lease and the

Teapot Dome oil case, all of which had something to do with the public interest and with the people's Treasury.

Mr. HILL. The Senator is correct.

Mr. HUMPHREY. Is it any wonder that the late Secretary of the Interior, Mr. Ickes, should want to examine into any kind of precedent which had been established in former days, relating to the natural resources of the American people?

Mr. HILL. It was the most natural thing for him to do, and one for which I feel he deserves the commendation of the American people.

Mr. HUMPHREY. I think it is one which has earned him the commendation of the American people, because he will go down in American history as one of the great protectors of our natural resources.

Mr. HILL. I doubt if we have ever had, in the history of the United States, a more diligent and zealous watchman on the tower in behalf of the public interest of the people of the United States, than the late Harold L. Ickes.

Mr. LONG. Mr. President, will the Senator yield to me?

Mr. HILL. I yield.

Mr. LONG. The Senator was discussing the reason why Mr. Ickes changed his mind. If he will look at page 235 of the printed hearings he will see, in Mr. Ickes' own words, the reason why he changed his mind. All this talk about going back and protecting the public interest had nothing to do with it. Mr. Ickes stated, as appears on page 235 of the record:

A man by the name of Uel T. McCurry came in. He was one of the early ones. He had fled. Then others came in, and I finally concluded that while I would not presume to pass on the law to determine whether or not the Federal Government had title, or the States' governments, there was enough doubt so that the courts, which after all are our tribunals to decide what the law is, should have a chance to pass upon this question.

It was on that basis, and on that basis alone, that I thought that the whole subject matter should go to the Federal courts for decision.

The Senator will notice that the previous paragraph relates to Federal applicants for leases in areas where, under State leases, oil had already been discovered.

Mr. HILL. I think there is no question about that. But had Mr. Ickes wished to do so, he could have held fast to the policy adopted by his predecessors, and continued to tell applicants for Federal leases, "We have nothing to do with it. We cannot grant you leases."

But what did he do? Being zealous in the public interest and devoted to the public welfare he began to examine the question, and when doubt was raised in his mind he sought to have the question judicially determined.

Mr. LONG. Mr. President, will the Senator from Alabama yield for one further question?

Mr. HILL. I am delighted to yield to my friend from Louisiana.

Mr. LONG. The Senator knows that Mr. Ickes was a very able attorney. On

December 22, 1933, Mr. Ickes wrote a letter, as an attorney, and referred to the law. He said in the letter:

It has been distinctly settled * * * that title to the shore and under water in front of lands so granted inures to the State in which they are situated * * * such title to the shore and the lands under water is regarded as incident to the sovereignty of the State * * *. The foregoing is a statement of the settled law, and therefore no right can be granted to you either under the Leasing Act of February 25, 1920 (41 Stat. 437) —

He knew what the law was—

or under any public land law to the bed of the Pacific Ocean whether within or without the 3-mile limit. Title to the soil under the ocean within the 3-mile limit is in the State of California, and the land may not be appropriated except by authority of the State.

Mr. HILL. Surely Mr. Ickes did not deny that law.

Mr. LONG. No.

Mr. HILL. If the Senator from Louisiana were to examine the files I am sure he would find that that letter was a form letter which had been made up before Mr. Ickes went into office. This was in the early months of Mr. Ickes' administration. When he first went into office he followed that policy, and he sent out this form letter. He assumed responsibility for it as the Secretary of the Interior. I do not know whether he wrote the letter. At any rate, he did not deny it. It went out under his signature. It went out under his signature just as a letter sometimes goes out of my office under my signature, or a letter goes out under the name of the Senator from Louisiana from his office, and in those instances we assume responsibility for such letters. He assumed responsibility for the letter. He said he was following the policy that had been laid down. I imagine it was a form letter. I do not believe it was carefully prepared. There is no telling how long before Mr. Ickes came into office it had been prepared.

However, he went into the subject and examined it. When he did so, as a good lawyer—and the Senator from Louisiana said he was a good lawyer—he had doubts about it, and he said, "I cannot sit here and be a trustee for the people of the United States and take this position if I am wrong about it. I must have the Government go to court and have the question adjudicated."

Mr. TOBEY. Mr. President, will the Senator yield?

Mr. HILL. I am very happy to yield to my friend, the Senator from—

Mr. TOBEY. New Hampshire.

Mr. HILL. The truth of the matter is that the distinguished Senator from New Hampshire is so great and so able that we do not think of him in connection with any one State.

Mr. TOBEY. I thank the Senator from Alabama.

Mr. HILL. He is a Senator of the United States.

Mr. TOBEY. I thank the Senator very much. In those terms I now speak. There are many cross currents floating around, and many smoke screens be-

fuddle some of us. Of course that is not very difficult to do, but I should like to ask the distinguished Senator from Alabama one question. Of course we are Senators of the United States, but, before we are Senators of the United States, I should like to say that one of the attributes we have as Senators is that of having a paramount duty, namely, that as Senators of the United States we are, fiduciaries and trustees for the people of the United States.

Mr. HILL. That is correct.

Mr. TOBEY. The very question before us is, Is this joint resolution in the interest of the people of the United States? The land has been described as land belonging to all the people. That being so, along comes the Senator from Alabama [Mr. HILL], who offers an amendment to give these billions of dollars to the cause of educating the school children of our country. Am I correct so far?

Mr. HILL. The Senator is absolutely correct.

Mr. TOBEY. Can the Senator from Alabama measure any higher degree of efficiency and justice than a vote for the Hill amendment to give this vast amount of money to the cause of education of our children, who are the choicest assets of America?

Mr. HILL. The Senator from New Hampshire is correct.

Mr. TOBEY. Is it not about time that we do the one thing that is in our hearts, for the benefit of the whole Union, and the whole is greater than any part, though the greatest part is our child life—and not be influenced by the collusion between 48 attorneys general, who represent the most powerful lobby that has sprung up in our land? Ed Pauley and others of unsavory reputation have spent a great deal of money and have brought a great deal of pressure to bear on how Senators shall vote. I say to my colleagues: Wake up. See what is going on. Save these priceless assets for the welfare of the children of America. I can hardly wait to vote for the amendment of the Senator from Alabama.

Mr. HILL. I am very proud of the fact that the distinguished Senator from New Hampshire is one of the coauthors of this amendment. He is a cosponsor of the amendment with the Senator from Alabama, and other Members of the Senate.

Mr. TOBEY. I am foursquare with the Senator from Alabama.

Mr. HILL. Mr. President, there is no one I would rather see stand foursquare with me than the distinguished Senator from New Hampshire. I thank him for his timely and eloquent contribution.

Mr. LONG. Mr. President, will the Senator yield for a question?

Mr. HILL. I am delighted to yield to the distinguished Senator from Louisiana.

Mr. LONG. The junior Senator from Louisiana has had the impression for a long time that those of us who favor the positions of the States are pictured as being spokesmen of the vicious oil lobby, which is supposed to be so dreadful. Now that the oil companies are on the side of

the Federal advocates in favor of Senate joint resolution 20, we are told that this lobby of the attorneys general of America is a terrible lobby and is made up of a group too terrible for anyone to be associated with it. Apparently we must be smeared in one way or another because we defend the position of the States. If we are to be smeared, it would be noted that among those who must share this smear are the American Bar Association, the Council of Governors, the Council of Mayors and the Chamber of Commerce of the United States.

Mr. HUMPHREY. Mr. President, will the Senator from Alabama yield?

Mr. HILL. I am delighted to yield to the Senator from Minnesota.

Mr. HUMPHREY. I listened earlier in the afternoon to the statement that those who support the position of the States were now immune from the oil lobby charge. I heard the Senator from Wyoming say there is no doubt that the oil companies are anxious that there be passed some such legislation as that now before the Senate. Let me make it perfectly clear to my good friend the Senator from Louisiana that the oil companies are interested in something happening here which will clarify the situation, so that they can produce oil. They know that when they produce oil, even with the severance tax which will be taken out of royalties, there will be billions of dollars left for the oil companies.

I say that the oil companies are putting their profits above any other kind of consideration, litigation, or legal principle. They say, "Let us drill for oil. If we have to give some of the profit to the so-called Hill Foundation for Education, we will give it, although we would rather have all of it."

Mr. President, let us get the oil lobby out of the picture. What they want is the oil. Oil is gold. When they get their hands on the gold they will get enough out of it and still have plenty to go around. They want to produce the oil. We are perfectly willing to let them produce the oil, but we want them to do what the Senator from New Hampshire said so brilliantly and so inspirationally, namely, we want this black gold that comes out of the ground to be shared by the school children of America, so that the school children may appreciate the wonders of this Nation through the education which will be theirs. There could be no finer purpose to which a program could be dedicated than the program proposed in the amendment submitted by the Senator from Alabama [Mr. HILL]. The oil companies would have to go a long way to do something as good for our country and at the same time get a good profit out of it.

Mr. KNOWLAND. Mr. President, will the Senator yield for an observation?

Mr. HILL. I am glad to yield to the distinguished Senator from California.

Mr. KNOWLAND. I merely wish to say to the distinguished Senator from Minnesota, facetiously perhaps, that oil is not gold. The State of California has had experience in that connection, since

it is one of the great gold-mining States of the Union. It was gold that brought California into the Union. I will say that the policies of the Federal Government, particularly of this administration, have to all intents and purposes destroyed the gold mining industry in California. The policies of this administration have seized our tidelands which for a hundred years the people of California felt were as much a part of their State as some of our inland valleys, such as Sacramento and San Joaquin. The people of California have seen that policy extended to water resources.

I want the Senator from Minnesota to know that this is not a partisan question in California. Without exception, every congressional representative of that State, whether a Democrat or a Republican, all members of the State Legislature, whether Democratic or Republican, all State office holders, whether Republican, like the present Governor, Governor Warren, or Democratic, like the able Attorney General, Pat Brown, think that a great injustice has been done to our State and to the other coastal States of the Union. We do not believe the Federal Government has any right to use for education, or for any other purpose the revenues from these oil lands. To the contrary, we believe that the historic boundaries of the States should be restored to them.

Mr. HUMPHREY. Mr. President, will the Senator from Alabama yield to me?

The PRESIDING OFFICER (Mr. MURRAY in the chair). Does the Senator from Alabama yield to the Senator from Minnesota?

Mr. HILL. I yield.

Mr. HUMPHREY. This play on words, this semantics about gold or what kind of gold, is not the issue. The fact of the matter is that the oil operators have not been able to do the drilling they want to do because of the situation now existing as a result of the Supreme Court's ruling. That situation is at a dead end, an impasse.

Of course, as the Senator has said, some of the oil operators have said, in effect, that they favor the passage of the joint resolution, so they can begin to drill for oil, but that they wish it to be crystal clear that the amendment of the Senator from Alabama will provide that when the production occurs, some of the "gold" from the royalties will go into a national fund which will be of help to education. I submit that such a fund will help Alabama, California, Louisiana, Texas, and Minnesota, among the other States.

I submit further that not a scintilla of evidence has been presented to the Senate and not sufficient evidence has been presented to the Supreme Court to negate the fact that the Federal Government has sovereign power and dominion over the submerged lands and the coastal lands or Continental Shelf, and has the right to exercise that power, including the exercise of sovereign rights, which include property rights.

Mr. President, this is a fundamental matter of national sovereignty. The

question is whether the people of the United States, who have the responsibility for the maintenance of sovereign power, and who must accept the duties of sovereign power, are to share in some of the benefits which accrue from sovereign power. That is the issue.

Mr. President, I conclude by saying to the Senator from California that if nothing worse ever happens to America than what has happened to the gold industry, we shall be doing all right.

Mr. LEHMAN. Mr. President, will the Senator from Alabama yield to me?

Mr. HILL. I yield to the Senator from New York.

Mr. LEHMAN. I do not know how the discussion regarding gold arose.

The first part of the preamble to Senate Joint Resolution 20 reads, as follows:

To provide for the continuation of operations under certain mineral leases issued by the respective States covering submerged lands of the Continental Shelf, to encourage the continued development of such leases, to provide for the protection of the interests of the United States in the oil and gas deposits of said lands, and for other purposes.

Certainly we wish to have oil produced, particularly at this critical time. It is not of any interest to me whether the oil companies do well or do not do well. Of course, I want them to do well, in the sense that I want every industry in the United States to do well. However, aside from that, I wish to see oil produced.

Our interest in this matter is twofold: first, to have oil produced; and, second, when it is produced, to make certain, as the distinguished Senator from Minnesota [Mr. HUMPHREY] and the distinguished Senator from New Hampshire [Mr. TOBEY] have pointed out, that it is produced at least in part for the benefit of all the people of the United States.

I am anxious to have education in my own State of New York advanced. I know the needs of the children and the teachers and the entire educational system of New York. However, I am equally interested in having the educational systems of Mississippi, Louisiana, California, Idaho, Nebraska, Arizona, New Mexico, and the other States advanced.

The money which will accrue if the Hill amendment is adopted—an amendment of which I am very proud to be a cosponsor—will advance education in the United States. A child who is educated in New Mexico is an asset not only to New Mexico but also to California, New York, Louisiana, and all the other States.

Mr. President, this country knows no State boundaries, so far as education or prosperity are concerned. This country has prospered because every part of it has prospered. One of the main reasons for its prosperity and advancement is that we have recognized the importance, the validity, and the necessity of education.

The amendment submitted by the distinguished Senator from Alabama will aid education. I favor the amendment with all my heart and soul, and I hope

all my colleagues in the Senate will support it and will make it really a paying asset for all the people of the United States, not only the people of three units of government in the United States.

Mr. HILL. Mr. President, I thank the distinguished Senator from Minnesota and the distinguished Senator from New York for the very able and fine contributions they have made. I wish to say how proud I am because of the fact that both these distinguished Senators are cosponsors of the oil-for-education amendment, or perhaps I may call it the oil for the lamps of learning amendment.

Mr. President, at this time I ask unanimous consent to have printed in the RECORD, at the conclusion of my remarks, a list of the witnesses, and the organizations the witnesses represented, who appeared before the Senate Committee on Interior and Insular Affairs in behalf of the oil-for-education amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HILL. Mr. President, those who propose this give-away legislation cannot, by the skillful manipulation of words, bamboozle the Congress and the American people into accepting the proposition that because the States have made mistaken claims and mistaken assumptions as to the ownership of this oil, the Nation is thereby obligated to hand them the greatest bonanza in history.

Mr. President, now that we have removed some of the false fronts and false labels from this give-away joint resolution, I think it is only fair that we should consider and analyze some of the arguments which have, in my opinion, been most unfairly advanced in support of the give-away proposal.

THE SOCIALISM GHOST

For example, it has been argued by men of great influence, and for whom I have great admiration and respect, that there is an element of socialism in the ownership by the Federal Government of the great oil resources which lie under the marginal seas and the Continental Shelf. With all possible respect to those who make this argument, my answer is that it is demonstrably absurd. From the very beginning the Federal Government has owned and controlled the mineral resources of the public lands. I have never heard it argued, and I do not believe that it could be seriously argued, that the provisions of the Federal Mineral Leasing Act are socialistic. On the contrary, private business has operated and prospered under that law. The whole history of the Federal Government's policies and operations under the act is a repudiation of any contention that Federal dominion over a great national asset is a form of socialism. Socialism is no more or no less socialism because the particular government involved happens to be that of one State or that of all the States. The sole question involved in this controversy is whether these particular re-

sources should remain the property of the Federal Government, which they are today, or whether they should be given to the three States. How can it be said that ownership of oil by the State of Texas, California, or Louisiana is private enterprise, while the ownership of the oil by the Federal Government is socialism? In either case it is a governmental unit which owns and exercises dominion over the oil. In either case it is a private enterprise, operating under a lease from either the State or the Federal Government, which will operate the business of producing, refining, and selling the oil.

I do not propose at this time to enter into any detailed discussion as to the proper method of leasing these lands. That is not the question with which I am dealing. I am talking about the basic principle of private enterprise. I assert—indeed, I do not believe that any man who has studied the question even casually can reasonably deny—that the only question involved is not whether private business shall withdraw the oil, but, rather, under what conditions shall it be withdrawn by private business? On the one hand, the proponents of the give-away joint resolution contend that it is socialistic for the Federal Government to retain its rights as adjudicated by the courts. On the other hand, the same proponents contend that there is somewhere a sinister plot on the part of private enterprise to obtain leases from the Federal Government under the Mineral Leasing Act. I submit in all fairness that they cannot have it both ways. Their whole argument stumbles over its own inconsistencies.

The whole issue of socialism is a phony issue—a goblin dressed up to frighten the American people into giving this oil to a few States which do not own it and to the particular private oil interests with which these States have allied themselves.

In fact, Mr. President, the entire argument advanced by the proponents of this give-away joint resolution is a fantastic procession of goblins and ghosts.

As I have said, Mr. President, one of the arguments which has been used against the amendment, and in support of the give-away joint resolution, is the one we hear time and time again when the old ghost of socialism is raised. I submit that it is no more socialism for the United States Government to develop its oil through private enterprise—through leases and contracts with private enterprise—than it is for a State to develop its oil through private enterprise and leases with private enterprise.

DECEIVING THE OTHER STATES

Another one of these Halloween creations is the argument that the Federal Government is using or will seek to use its rights in the marginal sea and the Continental Shelf to invade the boundaries of the States and take away the inland waterways. In dealing with the manner in which this give-away proposal has been misnamed the tidelands bill, I have already dealt in some degree with

this specious argument. Without this particular bugbear, it would have been impossible for the three States which seek the \$50,000,000,000 gift from the Federal Government to enlist under their banner so many of the officials, and particularly the attorneys general, of various States, from which the give-away joint resolution seeks to snatch valuable rights and resources. The officials in such States have been led to believe that somehow there hangs over them a threat upon the part of the Federal Government to invade the boundaries of the States and take away their harbors, their bays, their docks, and the resources of their inland waterways.

This argument is so false and so misleading that only the subtle and well-financed propaganda of skilled advocates could ever have sold such a bill of goods. In the first place, the Attorney General on behalf of the United States has repeatedly and specifically disclaimed any ownership by the Federal Government of the tidelands and the inland waterways. The Federal authorities have repeatedly and affirmatively declared that the States possess, and have always possessed, the ownership in the inland waterways and their resources, and that the only power that the Federal Government may exercise is its constitutional authority respecting navigation and commerce on their waters. The declarations by the executive branch of the Federal Government have been sustained and affirmed by the unbroken line of decisions of the Supreme Court, up to and including the California, Louisiana, and Texas cases. But the proponents of the giveaway joint resolution say that is not enough for them. Why is it not enough, Mr. President? Because this whole campaign to get their hands on the oil of the marginal sea is built on confusing the marginal sea ownership with the ownership of the tidelands and inland waterways.

Their sincerity was put to an acid test in the House of Representatives when the give-away bill was under consideration. At that time Representative CELLER, of New York, and Representative MANSFIELD, of Montana, offered legislation in the nature of a substitute which would have had the Congress confirm by specific legislation the unchallenged title of the States to the resources of the tidelands and inland waterways. Those who want the give-away shouted down the offer.

So I contend that not only is the issue of the inland waterways a bugbear, but it is a bugbear in which the proponents of the giveaway proposal do not even themselves believe.

ATTACKING THE SUPREME COURT

I should like to discuss for a few moments another one of these goblins. That is the argument that this proposed legislation is necessary to thwart or frustrate a grab on the part of the Federal Government. Sometimes the proponents of the giveaway joint resolution are explicit about this, and sometimes they are a little vague; but when their

argument is analyzed, it boils down to the proposition that the executive branch of the Federal Government and the United States Supreme Court joined in a conspiracy to steal this \$50,000,000,000 worth of oil and gas from California, Louisiana, and Texas for the Federal Government.

While the proponents of the give-away joint resolution sometimes speak a little gingerly, when their guard is down it is perfectly clear that what they have really intended is an attack upon the Supreme Court of the United States. Mr. President, I am the last man in the world, certainly one of the last in the United States Senate, who would ever argue that our courts are beyond criticism or that mistakes on the part of the judiciary cannot be corrected by the Congress. However, the present argument goes far beyond the question of conflicting legal viewpoints. In some instances it has almost seemed to amount to an attack upon the integrity and the competence of the United States Supreme Court. The argument is too preposterous to mention except for the purpose of showing the extent to which the proponents of the give-away are willing to go to get their hooks into this fabulous store of oil.

We may agree or disagree with the decisions of the Supreme Court of the United States. Certainly in the past there have been decisions of that body with which I did not agree. I have not hesitated to criticize the decisions. At no time, however, have I ever questioned the integrity or devotion to duty of the Court. When those who seek a fifty-billion-dollar gift from the Federal Government attack a decision of the Supreme Court, the highest judicial body in the Nation, as a Federal grab, I regard it as a shocking assault upon the integrity of the judicial process. A court exists to decide cases, and in any decision someone must lose.

Incidentally, the attack upon the Court is also an attack upon the Attorney General of the United States and the other Federal officials who defended the Government's ownership which was upheld by the Court.

I cannot refrain from mentioning the name of Mr. Justice Clark, who as Attorney General presented the Government's case so capably and effectively. No man loves the State of Texas more devotedly than does her native son, Tom Clark, who has brought to her such credit and distinction. I am sure it was painful to him—as, indeed, it is to me—to be found in opposition to her desires. But Tom Clark had a higher duty; namely, his duty to his conscience and his oath; and he lived up to his duty, regardless of sentiment or personal attachment. I do not think that even the most vehement supporter of Texas' claims will be heard to say that Tom Clark would participate in a sordid grab at the expense of the State he loves.

Who, then, is alleged to have instigated the grab? As I have said once or twice before in reply to inquiries, if there be guilt, then the guilt is chargeable to

the Senate of the United States, for, as I have said, the very issue now under consideration was squarely presented to this body on August 19, 1937, 14½ years ago. On that date, the Senate unanimously adopted Senate Joint Resolution 208, declaring that the oil resources of the marginal sea "are asserted to be the property of the United States." The resolution further undertook to authorize and direct the Attorney General to institute legal proceedings for the purpose of establishing the rights of the Federal Government.

Mr. President, I repeat, this joint resolution passed the Senate unanimously, without a dissenting voice.

Who will rise to say that the Senate in 1937 was instigating a Federal grab?

Mr. LONG. Mr. President, will the Senator yield?

Mr. HILL. I yield to my friend from Louisiana.

Mr. LONG. The junior Senator from Louisiana had the impression that that was merely a measure which had slipped through on the consent calendar, before the representatives of the interested States knew what was involved. Can the Senator tell me how much debate there was on that resolution, and where I can find that debate?

Mr. HILL. I cannot tell the Senator how much debate there was on the resolution, but I can tell him that that resolution was acted upon unanimously by the Judiciary Committee; and as I recall, the Judiciary Committee of the Senate at that time consisted of 15 or 17 members; therefore, the committee, with 15 or 17 or perhaps even a larger number of members than that, at that time, acted on the resolution unanimously.

The Senator will recall that committees were larger at that time than they are now. The Senator will further recall that that was before the passage of the Legislative Reorganization Act, when committees were somewhat larger. The resolution had to be introduced, it then had to go to the committee; it had to be acted upon by the committee, a committee consisting, as I have said, of 15 or 17 members, and it then had to be reported to the Senate. After submission of the report the resolution had to be placed on the Senate Calendar. It could not be passed by the Senate without the clerk at the desk rising to read it for the benefit, for the knowledge, and for the information of the Senate. California was at that time in the Union and had two Senators in the Senate. Texas likewise was in the Union and had two Senators. Louisiana was in the Union, also, and had two Senators here. As I said a little while ago, I am not going to impute to those Senators less diligence or less fidelity to duty or less devotion to the interests of their States, or being less active in looking out for the welfare of their States, than is the junior Senator from Louisiana today.

Mr. LONG. Mr. President, will the Senator yield?

Mr. HILL. I yield to the Senator from Louisiana.

Mr. LONG. I believe at that time there was a Senator from California, Sheridan Downey, who referred to that bill as the "Nye hidden-ball" bill.

Mr. HILL. Of course, I have a very high regard for the former Senator from California. He served in this body, and I certainly would say nothing in any way unkind about him. But the Senator from Louisiana knows that he now certainly makes his living in part by being on the payroll in Washington, devoting, I think, all of his time to lobbying for the things which the Senator from Louisiana wants. So he is a paid lobbyist; and I use that term in no opprobrious sense. He has a right to be here.

Mr. LONG. Mr. President, will the Senator yield further?

Mr. HILL. Yes.

Mr. LONG. The Senator knows, of course, that the position taken by former Senator Downey was exactly the position he took as long as he was a Member of this body, and it is the same position he took consistently in public life, from the moment the issue first arose.

Mr. HILL. I think the Senator is correct, that former Senator Downey took the same position the Senator from Louisiana now takes. As I say, I would be the last man in any way to cast aspersions upon the former Senator from California. But we have divergent viewpoints. The former Senator from California held a viewpoint entirely different from that held by many other Senators.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. HUMPHREY. Will the Senator again give us the date of that resolution?

Mr. HILL. That was August 19, 1937.

Mr. HUMPHREY. And was the joint resolution passed after the time the Secretary of the Interior had inquired as to the Federal powers over these submerged lands?

Mr. HILL. That I could not answer specifically, but I would certainly think so; because the Secretary of the Interior had then been in office for more than 4 years. The Secretary of the Interior came into office in March 1933.

Mr. HUMPHREY. That is correct.

Mr. HILL. And this was in August 1937. I cannot give the Senator a specific answer, but I think the joint resolution was passed after that time.

Mr. HUMPHREY. Is it fair to say, I may ask the Senator, that the resolution was no secret, particularly since it was not acted upon by the Senate immediately after it was reported by the committee? Sometimes a bill or a resolution lies on the desk for a period of 24 hours or so, and then, the next day is called up and passed. That did not happen in this instance, did it?

Mr. HILL. That did not happen in this instance. This joint resolution went through all the regular and normal procedures for the passage of bills, and those procedures are fixed and established, in order that Senators may have due in-

formation and may have due warning as to proposed legislation which is to be considered. Every possible safeguard which the Senate Committee on Rules and Administration has thrown around Members of the Senate, to insure their being properly informed on measures to be acted upon by the Senate, were met in this instance.

Mr. HUMPHREY. Is it not also true that in this particular period in the political history of our country, the conservation and utilization of the Nation's natural resources was a subject of public debate? The period of about 1937 was the period of TVA, the period of the development of our rivers and harbors, the period of a great deal of talk about the conservation of our oil resources, was it not? So I think it would surely be entirely inaccurate to assume that the joint resolution in question was passed merely as a hidden ball on a sneaker play. As a matter of fact, it was passed because the policy of the Government of the United States was one of protecting the people's interest in their natural resources.

Mr. HILL. The Government was particularly interested at that time in the conservation of the natural resources of the people.

Mr. HUMPHREY. That is correct; and I assume that 96 Senators in 1937 had about as much information regarding those problems as we in 1952 have. I further assume that those 96 Senators, had they felt that they had been outmaneuvered, would have been back on the floor of the Senate the next day, as some of us were today in reference to a unanimous-consent agreement which was entered into yesterday, and would have protested to high heaven. I want to know whether the RECORD reflects all the facts connected with the passage of the joint resolution.

Mr. HILL. Senators not only could have protested, but they could also have moved to reconsider the vote by which the joint resolution was passed. That is done frequently.

Mr. HUMPHREY. Or they could have introduced a resolution the following day to repeal the action which they had taken on the previous day.

Mr. HILL. Certainly.

Mr. HUMPHREY. But where is the evidence?

Mr. HILL. There is no evidence, because no action was taken, other than the unanimous passage of the joint resolution.

Mr. LONG rose.

Mr. KNOWLAND. Mr. President, will the Senator yield at that point?

Mr. HILL. I yield to my friend from California, after which I shall yield to my friend from Louisiana.

Mr. KNOWLAND. I may say, apropos of the remarks made by the Senator from Minnesota, that there was, of course, a great deal of legislation coming before the Senate in those days. I think it was in that approximate period that a bill came up in the Senate to pack the Supreme Court of the United States.

Mr. HUMPHREY. Mr. President, will the Senator yield at that point?

Mr. HILL. I yield to the Senator from Minnesota.

Mr. HUMPHREY. I may say again that my friend, the Senator from California, is practicing the new fine art which some intellectuals call semantics—"to pack the Supreme Court." As a matter of fact, that was the nice terminology used by Republican Members and certain others. The fact of the matter is that the President presented a plan for the reorganization of the Supreme Court, which this same body, which passed the joint resolution to establish Federal domain and jurisdiction over the oil lands—this same body that performed that wise action, wisely turned down the reorganization plan. One cannot follow both courses. He must admit that the body was correct at one time or the other, or at both times.

Mr. LONG. Mr. President, will the Senator yield?

Mr. HILL. I yield to my friend from Louisiana.

Mr. LONG. I may ask the Senator, what possible effect does he contend followed from a proposed law which passed one House and failed to pass the other? My impression is that we are arguing about nothing. It did not pass, it did not become law; it was merely passed by the Senate.

Mr. HILL. My friend astounds me.

Mr. LONG. It is like the case of Federal aid to education legislation which passed the Senate several times but which was never passed by the House.

Mr. HILL. My friend astounds me. Ninety-six Senators, two from Louisiana, two from California, two from Texas, two from each of the other States—what did they say? They said that in their opinion, these submerged lands belonged to all the people, and, therefore, they adopted a resolution seeking to get action by directing the Attorney General of the United States to assert those claims. The Senator has said that the property always belonged to the States. There could be no stronger evidence that many of the States at least thought the land did not belong to them than the fact that the Senators from those States permitted that resolution to be adopted.

Mr. President, I turn now to two considerations of national policy which must impel the Congress to retain the offshore oil for the people of the United States. Both of these policy considerations are embodied in the so-called oil-for-education amendment which I have offered for myself and 18 other Members of the Senate.

The first consideration of national policy is our national security. Can anyone be unaware of what is taking place in Iran—the oil lifeline of half the world? Surely none are so simple as to imagine that Russia in her schemes and her overtures to the Iranian Government has any other purpose than to get her hands on the oil that she now lacks for her huge war machine.

While we still hope for a safe solution of the Iranian oil crisis, we would be faithless guardians for our people if we did not, as prudent men, act on the as-

sumption that the oil of the Middle East might be lost to Western Europe and to us. In such case all free nations must look to this hemisphere. In such case our oil becomes not alone a national resource to be conserved and guarded for the future welfare of our children but a national resource which must be preserved by a watchful government, if our Nation is to survive.

A modern army travels not on its stomach but on oil. The Wehrmacht ground to a shuddering halt because of lack of oil. The American Air Force made its first great raids on the Axis against the Ploesti Oil Refineries in World War II and it kept up a steady attack until Hitler had no oil.

Mr. LONG. Mr. President, will the Senator from Alabama yield?

Mr. HILL. In a moment.

The vaunted Luftwaffe and the Japanese air force, what was left of them, stayed on the ground because they had no oil. Oil is strategic target No. 1 for the very simple reason that if a nation does not have oil it has neither offense nor defense.

The Federal Government, charged under the Constitution with the responsibility for national defense, must at all costs conserve its oil for our defense.

Our first Secretary of Defense, the able and tragic James Forrestal, who understood so well that oil was the sinew of arms, called the offshore oil our most priceless possession. With his long background of experience as wartime Secretary of the Navy, he strongly opposed the give-away bills which were the predecessors of the House-passed bill. If he were alive today, whether in public office or as a private citizen, I know his voice would be raised once again in warning that this oil must be preserved under Federal control.

The late Secretary of the Interior, the valiant Harold Ickes, who stood shoulder to shoulder with James Forrestal in the struggle to hold on to our country's precious undersea oil reserves went to his death fighting the attempt to grab off these irreplaceable resources.

As wartime Petroleum Administrator responsible for the petroleum supplies for our Armed Forces and our entire wartime economy, Harold Ickes realized perhaps more keenly than anyone else how vital these petroleum deposits of the Nation are to the security of the United States and the defense of our freedom.

The point I have just made has been made no better anywhere than in a recent editorial from the Atlanta Journal. It says:

While all this focuses the attention of the world on oil from foreign countries, the Congress of the United States attempts to fritter away one of our greatest potential sources of oil right here at home.

There is only one proper use for the offshore oil fields: That is, as a reserve for national defense to power the Army, Navy, and Air Force of this country, if and when other sources are depleted.

If we allow States and individual companies to chip away at this resource until it is lost, the time may come when we will

have committed national suicide for lack of the fuel to maintain our Armed Forces.

The St. Louis Post-Dispatch, which has led the fight for national control of off-shore oil, has stated the case unanswerably:

Whether under the false cry of States' rights or the frank admission of private greed, no one must be allowed to exhaust today what may be indispensable to the Nation's existence tomorrow. Against any effort to put our fighting oil to any smaller purpose than the defense of the Nation, the only course is to fight.

It has come to light that in the conversations which took place between Molotov and Ribbentrop at the time the infamous deal was made between Russia and Germany, Molotov then and there served notice on Ribbentrop that Russia would consider that she had special areas of influence, and that the most important area of influence was that reaching south to the Persian Gulf, covering the great oil supply of the Middle East, on which Russia had her eyes even at that time.

I now yield to the Senator from Louisiana.

Mr. LONG. Of course, oil is very important, but can the Senator from Alabama say that it is any more important than is uranium, or sulfur, or other things essential to fighting a war?

Mr. HILL. All those items, of course, are important. The main thing is that we keep our hands on the oil so that we shall have it for the security and defense of our country.

Mr. LONG. The Senator would not imply, would he, that the oil would not still be available if it were owned by the States?

Mr. HILL. The States do not have any obligation or responsibility for the defense of our country. That is not their obligation or responsibility. The States recognized that when they came into the Federal Union—and that was one of the main reasons for the formation of the Federal Union—that there might be a Federal Government with the responsibility of taking care of the defense of the country. How rapidly the States might permit the oil to be depleted and dissipated no man can know. The oil should be in the hands of those who have direct responsibility for the defense of the Nation.

Mr. LONG. Would the Senator argue that the Federal Government should own all the oil, even that which is in private hands? The Government was never short of oil, with the Government owning only a small portion of it.

Mr. HILL. The oil in private hands and that which belongs to the Nation are two entirely different and separate propositions.

Mr. BUTLER of Maryland. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. BUTLER of Maryland. I thought the argument had been made on the floor many times that it was desirable to have the oil pass into Federal control so that it could be developed and gotten out of the ground more quickly.

Mr. HILL. Not necessarily. I have never made any argument to that effect.

Mr. BUTLER of Maryland. I have heard that argument made on the floor of the Senate.

Mr. HILL. The truth of the matter is that today there is a shortage of oil in the United States, and we should go ahead with the development of oil.

Mr. BUTLER of Maryland. Is it not the purpose to get more oil out of the ground—not to keep it in the ground, but to get it out?

Mr. HILL. The Senator's argument falls of itself. The States, if they had the oil, would perhaps proceed more rapidly with the depletion of it than would the Federal Government. If it is kept in the hands of the Federal Government, it can be controlled, with the responsibility of the Federal Government for the national defense always first in mind.

Mr. BUTLER of Maryland. Is it not a fact that vast oil resources of the Nation have been returned to State control so that the oil could be obtained more quickly than it could be if under Federal control?

Mr. HILL. The Federal Government could make leases as the States have done, but how many leases it would make and how rapidly the oil would be depleted would depend upon the needs of the Nation in connection with the defense of the country.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. HUMPHREY. Is not a corollary issue the question of to whom the benefit of oil production will accrue? To whom will it go? Are these benefits to go to only three States or four States or five States, or are the benefits to go to the people of all the States—to the people of the whole United States? It gets down to the point of whether a limited area of the United States is to participate in these great oil resources or whether the whole body of the people of the United States are to participate in them.

Mr. HILL. The Senator is exactly correct. He has well said what I have tried to say this afternoon.

Mr. DOUGLAS. Mr. President, will the Senator from Alabama yield?

Mr. HILL. I yield.

Mr. DOUGLAS. Is it not just as ridiculous to say that the States should possess the land underneath the water, beyond the low-water mark, as to say that the States should possess the right of airways and to the sky up above the land?

Mr. HILL. I agree with the Senator, certainly.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. HOLLAND. Pursuing the valid point made by the distinguished Senator from Maryland [Mr. BUTLER] a few minutes ago, I want to invite attention to the fact that the report, not in one place but in several places, makes it very clear that the compelling reason for the adoption of Senate Joint Resolution 20, in the opinion of its advocates and in the opinion of the committee, is the immedi-

ate production of more and more oil. I read, for instance, from page 3 of the report, from the paragraph headed "Reasons for interim approach":

The compelling reason for interim legislation is the Nation's immediate, pressing need for development of new sources of supply of petroleum within areas under national control.

Likewise, I refer the distinguished Senator to the whole paragraph beginning at the bottom of page 4 of the report, entitled "The Nation's Need for Oil."

So, in the first place, it is perfectly clear that that objective will not be subserved unless the Federal Government can do a better job than the States are doing. Up to now, the record shows exactly the reverse, as was testified to by former Secretary Krug in his appearance before a Senate committee of the Eightieth Congress, I believe it was.

Likewise, the fact is that the matter at issue does not involve new oil reserves, as was the situation when the late Secretary Ickes came before the committee so many years ago and set forth the reasons why he believed there should be legislation. His first reason was that he thought a new reserve ought to be set up, with legislation to round it out, and to preserve it unimpaired.

Instead of that being the objective now, the advocates of Federal ownership have completely reversed their position and say, "Let us have Federal ownership in order to get immediate production."

An examination of the record shows clearly that the States have been much keener in their initiative, and have gone much faster into the production of oil, and that the distinguished Secretary of the Interior himself has paid tribute to the eager and effective way in which the States have proceeded along that line.

Mr. HILL. Of course, one of the purposes of the proposed legislation is that there may be development of the oil under the submerged lands. As the matter now stands, the whole development is held up. As I said a few minutes ago, we are now importing oil. There is a shortage of oil. I referred to the crisis in Iran, and what that crisis might mean to us. Surely the development of oil should go forward. More oil should be developed for the United States. But that does not mean that we should rush forward and proceed in such a way as to deplete the oil. It does not mean at all that we should disregard our responsibility to conserve the oil, having in mind always the needs for the defense of our country, and the fact that those needs must come first in our consideration.

Mr. LEHMAN. Mr. President, will the Senator yield?

Mr. HILL. I yield to the Senator from New York.

Mr. LEHMAN. Have we not gone quite far afield in the discussion of needs? I do not think there can be any question that oil is a great asset and that it will be needed by our country. It seems to me that the important consid-

eration is one that was mentioned a few minutes ago by the Senator from Minnesota, namely, the question of benefits. Are only three States to benefit from what is unquestionably—or at least in my mind unquestionably—an asset of the entire United States? Or are the people of the entire country, of all the 48 States, to benefit from the asset, which I believe belongs to them, and which the Supreme Court of the United States has held belongs to them?

The question is not one of need, it is not a question of value, but it is a question of benefit. I think that when we attempt to debate anything else, we complicate the situation, and go very far from the straight line.

Mr. HILL. The Senator is exactly correct. He has put his finger on the basic, fundamental question, namely, whether the oil shall be used for the benefit of all the people, or shall be given away to three States. That is the whole question.

Mr. BUTLER of Maryland. Mr. President, will the Senator yield?

Mr. HILL. I yield to the Senator from Maryland.

Mr. BUTLER of Maryland. Is not the question really to whom does the oil belong? Do we not any longer recognize title to property in America?

Mr. HILL. If the Senator will read the opinions in the cases decided by the Supreme Court of the United States, he will see to whom the oil belongs.

Mr. BUTLER of Maryland. Which cases?

Mr. HILL. The cases of United States against California, United States against Louisiana, and United States against Texas.

Mr. BUTLER of Maryland. I can cite 10 cases for every case the Senator can cite. Congress has passed quitclaim legislation by overwhelming votes, but it could not be made effective because the President vetoed it.

Mr. HILL. The President never did a better thing than to veto that bill.

Mr. BUTLER of Maryland. We still recognize that in this country there is such a thing as private title, and I propose to fight for that principle.

Mr. HILL. Whenever this question has been before the court, the court has decided that the oil belongs to the United States—to all the people of the United States.

Mr. HUMPHREY. Mr. President, I want the Senator to repeat that, because the Senator from Maryland has said that for every case the Senator from Alabama can cite, as giving the Federal Government dominion and sovereignty over the submerged lands, the Senator from Maryland can cite ten on the other side. I should like to know the number of cases there have been which resolve this issue. I thought the Senator from Alabama had cited the entire record.

Mr. BUTLER of Maryland. There are 52 in toto, I may say for the information of the Senator from Minnesota.

Mr. HILL. The Senator from Maryland is wholly and entirely in error, if I may say so. The cases he refers to

begin with the Alabama case of Hagen against Pollard, which dealt with the question of ownership of soil in inland navigable waterways.

Mr. HUMPHREY. That is correct.

Mr. HILL. That case did not go to the question of land under the sea.

Mr. HUMPHREY. There is no question about that.

Mr. HILL. Even Mr. Justice Reed, of the Supreme Court of the United States, who dissented in the California case, and did not agree with the majority opinion, said in his dissent that it was in that case for the first time that this question had been adjudicated.

The Chief Justice of the United States, in the case of Toomer against Witsell, again said that the States had never owned the submerged land.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. HILL. I yield to the Senator from Illinois.

Mr. DOUGLAS. Is it not true that advocates of the quitclaim theory have been erecting a man of straw? What they say is that the Federal Government is trying to take land between the low-water mark and the high-water mark, land underneath bays, land beneath rivers, land beneath inland lakes. Is it not true that by decisions of the Supreme Court, such land has been declared to be the property of the States; and that if the amendment offered by the Senator from Wyoming, shall be enacted, all title to those lands will be given to the States? The issue is simply as to who owns the submerged lands in the marginal sea between the high and low water marks. Is not that correct?

Mr. HILL. The Senator from Illinois is absolutely correct.

I know he has been engaged in work with a very important committee which is preparing legislation for the extension of the National Production Act. We have been all over this matter this afternoon. I desire to be courteous to all Senators, but we have been over this particular subject time and again. I am delighted the Senator has raised the question, because he has stated it so clearly.

The other cases—some 52 or 53—all deal with the soil beneath inland navigable waters. The question of soil in the marginal sea was raised for the first time in the California case. There the Court held that the land and the oil belonged to the United States, to all the people, and not to the State of California.

Mr. LEHMAN. Mr. President, will the Senator yield?

Mr. HILL. I yield to the Senator from New York.

Mr. LEHMAN. I might point out another straw man which I believe the Senator from Maryland has inadvertently created.

Mr. BUTLER of Maryland. I can assure the Senator from New York that it was not inadvertent. It may have been in error.

Mr. LEHMAN. If he wishes to set up a straw man, he is very welcome to do

so, but the Senator from Maryland is talking about the field of private title. I do not think there is any question of private title involved in this whole matter.

Mr. BUTLER of Maryland. I may say to the Senator that the Supreme Court vote was 4 to 3, and 3 Judges voted against what is here proposed.

Mr. LEHMAN. Not insofar as private title is concerned.

Mr. BUTLER of Maryland. They did not even—

The PRESIDING OFFICER. The Senator from Alabama has the floor.

Mr. HILL. Mr. President, I yield to the Senator from New York. I wish to say that I am delighted to have any questions asked, but I desire to allow the Senator from New York to finish what he has to say. I have held the floor for some time, and we have been over this very question. I am sorry my distinguished friend from Maryland has been engaged with a very important committee.

Mr. BUTLER of Maryland. I was before the Committee on the Judiciary.

Mr. HILL. The Senator was before the Committee on the Judiciary, but we have been over all this matter.

As the Senator from New York has said, and made clear, all the decisions of the courts have held that soil under the inland navigable waters belongs to the States, whereas each and every decision of the Supreme Court on the question of soil under the marginal sea holds that the soil belongs to all the people of the United States.

Mr. LEHMAN. It is a clear case of dominium as between the two equals?

Mr. HILL. The Senator is exactly correct.

Only the Federal Government can determine the defense needs for oil. Only the highest experts of the Army, the Navy, and the Air Force in collaboration with the technicians of the Interior Department can weigh the fluctuating supply and demand of oil. They are the ones who must weigh the chances in Iran, they must determine how easily and how soon the great Middle East pipeline may be sabotaged; they must evaluate the availability of the tankers of the western allies; they must decide how much oil can safely be diverted from the Western Hemisphere to Western Europe should middle-eastern oil fall to Russia. This sort of thing cannot be done by State governments. No one would even dream of State governments doing this job.

Mr. KNOWLAND. Mr. President, will the Senator yield at that point?

Mr. HILL. I yield.

Mr. KNOWLAND. I am sure that it is not the impression which the Senator wants to create, but he worries me by that statement, because, after all, whatever oil is produced from the tidelands, whether it be under the sovereignty of the States or the Federal Government, is only a small part of the oil needed for national defense. The Senator says that the only ones who can determine that question are those in the Federal

Government. The overwhelming percentage of the oil produced in this country is not produced from tidelands. The Senator worries me greatly for fear that in the future someone may point to his statement and say, for the very reasons which the Senator is now enunciating, that the Federal Government should have control of all the mineral resources in the interior of the country as well.

Mr. HILL. I can allay the Senator's fears. He need have no fear along that line.

So far as concerns oil which belongs to the Government of the United States, it should be the great reserve for the defense of our country. Those who can best determine how the oil can be used for the defense of our country are in the Armed Forces of the country, in the Department of the Interior, and in the service of other branches of the Federal Government.

Mr. BUTLER of Maryland. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. BUTLER of Maryland. Does not the Senator beg the question when he says that the oil belongs to the Government of the United States? It is true that the Court has said that, but the Congress has said that it does not. It has legislatively reversed the Court.

Mr. HILL. No. The Congress has not legislatively reversed the Court, because under the Constitution of the United States, before the Congress can reverse the Court the President must sign the legislation reversing the Court, or the legislation must pass over the President's veto by a two-thirds vote in both Houses of Congress.

Mr. BUTLER of Maryland. I realize that.

Mr. HILL. The House of Representatives refused to pass the bill over the veto of the President of the United States. The House of Representatives thereby refused to reverse the Court.

Mr. BUTLER of Maryland. Mr. President will the Senator further yield?

Mr. HILL. I yield.

Mr. BUTLER of Maryland. Will not the Senator admit that the present effort is an attempt to establish who has title? That is the purpose of this measure.

Mr. HILL. This effort is an attempt to overrule the decision of the Supreme Court. The Senator is correct. It is an attempt to obtain for 3 States that which the Supreme Court has said belongs to all 48 States.

Mr. KNOWLAND. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. KNOWLAND. It is not a question which involves only three States. It is true that at the moment there are only three States in which oil in submerged lands is involved. However, the same general doctrine of paramount rights, of divesting the States of ownership of the tidelands which they have held since the beginning of the Constitution, will apply to every one of the coastal States in the Union, and to some of the interior States as well.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. DOUGLAS. It is true that we have fallen into the bad habit of speaking of tidelands, but I am sure that my good friend from California realizes that the tidelands are not an issue in connection with the amendment of the Senator from Wyoming [Mr. O'MAHONEY] or that of the Senator from Alabama [Mr. HILL]. This cannot be repeated too often. Title to the tidelands between low-water mark and high-water mark, title to submerged lands underneath bays, title to submerged lands underneath rivers, and title to submerged lands underneath inland lakes belongs to the States, both under the decisions of the courts and under the amendment of the Senator from Wyoming, which the Senator from Alabama and a number of other Senators have also sponsored.

The issue simply is as to where title lies with respect to the submerged lands seaward from low-water mark. On three occasions the Supreme Court has said that such title rests in the Federal Government. That is the issue. There is no use bringing in the tidelands issue, or the inland water issue.

Mr. HILL. The Senator from Illinois is absolutely correct.

Mr. LONG. Mr. President, will the Senator from Alabama yield?

Mr. HILL. I shall be glad to yield in a moment.

I am glad that the Senator from Illinois has made the observation which he has made. We have tried to say what the Senator from Illinois has said this afternoon. We have tried to say it several times. I am delighted that the Senator has said what he has said. Sometimes it requires iteration, reiteration, and damnable reiteration. I am glad that the Senator has reiterated it.

I now yield to my friend from Louisiana.

Mr. LONG. I am sure that the Senator knows that it is entirely possible that the Supreme Court might reverse the theory upon which it was held that the States own this property as a matter of State sovereignty. The Justice Department argued that that theory was not sound, and that, being unsound, it should not be extended. The Supreme Court was willing to go along with the Justice Department that far.

Mr. Perlman, the Solicitor General, testified before our committee that he did not think the Court would reverse itself. Yet, as the Senator knows, he is the man who went before the Supreme Court and asked it to overrule the famous separate-but-equal doctrine dealing with racial relations. The court has announced that doctrine in many cases.

If anyone wishes to rely on the proposed amendment to protect the States with respect to inland waters—I refer to the amendment proposed by the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Illinois [Mr. DOUGLAS], and other Senators, I presume including the distinguished Senator from Alabama. I

invite attention to the fact that the amendment has not been enacted. If such amendment is to be enacted, the Senator from Louisiana would like to protect coastal waters as well.

Mr. HILL. The Solicitor General of the United States, in his testimony before the Senate Committee on Interior and Insular Affairs, took the very firm position that the soil under inland navigable waters belongs to the States. The Supreme Court of the United States has taken that position for more than 100 years, in some 53 decisions. The present Supreme Court of the United States, speaking in the California case, in the Louisiana case, and in the Texas case, has taken the same position. Now we have before the Senate the amendment proposed by the Senator from Wyoming, in which a number of other Senators join, affirming those decisions of the Supreme Court of the United States. I do not know how there could be any more nearly complete and unanimous support and acceptance of the proposition that the ownership of the soil under inland navigable waters is with the States.

Mr. LONG. Mr. President, will the Senator further yield?

Mr. HILL. I yield.

Mr. LONG. The Senator cannot rely on the States being protected by an amendment which has been only offered, but never enacted. The Senator well knows that the same Solicitor General who testified before us has been urging the Supreme Court to reverse itself on other matters. The doctrine under which the States own the beds of their navigable streams not only with regard to inland waters, but in regard to other navigable waters, has now been partially overruled.

Mr. HILL. As I have said, every Supreme Court decision without a single exception, has been to the same effect. There have been some 53 decisions, beginning with the case of Pollard against Hagen, which was an Alabama case. Every one of those cases, including the California case, the Texas case, and the Louisiana case, has affirmed, declared, and proclaimed the proposition that the ownership of the soil in the inland navigable waters is in the States. Now the Senate of the United States has adopted this amendment, without any opposition, as the unanimous view of the Senate.

Mr. LONG. Mr. President, will the Senator from Alabama yield?

Mr. HILL. I am glad to yield to my distinguished friend from Louisiana, but if he would permit me to proceed with my speech I would appreciate it very much.

Mr. LONG. I appreciate the Senator's courtesy.

Mr. HILL. The Senator knows my high regard for him. Wrong as I think he is in this matter, I still have the highest regard for him.

Mr. LONG. I have the highest regard for the Senator from Alabama. He knows that I hold him in the very highest esteem.

The first case which deals with submerged lands and title to them was

not Pollard against Hagen, but Martin against Waddell, in 1842. In that case the Supreme Court used the language which clearly indicated that the then Supreme Court certainly thought that the States owned the beds of all navigable waters. I quote from the language of the Court:

And when the people of New Jersey took possession of the reins of government, and took into their own hands the powers of sovereignty, the prerogatives and regalities which before belonged either to the Crown or the Parliament, became immediately vested in the State.

I should like to quote the preceding paragraph:

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 for their own common use, subject only to the rights since surrendered by the Constitution to the general Government.

The Senator from Alabama will recognize that the language of the decision referred to all navigable waters, not merely inland waters. It is true that the case involved Raritan Bay, which is an arm of the sea. However, the Court stated that the States owned the beds of all navigable waters. That principle was later followed in the Pollard case, an Alabama case, which announced the additional doctrine that new States came into the Union on an equal footing with the original States.

Mr. HILL. Alabama got the same rights that Massachusetts, Virginia, and the other States had.

Mr. LONG. Yes. That was the Pollard case. It is Pollard against Hagen.

It stated that the sovereignty which existed for original States applied also to the new State of Alabama.

Mr. HILL. Mr. President, I should observe that the only thing in life that is certain is death. However, if anything would seem to be certain under our present constitutional form of Government, it would be that just as the States have had the ownership of this land under navigable waters for all these years, under all the decisions of the Supreme Court, and as now confirmed by the amendment, the same States will continue to have such ownership. I think that when the Senator leaves this body the ownership will still be in the States where it is now.

Mr. LONG. I trust that the same situation will be true with respect to the marginal sea.

Mr. HILL. I cannot conceive of how that could be true, Mr. President, because the Supreme Court, with which the Senator from Louisiana now takes such a strong opposing view, has held generation after generation to the proposition that the soil under the inland waters belongs to the States. I would say all members of the Supreme Court hold that opinion, except that one of the Associate Justices, Mr. Justice Jackson, did not participate in the decision because, as Attorney General, he undoubtedly had something to do with these cases.

A TWO-EDGED WEAPON FOR NATIONAL DEFENSE

Mr. President the oil-for-education amendment offers a two-edged weapon for national defense.

During the present emergency the royalties from this offshore oil may be used for the urgent needs of national defense.

Once these needs are met, once the sinews and muscles of our war machine are sufficiently strong that Russia must prudently pause, it is our proposal that the royalties from this oil should then be used in all the States for educational purposes. For we cannot longer neglect the education of our children if we expect as a Nation to remain intelligent enough to recognize international danger and to be able to preserve our freedom. As the United States Commissioner of Education, Hon. Earl James McGrath, said recently:

Life does not stop while we build the Nation's military strength. Children are born and grow up. They go to school and to college. You cannot put a generation into educational cold storage and then later put them into an educational hothouse.

The necessities of the long pull before us are not merely military essentials. There are equally basic essentials in nonmilitary areas. To provide the essentials in all areas is our continuing objectives. Only thus can we meet the demands of the long pull which lie before us—a period in which the preparedness of the Nation must be at hitherto undreamed-of peacetime levels, which at the same time the basic essentials of life and growth must be provided for all our people, including all the children.

We face a future world where in terms of sheer quantitative manpower our children may be outweighed 4 or 5 to one. It may be even 10 to 1 if the Soviet manages to consolidate the Continent of Asia. And as we analyze why we have not already been overwhelmed by the totalitarian tide, the most fundamental answer is that we have had the foresight for over a century to invest more of our national wealth in the education of our children than any other nation.

I suggest that America's organizational and productive capacity—which is the root of our own security and is the last great hope of the free world today—is the direct result of two mighty American inspirations about education. The first of these inspirations was public support for free schools with good educational standards, first dreamed of and fought for by Thomas Jefferson and later accomplished in the Commonwealth of Massachusetts by Horace Mann, of Brown University, Rhode Island, and our second inspiration was the policy of dedicating revenues from our public lands to education.

THE CRISIS IN OUR SCHOOLS

Several months ago when we introduced the oil-for-education amendment on the floor of the Senate, I tried to indicate that this precious heritage of education for all our people was in danger of becoming a myth. At that time I cited the dilapidated condition of our schools, the huge increases in our child population, and the alarming exodus of our inadequately paid teachers from the teach-

ing profession into better paying pursuits.

Last month Mr. T. M. Stinnett, executive secretary of the National Commission on Teacher Education and Professional Standards, called the conditions in our schools a public school scandal. Addressing a conference on that subject at Boston he said:

It is a scandal born of public neglect, public confusion, and public fear.

Then Mr. Stinnett named these seven neglects around which it centers:

Too few schoolrooms to house children decently; too few teachers, many overworked, overloaded teachers in overflowing classrooms; unsafe, unsanitary, obsolete classrooms; inadequately prepared teachers; too few recruits for teaching; too little money to fulfill basic requirements.

This current school year the Nation's educational system is struggling under the highest enrollment of students ever recorded—more than 33,000,000 elementary, high school and college students. Elementary school enrollment jumped by nearly a million last year, and a million the year before as the wartime baby crop began to enter school. The United States Office of Education estimates that 1,700,000 additional students will enter school this fall. A veritable tidal wave of 6-year olds will hit the schools over the next 5 or 6 years, at which time we will be faced with a new surge of first graders. Whether the Korean conflict had anything to do with it, the fact remains that instead of leveling off the birth rate increased again this year. Heaven knows how we are going to educate those children. I suggest that the answer will lie in how capable we prove ourselves of taking care of those vast numbers that are already in school, or are of school age.

There are over 26,500,000 children in our public elementary and secondary schools alone. There will be over 32,000,000 before this year's crop of babies is even ready for school in 1958.

Mr. DOUGLAS. Mr. President, will the Senator from Alabama yield to me?

Mr. HILL. I yield to my friend, the Senator from Illinois, a distinguished Member of this body, and a former distinguished professor at the University of Chicago.

Mr. DOUGLAS. Does not the problem of numbers arise primarily from the fact that in the thirties we had a low birth rate because of the depression?

Mr. HILL. That is exactly correct.

Mr. DOUGLAS. And that beginning in approximately 1940 there was a very large increase in the birth rate—unexpected, but very real—and as a result there has been an enormous increase in the number of children going to school? Those increased numbers of school children are just beginning to reach the high schools, and the increase will continue as the younger children who were born in the years of the higher birth rate come of school age.

Mr. HILL. That is entirely correct. The Senator from Illinois has spoken with authority on this matter and has

spoken so truly in depicting the situation.

Mr. HUMPHREY. Mr. President, will the Senator from Alabama yield to me?

The PRESIDING OFFICER (Mr. PAS-TORE in the chair). Does the Senator from Alabama yield to the Senator from Minnesota?

Mr. HILL. I yield to my friend, the Senator from Minnesota.

Mr. HUMPHREY. I have been listening to the Senator's dissertation and his very eloquent and informative discussion of the problems of education. I rise merely to state how refreshing it is to hear in this body his constructive, thoughtful approach to one of the most significant problems of our day. We have had too much badgering of one another, too much investigation of various aspects of our Government, too many charges and countercharges on a political basis.

So I say that this afternoon the people of the United States are being given a treat, in the sense that they are hearing one of the most able and distinguished Members of this body, one who has been a friend of the children of America and a friend of education and health in America, again sound the clarion call for better educational standards for the children of the United States.

I would not be honest with myself or with my convictions if I did not stand here today and tell the Senator from Alabama that we are grateful for his interest in this subject and his profound knowledge of it. How the parents of America must be rejoicing at this hour to know that they have in the Senate a champion of education.

If the amendment in the nature of a substitute, sponsored by the Senator from Alabama and other Senators, can be adopted, there will be a new day for education in the United States, and that will do more for the cause of peace in the world and to keep our Government clean and to establish honor and morality in America than will a great many of the investigations and charges and countercharges of which so much has been heard.

The Senator from Alabama is emphasizing the positive and the constructive. I venture to say there will be many glad hearts in the United States when the word goes forth, through the press and over the radio, that at last the Congress is back doing business for all the people, including the little people and the children of America, who are our heritage.

So I am delighted that I am here this afternoon to hear the distinguished Senator from Alabama.

Mr. HILL. Mr. President, I thank the Senator from Minnesota for his very kind and generous words. I particularly appreciate them because the record shows that there is not a stronger or more devoted champion of the cause of education or the cause of our children than the Senator from Minnesota.

POOR EDUCATION HURTS CHILDREN AND NATION

Mr. President, what are the results both to our children and to the Nation of these serious inadequacies in school

buildings, equipment, teacher supply, and operating funds? A recent 48-State survey by the New York Times revealed that 3,500,000 elementary and high-school students—one out of eight pupils in the public schools—are suffering an impaired education, an increase of a half million in 12 months. Are these and the 4,000,000 children who are of school age, but are not enrolled in any school, to join the ranks of the 750,000 men who were rejected for educational reasons in World War II—more than the number of men who fought in combat divisions in the entire Pacific area? Are they to join the ranks of the more than 300,000 young men who have been found educationally unfit for service in the Armed Forces since Korea?

The only way that we are going to be able to stop this appalling waste of manpower is to halt the deterioration of our school system and then to improve that system.

Now that we have stated the increased enrollment figures, the problems they reveal are frighteningly obvious. Ever since the depression to which the distinguished Senator from Illinois referred—and I remind you, Mr. President, that was 20 years ago—school construction has failed to keep pace with the demand for classroom facilities. This has been true for three reasons: First, as the Senator from Illinois said, the depression years; second, the ban on construction during World War II; and, third, the awaited drop in building costs after the war did not occur, as we all know. As we know, that drop in building costs did not occur, with the result that many buildings which had been planned and dreamed of were not constructed.

The result of this 2 years of delay is obvious today to every parent and teacher, to every State and local government; in fact I do not believe any citizen is unaware of it.

Miss Selma Borchardt, vice president of the American Federation of Teachers, in testimony before the Senate Committee on Interior and Insular Affairs, urged enactment of the oil-for-education amendment, and declared that "the Nation's schools face their most severe crisis in our country's history."

Educational conditions in many communities are almost unbelievable. Thousands of children are attending class in apartment houses, hotel and school basements, empty stores, garages, churches, quonset huts, and trailers. A recent New York Times survey found children in one community attending class in a morgue. What a pleasant memory they will have of their alma mater.

The superintendent of schools in Fairfax County Va., just across the Potomac, almost within the shadow of the Nation's Capitol, recently told a House education subcommittee of large numbers of children going to school in family-unit apartments where all rooms are used for classes including, of all places, bathrooms.

Even with the use of such facilities, many communities have had to resort to half-day and even one-third day ses-

sions. An estimated 400,000 boys and girls are not getting a full school day. Imagine, if you will, what this does to the morale of the children, the parents, the teachers, and the communities. Schooling lost is schooling gone forever, for a child is 6 years old but once. In other words, Mr. President, once 60 golden seconds of educational opportunity are lost, they can never be regained.

Mr. LEHMAN. Mr. President, will the Senator from Alabama yield to me?

The PRESIDING OFFICER (Mr. BUTLER of Maryland in the chair). Does the Senator from Alabama yield to the Senator from New York?

Mr. HILL. I am glad to yield to my friend, the Senator from New York.

Mr. LEHMAN. I wonder whether the Senator from Alabama remembers a statement which was made at the time when Dr. Fine, educational editor of the New York Times, testified before the committee.

Mr. HILL. Yes, and I hope the Senator from New York will refer now to that statement.

Mr. LEHMAN. Dr. Fine testified that it was perfectly evident that one could delay the building of roads for a year or two or three years, and although there would be a temporary loss to the people, the lapse in the road-building program could easily be made up; but that a year or two or three years lost from a child's education could never be made up; it would be lost forever for the child and for the entire generation.

Dr. Fine's statement made a very deep impression on me, as I believe it did on all of us.

Mr. HILL. Yes, it did; and I thank the Senator from New York for recalling that particular testimony.

Mr. President, I do not suppose there is any one in all the United States who has more completely dedicated himself to the cause of education and has more definitely concentrated his efforts in an endeavor to obtain the facts to be used to obtain education for our children than has Dr. Fine. As the Senator from New York has said, Dr. Fine's statement came with impelling force, coming as it did from so devoted a servant to the cause of public education. Dr. Fine's statement was a most impressive and effective one.

These words by Dr. Walter Maxwell, secretary of the Arizona Education Association tell the story for community after community:

Numerous times I have seen children lined up in front of a school house door, marching in to take their places in the school after the first shift marched out—just like the changing of shifts in factories.

The United States Office of Education and the New York Times report that one out of every five schools in the country is obsolete, a fire hazard or a health risk. As Dr. Benjamin Fine, educational editor of the New York Times, told the Senate Committee on Interior and Insular Affairs a few days ago, when he urged adoption of the oil-for-education amendment:

This figure does not include the hit-or-miss contraptions now used as schools on an emergency basis.

SIX HUNDRED THOUSAND NEW CLASSROOMS
NEEDED

These two reports show that during the next 7 years the country will need to build 600,000 classrooms at a cost of \$20,000,000,000. At today's prices a classroom costs from \$30,000 to \$35,000. Of the classrooms, 222,000 would be used for the increased enrollment, 126,000 would be used for replacements, and 252,000 to reduce the existing backlog. Again let Dr. Fine speak:

This means, in effect, that the Nation must build at least 80,000 classrooms a year for the next 7 years. The year 1950-51 was the peak year for building schools in this country—40,000 classrooms were constructed at a cost of \$1,200,000,000. Even at this tremendous rate the Nation is meeting only about one-half the buildings needed to meet current needs and wipe out the backlog.

As to the toll of inflation on school construction, let Dr. McGrath speak:

Spiraling costs have affected the schools seriously. For example, \$1,000,000 spent for school construction last year purchased only about as much plant as \$568,000 could have bought at the end of World War II, or as much as \$446,000 could have purchased in 1940.

As a result, our overstuffed, badly housed schools face an unprecedented period of shortage. It is doubtful that even one-half of the 80,000 classrooms needed in 1952 will be constructed. School systems everywhere are sending out SOS signals.

Mr. President, if the Nation's school construction needs are converted into dollar costs at the 1951-52 going prices, they show that more than \$7,000,000,000 must be spent just to erase the backlog of construction needs. If the total construction needs were taken care of—erasing the backlog in the next 7 years and meeting the new needs—then the total cost would be about \$19,500,000,000 for the 7 years.

But vastly more important than the bricks and mortar are the people who prepare our children with knowledge and teach them to think.

The school teacher is the central figure in the education process. For many hours of the day we entrust the minds and the character of our most precious resource—our children—to the teacher. We look to the teacher to mold the children for the responsibilities of manhood and womanhood. Inevitably the character and influence of the teacher are woven into the character of the entire Nation.

Yet we are guilty of shocking neglect of our teachers. We have never given them the recognition, the appreciation, and the financial security they deserve. Poorly paid even before World War II, their situation is much worse today. Their earnings have not kept pace with earnings in general. Rising costs have forced thousands upon thousands of teachers from the classrooms, out of financial necessity; and they are still leaving. The drain is greatest among our best-trained teachers. Teachers with emergency certificates are becoming less the exception than the rule. Teacher-training colleges cannot even begin to meet the huge demands for teachers from the dwindling graduating

classes, as young people abandon their teaching ambition in the face of economic necessity.

Mr. HUMPHREY. Mr. President, will the Senator from Alabama yield at this point?

Mr. HILL. I yield.

Mr. HUMPHREY. During the discussion of the program the Senator from Alabama recalls so well, namely, the program under the amendment for Federal aid for school construction, I heard a statement to the effect that between 1950 and 1960 the enrollment in the New York City elementary and secondary public schools would increase by a larger figure than the total enrollment in the Philadelphia schools.

Mr. HILL. As I recall, that was the testimony before our committee.

Mr. HUMPHREY. I thought, in a capsule sort of way, that indicated the nature and the dimensions of this problem. The Senator now has an amendment before the Senate which will strike a mighty blow for the liberation of education, by releasing the energies of our people and the capacities of our people in the work of rebuilding the educational structure. It seems to me inconceivable that we, as Members of this body, could turn aside this golden opportunity to get the substance which we need so much, namely, the financial resources, to be equitably distributed among the peoples of the United States for the purposes of the education of their children. I do not think the Senate has ever had a more wonderful opportunity to show that we really believe in equality of treatment and fair play, and that we really have a sense of values as to the life, particularly the educational life of our children, than in the Senator's amendment.

Mr. HILL. I thank the Senator. I do not want the Senator to forget that he is one of the coauthors and one of the strongest sponsors of this amendment, along with the distinguished Senator from New York and other Members of this body.

Mr. HUMPHREY. I do not want the public to forget that it was the Senator from Alabama who came at least to the Senator from Minnesota and to other Senators, to ask that we join with him, and that he gave us this privilege. I am glad that we joined with him. He deserves the honor and the credit, but I, at least, am glad to be a cosponsor.

Mr. LEHMAN. Mr. President, I want to associate myself, if I may, with the remarks of my distinguished colleague from Minnesota. There is no man in the Senate who has given of himself with greater devotion, greater skill, or greater effectiveness to the cause of education and, as a matter of fact, to all good causes, than has the Senator from Alabama. I am very happy indeed to be a cosponsor of this amendment, which I hope will prevail.

Mr. HILL. I wish to thank the Senator. I deeply appreciate his kind words.

Now, Mr. President, as water cannot rise higher than its source, a class cannot be better than the teacher of the class; and we have no deficiency more serious than the lack of properly trained, properly prepared teachers, adequate in

number to meet the swollen enrollments about which we have been speaking.

TEACHER SHORTAGE ACUTE

The result is that our public schools face a dangerous teacher shortage. Some States are feeling the shortage far worse than others, but all are affected. To meet the swollen enrollments we need at least 105,000 new elementary school teachers each year, and we are training only 35,000. Enrollment in teacher-training classes fell off another 16 percent this year, and teachers are leaving the profession in greater numbers than at any time since World War II. The drop-out rate from the average teaching staff is 12 percent, exactly twice the normal rate. Not only that, but a large percentage of our teacher graduates are failing to take up teaching; they cannot afford to teach. I want to place in the Record, following my remarks, a very revealing article by Dr. Samuel Engle Burr, Jr., chairman, department of education, American University, here in Washington, that appeared in the Sunday Star on February 17, 1952.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. HILL. Dr. Burr's article was based on a survey of teacher graduates from that institution since the fall of 1947. The survey reveals that only 55 percent of the graduates in education actually hold teaching jobs and 25 percent are working in some field other than that for which they are especially trained. The article lists the following as among the types of employment at which some of the young men who prepared for the teaching profession are earning their livelihood—public relations counsellor, grocer, importer and distributor of books, curios and art materials, magazine sales promotion representative, statistical draftsman, producer of training films for industrial use, payroll clerk, music cataloger in a library.

It appears that all these types of employment pay better salaries than does teaching or offer other advantages such as greater opportunity for advancement, better working conditions or employment in a favored locality. Here is demonstrated once again how sadly we have neglected our teachers. We have failed to make teaching the honored, respected, financially secure profession that we expect it to be and that it must be.

Let Dr. Burr speak:

It seems a peculiar paradox that young people who want to teach, who are capable of doing good teaching work, and who have taken education courses to prepare themselves for certification as teachers should find it advantageous to enter other fields in an era when there is an acute shortage of teachers.

All the national surveys of education indicate that several thousands of additional teachers are needed today. Teachers' agencies and placement bureaus are begging for the names of people who can qualify for teaching jobs. But one-quarter of the young people whom we prepare for this important work choose other kinds of employment because they can't afford to teach. The need for larger financial income drives them out of teaching and into other fields.

Other colleges and universities throughout the United States report conditions similar to those among the education graduates of American University.

I want to call your attention to the results of a survey by the Beta Field Chapter of Phi Delta Kappa as reported by Mr. Adolph Unruh in the November 1951 issue of the Phi Delta Kappan. The question studied was, "How many male teachers in the city and county of St. Louis, Mo., find it necessary to supplement their regular income from teaching by doing other kinds of work?" The survey revealed that only 8 percent of the male teachers supported themselves and their families by teaching alone. Ninety-two percent hold supplementary jobs or their wives work or they have some income which is independent of their earnings in the field of education.

The article lists over 100 kinds of employment performed by these male teachers in addition to regular teaching. It is interesting to note the wide range of jobs that these men are performing after school is over in the afternoon, for as long as an 8-hour shift. And it would seem that few of the outside jobs bear any real relationship to their specialized work as a teacher or to their specialized training for their profession.

The jobs vary from bowling alley managers to frozen custard stand operator to short order cook. Fifty-two percent reported that they felt the extra hours detracted from their effectiveness in teaching. I want to place the entire article in the RECORD following my remarks.

THE PRESIDING OFFICER. Without objection, it is so ordered.
(See exhibit 3.)

TEACHER SALARIES MUST BE INCREASED

Mr. HILL. Mr. President, the only way that we will be able to meet the unprecedented demand for teachers and the cry for competency in the classroom is to halt the alarming drift away from the teaching profession and to train more teachers. This means that we will have to stop regarding teaching as a second-class profession and pay our teachers adequately.

We have gone into considerable detail in our discussions of the pressing needs of the Nation's elementary and secondary schools but actually they can be stated very simply. They are:

First. Seven billion dollars in new schools just to erase the backlog of needs. Nineteen billion five hundred thousand dollars if we are to erase the backlog and meet the new needs.

Second. Five billion dollars more a year for current operating expenses.

Third. One hundred and five thousand more teachers a year for at least the next 6 or 7 years.

It has long been clear that many local communities which have in the past almost wholly borne this financial responsibility can no longer do so, even when they tax themselves to the limit.

In order to gain a little better idea of what the income from the Nation's undersea oil and gas resources could mean to the 48 States, I asked Dr. McGrath to do a little figuring for me. I pointed out earlier in my remarks that the estimates of the oil and gas deposits off the coasts

of California, Louisiana, and Texas fixed the value of the reserves at about \$50,000,000,000 at present prices. I pointed out that these were very conservative estimates and that there are strong suspicions among petroleum geologists that this undersea wealth may be far more valuable. But I asked Dr. McGrath to assume that the \$50,000,000,000 is correct and that he not take into consideration in his figures the possibility—and the probability—that the Federal Government would be able to secure a higher return for the American people on these resources through higher royalties. I also asked that he not take into account in his figures the likelihood that the price of oil and gas will increase as the world's petroleum supply is depleted. I want to read now from a letter which I have received from Dr. McGrath:

If the total amount of royalties from estimated oil deposits in the Continental Shelf were applied to construction costs for elementary and secondary education, for public schools in all the States, these royalties (calculated at 12½ percent of \$50,000,000,000) would cancel out the accumulated backlog of needs, and enable the States and their communities to concentrate on meeting the new needs which each year brings. Any man whose family has been plunged into debt because of protracted illness or other family crisis knows what it would have meant to him if an unexpected legacy had wiped out all accumulated debt and permitted him to start fresh, meeting the current expenses of family life without having to struggle along under the burdens of the past. Application of the oil royalties to the accumulated backlog of school construction needs would have the same sort of effect for the school children of the Nation and the thousands of local communities with their millions of taxpayers—relieve from an almost insupportable backlog of accumulated needs, in order that, with a clean slate, they can face the future with assurance.

Actually, of course, the royalties would come in over a longer period of time than the 7 years here under discussion. If that portion of the royalties which came in amounted to (say) \$1,750,000,000 during the 7 years, that would be an appreciable lift; and it would mean that about \$4,500,000,000 would come in during the following years, to help meet the needs in those years. In any case, it would mean that the States and school districts could expect financial help for school construction which, over the years, would be equivalent to the writing off of the accumulated burden of unmet needs as of the present year.

I want to place in the RECORD, following my remarks, a copy of Dr. Fine's statement before the Senate Committee on Interior and Insular Affairs together with a series of six articles by Dr. Fine in the New York Times reproduced in a pamphlet entitled "Why Our Public Schools Are in Serious Trouble."

THE PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 4.)

Mr. HILL. Anyone who will take the time to read the statement by Dr. Fine and these articles will get a picture of how desperate and compelling is the need of our schools, and how badly and how desperately these funds are needed for the education of our children.

Mr. HUMPHREY. Mr. President, will the Senator yield at that point?

Mr. HILL. I yield.

Mr. HUMPHREY. I merely want to say to the Senator that, some 15 years

ago, voices were raised in this land which told about the dangers which were looming upon the international horizon, the possibility of war. Those voices called upon the American people to prepare for the day when the onslaught would come, but in the Halls of Congress, as in other places, those voices went unheard. Nothing happened until December 7, 1941, when World War II was upon us. I think the Senator from Alabama today has raised his voice of warning as to the dangers which lie ahead—I mean the dangers to public education—and believe me, Mr. President, unless the voice is heeded, unless the warning is given some credence and some reception, we are going to face a problem in the field of education which no amount of emergency action will be able to take care of. There is no way of overestimating it. I hear my colleagues and others talk about the shortage of steel; we talk about the shortage of aluminum; we even talk about the shortage of building material; but the shortage that is really gnawing at the vital strength of America today is the shortage of educational program facilities and teachers for America's youth. Here is an opportunity literally to discover a mine of wealth to remedy the shortage. If we discovered a uranium mine for our atomic energy program and did not use it, we would be impeached for our failure to assume our responsibility. Here is a discovery which the Senator from Alabama is explaining, a great resource that can be used for something which is more important than is any development of atomic energy, and we are closing our eyes to it unless we accept the proposals which are made here.

I feel strongly, Mr. President, that we are being almost prophetic in what we are saying today. Some people will point their fingers at us and say, "Where were you and what did you do when that call was sounded, when that alarm was made?"

The alarm has been made, Mr. President, and no one can deny the facts; they are a matter of factual objective evidence.

Mr. HILL. As the Senator suggests, it will be another case of too little and too late.

Mr. HUMPHREY. With human resources.

Mr. HILL. Yes; with our most precious resources—all our hopes, all our dreams, all our strength, all our might, all our purposes, all our power and leadership for the years which lie ahead.

I thank the Senator from Minnesota for his contribution.

NEEDS OF HIGHER EDUCATION

Now let me turn briefly to the situation in our colleges. Contrary to the trend in the elementary and high school, our colleges and universities have this fall suffered their second consecutive drop in enrollment. The New York Times reports the student loss this year at 250,000, a 10-percent drop from last year. Besides the draft and the drawing to a close of GI education programs, there is a third reason. Our birth rate in the depression years was, as is always true in depressions, quite low. The depression babies are now en-

1952
 feeding the colleges. Today, we have a situation in our colleges and universities that is just the opposite of what it will be a few years from now when the tremendous crop of war and postwar babies are ready for their training as our doctors, lawyers, teachers, engineers, chemists and as leaders in other professions and business. When that period arrives we must have colleges ready to receive them. It is our duty to keep alive our facilities for college training. I am willing to agree that a certain amount of economizing in tight times is not only necessary but encourages efficiency in any institution, whether it be a college, a business, or a government. But we must be most careful that we do not cripple vital functions. Colleges today train most of the people who will someday be our leaders.

All our colleges are having serious financial trouble, whether they are State institutions, land-grant colleges, the large private universities or the small college. The New York Times survey to which I referred shows that half our independent liberal arts institutions are operating in the red. The colleges that are hardest hit are the small colleges with enrollments under 500. They may be small colleges for women or city colleges without a campus. These are the kind that too often do not have the endowment of a large private college and, of course, do not have the tax support of the State institutions. But if you will look through Who's Who in America and pick at random the names of the men and women whom you regard as important on the national scene you will be surprised at how many received their educations in these small colleges. I invite you to look at the Congressional Directory and see how many of our colleagues in both Houses of Congress received their education in such institutions.

The larger colleges are having serious difficulty in receiving funds from the sources which have supported them in the past as estate and inheritance taxes no longer make it possible for rich people to give large support to such institutions. The downward trend of college enrollment means that tuition, so often the backbone and the mainstay of so many of our higher institutions, is dwindling.

In a desperate effort to overcome deficits many colleges and universities have hiked tuition rates making it increasingly difficult for many fine young men and women to go to college. Doubtless these increases will render it impossible for many to have a college education. I want to place in the RECORD an article from the February 7 issue of the New York Times telling of tuition increases at Columbia University up to 25 percent this fall. This means, as the article says, that students entering Columbia this fall will be paying exactly twice the amount charged 7 years ago.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 5.)

Mr. HILL. Mr. President, the picture of the financial plight of higher education throughout the Nation was eloquently presented to the Senate Committee on Interior and Insular Affairs

by Dr. Robert L. Stearns, president of the University of Colorado, as he urged adoption of the oil-for-education amendment. Dr. Stearns is a member of the executive committee of the American Council of Education, for which he spoke. The council is composed of 976 colleges and universities and 145 associations of school systems and allied educational groups.

Describing higher education's need for additional revenue, Dr. Stearns said:

The need is far greater than current sources of revenue can supply.

I can conceive of no greater purpose than to devote the income from one great natural resource to the further development of our greatest natural resource—our educable youth, your children and mine.

A college is much more than bricks and mortar, ivy and campus. It is essentially the sense of tradition, the pride of excellent teaching over the years that distinguishes the good college from the mediocre one. Once again, I remind you that if this world stays in its present uneasy state and our colleges and universities will have to have help if they are to survive and be able to support the war and postwar baby population which this September has overrun the first grade.

As we speak of these conditions—and I shall not detain the Senate much longer—I want to invite attention to one fact.

LESS FOR SCHOOLS THAN IN 1932

Despite the record amount for schools this year, in terms of 1952 dollars, the percentage of national income that goes for public elementary and secondary schools is considerably lower than it was 20 years ago.

Although the mounting expense of running the public school system is criticized in some quarters, education does not get so much of the national income as do some of the luxury items.

In 1939, for example, we spent \$2,289,000,000 for all public school costs. In the same year of 1939 we spent almost that much for tobacco; more than that by one-third for alcoholic beverages. That was more than a decade ago. Our performance today is even worse. In 1949 we spent \$5,000,000,000 on schools. In the same year of 1949 we spent \$8,000,000,000 for alcoholic beverages, \$4,500,000,000 for tobacco, \$2,000,000,000 for amusements alone—almost three times as much for luxuries as we did for education.

Can we honestly say our pride in education, our respect for the teaching profession, our concern for our children, are all we claim they are?

Mr. President, I have thus far devoted myself to an exposé of the false arguments espoused by the proponents of the give-away bill and I have tried to set forth for you the size of the educational problem which confronts these United States.

Mr. KNOWLAND. Mr. President, will the Senator from Alabama yield?

Mr. HILL. I yield.

Mr. KNOWLAND. The Senator has placed some very interesting figures in the RECORD. Do the figures in each instance include public elementary and secondary schools and colleges?

Mr. HILL. I have used a great many figures, and some of them are limited to public schools. Others are over-all figures of what we are expending, and include public and private schools. If the Senator from California should have occasion to honor me by looking up these remarks, I think he will see whether the figures are limited to elementary and secondary public schools or whether they apply to all education, including both public and private schools.

I now turn to an explanation of our oil-for-education amendment. While it, like other legislation, is not a panacea it will go far toward curing the financial crisis in today's education without placing a further burden on the back of the taxpayer. I should like to answer some of the questions on the purpose of this amendment which have been raised by other Senators and by educators, parents, teachers, and citizens in every State in the Union. I report with pleasure, Mr. President, that I have been gratified at the great show of interest in this measure as reflected in my mail. I was well aware that the serious problems of education were weighing heavily on the minds and hearts as well as on the pocketbooks of our citizens. The mail that I am receiving shows how widespread and acute is this concern. The concern is also shown in the widespread editorial commendation of the amendment that has appeared in daily newspapers in every section of the country, including such well-known journals as the New York Times, the Christian Science Monitor, the Atlanta Journal, the Denver Post, the St. Petersburg Times, the Birmingham News, and the Washington Post.

Brief hearings were held before the Senate Committee on Interior and Insular Affairs on the morning of February 7. At these brief hearings some 40 great national organizations appeared and urged adoption of the oil-for-education amendment. I want to place in the RECORD a list of the witnesses and the organizations represented at the hearings. Other organizations both local and national have advised me of their active efforts in support of the amendment but could not attend the hearings.

A HISTORIC NATIONAL POLICY

I want to emphasize again that the oil-for-education amendment proposes no new departure into unchartered seas. It is simply a continuation of one of our oldest and wisest national policies—the use of revenues from public lands for educational purposes.

From the earliest beginnings in colonial times many of the colonies earmarked public lands for the establishment and support of schools. The earliest case was in Virginia in 1618. Colleges started with the aid of land grants in the various colonies include Harvard in Massachusetts, William and Mary in Virginia, Yale in Connecticut, Princeton in New Jersey, and others in South Carolina and Georgia.

After the American Revolution we were faced with a situation which was similar in some respects to the present demands of the three coastal States for the national property in the submerged lands

lying beyond the low-tide mark. Individual States laid claim to the territories west of the Appalachians. In 1780 the Congress passed a resolution, containing a pledge that these western lands would be disposed of for the benefit of all States. In 1785 and 1787 ordinances were passed by the Congress which specifically set aside every sixteenth section of the public lands west of the mountains for the establishment and maintenance of schools. In speaking of the ordinance of 1787 Daniel Webster declared:

I doubt whether one single law of any lawgiver, ancient or modern, has produced effects of more distinct, marked and lasting character than the ordinance of 1787 * * * it set forth and declared it to be a high and binding duty of the Government to support schools and advance the means of education.

Many of the great State universities were started with the aid of the public lands dedicated to education by the ordinances of 1785 and 1787. In the next three-quarters of a century the demand for increased facilities for educational advancement resulted in the passage by Congress of many additional laws setting aside not just one section in each township but two and then four sections for school purposes.

FRUITS OF THE POLICY

In order to give a better idea as to what these vast new public lands under the Gulf of Mexico and the Pacific Ocean could mean to elementary and secondary schools in each State, every one of which is in serious need of financial help, let us take a look at the present-day value of each State's elementary and secondary school endowment derived from grants of Federal land. I want to place in the RECORD at the close of my remarks a tabulation showing the value of such endowments for each State. It will be noted that the wise use of these public lands resources for education means today an endowment of almost a billion dollars for the elementary and secondary schools of our Nation. This is money that does not add to the burden on the taxpayer. The oil for education amendment offers the means by which the value of these endowments may be vastly increased.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 6.)

Mr. HILL. Mr. President, I also ask unanimous consent to have placed in the RECORD at the end of my remarks a report showing State by State the number of acres of Federal land granted for educational purposes and showing the wide range of educational purposes for which such grants were made. It will be noted that huge grants were made to the States not alone for elementary and secondary schools, but for universities, colleges, and other great institutions of higher learning.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 7.)

Mr. HILL. The use of public land resources placed us on the road to realizing the dream of Washington, Jefferson, Madison, Monroe, John Quincy Adams, and other great statesmen of our early

history of a great system for the dissemination of knowledge. John Quincy Adams advocated giving to the cause of education, and in the later years of his life he said that one of his great regrets was that we had not followed the policy of dedicating more public lands to the cause of education.

Mr. President, I am confident there is not a Senator here to whose mind does not come the story of the Morrill Act, the land-grant act, under which our great land-grant colleges were established in various States. In the State of Alabama we have the Alabama Polytechnic Institute of which we are very proud. It is a land-grant college that has been developed as a direct result of the Morrill Act. We know that the passage of that act and the fruits of that act, through the establishment of land-grant colleges, were so beneficial to the people of the United States that Congress passed many subsequent acts making additional grants and endowments to land-grant colleges and institutions founded under land-grant acts.

Mr. President, I ask to have placed at the end of my remarks a table showing grants that have been made to land-grant colleges.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

(See exhibit 8.)

Mr. DOUGLAS. Mr. President, will the Senator yield for a question?

Mr. HILL. Yes; I yield to the Senator from Illinois.

Mr. DOUGLAS. Was there not a very significant precedent in the Morrill Act, in that not only was each State given 30,000 acres, if there was that quantity of public land lying within a particular State, but also that States which had no Federal land within their borders were given scrip for public lands in other States?

Mr. HILL. Mr. President, I sought to state that a few minutes ago, but I wish very much to thank the Senator from Illinois for emphasizing the fact. The States which contained public lands took a position somewhat akin to the position of coastal States as to submerged lands, in that they desired to get all the land for themselves. But Congress in its wisdom said that public lands which went to the cause of education should go to the cause of education in all the States. So, for States which did not contain public land, scrip was issued on public land in other States. The scrip was salable, revenue was derived from it, and the revenue went to States without public lands, as well as to States with public lands.

Mr. DOUGLAS. Is it not true, for example, that the State of Louisiana did not have any Federal land within its borders, but that the Federal Government shared public land in other States with the State of Louisiana?

Mr. HILL. As I recall, the Senator is correct. The State of Louisiana was one of the States which had within it no public land, so Congress in its wisdom—and it was a wise course that Congress pursued—gave to the State of Louisiana its fair share of benefits from pub-

lic lands, as it did to States which contained public land.

Mr. DOUGLAS. Is it of record that the State of Louisiana then protested against receiving its share of the proceeds of land in other States, such as Wyoming or Colorado? Did the State of Louisiana say, "We believe we should have revenue only from land within the borders of Louisiana," or did she accept the free donation by the Nation?

Mr. HILL. I may say to the distinguished Senator from Illinois that my understanding of history is that the State of Louisiana not only did not protest and say, "Take this gift away from us," but that the State of Louisiana very enthusiastically reached out, accepted, and took unto herself the gift, which has been very beneficial to the cause of education in the State of Louisiana.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. HILL. I yield to the Senator from Florida.

Mr. HOLLAND. I have just read with considerable interest the amendment offered by the Senator from Alabama and other distinguished Senators. I am in doubt as to provisions of the Senator's amendment with reference to funds which are proposed to be provided as grants-in-aid of primary, secondary, and higher education. Is there in the Senator's amendment any provision which would specifically guarantee that such grants in aid would be expended and administered solely in accordance with the laws of the several States which would receive the grants?

Mr. HILL. There is nothing in the amendment to that effect, because, as the Senator knows, the amendment does not go into the details or machinery of distribution of funds, but I think there is a splendid guaranty in the fact that the Senate of the United States has twice, within recent sessions, passed general Federal aid bills. I may say to the Senator from Florida that I was one of the sponsors of those bills, and in writing them we were very careful to make certain that funds would be expended through State systems and agencies. The Senate passed both bills by very large majorities, on the theory that the funds should be so expended.

Mr. HOLLAND. Mr. President, will the Senator yield further?

Mr. HILL. I yield to the Senator from Florida.

Mr. HOLLAND. I well recall that the Senator from Alabama was one of those who, together with the Senator from Florida, insistently urged that there should be included in the bills he has mentioned, which passed the Senate, a provision guaranteeing to each State that in the case of the grants made to it by the Federal Government, its own administration, under its own laws, should be meticulously preserved. I am wondering why the Senator has not thought it wise to place a similar guaranty in his amendment.

Mr. HILL. I may say to the Senator from Florida that before there is any distribution of the funds involved, further action will be required.

I wish also to say that not only is there the fine precedent of the two bills I have

already mentioned, but there are many, many precedents in other laws to which I have referred, such as the Morrill Act. Funds have been going to the various States from the Federal Treasury for years, and as we know, under the acts the administration of schools has been entirely in the hands of States and State agencies. There has been no attempt in any way on the part of the Federal Government to interfere with State administration or to establish, directly or indirectly, anything that might smack of Federal control.

As I recall, the only requirement in the act is that at such schools there shall be military training. As we know, most of our great institutions today, whether land-grant colleges or non-land-grant colleges, require military training.

Mr. HOLLAND. Will the Senator yield further?

Mr. HILL. I yield to the Senator from Florida.

Mr. HOLLAND. Does not the Senator feel that the omission of provisions in the amendment guaranteeing to the States that their own control of their systems of public education shall be preserved under the system proposed to be followed offers a very difficult problem for the States in that the Senator, by his amendment, proposes to set up a huge pool of money before there is any distribution, and subsequently the decision as to the conditions governing distribution among the States is to be made?

Mr. HILL. As the Senator knows, the amendment creates a council of 12 members, 4 to be appointed by the President of the Senate, 4 by the Speaker of the House of Representatives, and 4 by the President of the United States. It shall be a bipartisan commission. Of the 12 members, 6 shall be members of the Republican Party and 6 shall be members of the Democratic Party. They are to make reports, and those reports are to come to Congress. Their report, when it comes before Congress, will cover many of the things the Senator from Florida has suggested.

Mr. HOLLAND. To press one part of my question, does not the Senator think that the pool which would be created would cause States which desired to function under their own laws to be confronted by a handicap, in that pressure of all kinds will be brought by those who were interested in the schools to settle on almost any terms offered by the Federal Government?

Mr. HILL. No; I do not think so at all.

Mr. HOLLAND. The Federal Government has not shown itself to be very considerate of the rights or convictions of States in many matters affecting schools or the public-school system.

Mr. HILL. I think the Senator need have no fear at all on that basis. As I have said, every precedent sustains the principle of full and complete State control and authority.

Furthermore, I will say to the Senator from Florida that when the report is submitted Members of the Senate from the various States will be here. My good friend from Florida will be here. He will no doubt be nominated without

opposition, and that amounts to election in Florida. I hope to be here. We shall do just as we did in connection with the general Federal-aid-to-education bill. We will take care of the situation.

Mr. HOLLAND. I am trying to be comforted—

Mr. HILL. If I could think in terms along the line of the Senator's thought, would that be persuasive with the Senator?

Mr. HOLLAND. That would comfort the Senator from Florida a great deal, if the amendment were enacted.

Mr. HILL. We cannot enact an amendment with comfort. We must enact it by votes.

Mr. HOLLAND. If the Senator expects to get the vote of the Senator from Florida for the use, for general purposes throughout the Nation, of funds which come from lands which are believed by the Senator from Florida to be the property of the States in which they lie, he had better resign that hope. The Senator from Florida has been trying to get some comfort from the assurances on the part of his distinguished friend from Alabama that at some time in the remote future, when it is hoped that both the Senator from Alabama and the Senator from Florida will still be here, we shall be able to meet the persistent drive, which is made each time a Federal-aid-for-education bill is under consideration in the Senate, to insert terms and provisions which would deny full plenary control by the States of their own public schools. The Senator from Florida is trying to gain comfort from the Senator from Alabama, and assurance that we shall still be able to fend off such a drive, particularly when a big pool of money is involved. The Senator knows the pressure which would be brought to cut the melon immediately so as to make it available.

The Senator from Florida cannot share the comforting feeling which evidently animates the heart of his good and benevolent friend from Alabama, whose interest in the public schools is so well known, and who has heretofore insisted that the sanctity of State control be preserved. The Senator from Florida cannot help expressing his regret that the Senator from Alabama has not seen fit, in this particular amendment, to continue the assurance of security to the several States by endeavoring to assure the continued preservation of their independence in the control of their public-school systems.

Mr. HILL. If this amendment went into questions of the distribution of funds, the modus operandi, and the machinery and procedure, the Senator would certainly find that provision in the amendment. But the amendment does not take that step. It does not go that far. However, I wish to comfort the Senator with the assurance that in view of the past action of the Senate, in view of all the various laws involving Federal aid which we have previously enacted, he can feel pretty sure that that provision will be in the law when the Congress finally acts.

What I am seeking to do this afternoon is to give some comfort to the millions of children in the 48 States who

desperately need some help in the matter of their education, who so desperately need better, less crowded, more modern, and more adequate school-rooms, and better trained and more adequate teachers to teach them. I am trying to give those children some comfort. Along with trying to give them some comfort, I will give the Senator all the comfort I can by assuring him that if we can have these revenues dedicated to the cause of education, we will make certain that the funds are expended with the full administration in the hands of the States.

Mr. HOLLAND. Mr. President, will the Senator further yield?

Mr. HILL. I yield.

Mr. HOLLAND. I am sorry that the distinguished Senator cannot go further in giving his assurance than to say that he feels that the Senator from Florida may be pretty sure that the action which the Senator from Florida regards as absolutely necessary would be taken by a subsequent Congress.

To leave that matter for the time being, perhaps the question I have in mind has been covered in the statement of the distinguished Senator from Alabama, in which case I regret raising the point again, but will he state for the record, if he has not already done so, the purpose of subsection 4 of section 1 of his amendment, which provides as follows:

(4) It shall be the duty of every State or political subdivision or grantee thereof having issued any mineral lease or grant, or leases or grants, covering submerged lands of the Continental Shelf to file with the Attorney General of the United States on or before December 31, 1952, a statement of the moneys or other things of value received by such State or political subdivision or grantee from or on account of such lease or grant, or leases or grants, since January 1, 1940, and the Attorney General shall submit the statements so received to the Congress not later than February 1, 1953.

Mr. HILL. The purpose is what it appears to be on its face. There is nothing hidden or covert. The purpose is to enable the Federal Government to know how much revenue has gone to the States from leases or grants of land out in the sea.

Mr. HOLLAND. Mr. President, will the Senator further yield?

Mr. HILL. I yield.

Mr. HOLLAND. Is it the purpose of this subsection and of the collating of the facts for which the amendment calls through the reports covering operations since January 1, 1940, to hold the States and their various subdivisions accountable to the United States Government for proceeds received since that date?

Mr. HILL. As I recall, in its decisions the Supreme Court did not hold them accountable for past proceeds. But it would certainly be a matter of interest and, I might say, a matter of concern, for the Federal Government, as the owner of the lands, to know just what revenues had been derived from them.

Mr. HOLLAND. Mr. President, will the Senator further yield?

Mr. HILL. I yield to my friend.

Mr. HOLLAND. It is the recollection of the Senator from Florida that the

Supreme Court decisions dealt solely with the revenue received by the States from the submerged lands within their State boundaries, whereas the amendment now offered by the distinguished Senator relates to a much larger tract and covers at least, as I understand, all operations within the Continental Shelf. It would seem, therefore, that when the Senator from Alabama refers to the accounting date as January 1, 1940, he is perhaps laying the predicate for a much more remote accountability from the States with respect to those lands than even the Supreme Court in its hostile opinions has required of the States. For that reason the Senator from Florida would like to have his distinguished friend state for the record very clearly what is the purpose of that section, if he will be gracious enough to do so.

Mr. HILL. As I have said to the Senator, the purpose of that section is that the Federal Government, the owner of the lands, may know how much revenue has been derived from such lands by the States. When we get that information we shall know how much revenue has been realized. That information might even be available to the Secretary of the Interior, in connection, among other things, with future leases or further disposition, or further action on the part of the Secretary of the Interior. It might also be of interest to the Congress.

Mr. HOLLAND. Mr. President, will the Senator further yield?

Mr. HILL. I yield.

Mr. HOLLAND. Is it a part of the purpose of the distinguished Senator, through the procurement of such information, to hold accountable the several States which have issued leases to the Continental Shelf outside State boundaries back to 1940?

Mr. HILL. Does the Senator have in mind the filing of suits for the recovery of such revenue?

Mr. HOLLAND. I have in mind either the filing of suits or any other method of holding the States accountable. The Senator will recall that this amendment is offered as an amendment to Senate Joint Resolution 20.

Mr. HILL. The Senator is correct.

Mr. HOLLAND. Under the terms of Senate Joint Resolution 20 very substantial sums will be required to be paid to the States for the continued operation of such leases as lie within the boundaries of the States, namely, 37½ percent of the royalties. Of course, the Federal Government will have the handling of that 37½ percent.

Mr. HILL. The Senator is correct.

Mr. HOLLAND. The Senator from Florida would like to know if it is in the mind of the Senator from Alabama that he is laying the predicate for holding back such funds until the States can recompense the Federal Government for such sums as are shown to have been collected by the States from operations outside the State limits, extending back to 1940.

Mr. HILL. I will say to the distinguished Senator that I had not had that thought until he put it in my mind just now. I had not indulged that thought in any way. It had not occurred to me until the Senator put it into my mind.

If Congress decides that this property belongs to all the people, perhaps that would be the fair thing to do. I do not know whether the Senator is suggesting that or not. I had not had the thought until the Senator suggested it. He put it into my mind.

Mr. HOLLAND. If the Senator will further yield, it seems to me that the very fact that the Senator is favorably entertaining that suggestion should be cause for greater alarm on the part of those who are interested in preserving the rights of the States.

Mr. HILL. I will say to the Senator from Florida that I did not say that I was entertaining it favorably or otherwise. I said I had not had the thought until he suggested it to me.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. HOLLAND. Perhaps I misunderstood the Senator, but I understood him to say that perhaps Congress would decide that to be a fair way to dispose of the matter.

Mr. HILL. I said I wondered whether the Senator from Florida was suggesting that perhaps it would be the fair thing to do. I was throwing out that thought.

Mr. HOLLAND. Mr. President, if the Senator from Alabama will yield once more I wish completely and with finality to disabuse the overcredulous mind of the Senator from Alabama on that particular point.

Mr. HILL. I thank the Senator from Florida. I believe he has made himself clear on the point.

EDUCATION'S BIG CHANCE

Mr. President, as has been suggested time and time again, we are given the opportunity—and this one, I can assure you, really does knock but once—to devote the Nation's wealth under the sea to our children. Such a dream as this oil-for-education proposal can come alive only when we have such a stupendous sum as \$50,000,000,000.

I have mentioned some objectives for study by the National Advisory Council. Actually, if they were to call me before them I would say to them but one thing—and I say it now. I would quote to them the words of that great Frenchman, L'Enfant, whose genius turned a swamp into the most beautiful of all American cities, the city of Washington. You remember that he said:

Make no little plans; they have no magic to stir men's blood.

Sometimes, Mr. President, we have seen men more frightened by opportunity than by failure. In brief moments of quiet, amidst the struggles and frustrations of daily problems, we dream of great things that might be. We have our large hopes and our vain imaginings, but they seem so unreal that often we are ashamed to speak of them. Instead, we treasure them as little private refuges from life's disappointments.

How often have all of us thus dreamed of some vast bonanza which would give us the bricks and the mortar, the men and the women, the institutions and the instrumentalities to offer our children what they really need.

Then, like Aladdin, we rub the lamp, and the genie is before us tugging to do our will. But, instead of seizing the moment, we hesitate, and the will, enfeebled by the very magnitude of the challenge, quails before success and loses the golden, never-to-be-repeated chance.

Such is the classic history of failure. Let us not fail now. We have rubbed the lamp, and the genie is before us, saying, "Masters, I will build your schoolhouses. Masters, I will give your teachers a living wage. Masters, I will save your colleges. Masters, I will endow you with generations of trained and capable intellects. Masters, I will give you the alchemy of a strong and successful democracy. I am here to serve you."

Senators, our answer must be: Serve and serve well.

Mr. LONG. Mr. President, will the Senator from Alabama yield?

Mr. HILL. I yield.

Mr. LONG. The present revenue from submerged land, according to the latest estimate, is \$30,000,000. Calculating it on a per child basis it would amount to 90 cents per child a year. Does the Senator from Alabama believe that he could do all the things he says he could do with that amount of money?

Mr. HILL. If there were not billions of dollars involved, and if there were only the measly sum of \$30,000,000 involved, we would not see the Senator from Louisiana fighting as desperately as he has been fighting and trying to get his hands on this oil for the State of Louisiana.

Mr. LONG. Mr. President, will the Senator yield further?

Mr. HILL. I yield.

Mr. LONG. It has been estimated by the Secretary of the Interior, who is the responsible official charged with the matter, and knows something about it, that the most that could be gotten out of it would be about \$100,000,000, which was one-third of the estimated Federal aid when the matter was proposed for the first time.

Mr. HILL. Mr. President, when I started my speech, immediately after I said "Mr. President," the Senator from Louisiana asked me that same question. He said that there was a good estimate that there were approximately 15,000,000,000 barrels of oil there. In terms of money it would amount to \$40,000,000,000. I quoted from the report of the committee and I quoted from Dr. De Golyer, who is perhaps the most outstanding geologist in the country. As I say, the Senator from Louisiana would not be here fighting as hard as he is fighting, speaking as he is speaking, interrupting as he is interrupting, and struggling and working as he is struggling and working unless there was involved a whole lot of revenue on which the Senator from Louisiana is trying to get his hands.

Mr. LONG. Mr. President, will the Senator from Alabama yield further?

Mr. HILL. I yield.

Mr. LONG. Of course a poor State like Louisiana could use three or four million dollars for educational purposes in behalf of its own school children, and that is where most of its revenue goes anyway. I suggest that a different situation is involved in producing oil many

miles from shore than producing it in the uplands. It would cost perhaps as much as a half million dollars or a million dollars to drill one well offshore. The same well would perhaps cost \$20,000 to drill anywhere in the United States proper. We must consider the enormous cost of drilling wells and we must have in mind that many instances it is not economically feasible to produce oil from some wells. It is only the best wells that would be economically feasible when they are drilled in the open sea.

Mr. HILL. I repeat that the estimates show some 40 billion dollars' worth of oil. There may be much more oil than that. Mr. President, that is what this fight is all about—\$40,000,000,000.

Mr. O'MAHONEY and Mr. McFARLAND addressed the Chair.

The PRESIDING OFFICER (Mr. DOUGLAS in the chair). Does the Senator from Alabama yield the floor?

Mr. HILL. I yield the floor.

EXHIBIT 1

Statement of—

Benjamin Fine, education editor, New York Times, page 3.

Robert I. Stearns, president, University of Colorado, representing the American Council on Education, page 53.

O. A. Knight, vice president of the CIO and president of Oil Workers International Union, CIO, representing his own organization and the Congress of Industrial Organizations, page 61.

T. C. Carroll, president, Brotherhood of Maintenance of Way Employees, representing his own brotherhood and also the following 18 organizations: Switchmen's Union of North America, the Order of Railroad Telegraphers, Brotherhood of Railway Clerks, American Train Dispatchers' Association, International Association of Machinists, International Brotherhood of Boilermakers, International Brotherhood of Blacksmiths, Brotherhood Railway Carmen of America, Sheet Metal Workers' International Association, International Brotherhood of Electrical Workers, International Brotherhood of Firemen and Oilers, Brotherhood of Railroad Signalmen of America, Railroad Yardmasters of America, Brotherhood of Sleeping Car Porters, Hotel and Restaurant Employees' and Bartenders' International Union, National Organization Masters, Mates and Pilots of America, National Marine Engineers' Association, International Longshoremen's Association, page 65.

George D. Riley, member of the National Legislative Committee, American Federation of Labor, page 67.

Selma Borchardt, vice president, American Federation of Teachers, page 68.

J. T. Sanders, legislative counsel, the National Grange, page 71.

Angus McDonald, assistant legislative representative, National Farmers Union, page 73.

Wallace J. Campbell, director, Washington office, Cooperative League of the United States of America, page 74.

W. D. Johnson, national legislative representative of the Order of Railway Conductors, page 76.

John J. Gunther, legislative representative, Americans for Democratic Action, page 76.

George R. Nelson, grand lodge representative, International Association of Machinists, A. F. of L., page 78.

C. B. Blankenship, legislative director, Communications Workers of America, CIO, page 79.

Rhoads Murphey, Friends Committee on National Legislation, page 81.

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Julia Bennett, director, American Library Association, page 81.

M. D. Mobley, executive secretary, American Vocational Association, page 82.

John W. Edelman, Washington representative, Textile Workers Union of America, CIO, page 83.

Letter from Howard A. Cowden, president, Consumers Cooperative Association, and resolution of the association, page 84.

EXHIBIT 2

[From the Sunday Star of February 17, 1952]

AMERICAN EDUCATION SUFFERS BECAUSE THEY CAN'T AFFORD TO TEACH

(By Samuel Engle Burr, Jr., chairman, department of education, American University)

Joe was a student in our education classes at the university. He was graduated with an A. B. degree in June last year. The other day he came into my office and sat down in the chair at the side of my desk. After the usual exchange of greetings, he said: "I feel a bit like apologizing to you, Professor. You see, I'm not teaching, I have accepted a Government job."

As our conversation continued it developed that Joe still has an interest in teaching. He enjoyed his experience as a practice teacher last year and would seek a position in the teaching field now, other things being equal. But other things—salaries in particular—are not equal. His job with the Government pays him about \$1,000 a year more than he could hope to receive as a beginning teacher in this area. Joe has a wife and they have a baby, so salary is an important element in his consideration. Money, in this case, talks with an extremely loud voice.

TRUCK DRIVER'S CASE

Joe is just one of many similar cases. I was walking recently across Massachusetts Avenue near our campus, I saw a light delivery truck stop at the curb. The driver was Bob, who had been in our classes a couple of years ago, preparing to become a teacher of physical education and a high school coach. When I asked him what he was doing, he replied: "Well, my chief job is driving this truck. But on the side, I sell some of our company's products. In time, I guess that I'll develop into a regular salesman."

Bob went on to explain that his pay for selling is on a commission basis: No sales, no pay. So the assured income from driving the truck was a desirable guaranty in the beginning. Now he has progressed to the point where his commissions equal his pay as a driver.

One and one-half years after his graduation, his driver's pay plus his commissions on sales give him a total income which exceeds that of some college professors who have doctor of philosophy degrees and 10 years of professional experience.

"There was a high school principal who offered me a job that sounded fine, except for the salary," Bob said. "Now I'm making as much money as that principal does." I believe his summary of the situation is entirely accurate.

TEST PILOTS AND GROCERS

Here are some of the things other young men who prepared in our classes for the teaching profession have become: Air Force test pilot, public-relations counselor, secret service operative, grocer, importer and distributor of books, curios and art materials; magazine sales promotion representative, statistical draftsman, producer of training films for industrial use, payroll clerk in a Government department, music cataloger in a library. It appears that all of these types of employment pay better salaries than does teaching, or offer other advantages,

such as greater opportunities for advancement, better working conditions, or employment in a favored locality.

Not all of our renegade education students have been married men with families to support. Some women who have done work in our education classes have found it advantageous to turn to other fields after graduation.

Some of them have done secretarial work, rather than teaching. Even in these cases, the salary differential was not in favor of professional education.

FIFTY-FIVE PERCENT ARE TEACHING

In order to determine, with a reasonable degree of accuracy, the present employment status of our graduates, we recently mailed questionnaires to 126 of them. These were young men and women who, since the fall of 1947, enrolled in our advanced courses in education, who did practice teaching under our supervision, and who received their bachelor of arts or bachelor of science degrees from us.

At the time of this writing, 87 replies have been received. We have some personal knowledge about five or six others who have not returned the questionnaires.

It appears, from this survey, that about 55 percent of our recent graduates in education actually hold teaching positions; 10 percent are housewives who are not employed outside their homes; another 10 percent are graduate students. And 25 percent have accepted positions in some field other than that for which they were especially trained.

PECULIAR PARADOX

It seems a peculiar paradox that young people who want to teach, who are capable of doing good teaching work, and who have taken education courses to prepare themselves for certification as teachers should find it advantageous to enter other fields in an era when there is an acute shortage of teachers.

All the national surveys of education indicate that several thousands of additional teachers are needed today. Teachers' agencies and placement bureaus are begging for the names of people who can qualify for teaching jobs. But one-quarter of the young people whom we prepare for this important work choose other kinds of employment because they can't afford to teach. The need for larger financial incomes drives them out of teaching and into other fields.

Our university is not alone in finding such a development. Other colleges and universities throughout the United States report similar conditions. Recently, a study was made in the city and county of St. Louis, Mo. The question studied was this: How many male teachers find it necessary to supplement their regular income from teaching by doing other kinds of work? The results have been reported by Adolph Unruh in the November 1951 issue of the Phi Delta Kappan. According to Mr. Unruh, only 8 percent of the male teachers support themselves and their families by teaching alone; 92 percent hold supplementary jobs, or their wives work, or they have some income which is independent of their earnings in the field of education.

For generations, America has put its faith in education. Our public-school system is one of the great bulwarks of our form of government and of our way of life. It is through the schools that good citizenship, patriotism, and the other American virtues are developed. Of course, the schools do not stand alone in this. The home and the church have their parts to perform in the educational picture also. But America must continue to have good schools, merely to survive in today's world. It must have excellent schools, if we are to make progress.

Schools cannot be much better than the teachers who serve in them. In order to maintain the standards of our schools or to raise these standards, it should be our

duty to attract good people to teaching. We should make the field of education a highly desirable one for our best young people to enter. One way to accomplish this is to make teaching worth while from the financial point of view.

If we are to put education in its proper place in our national scheme of things, we must remove the condition that now prevails—the condition under which they can't afford to teach.

EXHIBIT 3
CAN MEN AFFORD TO TEACH?
(By Adolph Unruh)

How many men in the teaching profession in St. Louis City and County find it necessary to supplement their regular income for teaching? This was the question on which the committee on research of Beta Field Chapter decided to base this year's pursuit of the ideals of research, service, and leadership. These three concepts have always been a challenge to any professional man; they challenged us in the field chapter of Phi Delta Kappa.

A letter with post card for reply was mailed to every man teacher in the public schools in St. Louis City and County, excluding administrators or supervisors whenever recognized from the descriptions of their positions in the directory. Inquiries were sent out to 700. Ten were invalidated because the 10 men had been drafted or had left teaching. Three hundred and thirty-six cards were returned properly executed, representing half of the men teaching in the area. Forty-three men replying taught in elementary schools, 50 in junior high schools, and 243 in senior high schools.

TABLE I.—Types of income

Types of income	Number of men	Percent
1. Salary only.....	27	8
2. Supplementary work; vacation jobs; wife works; all combinations except independent income.....	188	59
3. Supplementary work and independent income.....	111	33
Total.....	336	100

As shown in table I, 92 percent of the men have supplementary income. Fifty-nine percent of the 336 men teachers replying, supplement their salaries by taking other types of work. Another group of 33 percent have some sort of independent income, ranging from a few dollars to \$14,000 annually; we have no information as to the sources of these independent incomes.

Can men stay in teaching if it is necessary to subsist solely on a teacher's salary? The fact is that only 8 percent of the men teaching in public schools of the area did so. Twenty-seven men out of 336 men replying live on their salaries only.

KINDS OF WORK

Some men work after school hours as much as an 8-hour shift, from 4 o'clock in the afternoon until midnight. Others depend on the summer vacation to take up the financial slack. In addition to the work which the men undertake, 112 of the men reported their wives were working and supplementing the family income. The range of salaries for the wives was reported from \$17 to \$4,700, with a median salary of \$2,000. In some instances the wives also have independent incomes.

Schoolmen work at over 100 different kinds of employment. Here is a list of the jobs, demonstrating the resourcefulness and ingenuity of the men seeking additional employment.

Types of positions held and work performed in addition to regular teaching: Adult education; after-school program; anything available; architect; Armed Forces instruction; bakery; bank teller; bartender; beer bottler; bookie; bookkeeping; bowling alley manager; boys' work; broker; bus driving; cabinet work; camp counseling; camp director; carpentry; caterer; chemical worker; checker, grocery store; choir director; clerk; coaching, sports; construction work; defense work; drafting; driving bus, school; driving lessons; engineering; entertainment; factory worker; farming; filling-station attendant; frozen custard stand operator; game room supervisor; gardening; GI subsistence; hod carrier; hotel keeping; insurance; insurance adjuster; instruction, dancing; instruction, driving; interior decorator; interviewing; laborer; landscaping; library work; life-guard; lodge secretary; machine operator; machine shop work; maintenance; military training; ministerial; mortuary; music director; National Guard; National Guard camp; Naval Reserve; Navy training; newspaper work; office work; organist; own business; pattern making; personnel work; photography; piano tuning; playground supervision; playwriting; printing; private summer school; proofreader; radio repair; real estate manager; real estate salesman; recreation; referee in sports; retail credit reviewer; sales, counter; sales, investment; sales, retail; short-order cook; show work; stock clerk; summer camp promotion; teaching, college; teaching, night school; teaching, summer school; theater work; timekeeper at track; time office clerk; tool and design; trade; tutoring; waiter; welding; worker, sheet metal; writing; YMCA work.

WORK PERFORMED IN ADDITION TO REGULAR TEACHING

Forty-three percent of the total income of the men in elementary schools came from sources other than teaching. (See table III.)

TABLE III.—Extent of supplementing salaries

	Elementary teachers	Junior high teachers	Senior high teachers	Total
Supplementary income.....	\$87,903	\$105,840	\$452,132	\$645,875
Salaries.....	138,970	172,820	937,753	1,249,543
Total income.....	226,873	278,660	1,389,885	1,895,418
Percent supplemented.....	43	33	32	34

For junior high-school men, 38 percent of the total income was derived from sources other than regular salaries, and for men in the senior high schools the figure was 32 percent. Thirty-four percent of the total income of all the men teachers reporting did not come from teaching.

It may be of interest also to see the total picture of the types of income by instructional levels. (See table 4.)

One-third of the men who work outside of their school job spend over 12 hours a week at it. The men work from 1 to 50 hours per week outside their regular employment.

Fifty-two percent of the men reported that they felt their work detracted from their effectiveness in teaching, while 36 percent felt that the work they did would not decrease their efficiency in teaching. Ten others had no answer for this question. One is led to suspect from the replies that work outside regular teaching beyond 12 hours per week is a real handicap.

In answer to the question as to whether they would get outside work if their salaries were adequate to support them, 82 percent

of the men replied they would quit their outside work under such conditions. Only 10 percent of the responses indicated their wives would continue working if their husband's salaries were adequate.

TABLE IV.—Types of income by instructional levels

Types of income	Elementary teachers	Junior high teachers	Senior high teachers	Total
1. SALARY				
(a) Range.....	2,400-4,400	2,400-4,800	2,000-5,500	-----
(b) Median.....	3,000	3,200	3,978	-----
(c) Mode.....	3,200	3,100	4,700	-----
(d) Number.....	43	50	243	336
2. INDEPENDENT INCOME				
(a) Range.....	25-3,000	100-5,325	50-14,000	-----
(b) Median.....	500	800	2,500	-----
(c) Number.....	10	23	82	115
(d) Percent of group.....	23	46	34	-----
3. SUPPLEMENTING WORK DURING SCHOOL TERM				
(a) Range.....	125-4,560	100-1,700	60-6,500	-----
(b) Median.....	500	500	700	-----
(c) Number.....	32	36	153	221
(d) Percent of group.....	74	72	63	-----
4. VACATION WORK				
(a) Range.....	100-1,200	100-1,500	50-5,500	-----
(b) Median.....	360	300	400	-----
(c) Number.....	33	27	144	204
(d) Percent of group.....	77	54	4	59
5. WIFE'S SALARY				
(a) Range.....	1,000-4,500	200-3,200	75-4,700	-----
(b) Median.....	2,400	2,000	2,000	-----
(c) Number.....	18	23	71	112

What did the men think would be an adequate salary? Men in elementary education now drawing a median of \$3,000 estimated an adequate salary at \$4,500. The same figure was given by junior high school teachers now averaging \$3,200 in salary. Senior high school men now averaging \$3,978 set an adequate salary at \$5,200. Some of the men do live on their salary, and their estimate of an adequate salary ranged from \$3,500 to \$8,000 with a median at \$5,000. Unsolicited comments were interesting: "Standard of living is below, of necessity, others in the community." "Teaching is a good job for a woman whose husband has a good income." "I can't afford to get married on my salary."

Are children worth the full time of professionally trained teachers? Parents who want better opportunities for their children must underwrite those opportunities. The education system which is equal to the challenge of these times will occupy the full time of professional people.

Statisticians have figured out the per pupil cost of instruction in nearly every school system. Few of them know the per teacher cost of living in any given community, based on an adequate living standard with educational, professional, and personal needs. There may be separate needs for men teachers and women teachers. Several such studies should be carried on in each State, and from such studies may come real justification for a new budget and a new salary schedule. The research committee of Beta Field Chapter believes there is room for an enlarged, thorough study of both need and income. Perhaps Phi Delta Kappans will find the answer to the question, "Can men afford to teach?"

EXHIBIT 4

STATEMENT OF DR. BENJAMIN FINE, EDUCATION EDITOR, THE NEW YORK TIMES, BEFORE UNITED STATES SENATE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, ON BEHALF OF OIL FOR EDUCATION AMENDMENT TO SENATE JOINT RESOLUTION 20, FEBRUARY 7, 1952

Senator HILL, members of the committee, I am happy to testify here this morning before you. Although I am not an expert on oil, I have delved into the problems of our schools and colleges. And it is to that subject that I intend to speak. American education is in grave danger. I have but recently completed a Nation-wide survey to find out what has happened or is happening to our school system. The schools are in serious trouble.

Crisis is an overworked term. When it is used often enough it loses its impact. We just shrug our shoulders and accept it. The impact is no longer there. Yet we must be realistic. We cannot, ostrichlike, bury our heads in the sand and do nothing.

Is there a crisis in education? I could spend hours giving a first-hand picture—conditions that I saw with my own eyes as I have visited schools in the North, South, East, or West—that would convince you, if further evidence is needed, that our schools and colleges need help.

Said President Truman: "Our public-school system faces the greatest crisis in its history."

Said the American Federation of Teachers: "The Nation's schools face their most severe crisis in our country's history."

Said the American Federation of Labor: "A financial crisis exists in the schools and colleges of this country."

Said United States Commissioner of Education Dr. Earl J. McGrath: "The tidal wave of children bearing down on our schools bids fair to overwhelm us."

I could go on and on, citing testimonials. But I won't. I don't think they are really necessary. I think that anyone who has visited our public schools and our colleges in many sections of the country have seen at first hand—as I have—that the educational system is sick.

Education today is at the crossroads. This is truly the midcentury. We can take our choice: ahead lies the democratic road, with freedom, liberty, happiness as the goal. Or we can starve our schools and colleges and take the road to despair, uneasiness, and eventual ruin.

I believe strongly in our system of education. Our liberal arts colleges, our free public schools, our privately supported institutions, all have their part to play in making democracy grow and flourish. We are engaged in a desperate struggle today, a struggle for our very existence. We are building a mighty arsenal—untold billions will go into making our country powerful enough to ward off any blows that may be thrust upon it.

But I am convinced that arms alone, no matter how powerful, are not enough. For today we are engaged in a different kind of battle, a battle that requires more than tanks and guns, ships and airplanes or even atomic bombs. We are engaged in a battle over men's minds. We are fighting an ideological war. In a war of ideas, it is necessary to reach the minds of men. If we are to win the war and then win the peace, we will need to convince men and women everywhere that the democratic way of life is the best way; that our vaunted freedoms are more than hollow shells. And we must convince peoples in all parts of the world that in a democracy they will find the freedom to live, to grow, to rear their children, to walk upright and unafraid.

And by contrast we must show what it means to be enslaved by the Communist system. We must explain in terms so that

all can understand the degradation, the fear, the slavery and the tragedy that follows the Communist way of life. Although strong armies are important, a strong belief in democracy is just as vital. An informed people will be friendly toward our world. Education can play a significant role in defeating the spread of communism. That our schools and colleges are important most people readily concede. But that they do not get the support they need is not as easily admitted. Here is the stark, unhappy truth: Our educational systems, from lower grades through our nationally known universities, are not getting adequate financial support. It is criminal to neglect our schools and colleges now, when we need them most. Of course, our defense budget has soared, and we must pare down nonessentials. But our schools and colleges are essential; they are more essential today than ever before in our long, proud history.

Of one thing can we be certain: As long as we maintain a strong system of education we will remain a free nation. An educated citizenry will be ready to live and die, if necessary, to keep communism from our shores. An educated, informed citizenry will want to build a stronger, better land, where equal opportunities for all will be the accepted way of life.

Where are we now? Let us all ask that question of ourselves, ask it soberly, in humility. We must be careful not to give up all we hold precious. There are mighty problems ahead. We will need, as never before, educated men and women to help solve those problems. At mid-century, we can honestly ask: What's wrong with American education?

I have just completed a Nation-wide survey to find out. Each of the 48 State commissioners of education were reached in this study.

In each of the 48 States, the New York Times key correspondents made an on-the-spot survey of school and college conditions. As the wealth of material began to flow across my desk, I suddenly realized that once again the Nation's public schools are in serious plight. The warm-mobilization program has taken its toll. Danger signals are flying everywhere. Too often they are not heeded. Many of the advances made in the last few years have been wiped away. An unwholesome deterioration has set in.

The schools are caught in a dangerous pincer movement. These major factors are involved: Increased enrollments, inflationary costs, lack of building materials, inadequate funds, and an acute teacher shortage. Can we afford more money for our schools in time of national emergency? My answer is a resounding yes. Money spent for education today will make us a stronger Nation, a more unified Nation, a Nation that will really become a bulwark of the democratic way of life, of the American traditions of freedom and liberty for all.

Most of us believe in education—in the abstract, not the concrete. Most of us will support education if it costs the other fellow something, not us. Education is such an intangible word. You can't see it, really. You can't weigh it, or put it in a bread basket and cart it home with you. We believe in education, yes; that is in the American tradition. Like Coolidge's sin, everybody is for more education. Reminds me of the story told of the hermit who lived in the Palisades. One Sunday afternoon he found a pocketbook after the picnickers had left. He threw out all kinds of paper, green and yellow, till he came to the bottom of the bag. He came up with a few coins and in great glee cried out: "Coppers, coppers." He could bite into the coins. We are spending millions of dollars for tangible things—for roads, for subways, for tanks and planes—they are tangible; but we are starving our children's

minds; you can't see inside a child's mind unless you have imagination. Now I am not even suggesting that we should spend less for our defense materials—the educational world is pretty much behind that program. But I am saying that it is not a question of tanks versus textbooks. I insist that we can have both. I insist that we need both if we are to remain strong and free.

Nothing is more important than our schools and colleges today. We cannot exist in the twentieth century with nineteenth century classrooms. We have taught men to fly in the air like birds, to swim under water like fish, but we cannot walk upright and unafraid on the earth like men. That is why we need stronger schools—to teach men to walk upright and unafraid.

It is tragic to find in a survey I made not long ago of 5,000 students of high-school age, that 95 percent said they would choose teaching as a last resort; they place medicine, dentistry, law, engineering, business, any or all professions, above teaching. A survey conducted recently by the school of education at Indiana University showed similar results—just about 4 percent of the high-school graduates had any interest whatsoever in teaching.

Why? Why do our young people boycott teaching? It is because the community has not been able to give education the financial support that it needs to be a top-ranking profession. Education is still a byproduct in American life. It is a luxury, sometimes even a marginal luxury.

But I don't want to give a discourse on the importance of education. I would be carrying coals to Newcastle were I to do that. All of you believe in education, all of you understand its value. All of you, too, would agree with the father of the public schools who said more than a century ago: "Schoolhouses are the first line of our defense." But believing all that, I must now recount a few of the weak spots in our educational system. These, I repeat, are conditions that came out of my recent survey, and I refer to February 1952, not last year or the year before that. These conditions are with us now, today, and unless we are careful, for a decade to come.

1. STUDENT ENROLLMENTS

Increased birth rates are jamming our schools beyond capacity. We are gaining children at the rate of 1,000,000 a year. Indeed, Dr. McGrath estimated that next year alone there will be 1,700,000 more children in our schools than there were this year. From about 25,000,000 elementary and high school children in 1950, we will have close to 35,000,000 in 1960. Nor is the end yet in sight. This year, you may have read, the birth rate has increased again—it has not leveled off, as had been expected. The Korean conflict may have had something to do with it; whatever the cause, the Nation's parents are working diligently to keep our schools filled with little children.

What does that mean? It doesn't take a professional educator or an amateur prophet to read the signs. It means more teachers, more equipment, more buildings, more money. No one is more important than our children. Yet we read that in some States as high as 30 to 40 percent of our young men are rejected today because of physical or educational deficiencies. This is a national disgrace. In World War II, 750,000 men were rejected for educational reasons alone—more than the number of men who fought in the South Pacific area.

In the words of that eminent educator, Dr. Willard E. Givens, executive secretary of the National Education Association: "What our Nation does about the education of the young determines whether we are developing national stamina or committing slow suicide." Is this simply an alarmist's point of

view? Not at all. It represents the considered judgment of educator and civic-minded statesmen everywhere.

2. TEACHER SHORTAGE

The Nation's public schools face a dangerous teacher shortage. We need at least 105,000 new elementary teachers each year, and we are training but 35,000. In 10 years, at the present rate, we will have a shortage of 700,000 teachers. And to make the situation worse, fewer students are entering the teachers' colleges—there has been a drop of 16 percent over last year.

The Times survey showed that every State, almost without exception, suffers from a teachers' shortage. Nothing quite as serious as this has hit the public schools in a generation. To make matters worse, the teachers are leaving the profession in greater numbers than any time since World War II. Then 350,000 of our best teachers left, never to return. Normally the schools can figure on a drop-cut rate in the teaching staff of 6 percent. Now it is 12 percent—just double normal. For various reasons, about 100,000 teachers leave the profession each year. Of course, there is a normal rate of attrition of these teachers who retire, die, or become otherwise incapacitated. But over and above that, teachers are leaving to get higher paying jobs elsewhere. I would estimate that about 50,000 teachers are leaving annually because they are dissatisfied with the teaching profession. Add that number to those who refuse to go into teaching at all, and couple that with the increased enrollment, and you have a mighty serious problem.

Again I want to quote our educational commissioner: "The blunt fact is," warns Dr. McGrath, "unless we do something drastic, and immediately, to relieve the teacher shortage, a whole generation of American boys and girls will be short-changed in their right to obtain a fundamental education."

What will keep teachers in their classes? What will induce more of our brighter high school or college graduates to select teaching as a profession? Better working conditions, for one thing. And higher salaries, for another—money is not the sole consideration, of course, but it can become mighty important if you have to support a family. The teachers make, on the average, about \$60 a week. That is all over the United States, and includes that \$100 a week pay that some communities in New York pay. That means that many teachers get far less than \$60—as low as \$20 or \$25 a week. In some States teachers get from \$10 to \$15 a week. What can you get for that money? Your guess is as good as mine.

Except that I've seen the teachers that have been hired at these fantastically low salaries. Some have never gone beyond high school. Others are embittered, lost souls who are still living in the horse and buggy days. It is tragic to watch some of the teachers at work. They are making mental, emotional, and intellectual cripples of their charges. They rule with an iron hand and an incompetent mind. I saw one teacher grab a little 6-year-old tot, who accidentally split a glass of milk during luncheon time, shake the very life out of her, while the other children sobbed in fear. Then the teacher turned to me with a smile and said proudly: "I never spank 'em. I only shake 'em." Or the teacher who told her class of children during the civics period: "The men have ruined the Nation—but wait till the women get the right to vote." I could give you countless examples, but why go on? If you plant corn you will get a crop of corn. If you plant wheat, you will get wheat. And if you pay a teacher \$12.50 a week in the year of 1952 you will get children who are cheated of their democratic birthright.

3. BUILDINGS

The steel shortage has hit the schools a terrific wallop. There simply are not enough schools being built to take care of the grow-

ing enrollment, let alone replace obsolete, poorly equipped buildings. Almost unbelievable conditions exist in many communities. Even though more steel has been allocated to the schools this quarter than last, the crisis is growing. One out of every five schools in the country is obsolete, and the figures may be even more startlingly tragic by the end of the year. During the next 7 years, the Times study showed, the country will need to build 600,000 classrooms—but we won't get anywhere near that figure. What is the result? Children go to school in church basements, in cellars, in attics, in garages, in private homes, in firetraps, in abandoned inns. Why, I even saw children going to school in a morgue and undertakers parlor. Imagine, 8 years from now, when they have their class reunion. They will attend the reception of public school 8, the morgue. I saw a civics book with the 1889 imprint—those children don't know who won the Spanish-American War.

It is serious. To quote Gen. Dwight D. Eisenhower: "To neglect our school system would be a crime against the future. Such neglect could well be more disastrous to all our freedoms than the most formidable armed assault on our physical defenses. Where our schools are concerned, no menace can justify a halt to progress."

The story is told of Rip Van Winkle, Jr. Envious of his father's fame and his 20 years of sleep, young Rip set off for the woods. He fell asleep, but for 100 years—five times better than his old man. When he awoke, he staggered to the road; to his astonishment, he found it was hard dirt that hurt his bare feet. Soon a strange monster, without any horses, came roaring at him. He dashed into the ploughed field to escape the noisy animal, but again he was dumfounded. A smoke-belching monster roared at him, without wheels, going on tracks. Young Rip dashing wildly to the top of the hill, threw himself under a tree, when a huge bird, roaring like thunders flew overhead. Frantic with fear, Rip dashed down the hill and saw a little red schoolhouse in the distance. He rushed to it, opened the door, threw himself on the bench, peacefully—nothing changed.

4. FINANCIAL SUPPORT

It costs a lot of money to run the country's school system. This academic year we will spend about \$5,000,000,000 for the operating expenses, and another \$1,000,000,000 for buildings. This is an increase of about 10 percent over the previous year—but it is an illusory increase. Inflation has eaten away the increase.

Yet the record amount spent for schools this year, in terms of 1952 dollars the percentage of national income that goes for public elementary and secondary schools is considerably lower than it was in the depression years. In 1933-34 we spent 4.32 percent of the national income for public school education. But in 1949-50, the last year available, the Nation spent only 2.57 percent.

Education does not get as much of the national income as do some of the luxury items. In 1950 the people of this country spent for alcoholic beverages \$8,100,000,000; for tobacco products, \$4,409,000,000; and for cosmetics, \$2,291,000,000. In other words, about \$15,000,000,000 for these three luxuries and a third of that amount for the education of 25,000,000 boys and girls of school age.

Money is reflected in teachers' salaries. On an average of \$60 a week will not get the best minds to go into teaching in any serious way. We must provide more money for education—if we spent as much as we did during the depression years of the thirties, on a relative basis, we would have mighty fine schools today.

Now, here's the problem: Where is the money? The local communities are in trouble—they have taxed real estate just

about as much as it can stand. If we go much higher locally we'll reach the law of diminishing returns. The States are in financial straits too. They are finding it difficult to make ends meet, and still provide schools with the funds necessary. And the Federal Government, you gentleman know, is running at a pretty substantial deficit. It is going to be difficult to extract much Federal funds in these days.

MONEY IS AVAILABLE THROUGH OIL

Fortunately, we do have a solution. It is a once-in-a-million answer to a difficult problem. Why not use the royalties from the Nation's undersea oil resources for our schools and colleges? This is probably the answer to a maiden's prayer that you read about in fairy books. The money is available, and it will not add to our tax burdens. I believe that the oil royalties will give us the opportunities to build better schools, to pay our teachers more, to strengthen the school systems and college programs from one end of the country to the other. If this amendment is passed, children for generations to come will rise and call you blessed. It takes imagination and vision, it takes courage and inspiration, to take this bold pioneering step. As Senator HILL has said: Oil for the lamps of learning. The money is there, right before us. We must not permit it to evaporate; we must not dissipate it. Nothing is more important than good sound schools and colleges. We need not fear the Communist menace if we are a well informed, educated, literate people.

No matter how trying the times, no matter how desperate our manpower shortage, we must not drain our classrooms and campuses dry. We dare not adopt a short-sighted policy in regard to the young men and women in our colleges and universities, in our elementary and high schools.

Let us face the future firm in the conviction that the democratic way of life is worth preserving; that freedom is worth saving; that spiritual values are worth defending, and that the democratic traditions are worth dying for, if need be.

Our schools and colleges need our financial support, if they are to survive the present crisis. I am pleading with you not to let them down. Thirty million boys and girls, young men and women, are at stake. Let us give them the kind of education of which a democratic Nation can be proud. We have the opportunity in our grasp. We must not let it slip away and forever after be lost.

WHY OUR PUBLIC SCHOOLS ARE IN SERIOUS TROUBLE

(A series of six articles by Benjamin Fine, education editor of the New York Times, reprinted from the New York Times)

REARMING SAPS SCHOOL GAINS AS ROLLS AND COSTS STILL SOAR

Once again the Nation's public schools are in serious plight. Eighteen months of defense mobilization have taken their toll. Danger signals are flying everywhere, but often are not heeded. Many advances made in the first 5 years after World War II are being swept away.

The schools, like other aspects of civilian life, are beginning to feel the effects of the Korean conflict. As a result, they face a gloomy year. Many educators are worried lest the gloom continue for another decade.

Reports from State commissioners of education, correspondents of the New York Times in each of the 48 States, and interviews with leading educators all point to a downward trend.

The schools are caught in a pincers. Four major factors are involved: Increased enrollments, inflationary costs, lack of building materials, and an acute teacher shortage.

EDUCATORS BACK DEFENSE

Each is leaving its imprint on the schools, and on the children, too. It is not a question of tanks versus textbooks. Educators everywhere wholeheartedly support the Government's defense program. They applaud its efforts to make our democracy strong enough to withstand the challenge of Soviet communism.

They say their problem is not one of more ABC's or more airplanes. They insist our economy is strong enough to provide both. Moreover, they insist that it is just as true today as it was a century ago, when first proclaimed by Horace Mann, that schoolhouses are the first line of our defense.

In the last year it appears schools have made few advances and many backward steps. A number of communities report unexpected setbacks. Over the Nation 3,500,000 elementary and high-school children—one out of eight pupils in the public schools—are suffering an impaired education because of inadequate facilities. A year ago a Times study showed 3,000,000 children were being deprived of an adequate education. Thus there has been an increase of half a million in 12 months.

Incompetent teachers, poorly equipped classrooms, inadequate buildings, and poor supervision combine to cheat these hundreds of thousands of young people. The number of pupils on double sessions is growing steadily. An estimated 400,000 boys and girls are not getting a full school day—some are attending school even on triple-session schedules. They go half a day, or a third of a day. What this does to the morale of the children, the parents, the teachers, and the community is easy to imagine.

Educators emphasize that a child deprived of his schooling will be unable to regain the years lost—a child is six only once. One cannot postpone the growth of a pupil as one might postpone the building of a road or a garage.

This comment by Dr. Walter Maxwell, secretary of the Arizona Education Association, is typical: "At numerous schools I have seen children lined up in front of a schoolhouse door, marching in to take their places in the school as the first shift marched out—just like the changing of shifts in factories."

COSTS PROVIDE HEADACHES

Inflationary costs are a headache everywhere. School officials are haunted by rising prices. Everything they buy has gone up 50 or 100 or even 200 percent. Teachers are insisting they get their share, too. Cost-of-living bonuses have been handed out, but not fast enough, the teachers complain, to keep pace with rising food prices. As a result, morale in many communities is poor. Last spring the 500 teachers of Pawtucket, R. I., went on strike for several months, closing all of the city's schools. They won part of the increase they sought—but at a serious cost to the schooling of their pupils.

In other communities the struggle for higher salary schedules goes on in the board rooms rather than on the picket line. The New York City teachers recently ended a year-and-a-half boycott of extra-curricular activities. Judging from the reaction of their spokesmen, they are far from happy at the compromise salary increases.

But the salary issue is only part of the educational picture. Competition has arisen from higher-paying Government jobs, war-related positions and the demand for skilled and semiskilled workers in various industries. More teachers are leaving the profession today than at any time since World War II, when 350,000 departed, never to return.

Frequently the community must employ substandard, unqualified teachers because trained personnel are lacking. Many school systems report they are scraping the bottom of the barrel.

A smoldering discontent is detected. Never before have the schools been under such attacks. Frequently the controversy is artificially contrived, dishonestly designed to wreck the free public school. But there is enough discontent to make thoughtful educators and civic-minded citizens take stock.

The schools are in need of greater financial help—and they are unable to get it. Many communities already allocate a substantial part of their tax funds for the schools. Oftentimes real estate is taxed almost to the danger point. But education costs more today than ever before—and the money frequently is not there to spend.

ENROLLMENT A RECORD

Enrollment is at its highest peak. The Times survey indicates that the 1951-52 school enrollment is 26,525,115—representing a growth of 826,194 in a year. Most of this growth has occurred in the elementary grades, and more particularly the first grade. The private and parochial schools will add another 3,000,000 children or more, thus bringing the total elementary and secondary enrollment close to 30,000,000.

Moreover, the school rolls are going to increase for at least 8 years, more likely 10.

Next year—1952-53—the schools will enroll 1,700,000 more children than were registered this year. This is a tremendous number to absorb, particularly since most of the classrooms already are overcrowded. The peak will not be reached before 1957-58, if by then, at which time it is estimated the enrollment in public elementary and secondary schools will exceed 32,000,000, an increase of 6,000,000 over that of today.

Educators are deeply disturbed by this condition. Typical is the view voiced by Dr. Earl J. McGrath, United States Commissioner of Education:

"The tidal wave of children bearing down on our schools bids fair to overwhelm us. We simply are not building enough new schoolhouses or training enough new teachers to meet the situation. We can't go on from year to year on the present makeshift basis without seriously undermining our whole public-school system.

"Unless the American people are prepared to take positive action to remedy these deficiencies, millions of children will continue to get a makeshift education."

Today many thousands of children are attending classes in school basements, apartment-house basements, empty stores, garages, churches, inadequate private homes, and even trailers. What is more, one out of five of the regular schools is either unsafe or obsolete.

BUILDING PROGRAM DELAYED

The defense program has played havoc with building plans. Even though the Nation spent a record \$1,200,000,000 for school construction in 1950-51, the communities were unable to keep pace with the number of children reaching school age. And in 1952, educators warn, steel and other critical materials will stymie the construction of many badly needed schoolhouses.

More than 1,000,000 school teachers are now employed, 46,000 more than last year. But with more than 1,000,000 children to be added each year for the next several years, the teaching rolls also will have to rise steadily. However, teacher-training institutions are not preparing enough men and women to do the job. All but four States report a teacher shortage even this year. They now could use 71,886 elementary and 15,121 high-school teachers.

Despite the need for teachers, young people seem to shy at entering the profession. The teacher colleges report a decrease this year of 16 percent in their entering classes. This means, in effect, that 4 years from now, when the school rolls will have increased by

more than 5,000,000, there will be fewer trained teachers.

Although the number of teachers holding substandard or emergency certificates has decreased by 5,053, there are still 66,354 of them in the school system. For example, 8,500 of the 24,600 teachers in Missouri are on emergency certificates, and South Dakota reports 1,796 of its 7,159 teachers do not hold regular licenses.

But the substandard certificates tell only part of the story. The National Education Association estimates that of the 600,000 elementary teachers in the public schools 300,000 do not hold college degrees—the minimum standard. Of this number, the NEA says, at least 100,000 are so inadequately prepared as to make their continued presence in the classroom dangerous to the mental and emotional growth of America's youth.

SLIGHT RISE IN SALARIES

The Times survey shows that teachers' salaries have risen slightly from an average of \$3,097 to \$3,290 annually. This \$193 increase, or \$3.71 a week, has been eaten up, the teachers declare, by increased living costs and higher taxes.

New York State, with an average annual teachers' salary of \$4,500, leads the country, followed by the District of Columbia with a \$4,300 average and California with \$3,967. Mississippi again is at the bottom of the list, paying its teachers an average of \$1,475 a year. Arkansas is next to Mississippi with \$1,700, and South Carolina is third from the bottom with \$2,130.

Six States pay some teachers less than \$20 a week—Mississippi, South Carolina, Kentucky, Iowa, Georgia, and Missouri. Ten others pay a minimum of \$20 to \$25 a week.

For the country as a whole, the public schools cost just a little more than \$5,000,000,000, a slight increase over that in 1950-51. Two States—New York and California—spend more than \$500,000,000 each. Because of spiraling costs, the funds needed to operate the public schools have risen higher than ever before. Educators complain, however, that the money they get cannot buy as much as their funds of as recently as 2 years ago.

Once more the effects of the Korean conflict can be seen in the classrooms of every community in the United States.

With Congress in session the NEA and other school organizations again will seek Federal aid for the public schools. One Member of Congress who has advocated a Federal-aid bill—Senator LISTER HILL, of Alabama—asserted that the strength and security of the United States against aggression were bound inexorably to education. In a statement to the Times he observed:

"Education has given us the widespread, high level of intelligence and general competency by which we have built history's most perfect example of democratic government and preserved it against the winds of alien ideologies. We face a long period of international tensions and big armaments that may last perhaps for 5, 10, or even 20 years. In terms of sheer numbers of people our potential enemies hold a heavy advantage and our intelligence sources tell us that Russia and her satellites are feverishly working to train large numbers of skilled workers, instructed by industrial experts taken out of East Germany since the last war.

"We must fix our educational sights accordingly and insure that every American boy and girl has the opportunity for maximum development of his or her capabilities. Only in this way can we meet the need for more scientists, more engineers, more chemists, more physicists, more technicians, more skilled workers of every kind, more nurses and doctors and leaders in other professions and business."

The status of public school education, in contrast to conditions a year ago, as shown by regions in the Times survey, follows:

NEW YORK AND MIDDLE ATLANTIC

A heavy influx of young children has burdened schools in this region, and with no signs of relief in sight. Both New York and Pennsylvania report the largest enrollment increases. The registers of all the States and the District of Columbia have increased about 200,000. In face of the need for additional schools, all States report difficulty in obtaining building materials. Even so, most States are pushing school-building programs. New York intends to spend \$150,000,000 this year, compared with \$109,000,000 last year.

Salaries in this area are among the best. No State except Delaware can get a sufficient number of elementary teachers. Pennsylvania cannot obtain enough qualified secondary, as well as elementary school teachers. The region employs more than 10,000 teachers who hold substandard certificates, an increase over last year.

NEW ENGLAND

New England offers a contrasting picture as regards teachers' salaries. Three States—Massachusetts, Connecticut, and Rhode Island—pay their teachers more than the national average, the other three do not. The salaries of Maine, New Hampshire, and Vermont are not much better than those in some of the southern States.

Only Connecticut, Massachusetts and Vermont record large enrollment increases. Almost all the States report conditions are better than a year ago, and the number of teachers on substandard certificates has decreased. All but Rhode Island need additional teachers, largely in the elementary grades—Massachusetts and Connecticut need 500 elementary teachers each.

SOUTH

Conditions in the South, although steadily improving since World War II, are still poor. Enrollment has been increasing in some States but tapering off in others. The problem is largely one of improving school services and raising teacher standards. Absenteeism and school drop-outs also are serious issues.

Many southern teachers are on emergency licenses, although in some States the number has decreased in the last year.

However, a large number of Southern pupils receive an impaired education. In Arkansas, Alabama, and Kentucky, 50 percent of the pupils are affected by substandard teachers, inadequate buildings, and double sessions. The lowest salaries in the country are paid in the South. Some teachers in Mississippi receive \$500 a year, in South Carolina \$600, and in Kentucky \$640. All States in the region fall below the national teacher's salary average.

SOUTHWEST

Enrollment increased in all States, with Texas showing a gain of 29,000 in a year. All States report conditions are either better or same as last year. Texas, however, has not increased its teaching staff despite its enrollment gain.

Salaries in New Mexico and Arizona are above the national average. Arizona, with \$3,800, ranks fourth. Only Arizona reports it can obtain all the teachers, both elementary and secondary, it needs.

MIDWEST

School conditions are generally reported as improving in the 12 States in the region. Enrollment is on the upswing, due in large part to growth of defense industries, particularly in Michigan.

Some glaring contrasts are evident. Michigan pays its teachers an average annual salary of \$3,700, seventh highest in the Nation, and Illinois, with \$3,600, is near the top 10. But North Dakota with \$2,162, South Dakota with \$2,185, and Nebraska with \$2,200 are forty-sixth, forty-fifth, and forty-fourth, respectively, in the national standing. Although in many States the number of substandard teachers is negligible, approximately one-third of Missouri's, one-seventh of South Dakota's, and one-eighth of Michigan's teachers hold substandard certificates. Large numbers of pupils are receiving secondary or impaired schooling.

ROCKY MOUNTAIN

The postwar birth rate is evident in the Rocky Mountain public schools. Colorado reports an enrollment increase of 5,000, Utah 7,000, Wyoming 3,000 and Nevada 3,000. Con-

sidering the total number of pupils in each State, the gains are significant.

With the exception of Utah, where about one-tenth of the teachers hold emergency certificates, the problem of substandard teachers has been largely solved. Utah is making improvements. The average salaries range from \$2,900 in Colorado to \$3,316 in Nevada. All report they can obtain secondary, but none can get elementary teachers.

NORTHWEST

Montana and Idaho have approximately the same number of teachers, 5,225 and 5,020, respectively, but Idaho has 16,000 more pupils. Idaho needs both elementary and secondary teachers while Montana needs only elementary. Both have many emergency teachers. There is a big difference in teachers' salaries. Montana has an average of \$3,415, Idaho, \$2,639.

FAR WEST

Teachers' salaries in the Far West are among the highest in the country. California, with a \$3,967 average, is second nationally and Washington, with \$3,690, is ninth; while Oregon, with \$3,650, is tenth.

California now has 63,800, the second largest staff in the country. The number of teachers on emergency certificate increased 7,600. Oregon has 1,800 of its 12,350 teachers on substandard licenses. All need elementary, but Washington also needs secondary teachers.

The Times study shows serious school problems in every section of the land. It also shows that not enough attention is paid to these problems. Soaring enrollments, fewer buildings, a shortage of teachers and a lack of money to keep pace with school needs have combined to bring another educational crisis.

While this crisis is not yet in the acute stage, our system of free public education may be endangered unless the schools receive more financial support.

SUMMARY OF CURRENT CONDITIONS IN NATION'S SCHOOLS

The present status of total teaching staff, emergency teachers, average annual salary and student enrollment for elementary and secondary schools, as reported throughout the Nation, follows:

	Number of teachers employed		Total student enrollment in public schools		Number of teachers with emergency certificates		Average annual salary	
	1951-52	1950-51	1951-52	1950-51	1951-52	1950-51	1951-52	1950-51
MIDDLE ATLANTIC								
New York.....	84,700	81,500	2,070,000	1,995,000	2,800	2,850	\$4,500	\$4,200
New Jersey.....	32,875	23,062	724,920	682,897	2,908	1,554	3,750	3,615
Pennsylvania.....	63,510	61,191	1,654,000	1,602,000	1,950	523	3,230	2,952
Delaware.....	2,050	1,931	47,405	45,448	38	50	3,710	3,654
District of Columbia.....	3,483	3,429	96,722	94,584	429	377	4,300	3,883
Maryland.....	13,436	12,495	369,958	348,497	2,035	2,014	3,841	3,586
NEW ENGLAND								
Maine.....	6,400	7,000	159,000	158,247	125	110	2,370	2,200
New Hampshire.....	3,136	3,100	73,500	72,600	215	490	2,880	2,750
Vermont.....	2,670	2,642	63,300	60,000	333	458	2,555	2,410
Massachusetts.....	25,750	25,396	625,000	618,889	300	-----	3,355	3,493
Connecticut.....	12,458	11,501	307,900	283,563	631	680	3,700	3,500
Rhode Island.....	4,200	3,975	97,120	97,250	150	266	3,360	3,100
SOUTH								
Virginia.....	22,800	19,900	645,000	625,000	2,150	2,500	2,900	2,500
West Virginia.....	16,247	16,244	431,450	443,135	1,242	1,770	2,900	2,446
North Carolina.....	28,625	29,900	910,000	907,192	2,500	600	2,900	2,812
South Carolina.....	17,600	17,144	513,000	503,090	454	475	2,130	1,930
Tennessee.....	23,500	22,889	685,000	675,634	1,200	1,866	2,330	2,343
Georgia.....	25,225	24,000	787,580	782,952	670	1,000	2,400	2,020
Alabama.....	23,350	22,240	695,000	681,007	1,000	3,396	2,400	2,062
Mississippi.....	16,616	16,510	560,115	533,000	300	500	1,475	1,460
Arkansas.....	13,550	13,775	440,000	426,000	1,200	2,250	1,700	1,750
Louisiana.....	19,266	17,000	490,000	483,202	1,085	900	3,100	3,050
Kentucky.....	19,763	19,371	563,398	551,201	3,217	3,500	2,350	1,925
Florida.....	18,746	17,894	555,785	527,000	2,700	1,730	3,083	2,998
SOUTHWEST								
Oklahoma.....	19,600	18,867	519,750	499,311	350	-----	3,167	2,800
Texas.....	46,640	46,042	1,478,150	1,449,114	1,100	1,188	2,960	2,939
New Mexico.....	6,100	5,273	155,500	150,000	50	50	3,540	3,006
Arizona.....	5,551	5,683	162,628	161,328	-----	-----	3,800	3,700

1952

	Number of teachers employed		Total student enrollment in public schools		Number of teachers with emergency certificates		Average annual salary	
	1951-52	1950-51	1951-52	1950-51	1951-52	1950-51	1951-52	1950-51
MIDWEST								
Ohio	47,000	44,824	1,247,563	1,247,205	2,300	4,408	\$3,200	\$3,130
Indiana	26,000	23,900	714,000	690,000	700	1,000	3,450	3,250
Illinois	47,800	47,300	1,252,961	1,204,600	329	1,550	3,600	3,525
Michigan	41,000	39,000	1,100,000	1,066,000	5,000	4,500	3,700	3,500
Minnesota	22,413	21,358	523,400	510,200	2,500	2,500	3,175	3,044
Wisconsin	21,500	21,577	530,154	507,028	390	550	2,900	2,700
Iowa	27,488	22,038	491,000	477,720	493	493	2,967	2,689
Missouri	24,600	25,056	666,161	650,000	8,500	8,990	2,650	2,576
North Dakota	6,537	6,349	114,488	112,917	100	700	2,162	2,018
South Dakota	7,159	7,059	118,175	116,000	1,795	1,529	2,185	1,975
Nebraska	12,628	13,000	227,879	227,000	607	650	2,200	2,150
Kansas	17,892	17,563	345,000	325,930	21	175	2,775	2,558
ROCKY MOUNTAIN								
Wyoming	2,876	2,873	62,700	59,000	65	90	3,050	2,820
Colorado	10,500	10,477	237,000	232,655	650	830	2,900	2,892
Utah	5,555	5,053	163,467	155,407	570	739	3,170	3,038
Nevada	1,378	1,323	33,000	31,148	5	11	3,316	3,271
NORTHWEST								
Montana	5,225	5,086	112,456	107,456	625	735	3,415	3,090
Idaho	5,020	5,100	128,500	125,000	556	950	2,639	2,439
FAR WEST								
Washington	17,200	15,501	423,000	404,000	615	1,455	3,690	3,360
Oregon	12,350	11,491	293,030	272,215	1,800	1,800	3,650	3,368
California	63,800	61,123	1,955,000	1,735,291	7,600	6,655	3,967	3,667
Total United States	1,003,768	956,978	26,525,115	25,698,921	66,354	71,407	\$3,290	\$3,097

TEACHER SHORTAGE IS STILL A PROBLEM—105,000 MORE ARE NEEDED IN ELEMENTARY SCHOOLS YEARLY, BUT THEY GET ONLY 36,000. RURAL AREAS WORST HIT—CITIES, NEW YORK, ALSO ARE FEELING BRIBER SITUATION GRAVE, EDUCATORS WARN

This Nation's public schools face a dangerous teacher shortage. Although a minimum of 105,000 new elementary teachers are needed annually, only 35,000 are being trained. This means that within 10 years a shortage of 700,000 teachers will confront our schools.

With elementary school enrollment rising 1,000,000 a year, the teacher shortage will grow increasingly acute. And to make the situation still worse, fewer students are entering the teachers' colleges this year than last.

Reports from virtually every State in a Nation-wide survey by the New York Times shows that school systems cannot get enough elementary teachers. Periodic warnings have been sounded by educators, but nothing has happened—the shortage continues.

Although the shortage is found everywhere, it is most acute in the rural areas, in the South, Midwest and Far West. But even the larger cities (with the exception thus far of New York) have begun to feel the shortage. Nothing quite as serious as this has hit the public schools in a generation.

THE NEEDS ANALYZED

To provide enough teachers to take care of the tremendous increase in elementary enrollment over the next 10 years—and to cover ordinary losses through death, resignation and retirement—the Nation will need at least 105,000 new teachers annually. There are 600,000 teachers employed in the elementary schools. The drop-out rate is 12 percent, or 72,000. The 1,000,000 additional children will require another 33,000 teachers annually. However, the teachers' colleges are supplying about 35,000 teachers annually.

Factors that have contributed to the teacher shortage include the increased pupil enrollment, the fact that teachers are dropping out of the profession faster than they are being replaced, and the attractiveness of opportunities in other fields.

"The blunt fact is," warned Dr. Earl J. McGrath, United States Commissioner of Education, "unless we do something drastic—and immediately—to relieve the teacher shortage, a whole generation of American boys and girls will be short-changed in their right to obtain a fundamental education.

"The thinner you stretch your available teaching staff to cover the unprecedented and inexorably increasing enrollments in our public schools, the less chance there is for a teacher to do a competent job of teaching. It is the child who inevitably suffers. And when the child suffers, the Nation suffers."

A critical need also exists in many parts of the country for the replacement of under-trained teachers. Of approximately 600,000 elementary school teachers in service, about one-half, or 300,000, measure up to the minimum requirement of a college degree. Two hundred thousand have completed 2 years of college; the education profession recognizes the necessity for retaining them, and steps have been taken to help them improve their academic training. However, 100,000 are so woefully undertrained as to make necessary their replacement at the earliest possible moment.

CONDITIONS IN HIGH SCHOOLS

At the high school level only small increases in total enrollment are foreseen until 1957. At that time, according to Dr. Ray C. Maul, research associate of the National Commission on Teacher Education and Professional Standards, a phenomenal increase may be expected. By 1960 the total high school enrollment will be at least 8,500,000, or one-third more than at present.

The country needs 48,000 qualified candidates each year to replace high school teachers who leave the profession for all reasons. By 1960 the annual need will approach 70,000.

The problem at the high school level is not total numbers of available qualified candidates. There is, however, an unbalanced distribution of the candidates among the various high school teaching fields—there are more social studies teachers than can be employed, while there continues to be a shortage of candidates for teaching home economics, girls' physical education, and library service.

Only 17 States require a college degree for the elementary school teaching certificate, 4 require 3 years of college, 1 State requires 2½ years, 16 require 2 years, 2 States require 1½ years, 7 ask for 1 year, and 1 State—Nebraska—does not require any college preparation.

Dr. Willard E. Givens, executive secretary of the National Education Association and generally recognized spokesman for the public schools, stressed that no nation either in peace or war can afford to neglect its home base—it must be particularly concerned

about health, competence and morale of its people.

"The main source of the continued strength and capacity of the American people," Dr. Givens said, "is to be found in our children and youth. What our Nation does about the education of the young determines whether we are developing national stamina or committing slow suicide."

One of the leading reasons for the grave teacher shortage, Times correspondents and education commissioners agree, is the low pay of teachers. On the average, the classroom teacher gets about \$60 a week—the range goes from \$10 to \$125. In Mississippi, for example, where there are 16,000 teachers, only 105 get \$4,000 or more a year, while 4,243 get less than \$1,000.

In Mississippi, a sheet metal worker averages \$378 a month, a truck driver or plumber \$360, an electrical worker \$207, policemen and firemen, \$230, while teachers average \$122 (yearly average \$1,475).

It may seem unfair to take the poorest-paying State for comparison, but the Times survey showed similar disparities in the other States. Figures prepared by the New Jersey Education Association show that between 1939 and 1950 the per capita income of New Jersey residences increased 126 percent; in the same period average salaries of teachers increased 66 percent.

OTHER DETERRING FACTORS

Low salaries alone do not keep potential teachers from the profession. Teachers object to poor working conditions, to inadequate training facilities, to social pressures, and to a negative attitude on the part of the public. Teachers want to be a part of the community, but frequently find that they are not permitted to be active citizens. Some cities still refuse to employ married women teachers and require women to resign if they get married while in service.

The shortage is about evenly divided over the Nation. The Pennsylvania State Education Association, which has a membership of 55,000, reports that in its State the shortage is mostly in rural sections. Pittsburgh needs teachers for kindergarten and primary classes; it also needs specialists in the fine arts and crafts, in home economics, and for the mentally retarded.

In New York State there is a shortage of 750 teachers in elementary schools outside this city. The State education department expects this shortage to increase to about 1,150 in the current school year and to 1,750 in the 1952-53 year. The shortage is most

acute in suburban regions, which have been growing much faster than the cities in recent years. The main problems are in the Nassau, Westchester, Buffalo, Rochester, and Syracuse areas.

Shortages are growing in New England. Maine reports a shortage in the elementary division, particularly in the rural areas. Here, as elsewhere, the officials are up against the problem that teachers seek employment in the major cities or surrounding communities, which offer the best salaries and working conditions. By the time the cities and towns get their pick, the supply becomes exhausted before the rural areas are reached. It is estimated that 500 additional teachers could be used in Maine.

Connecticut, too, could use 500 additional teachers for the elementary schools. Massachusetts reports that its shortage is greatest from kindergarten through the first three grades. The State commissioner of education, Dr. John J. Desmond, pointed out that there is a trend in his State (it is found elsewhere) toward hiring liberal-arts-college graduates and retraining them for elementary teaching through special courses at teacher-training institutions.

REPORTS FROM THE SOUTH

Every Southern State reported a teacher shortage. Dr. Dowell J. Howard, Virginia superintendent of instruction, noted that 3,700, or 27 percent, of Virginia's 13,829 elementary teachers were not properly certificated for the grades they are teaching.

Fifteen percent of Virginia's teachers, or 2,119, hold local permits or emergency licenses. Most of the local-permit holders are high-school graduates only. North Carolina needs 3,000 qualified elementary teachers. Each summer the newspapers of the State carry want ads calling for teachers—mostly elementary teachers in rural areas. Georgia is in dire need of qualified teachers. The standard teaching requirement in Georgia is based on a bachelor's degree. Last year 44 percent of the State's 24,618 teachers had training below that level.

Florida will need 1,000 new elementary teachers each year for the next 4 years, plus replacements for those who for various reasons leave the teaching profession each year. A similar story comes from Texas. The shortage exists in urban as well as rural areas.

On the west coast the teacher shortage is a major problem—caused in large part by the influx of people to Washington, Oregon, and California. Mrs. Pearl A. Wanamaker, superintendent of public instruction in Washington, estimated that elementary schools in her State could use 1,050 more teachers right now, and the secondary schools 550 more.

Both Oregon and California reported growing teacher shortages. For the 1951-52 academic year, Oregon is issuing 1,800 emergency and substandard certificates. In California, the shortage exists at the elementary level and in specialized field—teaching the mentally retarded, physically handicapped, and in fields such as women's physical education, agriculture, and industrial arts. Last year the State had 7,600 teachers on emergency substandard certificates.

The teacher-shortage problem cannot be solved over night, educational spokesmen agreed. But they are concerned over the lack of interest in teaching among students and the public generally. A recent survey in Indiana showed that only 2 percent of a sampling of 4,000 high-school students were definitely committed to teaching as a profession, while another 2 percent thought they might enter the field. The vast majority of bright students in Indiana and elsewhere are staying away from teaching.

QUALIFIED TEACHER NEEDS BY STATES
Needs for qualified teachers in elementary and secondary schools have been estimated by the States as follows:

	Number of additional qualified teachers needed	
	Elementary school	Secondary school
MIDDLE ATLANTIC		
New York.....	3,000	500
New Jersey.....	2,800	100
Pennsylvania.....	900	1,000
Delaware.....	33	38
District of Columbia.....	290	90
Maryland.....	2,296	468
NEW ENGLAND		
Maine.....	200	75
New Hampshire.....	250	35
Vermont.....	240	125
Massachusetts.....	500	0
Connecticut.....	500	228
Rhode Island.....	0	0
SOUTH		
Virginia.....	1,500	300
West Virginia.....	1,159	100
North Carolina.....	3,000	0
South Carolina.....	320	4,940
Tennessee.....	1,000	200
Georgia.....	1,000	300
Alabama.....	6,891	1,111
Mississippi.....	1,900	100
Arkansas.....	1,000	500
Louisiana.....	450	150
Kentucky.....	3,033	434
Florida.....	2,700	100
SOUTHWEST		
Oklahoma.....	200	75
Texas.....	2,500	1,300
New Mexico.....	80	20
Arizona.....	0	0
MIDWEST		
Ohio.....	200	0
Indiana.....	700	100
Illinois.....	1,000	200
Michigan.....	5,000	200
Wisconsin.....	3,000	0
Minnesota.....	1,000	200
Iowa.....	444	49
Missouri.....	7,900	600
North Dakota.....	500	0
South Dakota.....	1,603	193
Nebraska.....	700	100
Kansas.....	0	0
ROCKY MOUNTAIN		
Wyoming.....	75	25
Colorado.....	2,500	0
Utah.....	300	50
Nevada.....	50	25
NORTHWEST		
Montana.....	277	180
Idaho.....	540	360
FAR WEST		
Washington.....	1,050	550
Oregon.....	1,800	0
California.....	5,500	0
Total United States.....	71,886	15,121

SHORTAGE OF STEEL HITS SCHOOLS HARD—ALLOTMENTS BY DPA FAR LESS THAN REQUESTED TO MEET BASIC REQUIREMENTS—MAKESHIFTS USED WIDELY—RAPIDLY RISING ROLLS PRODUCE CLASSES CALLED TOO BIG FOR EFFECTIVE TEACHING

The steel shortage has hit the Nation's schools a terrific wallop.

Faced with soaring enrollments, overcrowded conditions and increased need for classrooms, the school systems are unable to build. Lack of adequate schoolhouses is listed as the No. 1 educational headache from one end of the country to the other.

Almost unbelievable conditions exist in many communities. Enrollments rising nearly 1,000,000 a year over the country, coupled with inflationary costs and the inability to get priorities on critical materials, have joined to make an alarming condition. Despite the efforts of highly placed educational officials, the steel needed for school construction cannot be obtained in quantities necessary to keep pace with student growth.

One out of every five schools in the country is obsolete—and this figure does not include the hit-or-miss contraptions now used as schools on an emergency basis.

During the next 7 years, a study by the New York Times shows, the country will need to build 600,000 classrooms, at a cost of \$20,000,000,000 (a classroom at today's prices costs from \$30,000 to \$35,000). Of the classrooms, 222,000 will be used for the increased enrollment, 126,000 will be for normal replacements and 252,000 to reduce the existing backlog. This means, in effect, that the Nation must build at least 80,000 classrooms a year for the next 7 years.

This will not be possible by any stretch of the imagination. The year 1950-51 was the peak year for building schools in this country—40,000 classrooms were constructed at a cost of \$1,200,000,000. Even at this tremendous rate, the Nation was getting only about one-half the buildings needed to meet current needs and wipe out the backlog.

LITTLE CONSTRUCTION THIS YEAR

But what about this year? Or the immediate years ahead? Judging from present indications, the Nation's school-building program will bog down seriously. It is doubtful if even the current inadequate rate of construction will be continued through 1952. The increased demands of the defense program for critical metals—steel, copper, and aluminum—make it appear unlikely that the needs for new school construction can be met in any substantial degree.

Under allotments made to the United States Office of Education by the Defense Production Administration, materials can be granted for the most part to buildings actually under way.

Few new schools will be built during 1952, unless more steel is made available. A report from Dr. Earl J. McGrath, United States Commissioner of Education, tells the story graphically. For the quarter beginning July 1, 1951, his office submitted an estimate of 192,000 tons of steel for basic requirements for all educational purposes. The amount allotted was 100,000 tons.

The difficulty was increased further when the last quarter allotment was made known—it was smaller than that for the third. Basic requirements totaling 196,000 had been requested—and 94,000 tons were assigned. After a vigorous appeal from the education office, 10,000 tons were added.

Bad as last year's situation was, this year's tends to be worse. Education allotment for the first quarter of 1952 is 97,000 tons, less than 38 percent of estimated total requirement of 225,000 tons.

According to Dr. McGrath, the first quarter is particularly critical for school construction because postponements then will mean the loss not merely of those months but of an entire school year.

Dr. McGrath stressed that with an allotment of 97,000 tons for elementary and secondary school buildings, priority will be given for construction now under way. The green light will be given also to communities that have serious overcrowding in elementary and secondary schools. It will continue to be necessary to defer approval of new buildings where the purpose is primarily to eliminate obsolete structures.

This is what has happened thus far: of 2,259 schools under construction in 1951, critical materials were allotted to 1,528; materials were not available for 831. Of the 1,001 applications for projects on which to begin construction during the fourth quarter of 1951, critical materials were allotted to 86—materials were not available for 915. Out of 3,260 applications for last year, steel went to 1,624 projects, and 1,636 were turned down.

WARNS ON WEAKENING SCHOOLS

Commenting on this situation, Dr. McGrath declared:

"No person questions that, in this period of international crisis, the requirements of the military and defense production for steel and other critical material should be met. But it is also imperative that we permit no further weakening of our public-school system.

"We can't put our youngsters in educational cold storage for the duration. Education must be obtained on a year-by-year basis. If a child is given second- or third-class education, or no education during his formative years, the handicap will remain for his entire lifetime. The education of our young people must remain squarely in the forefront of any long-term program for the defense of democracy. Otherwise we run the risk of losing one of the goals for which we are fighting."

Spiraling costs also have affected the schools seriously. For example, \$1,000,000 spent for school-building construction last year purchased only about as much plant as \$668,000 could have bought at the end of World War II or as much as \$446,000 could have purchased in 1940.

CLASSES MEET IN HOMES

As a result, our understaffed, badly housed schools faced an unprecedented period of shortage. It is doubtful that even half of the 80,000 classrooms needed in 1952 will be constructed. School systems everywhere are sending out SOS signals. They are utilizing every conceivable space to keep schools open. It is not unusual to find children attending school in private homes, church basements, store lofts or in one case observed by this writer, a section of an undertaker's parlor. Supplies, equipment, and textbooks are lacking in many schools.

State after State reports impaired educational facilities because of inadequate buildings. In Illinois, for example, the lack of steel and other critical materials is preventing the construction of a number of school buildings. Approximately 13,000 students in Illinois are enrolled in schools where double sessions are necessary, while 7,500 are attending schools in buildings that are definitely inadequate.

Pennsylvania likewise reports a serious building shortage, even though \$35,000,000 was spent for new buildings during the 1950-51 school year and \$40,000,000 will be spent during 1951-52. In this State it is estimated that 8,500 pupils will suffer an impairment in school this year because of double sessions or part-time instruction.

Elsewhere the situation is just as serious. Officials report that the building situation in Arizona is steadily worsening. There, as elsewhere, the same story is repeated: during the war, buildings could not be erected because of the shortage of materials. After the war, many school systems thought prices were going to drop and so considered it poor business to build until construction costs went down.

EIGHTEEN JERSEY PROJECTS DELAYED

Some States, such as New Jersey, declare that a substantial proportion of the students are suffering some impairment in their schooling because they are enrolled in classes too large to permit effective teaching.

In New Jersey 18 projects, including new schools, additions, and annexes, representing a total cost of \$4,257,225, are being held up by lack of steel or other critical materials. Unless more steel is allocated during the first quarter of this year, 31 additional building projects, representing a total cost of \$12,000,000, will not get started.

Despite a large building program, Maryland has been unable to keep pace with its still growing school enrollment. Now standing at 369,958, the enrollment is the biggest in the State's history. In the next 3 years it is expected to go to 437,000. Classes are being held in shifts and in stores, churches, basements, and other rented space.

Because of lack of funds, Alabama is not planning a general school-building program. A very limited amount of building commission funds is available for critical emergency school building needs. A survey is now being made to determine building needs with the hope that some provisions will be made to finance construction of school plants needed. As a result, Alabama officials report that 300,000 pupils are seriously in need of adequate housing. To do a half-way adequate job, the State would have to spend \$300,000,000 for school buildings.

WESTERN ROLLS ARE RISING

Reports from the Midwest and far West indicate that a huge building program will have to be started immediately if the enrollment increases are to be absorbed. A school building program is under way in Wisconsin. Most rural schools were constructed before 1900. It is estimated that \$234,000,000 must be spent in the next 20 years to provide adequate facilities. Lack of steel and other critical materials has crippled some of the current construction—about 25 projects are now being held up pending Federal priorities. During the current school year 24,000 pupils attended schools in substandard classrooms.

A school building survey, conducted by the State Superintendent of Public Instruction, is in progress in Colorado, where the effect of lack of steel is beginning to be felt. Fifty-six thousand pupils will suffer impairment in their schooling this year as a result of inadequate buildings or double sessions. In the neighboring State of Utah, 15 new plants are underway or committed, mostly in defense areas or such major cities as Salt Lake City and Ogden. In a half-dozen school systems, gymnasiums and auditoriums are doubling as classrooms, while three towns utilize church structures.

And on the West Coast, the Times' study found that Washington's pupil school classrooms were more crowded than ever before. Construction has lagged consistently behind enrollment, in spite of a \$40,000,000 bond issue approved by the voters.

NEEDS OF WASHINGTON

Attendance State-wide in Washington jumped 19,000 this year over last, but only 350 new classrooms were made available. School officials say they need 3,000 more classrooms. The total cost of the building program in the next 10 years, assuming funds are available, is estimated at \$300,000,000. Because of the classroom shortage 42,000 pupils now are receiving instruction in temporary portables or in makeshift classrooms in basements, corridors, or other space not intended originally for classroom use.

In Oregon school administrators warn that a lack of steel and other critical materials has definitely slowed down the building program. If more steel is not available soon a considerable number of students will be on double sessions next fall. Similarly, California, now in the midst of a building program costing \$200,000,000 a year, cannot keep pace with its growing enrollment. The lack of steel for school construction has become serious in parts of California. A study indicated that California needed one-half of the

entire amount of steel allocated to the entire country for school-building purposes.

There does not seem to be an easy way out of the dilemma. The schools need more steel and other critical materials. So do hospitals and other welfare agencies, Government authorities rehort. And, of course, the defense needs must come above all the others. Educators are hopeful that the Government will find some way to provide the schools with enough material and equipment to prevent the children from getting cheated.

INFLATION AFFECTS OUTLAY ON SCHOOLS—DECLINING DOLLAR VALUE PUSHES INCREASED OPERATION COSTS STILL HIGHER OVER NATION—RESISTANCE TO TAXATION—REVISION IS SOUGHT FOR ARCHAIC LEVYING—BONDS FOR BUILDING FACE LOCALITY OPPOSITION

It costs a lot of money to run the country's school system. More buildings, more teachers, more equipment, more supplies, and more children give school administrators a continuous headache as inflation diminishes what available funds can accomplish.

The New York Times survey, which obtained data from the 48 States and leaders in American education, shows that this year the public schools will cost the taxpayers about \$5,000,000,000 for operating expenses and \$1,000,000,000 for buildings. This is an increase of nearly \$400,000,000 in operating expenses, but it is illusory because of the inroads of inflation.

For the Nation as a whole the estimated expenditure for a pupil in average daily attendance increased from \$206 in 1950-51 to \$216 in 1951-52. However, the National Education Association notes that the purchasing power of the \$216 in prewar dollars is about \$115.

New York, with an expenditure of \$325 for each pupil, leads the other States and is followed by New Jersey with \$312. Other States spending more than \$275 include Oregon, Wyoming, Montana, and Delaware. Mississippi is at the bottom of the list with \$88. States spending \$150 or less are Alabama, Arkansas, Georgia, Kentucky, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia.

LESS OF INCOME FOR SCHOOLS

Despite the record amount spent for schools this year, in terms of 1952 dollars, the percentage of national income that goes for public elementary and secondary schools is considerably lower than it was in the depression years. In 1933-34, according to United States Office of Education figures, 4.32 percent of the national income was spent for public school education. But in 1949-50 (last school year available) the country spent only 2.57 percent.

Although the mounting expense of running the public school system is criticized in some quarters, education does not get so much of the national income as do some of the luxury items. For example, in 1950 the people of this country spent \$8,100,000,000 for alcoholic beverages, \$4,409,000,000 for tobacco products and smoking supplies, and \$2,291,000,000 on cosmetics and beauty parlor services.

During the comparable period (1950-51) they spent \$4,836,213,084 for the upkeep of the public schools. In other words, about \$15,000,000,000 went for these luxuries and a third of that amount for the education of 25,000,000 boys and girls of school age.

Informed educators observe that the \$6,000,000,000 expended for the operation of schools and construction of buildings during 1951-52 will buy about half that amount in goods and services, measured in terms of the 1939 dollar. In many communities the schools take the lion's share of tax moneys, but even then the costs mount more rapidly than the funds allocated.

NEW MONEY SOURCES SOUGHT

Various suggestions have been made for financial assistance to the schools. More State aid is sought in many communities. Bond issues and increased tax millage keep many citizens aware of the needs of their schools.

The controversial issue of Federal aid to the public schools is still one of the must items on the agenda of many school organizations. The National Education Association intends to continue its fight to get a bill enacted in the present session of Congress. But the prospect for the measure does not appear too bright.

School financing is complicated by inflation. The teachers are constantly seeking higher salaries to compensate for cost-of-living increases. The cost of all materials and equipment used by the schools has gone up sharply, sometimes double or more 1940 prices. Here is the way Dr. James L. McCaskill, director of the NEA Division of Legislation and Federal Relations, puts it:

In 1950-51 the average salary for public school instructional staff members was \$3,080; the average employed person was earning about \$3,200, or 4 percent more. However, in 1939 the average teacher's salary of \$1,420 was 12 percent higher than that of employed people in general. If teachers' salaries were in the same relative position to those of all other employed persons today as they were in 1939, they would average \$3,580, or \$500 above their 1950-51 level.

If the education dollar continues to shrink, warns Dr. McCaskill, this Nation will be unable to obtain the teaching force and build the schools required to give adequate education to the growing number of school children.

CONDITIONS FACED BY STATES

States everywhere, according to reports from the New York Times correspondents, are finding the growing school costs burdensome, yet somehow they must continue to meet them.

Vermont is a typical State in this connection. The operating expenditure for public schools is about \$13,000,000 and is increasing about 10 percent annually. Resistance to bond issues for school buildings is becoming apparent; some communities bring up such proposals three or four times before they are accepted.

Local school taxes in Vermont have increased by a third in recent years and, since they are largely levied on property, the increase is becoming burdensome. State aid for education has increased, but does not absorb the major financial pressure. State or Federal aid for school buildings is generally felt necessary if the needs for school housing are to be met.

Three years ago the New Jersey public-school budget was in the neighborhood of \$150,000,000. Now it is close to \$200,000,000. Of the \$531,000,000 collected in taxes in New Jersey in 1950 to maintain governmental services more than a third was used to pay for the education of children. About 85 percent of this amount was realized by locally imposed property taxes, the remainder by State aid distributed among localities.

Some States find that an archaic tax structure is at the bottom of their educational troubles. For the most part, schools draw their funds from property taxes rather than general taxes. Several educators have proposed that the tax structure be overhauled and modernized in light of current needs.

RIISING BUDGETS IN MIDWEST

Serious problems arise when the operating budget for schools mounts too rapidly. For example, the total operating expenditure for public schools in Wisconsin in 1951-52 was \$117,000,000, in 1950-51 it was \$108,350,000, and the year before it was \$91,000,000. School taxes are separate items and they have

increased greatly. An archaic property tax carries 75 percent of the school costs in the State.

In the last session of the legislature the Wisconsin Farm Bureau, a member of the joint committee on education in Wisconsin, introduced a selective 2-percent sales tax bill, the proceeds of which were to be used for school purposes to relieve the property taxpayer. It was badly defeated. There is some resistance to bond issues because of high construction costs and shortage of materials. The disposition is to "make do" until this situation straightens out.

Minnesota reports that its school expenditures have more than doubled since 1941. In that year the total for maintenance was about \$46,000,000; this year it is estimated at \$125,000,000. Educational needs account for more than half of all legislative appropriations.

In Kansas \$85,000,000 is available for the public schools this year, an increase of \$12,000,000 over the previous year. Most communities have approved bond issues for new school buildings by substantial majorities.

FACTORS IN VIRGINIA INCREASE

School expenditures have risen rapidly throughout the South, although this section as a whole does not support its public schools as liberally as some other areas.

In Virginia the total operating outlay for 1951-52 is estimated at \$85,000,000 whereas 5 years ago it was \$52,000,000. For the biennium starting July 1 the State board of education is asking for \$91,303,675 from the State's general fund for school operations—an increase of 33 percent over 1950-52.

The reasons cited by Virginia for this projected increase—and these reasons hold true elsewhere—are expected enrollment increase of 112,000 in 2 years, need to obtain 500 more teachers, and necessity for paying better salaries to attract and hold good teachers.

West Virginia, with a total operating budget for schools of \$70,000,000, finds that resistance to bond issues is increasing, particularly in rural areas. For several years, all schools have levied the maximum allowed for counties; 39 of the 55 counties have approved excess levies permitted by the constitution.

School budget difficulties are aggravated by an archaic tax structure, especially unequal assessed valuations. According to the State tax commissioner, real estate is assessed at only 32 percent of the appraised valuation.

Kentucky is having difficulty because of its increased school budget. There is definite resistance in communities to bond issues for buildings. Only 4 of 10 localities voting on a special school building fund tax in the November election were successful. School budget problems are aggravated by a generally low assessment of real property and an assessed valuation maximum tax rate of \$1.50 on \$100.

The situation is appreciably better on the West Coast than in the South. California, with a total operating budget of nearly \$500,000,000, has had success with almost all the bond issue elections. School taxes have gone up generally in recent years, both in total amounts collected and in rates. On the whole the citizens of Oregon have been generous in the financial support of their schools. School taxes have increased 400 percent since 1940-41.

The State of Washington, with a current operating budget of about \$100,000,000, is preparing for a huge enrollment increase within the next 10 years. A \$40,000,000 bond issue for school buildings was approved by the voters in 1950. Generally communities with pressing school problems are forced to resort to special levies because of a constitutional provision limiting taxes to 40 mills on each dollar of assessed valuation, the valuation to be 50 percent of the prop-

erty's true and fair value. School officials feel this limit is outmoded and should be revised.

Rising operating expenditures do not necessarily mean more money for the schools in terms of purchasing power, the Times study shows. Frequently the additional funds are barely enough to keep pace with the increased costs for school operation and maintenance. Inflationary costs have played havoc with the normal operation of the schools.

COST OF OPERATING NATION'S SCHOOLS

The current operating expenditures of the public schools compared with cost a year ago are estimated by States as follows:

	Total operating expenditure	
	1951-52	1950-51
MIDDLE ATLANTIC		
New York.....	\$590,000,000	\$563,000,000
New Jersey.....	190,000,000	170,000,000
Pennsylvania.....	314,842,379	297,506,508
Delaware.....	11,046,455	10,906,200
District of Columbia.....	22,135,400	21,211,447
Maryland.....	89,068,221	74,322,145
NEW ENGLAND		
Maine.....	26,000,000	26,438,670
New Hampshire.....	15,100,000	15,600,000
Vermont.....	13,000,000	11,481,314
Massachusetts.....	153,240,585	134,381,130
Connecticut.....	70,000,000	65,130,000
Rhode Island.....	22,100,000	20,429,018
SOUTH		
Virginia.....	85,000,000	80,194,839
West Virginia.....	69,479,519	58,344,398
North Carolina.....	122,000,000	121,000,000
South Carolina.....	62,000,000	54,000,000
Tennessee.....	80,450,000	76,451,451
Georgia.....	77,757,830	76,807,674
Alabama.....	76,000,000	73,000,000
Mississippi.....	40,000,000	39,074,159
Arkansas.....	40,000,000	40,000,000
Louisiana.....	91,000,000	89,095,580
Kentucky.....	62,755,055	63,000,000
Florida.....	82,000,000	78,842,461
SOUTHWEST		
Oklahoma.....	83,677,000	80,000,000
Texas.....	254,000,000	255,828,000
New Mexico.....	28,330,000	26,984,653
Arizona.....	31,213,889	30,500,000
MIDWEST		
Ohio.....	270,000,000	244,628,651
Indiana.....	150,500,000	141,457,000
Illinois.....	288,000,000	273,000,000
Michigan.....	250,000,000	240,000,000
Wisconsin.....	117,000,000	108,350,000
Minnesota.....	125,000,000	115,000,000
Iowa.....	117,000,000	100,433,225
Missouri.....	103,000,000	98,837,035
North Dakota.....	23,942,130	21,433,000
South Dakota.....	30,900,000	27,871,880
Nebraska.....	44,200,000	41,000,000
Kansas.....	85,000,000	73,000,000
ROCKY MOUNTAIN		
Wyoming.....	16,400,000	14,270,808
Colorado.....	55,000,000	48,357,800
Utah.....	28,300,000	27,578,844
Nevada.....	6,516,352	6,241,840
NORTHWEST		
Montana.....	25,500,000	23,651,144
Idaho.....	23,700,000	20,642,955
FAR WEST		
Washington.....	97,466,000	93,000,000
Oregon.....	73,104,839	65,661,290
California.....	475,000,000	410,268,167
Total.....	5,213,525,854	4,836,213,084

GRASS-ROOTS MOVE ON TO AID SCHOOLS—5,000 CITIZENS' GROUPS HAVE BEEN ORGANIZED IN LAST FEW YEARS TO IMPROVE FACILITIES—EDUCATORS PRAISE ACTION—SURVEY, HOWEVER, NOTES THAT ATTACKS ON SYSTEM ARE GROWING ACROSS COUNTRY

As never before in the past, the citizens of this country are concerned about their pub-

116 schools. Throughout the Nation local citizens' groups are being founded to work for better school facilities for all the children.

Within the last few years an estimated 5,000 citizens' organizations, consisting of every segment of the community, have been organized. This is a genuine grass-roots movement and has its origin in the desire of the community to provide better schools for its youth.

The New York Times survey, which reached each of the forty-eight State commissioners of education, and obtained on-the-spot reports from Times' correspondents in each State, found that the participation and interest of the public in the schools is Nationwide. Because more money is being requested, and because conditions have deteriorated in many instances as a result of increased enrollments, the public has been placed in a position where its aid is needed.

Educators cite the tremendous growth of citizen interest as one of the most encouraging developments of the last 5 years. They recognize that the closer association that is established with the local school authorities, the better education the children will receive. School officials stress that there is no more effective channels through which the Nation can strengthen and develop the entire structure of our public-school system than through citizen participation.

The citizens' movement receives support and impetus from the National Citizens Commission for the Public Schools, headed by Roy E. Larsen, president of Time, and consisting of national leaders of all walks of life. The commission, which will hold its annual conference in St. Louis next Friday and Saturday, works closely with 1,600 local citizens' groups. These groups are in the forefront in their own communities in the campaign for improved schools.

THREE ELEMENTS ESSENTIAL

New citizen groups are being formed almost every day. The commission has found that these three elements in the formation and program of such groups are essential: First, that the group be fully representative of the people in the community; second, that if interest itself in the over-all school program rather than in any one particular aspect in its study; and third, that while maintaining its independent view, it cooperate fully with school authorities.

In thousands of communities these new citizens' committees have brought the responsible people of the community closer to the school administrators. It has brought them closer to the schools themselves and has helped solve some of the vexing problems of our day. Mr. Larsen puts it this way:

"The outstanding fact is that these well-organized, representative groups have provided an effective channel for the tremendous and ever-increasing interest of responsible citizens in the improvement of their local schools. It is a phenomenon on the American scene in which educators are taking great hope."

Various national groups, such as the American Legion, the National Congress for Parents and Teachers, the Junior Chamber of Commerce, and others have taken an active interest in the plight of the schools. At its session last month, the 160-man board of directors of the National Association of Manufacturers unanimously adopted a resolution that said that "business enterprises must find a way to support the whole educational program effectively, regularly, and now."

Frequently the citizens' groups, whether on a local or State level, have proved successful in drawing the attention of the public to the school needs. For example, Florida's minimum foundation program, which put a floor under the funds given to educa-

tion, was the result of a citizens' committee work. The passage of the Florida program resulted after a 2-year study by the citizens' committee.

Illinois boasts a large number of citizens' school committees, most common of which is the advisory committee in agricultural education. Last year 216 schools had at least 1 of these groups. Others have been organized to raise funds and plan buildings. Many young persons have been brought in through school-district reorganization in the State, and they have been working on school boards advising on various problems. There are more than 500 citizens' committees, of which half have been successful in raising funds for bond issues. Considerable enthusiasm exists in the State for school projects, and there is no trouble getting people to serve on committees.

Virtually every community in Michigan has established a citizens' committee. These are fostered by the area studies program adopted by the State legislature in 1949, which is designed to encourage the people of any area to make a thorough study of educational conditions and needs. Boards of education have been active in setting up these groups to educate the citizenry toward acceptance of school improvement projects.

More than 50 citizens groups are at work in northern California in the interest of better public schools. Many of these are associated with the National Citizens Commission for Public Schools, and are composed of members representing the professions, labor, industry, education, and other segments of the community.

In almost every area of Washington State citizens' committees have been established to work with school officials. Most are successful. Getting out the vote on school levies has been one of the toughest obstacles for citizens' committees to overcome—the special elections seldom draw anywhere near the votes a general election does when national, State or county officials are on the ballot.

ATTACKS ON SYSTEMS GROWING

Despite the vast citizen interest some segments of the community are opposed to the school programs and to public schools generally. A concerted attack is being made on the Nation's school system. Many communities are in the midst of controversies at this moment. In others, the critics of the public schools have sowed seeds of distrust and have occasionally disrupted the community and harmed the schools.

Reports from correspondents of the Times indicate that attacks on the public schools appear in few sections, but the number of these attacks is growing rapidly. For the most part, the criticism is dishonest and is used to cloak ulterior motives. Sometimes the objective is to reduce taxes. At other times it is to "return to the three R's." Still again, the criticism is leveled against a teacher or superintendent who may be considered too "progressive."

A counterattack against those who attack the schools dishonestly has been spearheaded by the National Commission for the Defense of Democracy Through Education, an affiliate of the National Education Association. In a recent pamphlet, *Danger, They're After Our Schools*, the commission warns that our American public schools are in serious danger. The pamphlet, which was sponsored by several national groups, declares that a Nation-wide campaign is underway that threatens to wipe out many of the advances the schools have made in the last 50 years.

"This is something quite apart from the honest effort of parents, teachers, and other civic-minded citizens to improve school programs and facilities," the educators warn. "In contrast to valid criticism and genuine concern for our children's well-being, that is a malicious campaign. It is so cleverly dis-

guised that honest citizens are taken unaware."

M'GRATH SCORES REACTIONARIES

Dr. Earl J. McGrath, United States Commissioner of Education, declared that the opposition to modern education is being stimulated by the more reactionary elements who are against any development in education that broadens its scope to serve more genuinely democratic needs. He added:

"The appeal to ignorance and prejudice, in all its ugliest manifestations, is being used to discredit this form of modern education, together with the same sort of 'smear campaign' that is increasingly being directed, within our body politic, against almost any form of liberal opinion."

Four basic arguments are used by those who attack the public schools: The three R's—reading, writing, and arithmetic—are being neglected; the schools use Communist-influenced textbooks or employ subversive teachers; too much money is paid for the upkeep of the schools, and the schools have failed to teach properly. These arguments are exploited and frequently misused.

For the last 2 years, major attacks on the public education system have been under way in both Pasadena and Los Angeles, Calif. The pattern has been the same in both cases. First a self-appointed committee involving relatively obscure citizens mounted an attack on the familiar grounds of Red influence, poor training of pupils, frills like vocational courses, allegedly heinous combination of history, geography, and economics, and an asserted return to the three R's. In Pasadena the original committee, led by an osteopath, resulted in the temporary defeat of a badly needed school bond issue (subsequently approved) and the dismissal of Dr. Willard E. Goslin, superintendent, in November 1950.

In Los Angeles the campaign has developed more slowly. A citizen school committee, headed by a film studio construction worker, was formally incorporated in May 1950, several months after its first appearance. It has urged citizens to sign this creed:

"I think these subjects should be emphasized: reading (use of phonetics from the beginning); spelling (more drill), handwriting, grammar composition, arithmetic drill (in early grades), history, geography and literature, with the last three taught as separate subjects. I believe in more classroom discipline, report cards with grades, standard tests for promotion."

If put into practice, the above suggestions would turn the educational clock back a good half century.

Mrs. Pearl A. Wanamaker, superintendent of public instruction in the State of Washington, believes there is a "deliberate campaign" to discredit public education in that State. She says it apparently is part of a movement gaining Nation-wide momentum. The bulk of the criticism—and the most effective—has been from taxpayer groups that constantly issue statistics showing how much the schools are costing the public.

The name of the National Council of American Education, and its director, Allan A. Zoll, is mentioned frequently by the Times correspondents. This is the organization that has been charged by the National Education Association as being dishonest in its criticism of the public schools, and disruptive in its purposes.

For example, in the campaign leading up to a school board election last summer at Ferndale, a suburb of Detroit, the president of the school board was defeated. A Zoll pamphlet, *Progressive Education Increases Juvenile Delinquency*, was tacked under the windshield wipers of automobiles parked near a school during a pre-election meeting of the parent-teachers' association.

Evidence exists that some of the material used in attacks in other States are showing up in Florida. Edward Henderson, executive secretary of the Florida Educational Association, warned that "Florida is the next target." He said he has been informed that representatives of Mr. Zoll's group were coming this way. School officials are now making an effort throughout the State to alert the public of the impending attack.

ENGLEWOOD ATTACK BEATEN

Nearer home, attacks on the public schools have been made in Englewood, N. J., and Scarsdale, N. Y., and Port Washington, Long Island. The public schools of Englewood were under attack last winter and spring in a movement headed by Frederick G. Cartwright, Englewood resident, said to be a financial supporter of Mr. Zoll. A public meeting arranged by the Englewood Anti-Communist League, of which Mr. Cartwright is the founder and president, had Mr. Zoll as one of its speakers. After his speech, Mr. Zoll promised to return to Englewood to conduct an investigation of alleged "Red" infiltration in the schools.

Counter-attack has been swift and vocal in Englewood. The Cartwright movement was stopped in its tracks by the formation of the Englewood Citizens Union, an organization of about 100 militant citizens. This group has representatives at all meetings of the Board of Education to stymie any statements or moves the Cartwright group might make. It furnished free legal aid to teachers who had been named by Mr. Cartwright.

Since 1949 the Scarsdale schools have faced virulently organized attacks. The attacks have been based almost exclusively on charges that books by known Communists and by left-wing followers have been placed on school library shelves and sometimes used as textbooks, that Communist sympathizers have been allowed to lecture in public schools, and that the board is derelict in not investigating the entire faculty to determine loyalties.

Scarsdale voters are on the side of the board by overwhelming numbers. No member of the opposition has been elected to the board. One of the opponents who ran was defeated for board membership by a vote of 1,150 to 40.

The organized school attacks may cause temporary harm, but the Times study shows that in the long run the general public comes to the defense of the public schools wholeheartedly. The free public schools are in the American tradition.

DOUBLING OF FUNDS FOR SCHOOLS URGED— EDUCATORS FAVOR TEN BILLION FOR NEW BUILDINGS, HIGHER PAY FOR BETTER TEACHERS— TO MAINTAIN STANDARDS—MORE CENTRALIZING AND SMALLER CLASSES ADVOCATED IN STRESS ON INDIVIDUAL PUPIL'S NEEDS

The war mobilization program has left its impact upon the Nation's public schools.

Decreased purchasing power, increased enrollments and a shortage of qualified teachers have combined to check the gains made soon after World War II. Many pressing problems still exist and are getting worse.

Reports from the 48 States, in a survey made by the New York Times, indicate that the schools now have difficulty in getting and keeping competent teachers. A program to induce young persons to become teachers is essential if standards in the teaching profession are to be improved. The public generally must accept responsibility for the financial support of a strong school system.

The Nation's State education commissioners list the 10 most pressing needs that confront the schools today. If put into practice, the 10-point program would cost considerable money. Some educators estimate that education should receive about twice what it spends now—a total of \$10,000,000,000 for operating expenses instead of the \$5,000,000,000 it now gets.

PRESSING NEEDS ARE LISTED

The pressing needs, as listed by leading educators, are:

1. More and better school facilities, new buildings to accommodate the rise in enrollment and to replace obsolete schools.
2. More and better teachers, to eliminate those now serving on emergency certificates who cannot meet accepted standards, to reduce the high pupil-teacher ratio, and to meet the needs of the rising enrollment.
3. More financial support for education, particularly from the local community, so that new buildings can be constructed, additional teachers acquired, salaries raised and needed improvements made.
4. Better salaries for teachers and administrators, to attract personnel to the field and to meet the competition of the higher wages offered by private industry and business, as well as to offset the rising cost of living.
5. The reorganization and consolidation of school districts, particularly in the rural areas, so that children in all areas can receive an adequate education.
6. Smaller classes to reduce pupil-teacher ratio and to insure that the individual needs of all pupils are not overlooked.
7. Special services for "exceptional" children—the retarded and the gifted.
8. More supplies so that children can get the full benefit of the school curriculum.
9. More and better school transportation in rural areas to improve attendance and curb dropouts.
10. Better working conditions for all school employees.

There are other problems, of course, but these are the foremost ones. The educators recognize that, because of the priority taken by our defense needs, many of the "musts" listed by the profession will have to wait. But they are worried lest the wait be long, and that in the meantime the schools will suffer irreparable damage.

WELFARE AIDS SUGGESTED

The Department of Classroom Teachers of the National Education Association holds that the welfare of pupils and the welfare of teachers are so closely bound together as to be practically identical. Therefore, it believes that, to provide the best education for children, these conditions are essential:

1. The employment of adequately trained teachers, with much attention given to the work during the probationary period.
2. The adoption of a policy against discrimination in any manner on account of grade level or subject taught, marital status, age, sex, creed or color.
3. A teacher-pupil ratio of 1 to 25 based upon persons actually engaged in teaching and total student enrollment.
4. A single salary schedule for classroom teachers providing a minimum salary of \$3,200 for teachers with a bachelor's degree and salaries of at least \$8,000 for teachers with 5 years of training and 15 years of experience.

In many instances, teacher morale is lower now than it was a year ago. This reacts upon the students who might plan to become teachers. Perhaps the lowered morale is partly to blame for the fact that the teachers colleges this year have enrolled 15 percent fewer freshmen than a year ago.

On the question of teacher morale, Dr. Earl J. McGrath, United States Commissioner of Education, holds that the primary cause of our inability to attract more young people to the teaching profession, and hold them, is our failure to pay them enough. He warns that until we can establish better salaries, it is doubtful that we shall be able to secure the full complement of qualified teachers we so sorely need.

However, there are factors other than the economic that cause teachers to abandon their profession. Many teachers are over-

worked to the point where they can no longer take it.

Others are unwilling to accept the limitations on their personal freedom imposed by certain communities. Still others find that conditions in many school systems act to curb their natural enthusiasm and zeal for doing a good job.

"There is no doubt that really thorough-going research into the teacher shortage is long overdue," observes Dr. McGrath. "Such a study should explore all phases of the matter—economic, social, and psychological—and attempt to uncover the root causes. We need to know all the reasons why people go, or do not go, into teaching and why they stay or leave it. We need to know what makes a good teacher and what makes a bad teacher. And we need to know what can be done to develop the morale of the profession so that those who enter it will have no cause to regret their choice."

On the whole, the States agree as to the most pressing needs in the education profession. They agree with Delaware that more funds for schools are imperative. The unified school legislative committee in Delaware, which comprises 20 lay and professional groups interested in education, stressed that a change in the tax set-up was needed so that more funds can be provided.

Many educators say more State aid, or some form of Federal aid, is the answer. Practically all teachers, principals, and officials of the State board of education are convinced that more State aid is the key to the solution of all major educational problems in New Jersey.

AID FOR HANDICAPPED URGED

Without greater appropriations to construct new schools, employ more teachers, or pay higher salaries, no important improvement in education can be realized in New Jersey or elsewhere.

Educators in Massachusetts say the teacher shortage, need for more adequate salaries, need for new buildings to take care of enrollments where they have increased, and the replacement of antiquated buildings are the most pressing needs for the improvement of education in their State. Dr. John J. Desmond, Jr., Massachusetts State commissioner of education, called also for more equality of education, so that the handicapped would have an equal chance with the healthy to learn how to be self-supporting.

Out of seven representative superintendents in North Carolina polled on the question of their schools' most pressing needs, five listed "more funds" and the other two said "more superior teachers who set the standard for teaching in the school." According to Thomas D. Bailey, State superintendent of Florida, teachers and school buildings are the two most pressing educational needs. It will require \$45,000,000 to bring the Negro school buildings and facilities up to the standard of schools for white children. Based on the United States Supreme Court decision concerning education for Negro children, Florida can expect to be called upon to meet this expenditure in the near future. Other Southern States are in a similar position.

The most pressing problems faced on education in Texas are mounting enrollments, the building shortages, scarcity of qualified teachers and insufficient school funds on the local level. Factors pointing up these problems are reactivation of military installations, speeding up production of defense industries, and a climbing birth rate. Texas is still trying to catch up with its building program after the building dearth during the war period. The problem is becoming acute with scarcity of materials, and high costs.

Several Midwestern States list reorganization and consolidation of the small districts as their most pressing school need. Nebraska is typical in this respect. There are

nearly 7,000 school districts in the State. Enrollments, it is found, do not justify the large number. For the sake of economy and a better educational program, redistricting is found to be necessary. The State has never recognized the necessity of having properly qualified teachers for the elementary grades. High-school graduates with no college training are still permitted to teach under certain conditions.

Similarly, the most pressing need for the Montana public school system is the consolidation of many school districts. Authorities of the Montana Education Association point out that Montana is a State of vast spaces and small population. Consolidation is dependent to a considerable extent upon the highways.

There is no one answer to all the problems raised by the educators. Before the schools are improved, the needs will have to be examined locally and the necessary funds obtained. Dr. Worth McClure, executive secretary of the American Association of School Administrators, one of the most influential school groups in the country, points to the serious difficulties caused by lack of money to meet fast-growing enrollment and offset rapid increase in costs as an immediate problem to be considered.

"More teachers will cost more money," he notes. "Teachers' salaries, always behind the rise of living costs, are now falling further behind than ever. Everything the schools use costs more than it did before Korea. There is evidence that the substantial increase in the national budget made necessary by national defense is beginning to dry up State and local sources of school support."

Despite the growing problems faced by the schools, educators everywhere are confident that the educational facilities will be strengthened rather than weakened in the immediate years ahead. They point to the tremendous interest taken by the public, as evidenced by the hundreds of citizens' school committees throughout the country, as proof that people everywhere are ready and willing to support the free public schools. Strong schools will strengthen our democratic traditions.

EXHIBIT 5

[From the New York Times of February 7, 1952]

COLUMBIA TUITION RAISED UP TO 25 PERCENT—MEDICINE AND DENTISTRY GOING FROM \$750 TO \$825 A YEAR; OTHER SCHOOLS \$600 TO \$750—HIGHER COSTS TO BE MET—NEED FOR ADEQUATE FACULTY PAY CITED BY DR. KIRK; HARSHIP FUND FOR STUDENTS PLANNED

Tuition rises up to 25 percent will take effect in Columbia University's 17 schools and departments next fall. The trustees approved the increases, the third in a decade, at their regular monthly meeting Monday afternoon.

The fee for each point or unit, of academic work will go from \$20 to \$25. The schools of medicine and dentistry will charge \$825 a year in place of the present \$750, and full-time students at all other schools will pay \$750 instead of \$600.

Full-time students are those matriculating for a degree. Normally they may take up to 38 points of work each year, but are charged for only 30.

Dr. Grayson L. Kirk, vice president and provost of the university, announced the new rates yesterday, saying that they were necessary in view of mounting operating costs. He said the trustees took the action "with great reluctance" but deemed it essential to the enduring interests of the university.

Teachers College, affiliated with Columbia, but operating under a separate corporation, is expected to follow the university's example within 10 days. Dr. William F. Russell, president of the college, said that rising costs necessitated an increase from \$20 to \$25 for a point of work.

NO RISE NOW AT BARNARD

Barnard College, also individually incorporated, raised its tuition to \$800 a year in 1950 and contemplates no further increase at the moment, a spokesman said.

Dr. Kirk gave assurances that a \$3,600 annual salary would be established as the minimum for full-time instructors at Columbia and that salary adjustments would be made for higher ranking teachers.

"Columbia employs far too many instructors at \$3,000 and \$3,300 at the present time," the vice president declared. In view of rising living costs, he said he felt that many faculty salaries were inadequate.

If enrollment continues at the present level, the tuition increases will bring the university an additional \$1,000,000 a year. Dr. Kirk indicated that this amount might go far toward eliminating the deficits and averting impairment of the educational program.

Expressing the hope that the additional funds would make possible a more liberal support of the student scholarship and fellowship programs, he said that a hardship fund for students would be established.

Including a \$40 university fee, it will cost \$790 a year for study at the following schools: Columbia College and the Schools of Business, General Studies, Architecture, Journalism, Library Service, International Affairs, Physical Therapy, Occupational Therapy, Engineering, Public Health, Law, Painting and Sculpture, Dramatic Arts, and Dental Hygiene.

RATE DOUBLED IN 7 YEARS

Students in 1952-53 will be paying exactly twice the amount charged 7 years ago. After an increase from \$10 to \$12.50 a point in 1935, the tuition remained constant until 1946, when the fee was raised to \$15. It became \$20 in 1948.

Dr. Kirk explained that this was in keeping with expenses, which, he said, had nearly doubled in recent years. Endowments, he added, are worth only half as much as they were before the war because of the declining value of the dollar.

In a statement to students Dr. Kirk declared:

"Columbia, like all other private colleges and universities, has been affected by the continuing effects of the inflationary trend. Faculty salary adjustments, needed to meet rising living costs, have been inadequate, and deferred maintenance of our physical plant has assumed undesirable proportions."

With the possible exception of Harvard, Dr. Kirk said, Columbia was as well off financially as the other Ivy League schools. These also include Princeton, Yale, Cornell, Dartmouth, Pennsylvania, and Brown. Yale and Princeton have announced tuition increases for the coming year both going from \$600 to \$750.

EXHIBIT 6

Values of Federal land grants for elementary and secondary schools

[Data for the 1949-50 school year]

Code	Continental United States	Endowment funds	Acres unsold	Income from permanent school funds
	Total.....	\$828,123,681	30,964,118	\$29,462,546
01	Alabama.....	4,163,600		236,400
02	Arizona.....	3,000,000	6,700,000	450,000
03	Arkansas.....	4,260,954		115,419
04	California.....	16,845,000		3,101,538
05	Colorado.....	18,290,390	2,838,184	900,000
06	Connecticut.....	2,144,332		86,500
07	Delaware.....	2,000,000		75,000
08	Florida.....	6,505,754		297,409
09	Georgia.....			
10	Idaho.....	19,372,810		1,044,481
11	Illinois.....	948,955		57,000
12	Indiana.....	21,461,161		700,186
13	Iowa.....	4,554,124		129,178
14	Kansas.....	12,009,861		221,711

Values of Federal land grants for elementary and secondary schools—Continued

[Data for the 1949-50 school year]

Code	Continental United States	Endowment funds	Acres unsold	Income from permanent school funds
15	Kentucky.....	\$2,315,675		\$138,938
16	Louisiana.....	3,015,056		38,118
17	Maine.....	614,472		75,883
18	Maryland.....			
19	Massachusetts.....	6,000,000		158,000
20	Michigan.....	7,216,104		500,000
21	Minnesota.....	154,000,000		3,500,000
22	Mississippi.....	1,036,515		62,000
23	Missouri.....	3,372,000		190,763
24	Montana.....	25,000,000		1,960,000
25	Nebraska.....	12,000,000	1,700,000	1,190,956
26	Nevada.....	3,685,581		100,000
27	New Hampshire.....	59,723,000		1,500
28	New Jersey.....	14,790,896		468,000
29	New Mexico.....	29,060,000	7,000,000	3,412,847
30	New York.....	9,851,390		310,000
31	North Carolina.....	2,397,845		36,772
32	North Dakota.....	31,832,675	1,014,825	1,075,000
33	Ohio.....	4,600,000		270,000
34	Oklahoma.....	53,191,270	303,109	1,331,575
35	Oregon.....	10,667,375	700,000	225,606
36	Pennsylvania.....	2,996,699		75,000
37	Rhode Island.....	414,732		12,500
38	South Carolina.....			
39	South Dakota.....	28,000,000	2,275,000	968,631
40	Tennessee.....	2,512,500		150,750
41	Texas.....	150,311,245	1,042,000	3,345,850
42	Utah.....	6,000,000	2,500,000	500,000
43	Vermont.....	1,120,218		37,000
44	Virginia.....	18,112,532		315,000
45	Washington.....	48,964,385	1,800,000	1,400,000
46	West Virginia.....	1,000,000		40,000
47	Wisconsin.....	13,254,965		274,495
48	Wyoming.....	24,500,000	3,091,000	1,180,000

EXHIBIT 7

Federal grants of land for educational purposes, by State and purpose

State	Acres granted
Alabama:	
Seminary of learning.....	46,080.00
Common schools, sec. 16 (or indemnity lands).....	911,627.00
Agricultural college scrip.....	240,000.00
University.....	46,080.00
Tuskegee Normal and Industrial Institute.....	25,000.00
Industrial School for Girls.....	25,000.00
Vocational and other educational purposes.....	1,625.19
Total.....	1,295,412.19

Alaska Territory:	
Common schools, secs. 16 and 36, reserved (estimated).....	21,009,209.00
Agricultural college and school of mines, certain secs. 33, reserved (estimated).....	336,000.00
Agricultural college and school of mines.....	2,249.95
Agricultural college and school of mines.....	100,000.00
Total.....	21,447,458.95

Arizona:	
University.....	46,080.00
University.....	200,000.00
Deaf, dumb, and blind asylum.....	100,000.00
Normal schools.....	200,000.00
Agricultural and mechanical colleges.....	150,000.00
School of mines.....	150,000.00
Military institutes.....	100,000.00
Common schools, secs. 2, 32, 16, and 36 (or indemnity lands).....	8,093,156.00
University.....	160.00
University.....	2,876.71
Total.....	9,042,272.71

Arkansas:	<i>Acres granted</i>	Kansas:	<i>Acres granted</i>	Montana—Continued	
Seminary or university	46,080.00	University	46,080.00	Common schools, secs. 16 and 36 (or indemnity lands)	<i>Acres granted</i> 5,198,258.00
Common schools, sec. 16 (or indemnity lands)	933,778.00	Common schools, secs. 16 and 36 (or indemnity lands)	2,907,520.00	Observatory for university	480.00
Agricultural college scrip	150,000.00	Agricultural college	90,000.00	Biological station for university	160.84
Total	1,129,858.00	Experiment station, agricultural college, normal school, and public park	7,507.53	Fort Assiniboine, for educational institutions	2,000.00
California:		Agricultural college	7,682.00	Total	5,686,978.84
University	46,080.00	Total	3,058,789.53	Nebraska:	
Common schools, secs. 16 and 36 (or indemnity lands)	5,534,293.00	Kentucky:		Agricultural college	90,000.00
Agricultural and mechanical colleges	150,000.00	Agricultural college scrip	330,000.00	Common schools, secs. 16 and 36 (or indemnity lands)	2,730,951.00
Total	5,730,373.00	Deaf and dumb asylum	22,508.65	University	46,080.00
Colorado:		Total	352,508.65	Total	2,867,031.00
Agricultural college	90,000.00	Louisiana:		Nevada:	
University	46,080.00	Common schools, sec. 16 (or indemnity lands)	807,271.00	Mining and mechanic arts	90,000.00
Common schools, secs. 16 and 36 (or indemnity lands)	3,686,618.00	Seminary of learning	46,080.00	University	46,080.00
State agricultural college	160.00	Agricultural college scrip	210,000.00	Common schools, certain secs. 16 and 36, and lieu lands	2,081,967.00
State agricultural college	1,600.00	University and agricultural college	211.56	Total	2,198,047.00
School of mines	200.00	Total	1,063,562.56	New Hampshire:	
Biological station	160.00	Maine:		Agricultural college scrip	150,000.00
Total	3,824,818.00	Agricultural college scrip	210,000.00	Total	150,000.00
Connecticut:		Total	210,000.00	New Jersey:	
Agricultural college scrip	180,000.00	Maryland:		Agricultural college scrip	210,000.00
Total	180,000.00	Agricultural college scrip	210,000.00	Total	210,000.00
Delaware:		Total	210,000.00	New Mexico:	
Agricultural college scrip	90,000.00	Massachusetts:		University	111,080.00
Total	90,000.00	Agricultural college scrip	360,000.00	Saline land (university)	1,622.86
Florida:		Total	360,000.00	Agricultural college	100,000.00
Seminaries of learning	92,160.00	Michigan:		Deaf and dumb asylum	50,000.00
Common schools, sec. 16 (or indemnity lands)	975,307.00	University	46,808.00	Reform school	50,000.00
Agricultural college scrip	90,000.00	Common schools, sec. 16 (or indemnity lands)	1,021,867.00	Normal schools	100,000.00
Total	1,157,467.00	Agricultural college	240,000.00	School of mines	50,000.00
Georgia:		Total	1,307,947.00	Blind asylum	50,000.00
Agricultural college scrip	270,000.00	Minnesota:		Military institute	50,000.00
Total	270,000.00	University	92,160.00	Common schools, sections 16 and 36 (or indemnity lands)	4,355,662.00
Idaho:		Common schools, secs. 16 and 36 (or indemnity lands)	2,874,951.00	University	200,000.00
University	46,080.00	Agricultural college	120,000.00	Deaf, dumb, and blind asylum	100,000.00
University, Moscow	50,000.00	Total	3,087,111.00	Normal schools	200,000.00
Agricultural college	90,000.00	Mississippi:		Agricultural and mechanical colleges	150,000.00
Normal schools	100,000.00	Jefferson College	23,040.00	School of mines	150,000.00
Scientific schools	100,000.00	Common schools, sec. 16 (or indemnity lands)	824,213.00	Military institutes	100,000.00
Common schools, secs. 16 and 36 (or indemnity lands)	2,963,698.00	Seminary of learning	23,040.00	Common schools, secs. 2 and 32 (or indemnity lands)	4,355,662.00
University	606.40	Agricultural college scrip	210,000.00	Agricultural college	54,868.41
Total	3,350,384.40	University	23,040.00	Eastern New Mexico Normal School	76,667.00
Illinois:		Agricultural and mechanical college	46,080.00	Regents of University of New Mexico for archaeological purposes	218.13
Seminary of learning	56,080.00	Industrial institute and college for girls	23,040.00	Regents of Agricultural College of New Mexico	2,089.70
Common schools, sec. 16 (or indemnity lands)	996,320.00	Total	1,597,893.00	Total	10,307,870.10
Agricultural college scrip	480,000.00	Missouri:		New York:	
Total	1,522,400.00	Seminary of learning	46,080.00	Agricultural college scrip	990,000.00
Indiana:		Common schools, sec. 16 (or indemnity lands)	1,221,813.00	Total	990,000.00
Seminary of learning	46,080.00	Agricultural college	330,000.00	North Carolina:	
Common schools, sec. 16 (or indemnity lands)	668,578.00	Total	1,597,893.00	Agricultural college scrip	270,000.00
Total	714,658.00	Montana:		Total	270,000.00
Iowa:		University	46,080.00	North Dakota:	
University	46,080.00	Agricultural college	140,000.00	University	86,080.00
Common schools, sec. 16 (or indemnity lands)	1,000,678.62	Deaf and dumb asylum	50,000.00	Agricultural college	130,000.00
Agricultural college	240,000.00	Reform school	50,000.00	Deaf and dumb asylum	40,000.00
Total	1,286,758.62	School of mines	100,000.00	Reform school	40,000.00
		Normal schools	100,000.00		

State/Territory	Acres granted	Acres granted	Acres granted
North Dakota—Continued			
School of mines	40,000.00		
Normal school	80,000.00		
Common schools, secs. 16 and 36 (or indemnity lands)	2,495,396.00		
Total	2,911,476.00		
Ohio:			
Seminaries of learning	69,120.00		
Common schools, sec. 16 (or indemnity lands)	724,266.00		
Agricultural college scrip	630,000.00		
Total	1,423,386.00		
Oklahoma:			
Normal schools	300,000.00		
Oklahoma University	250,000.00		
University preparatory school	150,000.00		
Agricultural and mechanical college	250,000.00		
Colored agricultural and normal university	100,000.00		
Common schools, secs. 16 and 36 (or indemnity lands)	1,375,000.00		
Institutional purposes, certain secs. 13 and 33	669,000.00		
Total	3,094,000.00		
Oregon:			
University	46,080.00		
Common schools, secs. 16 and 36 (or indemnity lands)	3,399,360.00		
Agricultural college	90,000.00		
University	85.42		
Total	3,535,525.42		
Pennsylvania: Agricultural college scrip		780,000.00	
Total		780,000.00	
Rhode Island: Agricultural college scrip		120,000.00	
Total		120,000.00	
South Carolina: Agricultural college scrip		180,000.00	
Total		180,000.00	
South Dakota:			
University	46,080.00		
University	40,000.00		
Agricultural college	160,000.00		
Deaf and dumb asylum	40,000.00		
Reform school	40,000.00		
School of mines	40,000.00		
Normal schools	80,000.00		
Common schools, secs. 16 and 36 (or indemnity lands)	2,733,084.00		
Total	3,179,164.00		
Tennessee: Agricultural college scrip		300,000.00	
Total		300,000.00	
Texas: Agricultural college scrip		180,000.00	
Total		180,000.00	
Utah:			
University	46,080.00		
University	110,000.00		
Agricultural college	200,000.00		
Deaf and dumb asylum	100,000.00		
Reform school	100,000.00		
School of mines	100,000.00		
Normal schools	100,000.00		
Blind asylum	100,000.00		
Common schools, secs. 2, 16, 32, 36 (or indemnity lands)	5,844,196.00		
University purposes	60.54		
Total	6,700,336.54		
Vermont: Agricultural college scrip		150,000.00	
Total		150,000.00	
Virginia: Agricultural college scrip		300,000.00	
Total		300,000.00	
Washington:			
University	46,080.00		
Agricultural college	90,000.00		
Normal schools	100,000.00		
Scientific schools	100,000.00		
Common schools, secs. 16 and 36 (or indemnity lands)	2,376,391.00		
Total	2,712,471.00		
West Virginia: Agricultural college scrip		150,000.00	
Total		150,000.00	
Wisconsin:			
University	92,160.00		
Common schools, sec. 16 (or indemnity lands)	982,329.00		
Agricultural college	240,000.00		
Total	1,314,489.00		
Wyoming:			
University	46,080.00		
Common schools, secs. 16 and 36 (or indemnity lands)	3,470,009.00		
Agricultural college	90,000.00		
Deaf and dumb asylum	30,000.00		
Total	3,636,089.00		

NOTE.—These data have been taken from School Lands: Land Grants to States and Territories for Educational and Other Purposes. U. S. Department of the Interior, General Land Office, Information Bulletin, 1939 series, No. 1. Washington, D. C., U. S. Government Printing Office, 1939.

EXHIBIT 8

TABLE 19.—Land-grant funds of 1862 (first Morrill Act) and other Federal land-grant funds, for year ended June 30, 1950

Location of Institution	Land-grant funds of 1862										Other Federal land grants			
	Condition of fund			Balance on hand July 1, 1949	Receipts		Total columns 5-7	Disbursements			Balance on hand July 1, 1950	Unsold land (value)	Amount of fund, not including unsold land	Income, 1949-50
	Amount of fund, not including unsold land	Unsold land			Income on invested funds	Income from rentals, rights, deferred payments, etc.		Salaries	Facilities	Total				
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)
Grand total	\$46,966,795	597,929	\$16,127,576	\$368,526	\$1,283,505	\$158,664	\$1,810,695	\$1,125,445	\$373,291	\$1,498,736	\$311,959	\$7,539,780	\$21,990,911	\$685,719
Total white	46,578,574	597,929	16,127,576	367,899	1,256,723	158,664	1,783,291	1,098,041	373,291	1,471,332	311,959	7,539,780	21,990,911	685,719
Total Negro	388,221			627	26,777		27,404	27,404		27,404				
Alabama	253,500				20,280		20,280	20,280		20,280				
Arizona	65,995	150,000	300,000	4,415	1,597	5,751	11,763		800	800	10,963	496,080	894,646	49,262
Arkansas	132,667				6,633		6,633	6,633		6,633				
California	891,417	480	4,800	140,019	24,019		164,038		\$140,019	140,019	24,019		116,733	3,995
Colorado	602,528			19,873	17,723	4,528	42,124	39,593		39,593	2,531			
Connecticut	135,000			63,391	4,082		67,473			67,473				
Delaware	84,381				1,400		1,400	1,400		1,400				
Florida	182,329				7,750		7,750	7,750		7,750			68,337	1,233
Georgia	242,202			2,575	6,155		8,730	5,250	\$800	6,060	2,680			
Idaho	1,200,851	48,240	482,401			39,262	39,262	3,516	35,746	39,262		904,576	4,066,326	129,017
Illinois	649,013				32,451		32,451	32,451		32,451				
Indiana	340,000			4,649	9,352		14,001	13,968		13,968	33			
Iowa	546,943				16,537		16,537	16,537		16,537			136,000	5,440
Kansas	557,121	4,000	30,000	14,736	13,211	200	28,147	10,000		10,000	18,147			
Kentucky:														
White	165,000				8,645		8,645	8,645		8,645				
Negro	23,925			627	1,256		1,883	1,883		1,883				
Louisiana	182,313				9,116		9,116	9,116		9,116				
Maine	118,300				5,915		5,915	5,915		5,915				
Maryland	432,400				3,310		3,310	3,310		3,310				

¹ Of this amount \$120,625 was transferred to other functions than facilities of instruction.

² Of this amount \$119,825 was added to the principal.

³ This amount was transferred to North Georgia College, Dahlonega, Ga.

TABLE 19.—Land-grant funds of 1862 (first Morrill Act) and other Federal land-grant funds, for year ended June 30, 1950—Continued

Location of institution	Land-grant funds of 1862											Other Federal land grants		
	Condition of fund			Balance on hand July 1, 1949	Receipts		Total columns 6-7	Disbursements			Balance on hand July 1, 1950	Unsold land (value)	Amount of fund, not including unsold land	Income, 1949-50
	Amount of fund, not including unsold land	Unsold land			Income on invested funds	Income from rentals, rights, deferred payments, etc.		Salaries	Facilities	Total				
(1)	(2)	Number of acres	Value	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)
Massachusetts: Massachusetts Institute of Technology.....	\$73,000					\$3,650	\$3,650	\$2,100	\$1,550	\$3,650				
University of Massachusetts.....	146,000			\$928	7,300	74,181	74,181	3,144	74,181	74,181	\$5,084			
Michigan.....	1,059,071				566,637	566,637	566,637	566,637	566,637	566,637				
Minnesota.....	25,807,029	26,240	\$131,203											
Mississippi: White.....	98,575				5,914	5,914	5,914	5,914	5,914	5,914			\$141,213	\$8,473
Negro.....	98,296				12,592	12,592	12,592	12,592	12,592	12,592				
Montana.....	520,987	20,164	80,656		21,181	\$1,014	22,195	22,195	22,195	22,195			122,000	7,320
Missouri.....	728,698	65,835	658,352	2,707	16,396	12,663	31,766	12,047	2,831	14,878	16,888	\$402,356	292,563	9,240
Nebraska.....	699,375	3,994	71,930	34,219	11,611	4,577	50,407			50,407	50,407	112,696	320,149	20,621
Nevada.....	136,210	360	651	146	3,479		3,625	3,020		3,020	605	46,080	66,133	1,654
New Hampshire.....	80,000				4,800		4,800		4,800	4,800				
New Jersey.....	116,000				5,800		5,800	5,800		5,800				
New Mexico.....	724,024			7,081	15,548	35,977	58,606		55,135	55,135	3,471			
New York.....	688,576			34,429	34,429		68,858	34,429	34,429	68,858				
North Carolina.....	125,000				7,500		7,500			7,500				
North Dakota.....	1,925,248	16,207	162,069	14,562	61,906		76,468		3,132	3,132	73,336			
Ohio.....	524,177			65	31,490		31,555	31,492		31,492	63			
Oklahoma.....	214,840	421	1,524		5,855		5,855	5,855		5,855		1,607,373	5,193,438	157,922
Oregon.....	500,000				25,000		25,000	25,000		25,000			17,000	1,020
Pennsylvania.....	50,000				1,807		1,807			1,807				
Rhode Island.....														
South Carolina: White.....	95,900				5,754		5,754	5,754		5,754				
Negro.....	95,000				5,754		5,754	5,754		5,754				
South Dakota.....	624,227	86,850	868,500		18,924	24,248	43,172		43,172	43,172		829,497	208,076	14,391
Tennessee.....	400,000				12,235		12,235	12,235		12,235				
Texas.....	209,000			2,328	10,450		12,778	8,450	858	9,308	3,470			
Utah.....	346,795	39,553	98,882		8,468	4,852	13,320		13,320	13,320				
Vermont.....	122,000				7,320		7,320	7,320		7,320				
Virginia: White.....	344,312				7,960		7,960	7,960		7,960				
Negro.....	173,000				7,175		7,175	7,175		7,175				
Washington.....	2,858,969	62,692	2,507,678		71,634	9,993	81,637	81,537		81,537		3,330,582	7,055,362	184,342
West Virginia.....	125,300			11,620	3,738		15,358			15,358				
Wisconsin.....	303,410				5,690		5,690	5,690		5,690			234,065	7,330
Wyoming.....	449,981	72,893	10,728,930	10,156	11,895	15,689	37,740	20,309		20,309	17,431	350,540	3,058,870	84,459

Mr. O'MAHONEY. Mr. President, the last interrogation which was propounded to the Senator from Alabama pointed out that these great values are found out under the open sea. Those were the words of the Senator from Louisiana. Whatever the estimate may be, whether it be the large estimate made by the Senator from Alabama [Mr. HILL] or the small estimate made by the Senator from Louisiana, it is an estimate of values which the Senator from Louisiana says will come from the open ocean.

Mr. LONG. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. LONG. The Senator from Wyoming referred to the small estimate made by the junior Senator from Louisiana.

Mr. O'MAHONEY. I did not mean that.

Mr. LONG. It is the estimate which was made by the Secretary of the Interior, who is charged with the responsibility of knowing something about the subject.

Mr. O'MAHONEY. Of course I did not mean that the Senator from Louisiana considers the matter a small one, nor that he made the estimate. I recognize the fact that the estimate he used was made by the Secretary of the Interior. I want to emphasize the fact that the Senator from Louisiana himself stated that these great values come from under the open ocean. This is the very argument that is made in support of

Senate Joint Resolution 20, the measure now before the Senate. I should like to compliment the Senator from Alabama for the presentation which he has made in support of the amendment.

Mr. LONG. Mr. President, will the Senator yield?

Mr. O'MAHONEY. Yes.

Mr. LONG. I believe the Senator from Wyoming has misunderstood my position. What I said was that drilling in the open sea, particularly in water as much as 50 or 100 feet deep, where platforms and derricks must be erected and perhaps even living quarters, a very good oil field must be discovered if it is to be practicable to produce oil from it. A well which produces only 10 barrels a day, which is the average for the Nation's wells as a whole, would not be feasible for production; it must bring in a substantial amount of oil, perhaps 200 or 300 barrels a day, rather than a well that would bring in only 10 barrels a day. What I said was that in many instances fields which would be valuable in the continental United States would not be of great value on the Continental Shelf.

Mr. O'MAHONEY. I understood the point which the Senator from Louisiana was making. The point I am making is simply that the Senator's statement is a frank acknowledgment of the fact that here we are dealing with the open sea. The basis of our argument is that the open sea is under the jurisdiction of the

Federal Government as an attribute of its external sovereignty. Such has been from the very beginnings of our history as a Nation.

However, Mr. President, I was paying my tribute to the Senator from Alabama [Mr. HILL] for the very excellent presentation he has made here.

PROPERTY OF ALL THE PEOPLE

Mr. President, the time has come for us to continue to pay diligent attention to the development of our human resources. These human resources are to be found not alone in the coastal States, but in all the States.

The point of the legal argument which was made in the Supreme Court, and was sustained by the Supreme Court, and the point of the argument which those of us who support this measure make, is that the mineral resources of the lands submerged by the open ocean belong or appertain to all the people of all the States of the Union. There can be no question about that.

The State of Florida was acquired by purchase by the Federal Government.

Mr. HOLLAND. Mr. President, may I interject just three words at this point?

Mr. O'MAHONEY. Yes, indeed.

Mr. HOLLAND. What a bargain.

Mr. O'MAHONEY. With that statement I completely agree. However, let me say that although it was a great bargain, the State of Florida has never resisted accepting any of the grants-in-aid

which it receives from the Federal Government.

FEDERAL AID IN DEVELOPMENT OF STATE

Yesterday the Senator from Florida was telling us about the developments along the coast of Florida, developments of which I am proud. I have visited the beach at Miami. I have enjoyed the hotels at Miami. I have flown to Miami in airplanes supported and maintained by Federal subsidy. I have landed at Florida airports built and maintained by Federal appropriations. Oh, I boast about Florida, just as the Senator from Florida boasts about it.

Mr. HOLLAND. Mr. President, will the Senator from Wyoming yield further to me?

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from Florida?

Mr. O'MAHONEY. I hope the Senator from Florida will pardon me for a moment. He has opened up the point, and I am glad to take advantage of it.

Yesterday the Senator from Florida was talking about the terrible Federal Government, this "ogre," as he describes it, this Uncle Sam who carries in his right hand a dagger with which to cut the throats of the States. The Senator from Florida at that time was drawing a terrible picture, a picture quite contrary to the actual facts. He was discussing what a terrible abuse it would be of the rights of the people of Florida were they to have to obtain permits from the Federal Government to develop water-front property.

PERMITS REQUIRED UNDER EXISTING LAW

At that time I called attention to the statute enacted in 1899 which gives to the Corps of Engineers complete jurisdiction over all constructions in the navigable waters of the United States, including even inland navigable waters. Mr. President, I think I should read the statute into the RECORD at this point. It is section 403 of title 33 of the United States Code, dealing with navigation and navigable waters. It is codified from section 10 of the act of March 3, 1899:

Sec. 403. Obstruction of navigable waters generally; wharves, piers, etc.; excavations and filling in.

The creation of any obstruction not affirmatively authorized by Congress, to the navigable capacity of any of the waters of the United States is prohibited—

Mr. President, this includes the drilling platforms in the open ocean, to which the Senator from Louisiana referred a moment ago.

Mr. LONG. Mr. President, the Senator has no doubt of it; it very definitely does.

Mr. O'MAHONEY. Yes, indeed.

I read further from section 403—

and it shall not be lawful to build or commence the building of any wharf, pier, dolphin, boom, weir, breakwater, bulkhead, Jetty, or other structures in any port, roadstead, haven, harbor, canal, navigable river, or other water of the United States, outside established harbor lines, or where no harbor lines have been established, except on plans recommended by the Chief of Engineers and authorized by the Secretary of War; and it shall not be lawful to excavate or fill, or in any manner to alter or modify the course,

location, condition, or capacity of, any port, roadstead, haven, harbor, canal, lake, harbor of refuge, or enclosure within the limits of any breakwater, or of the channel of any navigable water of the United States, unless the work has been recommended by the Chief of Engineers and authorized by the Secretary of War prior to beginning the same (March 3, 1899, ch. 425, sec. 10, 30 Stat. 1151).

Mr. President, yesterday I sought to check upon the debate which I thought must have occurred in the Fifty-fifth Congress when that statute was passed. It was carried in the Rivers and Harbors bill of 1899, enacted on March 3, 1889, a time before it became so popular to denounce the "encroachments" of the Government of the United States. Today it is very popular to describe the Federal Government almost as an enemy of the people, although the people of no State of the Union are without benefits derived from the Federal Treasury.

NO PROTEST AT TIME OF ENACTMENT

I obtained some information about this matter, not all of which I shall undertake to reveal tonight. However, I do not wish the debate today to close without having some of this material in the RECORD. In reading the debates in the Fifty-fifth Congress on the Rivers and Harbors bill of 1899, I do not find a single line by any Member protesting in any way about this provision.

No Member of Congress asserted at the time this provision was enacted that it would be an abuse of power and would adversely affect the people of the States. As a matter of fact, the history of Florida and other coastal States shows it has not adversely affected them.

I found another most interesting thing, namely, that a Member of the House of Representatives from the State of Oregon, who made a 5-minute speech, was a little resentful because his State did not receive as much of an appropriation as he thought it should receive in the Rivers-and-Harbors bill. So he made a tabulation which showed that the bill called for appropriations of approximately \$28,600,000 for development of the rivers and harbors within the States of the United States, and that of that amount, some \$24,000,000 was given to States who were represented, fortunately, upon the Commerce Committee which then had charge of the measure. I myself thought that charge probably was not particularly sound, because it appears that 20 coastal States received appropriations. Seven coastal States were represented on the committee, and one of those States was the great State of Florida—the State which was such a bargain to the United States when we acquired it; and a bargain, indeed, it was.

The appropriation of Federal money for the State of Florida, to develop harbors or rivers or at least aids to navigation in that State, amounted to \$1,209,199.80.

Mr. LONG. Mr. President, will the Senator from Wyoming yield?

Mr. O'MAHONEY. I yield.

Mr. LONG. Does the Senator from Wyoming mean to suggest that the people of the State of Florida are not contributing their fair share of the taxes

which pay for all these public improvements?

Mr. O'MAHONEY. No, not at all. The Senator from Louisiana should not try to divert or distort the discussion.

My point merely is that those who are trying to picture the United States Government as an enemy of the States and as an enemy of the people, a Government which is trying to encroach upon them, cannot find themselves sustained by the record. I am also trying to show that the operation of the law clearly requires that permits be obtained from the Corps of Engineers before any construction can be undertaken, even in navigable inland waters, and even on those lands which we acknowledge belong to the States, because of navigation.

Mr. LONG. Mr. President, will the Senator yield for a question?

Mr. O'MAHONEY. I yield.

Mr. LONG. Of course, the basic difference between us is that those of us who take the States' side feel that the Federal Government's activities in the field of interstate commerce, navigation, and public improvement, to which the Senator refers, do not require that the Federal Government own the submerged lands along the States' shores.

Mr. O'MAHONEY. Oh, yes, I know that; but I also know that those who are supporting the position which the Senator takes have been arguing day after day—I am not talking of those who are arguing on the floor; I am talking about the argument which has been distributed repeatedly to the governors and the attorneys general and the citizens of interior States—they have been claiming that this terrible dragon of the Federal Government is about to reach into the interior States to seize lands which belong to the States. Their argument is, "See the way they tear our property from us. Tomorrow they will be tearing yours from you."

OPEN OCEAN ALWAYS UNDER FEDERAL SOVEREIGNTY

My answer is that the open ocean has always been under the sovereignty of the Federal Government, and never under the power of any State government. My answer is that the coastal States, even those which are now seeking to deprive the Government of its external sovereignty over the open ocean—those who are supporting this give-away bill—have been the beneficiaries of the exercise of power by the Federal Government in the form of appropriations from the Federal Treasury as well as in many other fields.

Mr. LONG. Mr. President, if the Senator will yield, certainly he knows that the Federal Government has never engaged in issuing leases or in regulating the production of oil and gas from the submerged lands on the Continental Shelf.

Mr. O'MAHONEY. Oh, yes.

Mr. LONG. And the Senator knows that the States have been acting in that field of endeavor for many years.

Mr. O'MAHONEY. I want to show the Senator the record of his State of Louisiana. Under this bill, which became law on March 3, 1899, Louisiana received \$878,115.75. The very law which requires that permits must be obtained from the Federal Government

was included in a rivers and harbors bill appropriating Federal funds, out of the Treasury of the United States, to build or improve rivers and harbors within 20 of the coastal States, and a number of interior States as well.

DEVELOPMENT OF HUMAN RESOURCES

Now, what I rose to say when I was diverted by the question was that I was very happy indeed that the Senator from Alabama made his magnificent contribution to the debate on the submerged-lands issue. By the cultivation of our human resources we can do more, I am firmly persuaded, than can be done by even our military power to advance to the cause of human liberty and freedom in the United States and in the world.

The greater progress we make in education, the stronger this Nation will be. It is strange, in this crisis in the progress of humanity, when a totalitarian, absolute and dictatorial power seeks to promote a world revolution, that we are having here in the United States Senate a debate over the distribution of the wealth found under the lands submerged by the open ocean. One of the things which threatens our very existence as a nation is the fact that there is too great a passion for easy money, too great a passion to make profit out of the crisis of the Nation—profit in the manufacture of the tools of war, which can only be used for destruction and which will not produce a single constructive result.

The amendment of the Senator from Alabama is constructive. It goes to the very basis of the progress of humanity. All of us can take great pride in the historic fact that from the very beginning of this Nation, our States and our Federal Government have been willing to devote a substantial part of their substance to the promotion of education. It is a sorry thing to know that education is languishing now while we are piling all our resources into this terrible arms race, which may be in preparation for a third world war.

AMENDMENT, A CONTRIBUTION TO PEACE

I believe, of course, that we must defend ourselves. The Senator from Alabama believes that defense must be maintained. In his amendment, in the very first section, he provides that the money, during the national emergency, may be used as the Congress shall declare.

I was not one of those who joined with the Senator in offering his amendment. He was good enough to extend the invitation to me to become one of the sponsors, but I felt that the submerged lands measure had to be acted upon in committee. However in the Interior Committee I offered an amendment to S. J. Res. 20, which provided that 50 percent of the revenues from the submerged lands should be devoted to the reduction of the national debt, and 50 percent should be devoted to education throughout the States.

The Senator's amendment, in its first section, makes it clear that if this becomes a law, the Congress will have the right to use whatever portion of these funds it may desire to use for payment on the national debt, or for appropriations for national defense; but the time

will come when this arms race will come to an end. I am convinced that the time is coming when the principles of America for the promotion of human liberty and the development of human abilities will have won the struggle for the minds of men; and when it has done that, the Senator's amendment will, in my judgment, be one of the most effective contributions to that great victory for peace which the world so sadly needs.

Mr. HILL. Mr. President, will the Senator yield?

Mr. O'MAHOONEY. I yield.

Mr. HILL. Mr. President, I wish to thank the Senator for his kind words. I particularly desire to express to him my appreciation of all the help and encouragement and support which he has given in the advancement of this amendment. The Senator, as chairman of the Committee on Interior and Insular Affairs, occupies a most important and strategic position, particularly so far as this amendment is concerned; and surely no one could have been finer or could have been more helpful or could have given greater assistance or greater encouragement for the writing of this amendment into the law than has the distinguished Senator from Wyoming. On behalf of myself and, I am sure, on behalf of the other 18 sponsors of this amendment, I wish to express to him our deep thanks and appreciation.

Mr. O'MAHOONEY. I am very grateful to the Senator.

Now, Mr. President, the Senator from Florida has introduced and offered as an amendment a modification of Senate bill 940. I am going to ask unanimous consent that I may present for publication in the RECORD as part of this debate the various reports which were received by the Committee on Interior and Insular Affairs, regarding the Senator's bill.

REPORTS OF EXECUTIVE DEPARTMENTS ON S. 940

The first of these reports is the report of the Department of Justice, dated March 22, 1951; the second, the report of the Department of the Interior, dated March 23, 1951; the third, the report of the Secretary of Defense, Gen. George C. Marshall, dated March 27, 1951, and the fourth, the report of the Assistant Secretary of Defense, dated July 26, 1951.

The PRESIDING OFFICER. All the items, by unanimous consent, may be printed in the body of the RECORD.

There being no objection, the matters were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF JUSTICE,
Washington, March 22, 1951.

HON. JOSEPH C. O'MAHOONEY,
Chairman, Interior and Insular
Affairs Committee,
United States Senate,
Washington, D. C.

MY DEAR SENATOR: This is in response to your letter of February 23, 1951, requesting the views of the Department of Justice relative to the bill (S. 940) "To confirm and establish the title of the States to lands beneath navigable waters within State boundaries and natural resources within such lands and waters and to provide for the use and control of said lands and resources."

The proposed legislation would attempt to confirm in, and release and relinquish to, the several States all right, title, and inter-

est of the United States in and to all "lands beneath navigable waters within the boundaries of the respective States, and the natural resources within such lands * * *." The phrase, "lands beneath navigable waters" would be defined so as to include not only all lands beneath inland navigable waters, but also all such lands, both submerged and reclaimed, underlying the ocean, extending seaward to a line three geographical miles from the shore or to the seaward boundary of a coastal State where such boundary extends seaward beyond three geographical miles. There would be excepted from the operation of the measure all lands acquired by the United States by cession, grant, quitclaim, or condemnation, lands to which the United States is entitled under the laws of the respective States, and lands held for the benefit of Indians. An exception would also be made with respect to the activities of the United States in connection with control of navigation, flood control or the production or distribution of power. The question as to the ownership of the subsoil and sea bed of the Continental Shelf, seaward of the boundary of any coastal State, would be reserved for subsequent determination by legislation or judicial decree.

The Department of Justice is strongly opposed to the enactment of the proposed legislation.

This measure has as its objective the nullification of the decisions of the Supreme Court in *United States v. California* (332 U. S. 19), *United States v. Louisiana* (339 U. S. 699), and *United States v. Texas* (339 U. S. 707). In those cases the Supreme Court held that the respective States do not own the lands underlying the ocean adjacent to their shores and that the power to control the development and disposition of the mineral resources situated in such offshore lands is vested in the United States and not in the coastal States. As a consequence, the proposed legislation, notwithstanding its broad scope and its use of language implying a confirmation or quitclaim, would constitute an outright gift or transfer to the three coastal States of valuable resources which belong to the people of all of the States. The Supreme Court has held that the three coastal States involved in the litigation do not and never have owned these resources. They belong to all of the people of this country. Section 1 of the bill, therefore, misstates the facts and the law, as found and determined by the Supreme Court.

This Department has consistently opposed bills of this character introduced in earlier Congresses (see H. J. Res. 225, 79th Cong.; S. 1988, 80th Cong.; and S. 1545, 81st Cong.). During the present national emergency, when the very existence of this country may well depend on the proper conservation and development of its petroleum resources, it is all the more important that the United States should not, by action of this type, attempt to abdicate its rights and responsibilities in the tremendously valuable submerged ocean lands adjacent to its shores. Indeed, in view of the reasoning employed by the Supreme Court in the offshore litigation, this Department entertains a grave doubt as to the validity of a measure designed to surrender to certain States those rights and dominion of the United States which are held as incidents of its national sovereignty, since, as the Court pointed out in the California case, "the State is not equipped in our constitutional system with the powers or facilities for exercising the responsibilities which would be concomitant with" such rights and dominion (332 U. S. 19, 35).

In view of the opposition of this Department to S. 940 as a whole, no discussion of particular provisions thereof seems necessary. However, it may be mentioned that section 6 of the bill, which would save for future determination any issues between the

United States and the respective coastal States as to the ownership and control of the subsoil and sea bed of the Continental Shelf outside of State boundaries, would appear to serve no useful purpose. A similar provision appeared in S. 1545, Eighty-first Congress, with which S. 940 seems to be identical. However, in the recent decisions in the Louisiana and Texas cases, referred to above, the Supreme Court disposed of these issues adversely to the claims of those coastal States.

The Director of the Bureau of the Budget has advised that there is no objection to the presentation of this report, since the enactment of the bill would not be in accord with the program of the President.

Yours sincerely,

PEYTON FORD,
Deputy Attorney General.

UNITED STATES,
DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D. C., March 23, 1952.
Hon. JOSEPH C. O'MAHONEY,
Chairman, Interior and Insular Affairs
Committee,
United States Senate,
Washington, D. C.

MY DEAR SENATOR O'MAHONEY: We have received your letter of February 23 requesting a report on S. 940, a bill to confirm and establish the title of the States to lands beneath navigable waters within State boundaries and natural resources within such lands and waters and to provide for the use and control of said lands and resources.

This measure is applicable not only to lands and resources underlying bays, harbors, and other navigable inland waters, but also to lands and resources of the Continental Shelf beneath the portions of the open ocean that are within the exterior boundaries of the coastal States.

With respect to lands and resources beneath bays, harbors, and other navigable inland waters, the Federal Government has not asserted, and does not now assert, any claim. In order to provide more certain assurances in this respect, the Department of Justice, the National Military Establishment (now the Department of Defense), and the Department of the Interior jointly drafted a bill relative to this subject and submitted it to the Eightieth and Eighty-first Congresses. That bill was introduced in the Eightieth Congress as S. 2222 and H. R. 5529, and in the Eighty-first Congress as S. 2153. Under the provisions of the draft of legislation proposed by the executive branch of the Government on this subject, the United States would quitclaim to the States any interest or title which it may have in and to lands and resources beneath bays, harbors, and other navigable inland waters or within areas covered and uncovered by the tides.

However, with respect to the lands of the Continental Shelf beneath the open waters of the sea contiguous to the shore line of the United States, this Department knows of no reasonable justification for making a gift of them, together with their oil and other resources, to the coastal States within whose seaward boundaries they are situated. On the contrary, as the President said in his message on the state of the Union delivered to the Congress on January 4, 1949:

"We must adopt a program for the planned use of the petroleum reserves under the sea, which are—and must remain—vested in the Federal Government."

The Supreme Court of the United States, in *United States v. California* (332 U. S. 19), in *United States v. Louisiana* (339 U. S. 699), and in *United States v. Texas* (337 U. S. 707), decided the question of the respective rights of the United States, on the one hand, and of the coastal States,

on the other hand, in and to the submerged coastal lands. The Court's decisions were favorable to the Federal Government. In my judgment, the national interest requires that all the lands and the incalculable resources thus determined to be assets of all the people of the United States shall be held by and developed under the supervision of the Government for the benefit and security of all the people.

For the reasons set out above, this Department is opposed to the enactment of S. 940.

The Bureau of the Budget has advised me that enactment of S. 940 would not be in accord with the program of the President.

Sincerely yours,

OSCAR L. CHAPMAN,
Secretary of the Interior.

THE SECRETARY OF DEFENSE,
Washington, March 27, 1951.
Hon. JOSEPH C. O'MAHONEY,
Chairman, Interior and Insular Affairs
Committee,
United States Senate,
Washington, D. C.

DEAR MR. CHAIRMAN: Reference is made to your recent request for a report by the Department of Defense with respect to S. 940, a bill to confirm and establish the title of the States to lands beneath navigable waters within State boundaries and natural resources within such lands and waters and to provide for the use and control of said lands and resources.

We have reviewed the Department of Interior's report, dated March 23, 1951, with respect to this bill and concur wholeheartedly in the views set forth therein.

For the reasons set forth in the Department of Interior's report, the Department of Defense is opposed to the enactment of S. 940.

The Bureau of the Budget reports that the enactment of S. 940 would not be in accordance with the program of the President.

Faithfully yours,

G. C. MARSHALL.

ASSISTANT SECRETARY OF DEFENSE,
Washington, D. C., July 26, 1951.
Hon. JOSEPH C. O'MAHONEY,
Chairman, Interior and
Insular Affairs Committee,
United States Senate,
Washington, D. C.

DEAR MR. CHAIRMAN: On March 7, 1951, you requested the views of the Department of Defense with respect to Senate 940, a bill, "To confirm and establish the title of the States to lands beneath navigable waters within State boundaries and natural resources within such lands and waters and to provide for the use and control of said lands and resources."

By letter dated March 27, 1951, the Department of Defense, in response to your request, concurred wholeheartedly in the views set forth in the report of the Department of Interior dated March 23, 1951. The Department of Defense continues to adhere to these views. However, it is requested that the following additional comments be considered by your committee with respect to this and similar legislation.

The Department of the Navy has substantial portions of land which are occupied for military and naval purposes and which have been improved by the erection of permanent buildings and other structures, including filling in, at a cost to the Government of many millions of dollars. For reasons hereinafter explained the Government as a proprietor has never actually acquired title to these lands, although in most, if not all cases, it has occupied and improved them with the tacit consent of the State or its successor in title.

Normally, when the Navy Department acquires waterfront lands it acquires title to the high-water mark only. This is because title of the upland owner usually extends only to the high-water mark. (In a very few States which have by statute changed the common law rule, the riparian owner's title extends to low-water mark.) Although the Government's title does not usually extend below high-water mark, the Navy Department in the development of water-front lands for naval purposes, has nevertheless appropriated and filled in or otherwise improved large areas of adjacent waters. This practice probably has been followed throughout the years, but because of the emergency of 1939 and the war which followed these improvements were accelerated, and as a result a very substantial part of the Navy Department's shore facilities are on lands to which the United States does not actually have title.

No serious difficulty is presented with respect to improvements which have been erected on areas created by normal accretion because according to the common law rule the Government, as the riparian owner, has acquired title to such accreted areas. However, the situation is different with respect to filled-in lands, that is, lands which have been artificially created. Except where specially provided by State statute, title to such lands would not pass to the Government as the proprietor of the adjacent upland, as in the case of accretion, but would remain in the State as the original owner of the submerged area.

As indicated above, the use and occupancy of such lands has not, except in rare instances, been protested by the States or municipalities claiming title thereto. Moreover, no serious trouble in that respect is anticipated because of the Government's right to condemn lands in the event satisfactory agreement cannot be negotiated. However, enactment of the subject bill in its present form would make the Government's rights and interests in the land more uncertain and more insecure because the bill expressly releases and relinquishes unto the States all right, title, and interest that the United States may now have in such lands and improvements.

If the subject bill or similar legislation should be considered favorably, it is recommended that a savings clause to meet the problem set forth above be included. With respect to S. 940, it is recommended that the following language be substituted for subsections (a) and (b) of section 4:

"All lands and resources therein or improvements thereon which have been lawfully acquired by the United States from any State or its successor in title (and all lands and resources therein or improvements thereon which are occupied and used by the United States for any constitutional purpose, provided that no State or person shall be deprived of any right under existing law to claim and receive just compensation for such use) or which are held by the United States in trust for the benefit of any tribe, band, or group of Indians or for individual Indians."

With respect to S. 1540, it is suggested that the following language be added in section 3, page 4, line 2, after the words "or group of Indians or for individual Indians": "or which the United States may now use for any of its constitutional purposes, provided that no State or person shall be deprived of any right under existing law to claim and receive just compensation for such use."

The Bureau of the Budget has advised that there is no objection to the submission of this supplemental report.

Sincerely,

DANIEL K. EDWARDS.

Mr. McFARLAND. Mr. President, I am hopeful that some votes may be taken

on the pending measure this week. I have asked Senators who are interested in the joint resolution and in the amendments about voting tomorrow. I find that we shall be unable this evening to work out a unanimous-consent agreement to vote tomorrow, but I am hopeful that at some time tomorrow such an agreement can be obtained.

Mr. LONG. Mr. President, will the Senator from Arizona yield?

Mr. McFARLAND. I yield.

Mr. LONG. Will the Senator tell us why we cannot agree to vote tomorrow on one amendment? Would there be any objection to that?

Mr. HILL. Mr. President, will the Senator from Arizona yield?

Mr. McFARLAND. I yield.

Mr. HILL. Let me say to my friend from Louisiana, as I have told him before and as I have told the majority leader, that we do not want to cause any delay in this matter. The Senator from Alabama and his 18 cosponsors have consumed very little time. Most of the time up to now has been consumed by the distinguished Senator from Louisiana and by the distinguished Senator from Florida—

Mr. LONG. The Senator from Alabama is overlooking a few other distinguished Senators.

Mr. HILL. Of course, the chairman of the committee in charge of the bill has to consume time; but up to now most of the time has been consumed by those who favor the quitclaim bill. I have been the only one of the 19 sponsors of the amendment who has had anything to say.

Mr. LONG. The Senator knows there have been a good many early recesses. On Monday the Senate recessed at about 1:30 o'clock. There would have been ample time for two or three Senators to make substantial speeches, but not one cared to go forward at that time.

Mr. HILL. Perhaps if the Senator from Louisiana had advised the majority leader that there was someone who cared to speak, the Senate would not have recessed so early; I do not know.

Mr. LONG. If any Senator had wanted to talk he would have been privileged to do so. Senators have not been foreclosed.

Mr. HILL. I know that up to this time no sponsor of the pending amendment has done anything in any way to delay the matter. I think some Senators who advocate the quitclaim bill let splendid opportunities go by, as indicated by the Senator from Louisiana. They were within their rights, of course, but I want to invite the attention of the Senate to the fact that there has been no delay on the part of the sponsors of the pending amendment.

Mr. LONG. Of course, the Senator realizes that we would be able to get a much better attendance on the floor of the Senate if we could agree to some limitation whereby we could come to a vote, because Senators would arrange to be present in order to vote. They might not otherwise be in the Chamber. There has been a complaint today with reference to something that happened by unanimous consent when many Senators

were absent. They were absent because they thought there would not likely be any vote.

Mr. HILL. I shall be glad to cooperate with the Senator. If Senators who want to vote and are anxious to vote will restrain themselves in their speeches and their questions that will make for expedition.

Mr. HOLLAND. Mr. President, will the Senator from Arizona yield to me?

Mr. McFARLAND. I yield.

Mr. HOLLAND. I hardly think the comment of the distinguished Senator from Alabama is wholly fair when it is recalled that the Senator from Alabama whose amendment is a perfecting amendment to the measure which is pending, abstained and declined and almost refused to propose his amendment until after both of the amendments which are offered in the nature of substitutes had been offered and fully debated. The Senator from Florida himself suggested earlier in the debate that he thought it was timely to proceed with perfecting amendments, but the distinguished Senator from Alabama had not chosen to do so until after long arguments had been made and completed on two long substitute amendments, both of which come after the amendment of the Senator from Alabama. He has not been willing to propose or to debate his amendment until after the other amendments had been offered and debated. So, I think it is hardly fair to lay blame on the advocates of the substitute amendments, when in deed and in truth the amendment sponsored and offered by the Senator from Alabama is a preferred amendment that comes before the substitute amendments.

Mr. HILL. Mr. President, will the Senator from Arizona yield?

Mr. McFARLAND. I yield.

Mr. HILL. I do not seek to put blame on the distinguished Senators who are sponsoring the quitclaim bill. If I led the Senator from Florida to think I was blaming him, I am sorry. My amendment was not in order until the other amendment was out of the way. When it was out of the way, I offered the amendment for myself and 18 other sponsors. The RECORD will show that up to this time there has been no talking by the sponsors of the "oil for education" amendment except myself. The speaking has been done by other Senators. The Senator from Florida consumed, I think, about 5 or 6 hours.

Mr. HOLLAND. The Senator from Florida occupied the floor exactly 3 hours yesterday and an hour and a half today, and at least half of that time he was answering questions of other Senators—

Mr. HILL. I think the RECORD will show that I did not interrupt him a single time.

Mr. HOLLAND. That is correct. I regret the fact that the distinguished Senator did not favor me with an interruption.

Mr. McFARLAND. Mr. President, I think these colloquies are very helpful, but they should be objected to on account of lack of time. I am not blaming any Senator, but I hope we can work out an agreement which will provide a time

at which we can come to a vote. I do not want to deprive any Senator of his opportunity to speak.

Mr. HOLLAND. Mr. President, will the Senator from Arizona yield?

Mr. McFARLAND. I yield.

Mr. HOLLAND. Would the Senator be agreeable to proposing a unanimous-consent agreement to vote on Friday upon the amendment proposed by the Senator from Alabama and his associates?

Mr. McFARLAND. I thought that after the distinguished Senator from Alabama had time to talk with his colleagues as to the length of time, I would propose such a unanimous-consent agreement, but he told me that he could not agree this evening. I thought after a quorum call in the morning we could come to some agreement.

Mr. HOLLAND. Are we to understand that the Senator from Alabama is not willing to set a day for voting upon his amendment?

Mr. HILL. The Senator from Alabama is not willing to set any time now for voting on the amendment. I said to the Senator from Florida, who consumed 5 hours of time yesterday and today by his speech, that I would cooperate with him and with the majority leader to see if we could get a vote at a reasonable time.

In addition to the Senator from Alabama, there are 18 Senators who are co-authors of this amendment, so I am not at this time in a position to agree, and cannot and will not agree, to a time for a vote on the amendment.

Mr. HOLLAND. I thank the Senator for his expression. It clarifies the situation.

RECESS

Mr. McFARLAND. Mr. President, I move that the Senate stand in recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 6 o'clock p. m.) the Senate took a recess until tomorrow, Thursday, March 27, 1952, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate March 26 (legislative day of March 24), 1952:

SECURITIES AND EXCHANGE COMMISSION

Clarence H. Adams, of Connecticut, to be a member of the Securities and Exchange Commission for the remainder of the term expiring June 5, 1956.

RENEGOTIATION BOARD

B. Bernard Gredinger, of New York, to be a member of the Renegotiation Board.

HOUSE OF REPRESENTATIVES

WEDNESDAY, MARCH 26, 1952

The House met at 12 o'clock noon. Father John McGowan, Chaplain, United States Navy, offered the following prayer:

We pray Thee, Almighty God, who governs the universe in a supreme and universal providence, conducting the course

for the time being abolished the private enterprise system, but without achieving their professed aim of stabilization.

One important reason for this leap toward totalitarianism, probably the controlling reason, is that the Wage Stabilization Board allowed itself to be pushed into the position of arbiter of specific wage disputes. Having done this, the Board was no longer free to seek fair and equitable principles of settlement or to consider what wage levels were most conducive to the general welfare. It could only consider how it could prevent a strike in a basic industry.

A secondary reason why the findings of the wage board have virtually suspended operation of the free enterprise system is that while it made bold to express its influential opinion on fair and equitable wage rates, it could not seek to establish any logical relation between wages and selling prices. It could not do that because prices, under the controls statute, were and are the province of another agency, the Office of Price Stabilization.

So, if labor costs and selling prices in steel are to be brought into any logical or workable relationship, one which might bring private enterprise back out of the vestibule to totalitarian rule, that work must be done by the Director of Economic Stabilization, Mr. Putnam, and the Director of Defense Mobilization, Mr. Wilson. But these two higher-ups have already been served notice that they dare not cut down the fair and equitable wage recommendations of the WSB, even if they should consider them excessive. That notice was given by the officers of the united steel workers when they set forward their strike deadline by only a few days.

Steel employers and employes are now to make gestures toward a reconciliation of their bitterly opposed positions through collective bargaining. The position of one of the parties has been powerfully fortified by one Government agency. The position of the other party is rendered uncertain if not actually threatened by the authority and attitude of a second Government agency.

Such being the circumstances in which the steel industry now finds itself, it must enact a mere travesty of collective bargaining; for the time being it has been set apart from the free enterprise system. And what is happening in steel can happen in any other industry while the futile attempt at economic stabilization by political fiat continues.

MINERAL LEASES ON CERTAIN SUBMERGED LANDS

The VICE PRESIDENT. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the joint resolution (S. J. Res. 20) to provide for the continuation of operations under certain mineral leases issued by the respective States covering submerged lands of the Continental Shelf, to encourage the continued development of such leases, to provide for the protection of the interests of the United States in the oil and gas deposits of said lands, and for other purposes.

The VICE PRESIDENT. The pending question is on agreeing to the amendment offered by the Senator from Alabama [Mr. HILL] on behalf of himself and other Senators.

Mr. McFARLAND. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Alken	Hayden	Millikin
Anderson	Hennings	Monroney
Bennett	Hickenlooper	Moody
Bricker	Hill	Mundt
Bridges	Hoey	Murray
Butler, Md.	Holland	Neely
Cain	Humphrey	Nixon
Capehart	Hunt	O'Mahoney
Carlson	Ives	Pastore
Case	Jenner	Robertson
Chavez	Johnson, Colo.	Russell
Clements	Johnson, Tex.	Schoeppel
Connally	Johnston, S. C.	Seaton
Cordon	Kem	Smathers
Douglas	Kilgore	Smith, N. J.
Duff	Knowland	Sparkman
Dworshak	Langer	Stennis
Eastland	Lehman	Thye
Ecton	Long	Tobey
Ellender	Magnuson	Underwood
Ferguson	Martin	Watkins
Flanders	Maybank	Welker
Frear	McCarran	Wiley
Fulbright	McCarthy	Williams
George	McClellan	Young
Gillette	McFarland	
Green	McKellar	

Mr. JOHNSON of Texas. I announce that the Senator from Connecticut [Mr. BENTON], the Senator from Virginia [Mr. BYRD], the Senator from Tennessee [Mr. KEFAUVER], the Senator from Oklahoma [Mr. KERR], the Senator from Maryland [Mr. O'CONNOR], and the Senator from North Carolina [Mr. SMITH] are absent on official business.

The Senator from Connecticut [Mr. McMAHON] is necessarily absent.

Mr. BRIDGES. I announce that the Senator from Maine [Mr. BREWSTER], the Senator from Nebraska [Mr. BUTLER], the Senator from Illinois [Mr. DIRKSEN], the Senator from Massachusetts [Mr. LODGE], the Senator from Oregon [Mr. MORSE], and the Senator from Ohio [Mr. TAFT] are necessarily absent.

The Senator from New Jersey [Mr. HENDRICKSON], the Senator from Nevada [Mr. MALONE], the Senator from Massachusetts [Mr. SALTONSTALL], and the Senator from Maine [Mrs. SMITH] are absent on official business.

The VICE PRESIDENT. A quorum is present.

Mr. MURRAY obtained the floor.

Mr. HILL. Mr. President, I wish to ask for the yeas and nays on the pending amendment.

The VICE PRESIDENT. Does the Senator from Montana yield for that purpose?

Mr. MURRAY. I yield for that purpose.

Mr. WELKER. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Idaho will state it.

Mr. WELKER. What is the pending question?

The VICE PRESIDENT. The pending question is on agreeing to the amendment offered by the Senator from Alabama [Mr. HILL] on behalf of himself and other Senators.

Mr. HILL. That is correct.

Mr. President, I ask for the yeas and nays on the question of agreeing to this amendment.

The yeas and nays were ordered.

Mr. MURRAY. Mr. President, the measure we are considering today involves the claims of the State of California and other coastal States to rights

in the offshore marginal seas in which valuable oil deposits have been discovered. Although the dispute has been raging for a number of years, the issue was brought to a focus by the decision of the Supreme Court in 1947 in the case of the United States versus California, wherein the Supreme Court decided that these great oil deposits belong to the people of the United States. These coastal States are now seeking to have that decision reversed or nullified through the medium of a law designed to quitclaim to them these valuable deposits. Obviously, to take such action would constitute an act of usurpation of the people's rights never before experienced in the history of our country.

This contest for title to these rich oil deposits is often mistakenly referred to as the "tidelands" question. Actually, the question does not involve the area technically called "tidelands," which are located along the coast line, the limits of which are fixed by the low-water mark in the ebb and flow of the tides. The lands actually involved in this controversy consist of the submerged coastal lands which run out to sea beyond the low-water mark of the tidelands.

Here in these lands is found one of the greatest reservoirs of wealth ever discovered by man. King Solomon's mines and the other famous discoveries of mineral wealth in this and other countries of the world pale into insignificance when compared to the valuable oil deposits found in these submerged coastal lands lying along the shores of the United States.

If this great wealth which has been discovered belongs to the United States, it is our duty as trustees of the people not to allow it to be taken over by a few States for the enrichment of a small section of our population. The position taken by the Government of the United States, which is supported by the Supreme Court's decisions, is that these valuable deposits found in the marginal seas belong to the United States, and that means to all the people of the United States. The decision of the Supreme Court is very clear on this point. It holds that the coastal States have no title or interest in the marginal seas as defined by the Court; that this area lies beyond the jurisdiction of the States, which ends at the low-water mark of the tidelands.

The term "tidelands," which means the land bordering on the States between the high-tide and low-tide marks, is a complete misnomer so far as the pending measure is concerned. What is really at issue here is the claim of the States to have the area which lies beyond the tideland limits quitclaimed to the States.

It has truly been said that the fate of a nation may well depend on the manner in which its elected representatives meet the trial of a few great and difficult issues. We face one of those issues today in the so-called tidelands oil controversy. We face an issue which sharply poses a decisive test of our fundamental concepts of national integrity and moral justice under our democratic system.

I think we must all agree that an issue of this importance must be approached and decided, not on the basis of favoring certain sections of the country backed by powerful political influences, not on how we may be able to strengthen ourselves with our constituents in the next election, but, rather, on the basis of the most thorough examination of the fundamental national interests and security involved. The question should be "what is for the best interests of the country as a whole?"

If there is one thing certain in the Constitution, it is that when a dispute arises between a State and the National Government the dispute must ultimately be settled by the Supreme Court. A dispute did arise between California, Texas, Louisiana and the National Government regarding the respective rights of each in the offshore marginal sea belt of these States. The cases were taken directly to the Supreme Court, and the Court held that the area in dispute was not tidelands but was the area commencing where the tidelands end and extending oceanward, constituting what is known as the offshore marginal belt. It held that neither the Original Thirteen States, nor any State subsequently admitted into the Union, had any interest or right in this marginal sea belt, or any part of it. The Court pointed out that the National Government made the first claim to this offshore belt through treaties with foreign nations in the development of international law, and that the National Government as a sovereign power acquired full control and dominion over this belt, including the exclusive ownership of the oil therein.

Of course, it is clear that the control of this offshore belt is a function of national external sovereignty, and under the Constitution no State possesses the necessary powers or facilities to exercise that control. One might just as well argue that a State has a right to conduct our foreign relations as to exercise the control over this offshore belt. In summarizing the reasoning of these cases, the Supreme Court said:

California, like the Thirteen Original Colonies, never acquired ownership in the marginal sea. The claim to our 3-mile belt was first asserted by the National Government. Protection and control of the area are indeed functions of national external sovereignty (322 U. S. pp. 31-34). The marginal sea is a national, not a State concern. National interests, national responsibilities, national concerns are involved. The problems of commerce, national defense, relations with other powers, war and peace focus there. National rights must therefore be paramount in that area (704 U. S. 339).

The Norway case before the Hague Tribunal, which often has been referred to in this debate, reemphasizes the necessity for national control of the marginal sea belt. No State, not even Texas, could possibly appear before the Hague Tribunal to discuss its rights or obligations. Under the Constitution, only the National Government could be represented.

In regard to the tidelands, the Supreme Court affirmed State ownership of these lands and all State-owned inland waters. The National Government, of course, never questioned State title to tidelands

and State-owned inland waters. But, notwithstanding the plain language of the Supreme Court ruling, the States involved are trying to make it appear that the National Government is seeking to deprive these States of their alleged rights in the area beyond their State-owned tidelands, which actually belongs to the United States.

Of course, it is clear that the Congress should not permit this to be done. In the early history of our country we were very loose and lax in giving away property of the American people. At that time large fortunes were made through acquiring huge areas of public lands by individuals and private interests. Early Supreme Court reports contain many pages of decisions relative to such matters. Already five-sixths of our great timber resources have been gobbled up by private interests, and efforts are now being made to conserve and protect what has been left of these resources. Our valuable metals and minerals are fast disappearing, and we are becoming dependent upon other countries for our supply of many materials essential to the national defense and the preservation of American industry. Copper mining is being referred to today as a decadent industry, and we are being compelled to search throughout the world for sources of supply and to pay extravagant prices for metals and materials essential to the national defense.

Why, then, should this enormous wealth in the form of oil deposits off our shores be permitted to go to the enrichment of a few powerful corporations dominating the petroleum industry of our country? To permit such a wrong would strike at the very foundation and moral integrity of the United States.

Mr. President, we must not permit this vast reservoir of wealth belonging to the United States to be frittered away. It must be utilized to build our defenses, strengthen our American educational system, and make our American way of life secure against the wiles of foreignisms now threatening us at home and abroad. If we permit this raid on the greatest of all our resources, future generations will read in their history books of the great oil scandal of 1952, when a confused Congress gave away the great oil resources of the marginal seas, leaving our country vulnerable to Communist aggression. If we follow such a course the celebrated Teapot Dome scandal will fade into insignificance.

Mr. President, I have joined with a group of Senators, headed by the senior Senator from Alabama [Mr. HILL], in an amendment which will provide a program for the strengthening of our national defenses and making it possible for the American people to have an educational system which will build a nation of men and women in the years to come who will be equipped to defend our way of life against all the dangerousisms which have been developing here and abroad. This amendment, which has been presented by the Senator from Alabama and his cosponsors, has been so fully and ably discussed and debated that further discussion of it is unnecessary. The amendment provides a pro-

gram through which this great natural resource, found in the marginal seas, will be put to work for all our people, instead of merely those of the three States and any other coastal States in which oil may later be found. This proposal follows precedents established in the early history of our country, under which revenues from our public lands were set aside for education, notably in our land-grant colleges, so called.

From 1787 to 1862 grants of public lands were made available by Congress for the establishment of public schools and State universities. The landmark of such legislation was the Morrill Act of 1862, which had the support of President Lincoln. Under that statute, Federal lands or land scripts were made available to each State for the maintenance and establishment of colleges for agricultural and mechanical arts. Since that time Congress has provided for the further support and extension of the institutions set up by that law.

Congress has not been unmindful of the national obligation to our educational system. It has provided for the construction and operation of public schools in areas particularly affected by Federal activities, for State-wide surveys of school-facility needs, scholarships and fellowships for basic scientific research, and Federal funds for the advanced planning of public works, including schools. In the field of higher education it has granted authority and money for scholarships and fellowships in fields in which the Atomic Energy Commission, the United States Public Health Service, the armed services, and the National Science Foundation require professional trained personnel. The Congress has gone so far as to provide loans for dormitories and housing at colleges and universities.

These Federal programs hardly scratch the surface, in view of the crisis which our educational institutions are now experiencing in this fiscal year. More than 33,000,000 students have been enrolled in elementary schools, high schools, and colleges—an all-time peak. During the next few years our elementary schools will be flooded as a result of the sharp increase in the birth rate during World War II and the immediate postwar period.

It is estimated that 95,000 new teachers will be needed to fill vacancies resulting from retirement, death, or resignation during 1951-52. Furthermore, because of increased enrollment, 29,600 new teachers will be required. Expanded school enrollments in 1951-52 require 25,000 new classrooms, and an additional 18,000 must be provided to replace obsolete facilities. The National Education Association estimates that by 1960 almost 500,000 new elementary and secondary school rooms must be built, not only to meet rising school registrations but also to eliminate part-time classes, fire hazards, and health risks in existing facilities.

Mr. President, the indications are that the Federal, State, and local governments have fallen behind in meeting their responsibilities to our educational system. In 1930 3.1 percent of our na-

tional income was spent for education and in 1951, only 2.5 percent.

Let me mention briefly the problem of our institutions of higher learning. It is evident that they are facing a loss of revenue and students. This year the student registration is about 10 percent less than of last year. Many of them are in serious financial difficulties. They cannot attract capable deserving students through scholarships or loans, and they lack sufficient funds for the expansion of facilities, services, and teaching personnel. Their sources of revenue are drying up.

Mr. President, there is another matter which is equal in importance to the education of our citizens. It is the health of our citizens. We all know that there is a great shortage of facilities and services in the health field. Equally as great is the shortage of health personnel. The rate of production of doctors, dentists, and nurses, and other specially trained health personnel is about the same as it was 25 years ago. In the meantime, our population has increased by more than 30,000,000, and the present supply of health personnel, which is not even adequate for 120,000,000 people, is trying to serve a Nation of more than 150,000,000 people.

The shortage in the health professions to meet our civilian needs has been accentuated by the present demands of our Armed Forces. At least 11,300 more physicians are needed to serve our military services. An estimated 7,000 dentists and 28,000 nurses are required. If the needs of our Armed Forces are met, health services for our civilian population, including industrial workers and veterans, will have to be curtailed unless some means is found to expand existing schools of training health personnel and creating and operating new schools. It is obvious that the States and the private resources should not bear this responsibility which is created by problems of national defense.

The impact of military programs makes imperative some form of Federal aid to education in all fields. For example, over a million persons of draft age were found to be educationally deficient for military service in World War II and almost 660,000 were actually rejected. Others had to be given special instruction by the Armed Forces, and, as a result, millions of dollars were spent on a relatively small number of young men. Since the start of the Korean affair over 300,000 young men have been rejected because they did not meet the minimum educational standards of our Armed Forces.

Is it any wonder that there are still almost 2,500,000 persons above 14 years of age in our great country who cannot read or write either English or any other language? Is it any wonder that our grade and secondary schools have a surprisingly large number of poorly trained teachers?

Mr. President, under the Constitution of the United States, Congress and the Federal Government are charged with the responsibility of providing for the national defense and welfare. In carrying out this responsibility Congress must make provision to educate and train its

citizens properly—to use and repair weapons and vehicles for war, to produce the equipment, weapons, and the food necessary for the conduct of war. As time goes on, our Armed Forces will need more and more highly trained personnel in every field of science. Even today the aircraft industry faces a shortage of trained engineers and technicians, which is partly responsible for our lagging aircraft production.

If we are to serve the best interests and welfare of our country, the amendment offered by the Senator from Alabama must be accepted. It is my intention to vote for it and, if it is agreed to, I shall vote for the pending measure, Senate Joint Resolution 20, as amended.

Mr. FULBRIGHT. Mr. President, I do not wish to take the time of the Senate in an attempt to present the many and complex facts which are involved in the pending proposal, because they were well and ably presented yesterday by the distinguished Senator from Alabama [Mr. HILL] and discussed this morning by the Senator from Montana [Mr. MURRAY]. The statement made yesterday by the Senator from Alabama covered most of the details, and I refer the Members of the Senate to that statement.

I am proud to be a cosponsor of the amendment. I may add, Mr. President, that the sponsorship of the Senator from Alabama is in itself a great assurance that the amendment is a sound and far-seeing proposal. There is no man in the Senate whose ideas deserve greater respect than those of the Senator from Alabama. I think it should be pointed out that the Senator's State is adjacent to the Continental Shelf in the Gulf of Mexico in which great oil deposits are found. It is indeed refreshing to find a Member of this body with sufficient foresight and wisdom to recognize that the best interests of his own people coincide with the interests of the Nation as a whole. He recognizes that unless we are able to develop informed and intelligent citizens throughout the United States, any temporary prosperity his own people may derive from oil will be futile and useless in the long run. It is easier for those of us who are from inland States to be objective about this matter, so I say the Senator from Alabama deserves a very special tribute for his statesmanship in sponsoring the amendment.

Mr. HILL. Mr. President, will the Senator from Arkansas yield?

Mr. FULBRIGHT. I yield.

Mr. HILL. May I express to the distinguished Senator my appreciation for his very kind and generous words and say that the Senator is himself one of the cosponsors of this amendment? It has had no better or more consistent friend than is the Senator from Arkansas. I sincerely appreciate the very fine and able support given the amendment by the distinguished Senator from Arkansas.

Mr. FULBRIGHT. I thank the Senator from Alabama, but I think the public ought to know that it is a little easier for me to support this particular amendment than it is for the Senator from Alabama, because I am quite sure he

has been subjected to a great deal of pressure and persuasion on the part of certain interested persons to take a different view of the matter. I think that aspect of it lends even greater weight to his decision to sponsor the pending amendment.

Mr. President, the issue involved in this proposed legislation, stripped of its legal and technical aspects, is a simple one. Here is a great national resource belonging, as the Supreme Court of the United States has said, to the people of the United States. We have the power to dispose of it as we see fit. In the past, our Government has given away public lands on a lavish scale. We have the precedent of the land grants to colleges under the Morrill Act creating the land-grant colleges. Unfortunately these grants were neither sufficiently large, on the one hand, nor were the grantees sufficiently wise, on the other hand, to retain the lands and reap the full benefits. In some cases, of course, they were not able to retain the lands because of the necessities of their case and had to dispose of them in order to survive. But I have often regretted the fact that many of the colleges have found it necessary, for one reason or another, to dispose of the lands and not reap the full benefit. Nevertheless, that act, passed in 1862 under the greatest Republican President the Nation has ever had, was wise in its conception and a valid precedent for this amendment.

In contrast to that act, which I think was one of the wisest acts Congress ever passed, was the profligate and corrupt dissipation of enormous national resources in the grants to railroads.

A few days ago I ran across a short description of the situation with reference to railroads. While I had heard of it before, it impressed me very much. A single railroad was given 13,900,000 acres of land, an area more than 2½ times the size of the entire State of Massachusetts. Altogether, to all the railroads, between 1851 and 1870, Congress gave 131,000,000 acres of public lands, comprising an area almost as large as the entire nation of France.

I may say that this period in our history should be reviewed by many of those who may oppose the pending amendment. Such a review would be very revealing in showing that sometimes interests that seek to obtain donations from the public domain do not always serve even their own interests. As a matter of fact, much of the land which was donated to the railroads was actually siphoned off from the railroads into the hands of promoters, and many of the railroads I have mentioned, including one that received the largest grant, went into bankruptcy shortly afterward.

It is no accident that corruption, waste, and inefficiency occur in our self-governing society. Primarily this is attributable to the ignorance not only of the people who elect their Representatives, but in many cases the Representatives themselves. That is why I call attention to that particular era in our history. It is one of the most persuasive reasons I know of why better education should be provided for the children of America.

Mr. LONG. Mr. President, will the Senator yield for a question?

Mr. FULBRIGHT. I yield.

Mr. LONG. It does seem to be somewhat in conflict with the Senator's argument, however, that the people who have made the most thorough study of this question almost unanimously agree that the submerged lands should belong to the States. For example, the American Bar Association has made a thorough study of the matter. I would be willing to rest my case on the belief that 90 percent of the people would agree that the property probably had belonged and certainly should belong to the States.

Mr. FULBRIGHT. I do not wish to enter into a discussion about whom this land presently belongs to. The Supreme Court of the United States in matters of this kind is the last authority, unless Congress undertakes to intervene, not to overrule their decision, because we cannot do that, but, to pass legislation divesting the United States of property which the Court has said belongs to the Nation.

I do not profess to be able to enter into any discussion whatever as to where the legal title or right to this land belongs. That matter has been settled. In my opinion, I think a discussion of it is quite inappropriate, and has no particular place here. I grant Congress may have a right, with the President, to give the land away. About that, there is no argument.

As I see it, the argument about this matter is very simple: The question is merely as to the wisdom of what is proposed. I have no doubt that the Senator from Louisiana can make an argument on that point. There may be good reasons for doing what is sought, just as there were good reasons for giving away some land to the railroads. I think the railroads had a case, namely, that it would result in developing the country. I only point that out as an example of the profligate use of power. I think the Government gave away too much, and that proper provision was not made so that the property which was given should be devoted to the purpose for which it was given. The record shows a great deal of the land was diverted from the railroad companies into the assets of some promoters and served purely for the private gain of those individuals.

Mr. LONG. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I do not wish to yield to discuss who owns this land.

Mr. LONG. I should like to ask the Senator another question, if he is willing to yield.

Mr. FULBRIGHT. I yield.

Mr. LONG. In this connection is the Senator going to give his views with regard to the mineral leasing act? Under that law, all Federal land located in 17 interior States is administered in such a manner that all revenues and royalties recovered from the land go 37½ percent directly to the States and 62½ percent to the reclamation fund, to be used to develop the States in which the lands are located.

Mr. FULBRIGHT. No. I will say to the Senator that that matter has been discussed at great length, and much

more ably than I could, by the Senator from Alabama and other Senators. As the Senator knows, I do not have membership on this distinguished committee. I have not followed all the details of the proposed legislation.

I tried to make that plain. I should like to address my remarks to the wisdom of the utilization for educational purposes of the natural resources involved in the pending measure. On that point I do have some prior knowledge, having had experience for some years in the difficulties of our educational system, both of the institutions in my own State, including the University of Arkansas, and private institutions in Washington, D. C. I think I know from personal experience how sadly neglected the educational system of this country is. If I had to pick out one great area of activity where we have experienced the greatest failure, I would say, as a general proposition, that it is in the realm of education.

Mr. LONG. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I am willing to discuss the problem with the Senator, but I cannot go into the mineral leasing acts or similar legislation in detail.

Mr. LONG. Will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. LONG. When the Senator discusses the great give-away of property to the railroads, he is overlooking the most tremendous gift of all, probably many times as great as the gift to the railroads. I thought that if the Senator was going to refer to give-aways to the various States, he might address himself to the give-away to the 17 States. They were perhaps able to do more for themselves because they had some representation here. Nevertheless, it would seem that the same consideration, consistent with that action, should be accorded to the three States here concerned which happen to have oil in their submerged lands.

Mr. FULBRIGHT. Certainly of my own knowledge I would not contest the theory of the Senator, but I do not think it is particularly relevant to what I believe is the controlling question here, as to whether in this instance it is wise to give away, deed—or whatever language the Senator may wish to use—the land to the individual States, or to use it for the purpose of national education.

As I said with regard to the railroads, I think a certain amount of giving away was justified. I believe it was very much overdone, and no one except private individuals reaped the benefit. It really did not contribute much to the public benefit, whereas the Morrill Act, which is a good precedent for the amendment sponsored by the Senator from Alabama, served a very good purpose. Although it has proved to be quite inadequate to support the educational institutions, at least it got them started. In fact, it was the origin of the State University in Arkansas, as I know was in the case of universities in other States. But the university was enabled to start because of the advantages afforded by the Morrill Act. A small institution was founded.

The land which was given was very meager in amount. Even more notable, it was in the mountains, and was not worth very much. It so happens that it is not worth very much now. Many other States which received land found that it was not sufficient to maintain their institutions. In many cases, the States disposed of the land in order to get funds needed immediately. Therefore, the program did not serve completely the purpose its sponsors had in mind.

I would not care to trust my memory, but I believe in my State the sale value of the land given to the State amounted to \$130,000. So it can be seen that the grant was not a magnificent gift. But the idea was correct.

I believe that if a third or a fourth or 10 percent of the land which was given to the railroads had been devoted to education purposes, it would have been ample, and our educational institutions could have been maintained in perpetuity in very fine style.

The Senator is aware of the fact that one of the reasons for example, for the great boom in stock of the Union Pacific and Northern Pacific Railroads, is the mineral rights which accrued to the railroads in connection with land which was given to them by the Federal Government.

Mr. LONG. Mr. President, will the Senator yield?

Mr. FULBRIGHT. The Senator has got me entirely off my point.

Mr. LONG. I wish to discuss the Senator's point, if he will yield for a moment.

Mr. FULBRIGHT. I am speaking largely of my interest in the pending amendment; but I yield.

Mr. LONG. I, too, have been somewhat concerned about the vast profits which were made during the same era of American history to which the Senator refers. However, it seems to me that the Senator probably should recognize that there was much good, in many respects, that came from those accumulations of capital. It there is to be capitalism, it is necessary to have capital and to have accumulations of capital. At least, in the instances which the Senator is discussing, the activities resulted in large accumulations of capital for the development of factories, railroads, and mines, and the building of much of the industrial empire which is now the United States of America.

Mr. FULBRIGHT. I do not think the Senator can use that illustration to justify the kind of corruption which often enters into the creation of capital. That argument can be used to justify Mr. Costello's activities. He is only trying to accumulate a little capital. The same thing applies to others who are mentioned in the press. They are saving their money by avoiding payment of taxes. All they are trying to do is to accumulate a little capital. If that be taken as justification, I think that argument can be used to justify any kind of activity. The point is that there are proper ways to accumulate capital and there are improper ways.

The Senator will recall how the acts granting land to the railroads were lob-

bied through Congress. I do not think I would want to justify what took place on the ground that those seeking the land were merely trying to accumulate capital.

Mr. LONG. I take it the Senator's argument is to the effect that Congress was corrupt during that period.

Mr. FULBRIGHT. Congress was corrupted to a very great extent by the lobbyists who flocked to the floor of the House. In those days they came right in on the floor. That is exactly what happened. There is no secret about it. If the Senator will take the trouble to read about the activities of that period, he will learn about the great fight between Huntington, of the Southern Pacific, and Scott, of the Pennsylvania Railroad. They came here and bought off Members of Congress. They gave them stock in the *Crédit Mobilier*. That was the enterprise which arose out of the large grant to the Union Pacific. Members of Congress were bought. It was all out in the open. In those days it was no secret. Individual Senators and Representatives often were proud to represent private interests. It was a very interesting period. I do not wish to give the Senator a complete review of it. However, I do wish to call attention to the fact that one way to improve such conditions as that is to have a much better educational system.

I maintain that very often the people indulge in self-defeating measures simply because they do not recognize where their own self-interest lies. If they have a sense of history, if they see how other societies have disintegrated, they may be able to take steps to avoid a repetition of such conditions. That is my theory. I believe that the era to which reference has been made is an excellent illustration of the lack of proper education on the part of our people, and a proper understanding of where their own interest lies.

Mr. LONG. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. LONG. I suspect that the Senator has a rather exaggerated point of view of the corruption of the Congress during that period. Personally, I had heard many stories about the corruption of our Government, but I believe I can state that so far as the present Congress is concerned, I have never known a group of men with higher principles, or men with a greater degree of courage of their convictions than the Members of Congress whom I have known since becoming a Member of this body. That is completely contrary to some of the socialistic and communistic propaganda which I had heard before I came here. I suspect that even during the period referred to, the Congress was not nearly so corrupt as the Senator thinks.

Mr. FULBRIGHT. I was not speaking from my own experience during that period, as the Senator well knows. I did not think there was much doubt about what went on, particularly in President Grant's regime, although President Grant himself was an honest man, if I can judge from every report I have seen. The facts in connection with the disposition of the land are well

known. Certainly there can be no difference of opinion about the things which happened. The convictions of Mr. Belknap, the Secretary of War, and others, are facts. I did not know that anyone had much doubt about that particular aspect during that era.

Similar situations have occurred following other wars. That is not the main point which I wish to make. After all, President Lincoln started the idea of the Morrill Act, which I think is an excellent precedent for this amendment.

It seems to me, Mr. President, that it is high time for all our people to indulge in some self-examination. Why is it that we have so many troubles now? Is it not likely that some mistake of our own has contributed to our situation to as great an extent as have the faults of others?

Is it not a fact that only forty short years ago the great democratic nations were unchallenged in the world? In 1912 it was inconceivable that by 1952, instead of completing dominating the world the democracies would be on the defensive, fighting for their very existence. Surely it is time for us to recognize that even Americans, with all our wealth and power, need to have some understanding of the nature of human society and of the forces which influence the fate of nations. I know of no better way to help give us that understanding than better schools for our children.

The Senate has already passed the Federal-aid-to-education bill, so strongly, properly, and efficiently supported by the Senator from Alabama [Mr. HILL].

Mr. HILL. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. HILL. I thank the Senator for his kind references. The Senator recalls that that bill was passed not only once, but twice.

Mr. FULBRIGHT. The Senator is correct.

Mr. HILL. It was passed both times by very large majorities.

Mr. FULBRIGHT. That is correct. As I have said, the Senator from Alabama supported that bill. As I recall, the last time the bill was under consideration the Senator from Ohio [Mr. TAFT] and the Senator from Alabama joined in support of that measure. I thought it was a nonpartisan bill which practically everyone recognized as being in the public interest.

Mr. HILL. The Senator is correct. The Senator from Ohio did join in sponsorship of the bill. As the Senator from Arkansas has stated, it was really a bipartisan effort in the Senate, recognizing the compelling need for passing the bill in order to meet the need.

Mr. FULBRIGHT. The Senator is quite right.

Mr. LONG. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I shall be glad to yield in a moment.

It seems to me that in view of that action, there should be no need to labor the point of the need for a better educational system. We have taken formal action recognizing that need. It is now a question of how we can implement that decision.

Mr. LONG. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. LONG. The junior Senator from Louisiana voted for that bill on that occasion, one reason being that in his judgment it very carefully protected the interests of the States from Federal control. Can the Senator show me any such provisions in the pending amendment?

Mr. FULBRIGHT. This amendment, of course, does not undertake to delineate the details. I think it is quite reasonable to expect that if we can obtain the funds, the principles and provisions of the bill which we have already passed twice will be the means by which the funds will be applied.

Mr. HILL. In other words, Congress would have to act again.

Mr. FULBRIGHT. Certainly.

Mr. HILL. And in acting again, it is entirely reasonable to expect, and I think we may be assured, that the Congress will follow the precedents it set in the past, not only in connection with the Federal aid bills to which the Senator has so aptly referred, but in connection with all the other legislation whereby we have provided Federal aid, either in the form of revenues from public lands, or aid to education in other forms. In all the other instances, as the Senator knows, we have left the administration, control, and authority in the hands of the State and local agencies.

Mr. FULBRIGHT. Yes. I may say that I am as strongly in favor of that principle now as I was at that time. I think everyone is agreed on the principle.

As I have said, we recognized the validity of the need for better education. This opportunity to obtain a part of the funds necessary to supplement existing sources of income should not be overlooked. The devotion of public lands to the education of our children is in the best tradition of America. The children are not organized. They do not have an efficient lobbyist to look after their interests, or unlimited funds at their disposal. Their welfare is everybody's interest, which so often means nobody's interest. I do not mean to minimize the efforts of the National Education Association, because the members of that organization are devoted workers; but the children back home cannot bring pressure on their representatives, as can great industrial and agricultural organizations.

Mr. HILL. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. HILL. The Senator's remarks remind me, as I am sure they remind him, of the remark of Daniel Webster with reference to Dartmouth College. It seems to me that we might well paraphrase that remark in speaking of our children. They cannot speak for themselves, but there are those who love them.

Mr. FULBRIGHT. That is correct. I appreciate having my attention called to that remark.

The Senator well knows that from the very beginning of our country there has always been great difficulty in obtaining adequate funds for educational purposes. It is one of those things, as the Senator

says, that everybody wholeheartedly favors but about which there is always some difficulty with respect to obtaining concrete and tangible means by which the job can be done or the system can be improved.

Mr. President, we have read much in the newspapers recently about the great tornado that struck my State. By way of introduction and to offer some background to a point which bears directly on the question at issue, I should like to say that I went to the afflicted area with the senior Senator from Arkansas [Mr. McCLELLAN] and four other Members of the Arkansas delegation in Congress in order to survey the whole situation.

It is, indeed, a very sad situation that was created by the tornado. As a matter of fact, there were really three tornadoes which moved across the State concurrently on last Friday. We drove around through the most severely affected area. One town caught the brunt of the storm. It was almost 100 percent destroyed. At least the business area was completely destroyed. The school was also destroyed. It was a new school or, at least, a part of it was new. The old part of it, which was the old high school, had been in existence for a number of years, but the new elementary school had just been completed. It was one of the best schools in that area. The community had extended itself to the limit in obtaining funds to build the school.

Mr. President, I went there not merely in behalf of the schools, but primarily in behalf of the individuals of the area, and in an effort to see what we could do in order to bring some relief to the people. When we got there the Red Cross was doing a magnificent job. So was the Salvation Army. The Salvation Army had moved in almost immediately, certainly within a few hours, and perhaps even within 1 hour after the storm had passed. The Salvation Army was adequately and properly providing relief in the form of medicine, food, medical supplies, clothing, and all sorts of things. It is, indeed, a very efficient organization.

The other members of the delegation and I met with the leaders of the town of Judsonia. The other towns in the path of the storm were also hard hit, but I do not wish to extend the RECORD by commenting on all of them. Suffice to say that Judsonia illustrates the point I have in mind. We had with us Mr. Seward, of the Housing and Home Finance Agency. Later in the evening we called together the heads of all the Federal agencies to ascertain what could be done by the Federal Government in a case of that kind, in which a community has been almost completely wiped out.

Mr. President, under legislation passed by Congress the agencies of the Federal Government have authority to provide temporary housing, such as trailers. They can provide placement service for unemployed victims. They can also make loans to repair and replace farm homes and buildings and equipment and livestock, through the Farmers Home Administration. Through the RFC it is possible to make loans to repair and replace business establish-

ments. It is possible to remove all credit restrictions and to insure loans up to 100 percent of value, through the Federal Housing Administration. Under Public Law 875, Federal agencies can also assist in making temporary repairs to schools, water and sewer systems, public buildings, roads and streets, and in cleaning up debris.

When we got down to the problem of what could be done about a school which has been completely destroyed, we found that there was not anything that could be done about it. Almost anything could be done by way of assisting people in reestablishing a business and making loans of all sorts. However, when we got down to what could be done for a little community which had spent all of its money and had bonded itself to the hilt in order to construct a school, we found that nothing could be done.

We have by statute authorized the use of funds in the case of a community which is located in a defense area when there is a great influx in school children by reason of defense activities in such an area.

However, there is much more reason in my opinion, if we are to give any help—and I believe we should indeed give help—to assist in cases such as we are confronted with in Judsonia, in which the real property which forms the basis of support for schools has been wiped out.

They are much less able to reconstruct school facilities than are those who live in a defense area. As a matter of fact, in most defense areas the very influx of the added population creates wealth, in the sense that there is an increase in the payrolls, and quite a boom is sometimes created in the volume of business which is transacted. In other words, there is created a tax base. Of course it is true that there is a lag, because the problem of providing schools comes first and the large increase in business does not come until a year or two later. There is that problem, of course.

I am not trying to discredit the program by any means. What I am trying to say is that there is in this area of Federal legislation, no provision for rebuilding a school destroyed by a windstorm. A windstorm certainly is the most violent kind of destruction I know of.

It is an illustration of how often we overlook the question of education when it comes to developing programs for assistance to our people.

As I said in the beginning, Mr. President, if I had to pick out activities of importance to the Nation which we have neglected so far I would say that education would likely be the first, in spite of the admonition of Jefferson and Washington, particularly Jefferson, that if we are to preserve a self-governing society the people should be enlightened. In spite of that we have neglected that activity more than any other major activity of our Government.

Mr. President, I do not wish to repeat myself, but I am always amazed when I think of what we spend, relatively, as a Nation for such things as cosmetics, liquor, and so on, as compared with what we spend on education. I think it is a

real reflection upon the wisdom of our Government in the matter of education.

Mr. President, I cannot think of a happier thing to do with this great resource that belongs to the people of this country than to devote it to the education of the future generations of our children, in the hope that we will always be a self-governing democracy.

Mr. HOLLAND. Mr. President, I should like the privilege of addressing several questions to the Senator from Arkansas [Mr. FULBRIGHT] if he will yield at this time.

Mr. FULBRIGHT. I yield.

Mr. HOLLAND. First I should like to say that I completely understand the sympathy of the Senator from Arkansas with the schools which were destroyed as a result of damage by the recent tornadoes in his State and in other States. I remind him that in calamities of sufficient size and gravity there is ample precedent for the appropriation of direct Federal assistance, to be apportioned not only to other activities but also to schools for replacement purposes, and that the Senator from Florida, and also the Senator from Arkansas, I am sure, have voted for such measures, the last being in the case of two or three special relief appropriations which were passed to bring relief to the areas affected in the flood which struck the Missouri-Kansas region last year. I also wish to say, as a preliminary to my questions, that I agree with the Senator in his view that schools do require assistance.

On two earlier occasions I have joined with the Senator in voting for Federal aid to schools, in spite of the fact that it was known, and I believe it was stated clearly on the floor by the Senator from Alabama, that the State of Florida, which I in part represent, was at the time the only State in the South which would have received the minimum recognition, and which therefore was not in the position of receiving any real assistance from the grants made at that time.

Mr. FULBRIGHT. If the Senator from Florida will permit me to interrupt, let me say that he is a good illustration of what I mean. The State of Florida is a fortunate State in having such good schools, and its good schools are the reason why the people of Florida have sent to the Senate such intelligent, high-minded, and effective representatives. If every State had schools as good as those of Florida, and had achieved the high educational standards which Florida has achieved, I would not be so much worried about the matter of education. My interest in this measure is predicated upon my desire to see those educational benefits spread more widely.

Mr. HOLLAND. I think the Senator from Arkansas. Since he has referred to the schools of Florida, I believe I should state that I received my college academic training in the State of Georgia.

Mr. FULBRIGHT. The Senator from Florida received that academic training in a private institution in Georgia. The Senator from Florida knows very well that such institutions have been seriously injured by inflation and a lack of funds. That is why the State institutions have had to be developed.

I think the Senator from Florida will agree with me that he was very privileged to be able to attend the kind of institution he attended. Such institutions are not the ones with which we are concerned in this instance, however.

Mr. HOLLAND. Mr. President, I thank the Senator from Arkansas for his remarks.

I rose to ask several questions of the Senator from Arkansas. As a predicate to my first question, I should like to say that on these earlier measures I was willing to go along with proposals for Federal aid to education, even though I realized that my State was being asked to make a disproportionate contribution. I showed my attitude by supporting the two measures on that subject which prior to this time have been passed by the Senate.

My first question is this: Does the Senator from Arkansas think that fact should indicate a willingness on my part to go along with the program now proposed, which calls for disproportionate contributions or exactions from the maritime States? I think there are just three maritime States which at the present time produce oil, but in the future they may be joined by the State of Florida or by other maritime States. At any rate, under the present proposal those three maritime States would be called upon for exactions which would support a system for the purpose of giving to other States greater aid than the despoiled States will receive. Furthermore, our State might be left in the position of having those payments made from assets which we regard as rightfully ours; and those payments would be made in a program which would assist other States in considerably greater degree than our own State would be assisted.

Mr. FULBRIGHT. Mr. President, the Senator from Florida is making an assumption which he would not make if he had heard the earlier part of my remarks. I do not admit there is any exaction at all. In this case we are dealing with a great natural resource which does not belong to Louisiana, Florida, Texas, or Arkansas. According to the highest authority in this Nation—and I do not believe I can join at all in questioning the finality of the decision of that authority—this natural resource does not belong to the States, and it is not proposed that we exact anything at all from the States. The only question is the proper disposition of a national resource.

I do not believe Florida has been involved; but the States of California, Texas, and Louisiana have had their day in court. So far as I know, they do not question that they had a fair trial. They went through all the established procedures of a civilized community. The decision which was reached was that this great natural resource does not belong to those States. So I simply cannot accept the basic assumption of the Senator from Florida to the effect that this program proposes an exaction from the States.

Mr. HOLLAND. However, Mr. President, the Senator from Arkansas desires to foreclose the State of Florida and

other maritime States which may be affected from the right to have their day in court, such as has been given to other States; is that correct?

Mr. FULBRIGHT. I had not thought of that, but I do not see why the State of Florida cannot have a lawsuit such as the State of Texas had. I simply assume, as a practical matter, that existence of the legal facts has been accepted.

Let me say that what I was saying a moment ago about the effects of education was not directed only to the education the Senator from Florida has received. The remarkable and the encouraging thing is not so much the fact that he was well educated—at Emory University, I believe—but that the voters of Florida have been sufficiently educated by their local institutions to have the good judgment and the good understanding to elect to the Senate the distinguished senior Senator from Florida. That was the point I was making, although I believe the Senator from Florida missed it. The intelligence and discrimination of the voters is the basic quality we are endeavoring to develop by means of this legislative proposal.

Mr. HOLLAND. I certainly appreciate the remarks of the Senator from Arkansas and am highly complimented by them. Let me express smilingly the hope that the people of Florida also will feel complimented. Certainly for them and for myself at this time I express thanks to the Senator from Arkansas.

Mr. FULBRIGHT. The people of Florida have already shown their intelligence a second time, apparently, because I understand that the Senator from Florida has no serious opposition for reelection. When the voters of his State have reached the point of recognizing merit to the extent that no one even challenges the right of the senior Senator from Florida to hold senatorial office, it is obvious that the people of his State are really wise.

Mr. HOLLAND. I wish the situation were as rosy as it has been depicted by my good friend, the Senator from Arkansas.

Mr. President, the question I wish to ask the Senator from Arkansas at this time is this: Does the Senator from Arkansas think that the fact that the Supreme Court has decided one of these cases by a majority of 4 to 3, with a very clear line of delimitation between thinkers who are known to be either liberal or ultraliberal and thinkers who are not of that philosophy, gives any stability at all on the basis of which the Congress can properly conclude that that decision has permanence and stability?

Mr. FULBRIGHT. Mr. President, the Senator from Florida is simply challenging the decision of the Supreme Court, although he is doing so in a somewhat different way. Many of the most important decisions of that Court have been reached by a divided Court. Certainly a rule of unanimity has never existed. We know that many of the very important decisions of the Supreme Court, including some of those applying to the 14th Amendment, which had great consequence to this country, were arrived at by a divided Court. It is true that from time to time the Court has reversed its

position, although I do not know that the Court itself admits that. However, that has been the result.

Nevertheless, Mr. President, in these matters we must follow the rules of the game. So I think it is somewhat revolutionary for the Senator from Florida to challenge that decision.

I agree that the Senator from Florida has a perfect right to say, "We think the decision of the Court was ill-advised, and therefore we wish to exercise our legislative right by passing a measure which, although not reversing the decision of the Court, will dispose of the spoils in accordance with what we regard as the rights of the people." I do not question the right of the Senator from Florida to do that.

Mr. HOLLAND. That question addresses itself to the Senate and the House; in other words, they must determine what is the soundest policy.

Mr. FULBRIGHT. And they must determine the wisdom of following that course.

Mr. HOLLAND. That is correct.

Mr. FULBRIGHT. Yes, it is correct. I do not question that. I do question continued statements that the Court's decision was wrong, and that the property belongs to the States.

Mr. President, if this property belongs to a State, all it has to do is go to court and there have its rights enforced. However, the Supreme Court has said that this property does not belong to the States. I think we must act in accordance with that conclusion and decision.

I am not criticizing either the Senator's procedure or his purpose. We simply have a difference of view as to the wisdom of the disposition of a great natural resource.

Mr. HOLLAND. Mr. President, I was hoping the Senator from Arkansas would comment on this matter from the point of view that this program does not propose that anything at all be set up immediately for the schools. The program proposes to postpone the participation of the schools in this pool of money until after the end of the present emergency—possibly years into the future.

I am suggesting to the Senator from Arkansas that I feel that he could not hope to build with stability upon a situation such as the one I have described, in which the Supreme Court has so nearly divided equally, and at a time when it is so apparent to all of us that the country is thinking more moderately and more conservatively than it did at the time when the judges who prevailed in that opinion were named to membership on the Supreme Court of the United States.

I fear that the Senator from Arkansas is making himself a party to the creation of a mirage of a beautiful program which has at least the distinct possibility of proving to be nothing more than a mirage, because of the point I have advanced.

I had hoped the Senator from Arkansas would comment upon that aspect of the situation.

Mr. FULBRIGHT. I do not have the slightest thought that, if the Congress,

in its wisdom should decide that these resources should be devoted to the public interest and to education, anyone is going to upset any such decision. I am perfectly willing to rest on that assurance, if the Congress does. But the decision now is a matter of policy and a question of our wisdom in using the resources. If the Congress makes no decision, if we merely do nothing, I suppose it will leave the matter up in the air. I grant that the differences in views on occasion may have influenced future decisions of the Court; but I have no doubt at all that if the Congress makes a decision to give the income from these resources to education, that will dispose of the matter finally.

Regarding the matter of the devotion of the immediate funds to national defense, after all, we are doing that, almost without limit. I mean we are doing things which we would not think of doing in normal times. We are making a delegation of power to the Executive, for example, which frightens all of us who are interested in a Federal system; that is, a system of decentralized power. Yet we do those things under the necessities of war; and I think it is justifiable to do them.

I hope I did not leave the impression with the Senator that I was looking to this fund for any help in the immediate emergency in Arkansas. I want to make it clear that I was using that only as an illustration of the neglect of education in this country. I would not expect anything out of this fund for that purpose. I am grateful to the Senator for reminding me of special legislation in the past to take care of local emergencies out of general funds; and I would simply say that while the loss to the community in Arkansas was very large for them, it was very small compared to the larger items we deal with. It was only a matter of \$200,000 or \$300,000 for that single school, and I was not trying to tie it to this proposal with any idea of using this money. I realize that is wholly unrealistic.

In my opinion, all the debate about whether the Court was right is somewhat beside the point. It seems to me the principal question is as to the wisdom of what is done. If the Congress wants to give this property to the States and says that it is the right thing to do, the Congress can do it. My duty and the Senator's duty to this body, it seems to me, is simply to make a wise decision as to what should be done with this resource.

Mr. HOLLAND. Mr. President, on that point the Senator from Florida could not more fully agree with the Senator from Arkansas. Undoubtedly the question here addressed to the wisdom of the Senate is, What is the soundest and the most righteous solution of this problem from the standpoint of general public policy? But, Mr. President, I believe that the Senator has almost admitted—and if he has not, I would like him now to say so—that agreement to this amendment and the passage of the pending measure with the amendment attached would almost surely prevent a change of decision on the part of a Supreme Court which has shown itself to be so nearly divided as at present.

Mr. FULBRIGHT. I personally think it certainly would. To me, it is so obviously the wise and intelligent thing to do that I cannot imagine anyone wanting to reverse it.

Mr. HOLLAND. Mr. President, I am grateful for that admission, because it has seemed perfectly clear—

Mr. FULBRIGHT. I do not like the Senator to say "admission," as if I were reluctant. I had no idea that was in it. I am perfectly willing to state it, but not as an admission. I think it is obviously a proper thing.

Mr. HILL. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. HILL. In the opinion of the Senator from Arkansas, it is "a consummation devoutly to be wished," is it not?

Mr. FULBRIGHT. Yes. That was the main purpose of my few remarks. I was not holding back as the result of not wanting to admit it. I think it settles the matter finally and achieves to a large extent the very purpose we had in mind in passing, twice before in the Senate, Federal education bills.

Mr. HOLLAND. Mr. President, I may say to the distinguished Senator that I fully agree with his conclusion—and I am glad that he has been frank enough to state it—that the passage of this education measure as a feature of this bill would for all practical purposes largely preclude the change of opinion on the part of the Court which many Members of this Senate feel must be made as a matter of simple justice; and the admission or the confirmation of that point by the Senator from Arkansas but adds to my feeling that this amendment is, from that additional point of view, completely unwise.

Mr. FULBRIGHT. Do I correctly understand that the Senator's point is that he thinks we should hold this question in status quo, hoping that at some future time someone will die or retire, that we can pack the Court so that it will change its view, and therefore that this problem will all be solved in that way? I cannot really accept that as a proper basis for not taking action now. I think the valid approach is to make the argument now and to settle it one way or the other.

In the same way, if the Senator's views prevail and the Senate and the Congress and the President decide that this resource is to be given to these few States, the ones which are adjacent to this area, instead of to education, that also will in my opinion settle it. I do not see how we could then think otherwise. There is not the slightest chance that the Senator from Alabama, after that were done, would come back next year to say, "Oh, that was not a good decision, we think we want to reverse it." Either way it goes, it ought to be a final decision of the matter; and that is our responsibility. I do not know why the Senator wants to put it off in the vague hope that something may happen to the Court. Supreme Court justices are very long-lived, anyway.

Mr. HOLLAND. Mr. President, there is another question I should like to address to the Senator, a question having to do with a problem already brought into the debate by a question previously

propounded by the Senator from Louisiana; that is, the question as to the wisdom or unwisdom of the passage of this measure without its having any provision whatever which safeguards to the States their independence and their complete control of their schools.

I remember full well that the Senator from Arkansas, at the time of the passage of the two measures which have been passed by the Senate heretofore, insisted upon such a position, and I well remember that there was a minority in the Senate who insisted on various conditions being written into the bill which would have deprived the States of their independence. The Senator will note by looking at the list of the cosponsors of this particular amendment, that most of the Senators who took that position upon the floor of the Senate, a position which would have denied the independence of the control of the State school systems by the States, are now advancing this very provision, this very amendment, which at this time is devoid of any assurance that the States will be protected in their own independent control under State law of the public school systems.

How does the Senator satisfy his feeling that the States should have a complete safeguard of their independence and their control under State law—how does he reconcile his convictions on that point with the complete absence of such a provision in the pending measure?

Mr. FULBRIGHT. I do not recall whether the Senator was present, but we discussed that very point at the beginning. Was the Senator present?

Mr. HOLLAND. Yes, I was here.

Mr. FULBRIGHT. That is all I can say. We have passed it. The Senate has adopted the principle, on which the Senator and I agree, of preserving the integrity of the States. We have passed it twice. I personally think we can rely upon the wisdom of the Senate to do it a third time, if necessary.

The way I look at this amendment, it goes only to the application of funds in the future. There is no point in crossing that bridge until the amendment prevails, but I am sure the Senator from Alabama will introduce, and if he does not, I will, or we will together introduce legislation implementing this amendment along the lines of the one we have already passed. I see no reason for believing it would not pass, in the same way that we have passed it heretofore. I have no fears about it.

Mr. HOLLAND. Yet the Senator must admit that a large majority of the Senators who have joined him in the sponsorship of this amendment are Senators who took a position in the previous debates which would have denied the independent control by the States of their schools.

Mr. FULBRIGHT. I have sometimes questioned the advisability of getting large numbers of Senators to sponsor a measure. I am quite confident we could have gotten twice as many sponsors if we had wanted to. It is more or less a matter of convenience. The sponsors are not the only persons who are interested in a bill. I cannot feel that that is a very significant element. The fact is that on two occasions by vote of the

Senate we passed the kind of legislation of which the Senator from Florida and I approve.

Mr. HILL. Mr. President, will the Senator further yield?

Mr. FULBRIGHT. I yield.

Mr. HILL. The Senator has stated the situation exactly as it is. The bill as reported from the Committee on Labor and Public Welfare left the administration, the control, the authority, and the power entirely in the hands of the States and agencies of the States. Many of the sponsors of the proposed legislation are members of that committee.

Mr. HOLLAND. Mr. President, will the Senator further yield?

Mr. FULBRIGHT. I yield.

Mr. HOLLAND. Does not the Senator think that the passage of the proposed legislation, setting up a pool, a sort of watermelon ready for cutting, would make it very much more difficult—does not the Senator think that our task would be made infinitely more difficult by the creation of such a melon ready to cut?

Mr. FULBRIGHT. Not infinitely more difficult. I do not know that I have thought about that particular aspect of the matter. I know the Senator from Louisiana [Mr. LONG] has been assuring us that there is very little money involved. He has been minimizing the amount that will be realized. He has minimized it beyond what I think is reasonable. But, nevertheless, the disposition of the money which is accumulated—and I hope it will accumulate—does not seem to me to present a great lack of principle or any insuperable difficulty.

I think the Senator has assumed that there is some overpowering greediness involved, and that if the money is to be gathered by taxes it would make a great difference. I do not think it would have that result at all.

Mr. HOLLAND. The Senator has cited the Morrill Act, which was passed in the 1860's, as a precedent for his thinking in this matter. I should like to ask him a question with reference to the Swamp and Overflowed Lands Act which was proposed by a Senator from Arkansas in the first instance as a measure to affect only the State of Arkansas; that is, to give Federal lands which were swampy and overflowed, lying along the many broad and peaceful rivers of the State of Arkansas—

Mr. FULBRIGHT. Not peaceful rivers. They are broad, but not peaceful.

Mr. HOLLAND. To give them to the State of Arkansas. Congress looked at the bill, thought well of it, and changed the bill to make it a general measure and passed it, under which many millions of acres of land went to the various States, on the theory that those lands, extending in ribbons along the rivers, some of the swamps were several miles wide, could best be developed and improved by the States. I remind the Senator from Arkansas that forests of standing timber were involved, and that representatives from the original 13 States voted for the measure and they were not benefited. I remind the Senator that mineral rights were included. No one thought it was

necessary or proper to exclude them. As a result, of course, the control of those areas and the development of them were greatly aided. Every State in the Nation that had that type of land was greatly helped. The problem was recognized as being in largest measure a local problem.

I suggest to the distinguished Senator that the ribbons of water and land generally 3 miles wide but extending 10½ miles in one State and a portion of another State are somewhat comparable to the ribbons of land involved in the Swamp and Overflowed Lands Act. I am wondering if the Senator does not feel, after all, that the judgment of the representatives of the Thirteen Original States, which had no public lands, and of the arid States, which had no swampy and overflowed lands, was wise in giving to the States which did have such lands tremendous acreages, extending to many millions of acres, which have been such a boon to the States affected and which have advanced so greatly their development. Does not the Senator see anything comparable in this case to that case which so materially benefited his State?

Mr. FULBRIGHT. I probably do not quite understand what the Senator has in mind in the illustration, but I am not a member of the committee, and I have given no detailed study to the effect of the disposition of swamp lands. I know practically nothing about it.

I do know that there are great swamp areas in the State which up to now, at least, have been of no use to anyone because of the overflow which still plagues our State very grievously. I also know that we relinquished thousands upon thousands of acres for a migratory-game preserve. I have been over some of that area, which includes the land about which the Senator is speaking, which is yet to be utilized, but I do not really know how much was involved or what use has been made of it. Why it was thought to be wise in the public interest to give the land to the States I do not quite know, but whatever was the reason, what bearing does it have upon the present decision to dispose of this particular asset for the support of education?

Mr. HOLLAND. The bearing it has is that this particular asset, oil, is a part of numerous other assets which are not proposed to be treated at all in the bill, and are not proposed to be given back to the jurisdiction of the States which are vitally affected by them. The fact is, also, that the use of those assets is just as local a problem as were the lands along rivers under the Swamp and Overflowed Lands Act, from which came many of the best bottomlands, the best producing lands, of the State of Arkansas.

Mr. FULBRIGHT. I do not happen to be informed as to whether the lands of which the Senator speaks are in what is now called Mississippi County. That is one of the best counties in the State. However, I point out that in order to bring about the development the expenditure of funds was largely on the part of private owners. The State it-

self, when it disposed of those lands, got practically nothing from them. It is valuable land today because the people who, we will say, bought it for a dollar an acre have themselves expended \$50, \$60, or \$100 an acre putting in drainage, clearing it, and so forth. I think the only further contribution of significance made by any governmental body was through the levee program, which is a general one on the river, just as in the Senator's own State, work has been and is being done in the great Lake Okechobee. But the main value was not to the State as such, I am quite sure, because I recall hearing stories about the people who acquired that land paying practically nothing for it at the time, because in its then condition it was not worth anything.

Mr. HOLLAND. Of course the Senator is correct. Exactly the same observations might have been made with reference to the creation of developed values by the filling of marginal lands and the extension of them out into the Atlantic and Gulf, and the building on them of hotels, pavilions, cabanas, and all other kinds of expensive developments. The same observation can be made with reference to the potentiality of such a development on the nearly 200 miles of keys lying off the shore of Florida to the south and southwest. They can be developed; just as swamp lands can be developed, only by local efforts and, in most instances, by individual efforts and investments.

Maritime States have vastly more at stake in such matters, from the permanent standpoint, as I have just mentioned, than in connection with the temporary question of oil and gas, which affects only a small part of the area, apparently affects only three States, or as yet has affected only three, and only small portions of the marginal lands of those States, and will be a question of the past just as soon as the oil and gas have been produced and used, which will be within the next few years.

It is the pendency of these permanent problems to which the committee has paid no attention at all in the report of its bill as it was reported, that has aroused Senators from the maritime States, and many others, to the feeling that this is just one bite, and that we may confidently expect the other bites to be made when the Department of the Interior or other departments get around to them, because the decision of the Supreme Court applies with just as much certainty and definiteness to all the things I have mentioned, and many others with which the Senator is familiar, that are not in the field of oil as it does to oil.

Mr. FULBRIGHT. But we have already started on the assumption that Congress can do about this and other matters what in its wisdom it chooses to do. The reliance of the Senator on encroachment in the future has to take into consideration the good sense of the Congress and the President, and if he is not willing to trust their judgment, I can offer him no good advice about how permanently to secure any of those rights.

However, I really do not think the Senator has much to fear about the encroachment of the Federal Government in that respect, because Congress can protect such a situation. If the Senator was making the point that development of oil resources or other resources can be better advanced by private individuals than under the aegis of the Federal Government, I think that is a valid argument. By valid, I mean it is legitimate. I did not recognize in the beginning that that was the point the Senator was making.

Mr. HOLLAND. That is a part of the argument.

Mr. FULBRIGHT. That is a matter about which I have only read. In other words, I did not attend the hearings. I prefer that members of the committee comment on that. But since this is merely a leasing operation, no one expects that the Government will actually develop the resources. In either case that will still have to be done by the great oil companies, and they will have to be experienced operators, as I understand, in order that work may proceed under the adverse conditions found in drilling under water. But undoubtedly some companies will be doing the work no matter who may reap the benefit.

As I see it, the question is simply one of disposition of income, whatever it may be. But the question is merely to what use the income shall be devoted. The question is whether it should be used in the national interest—that is, for education—or should be devoted to the State governments. It seems to me the question is as simple as that. In my opinion, we are dealing only with money which will be derived from the sale of the natural resources. If we assume, as I think we must, that the natural resources belong at present to the National Government, then in all fairness and justice, should they be given to the maritime States as individual States, or should they be devoted to the purpose of education? I think that is the only question.

In the long run, I feel that devoting the resources to educational purposes would be of even more benefit to the people of Florida, Alabama, and Texas, because those States cannot dissociate themselves from the fortunes of the Nation. If we are to continue to have people who are uninformed, who do not understand the long-range policies of the Government in its fight, for example, with totalitarian governments, the people of Florida and other States will go down in the same boat with the people of the rest of the Nation.

There should be a very great interest on the part of the people of each of the States in the preservation and integrity of the National Government. That is the question that is of paramount importance here. I think it can prove to be a very shortsighted view to deprive the Nation as a whole of the possibility of adequate educational facilities. Everybody now admits such facilities are inadequate. There is really no serious contest on that point. The testimony by Dr. Fine, who gathered the statistics and reports which were before

the committee, leaves no doubt about that, although the condition was quite clear at the time Congress passed the two previous acts.

For many years it has been clear that a great many people do not have a sufficient understanding of the character of their Government to be able to make proper judgments upon many great issues.

I think the Senator draws too clear a line between the interests of Florida, Texas, and California, and the rest of the country. The State of Florida is involved in this matter just as much as is Arkansas and the rest of the Nation. If the people fail to take leadership and fail to do what they ought to do, Florida will suffer just as much as any other State.

Mr. HOLLAND. Mr. President, will the Senator yield for one more question?

Mr. FULBRIGHT. I yield.

Mr. HOLLAND. Are we to understand that the junior Senator from Arkansas believes that Senators from maritime States should feel that their assets other than oil and gas are vastly more important from the standpoint of the permanent welfare of their people than are the oil and gas assets, and should sit idly by and see the oil and gas assets permanently disposed of without the necessity of bringing into the picture full consideration and full handling of the problem in those aspects which affect them so much more permanently and with so much more force, assets of the type which I mentioned a while ago?

Mr. FULBRIGHT. No; I certainly do not wish anything I said to be interpreted as any criticism of Senators urging their own points of view, as they think proper, on behalf of their States.

If the Senator wishes to draw distinctions between the character of the assets, I would suggest as a proper alternative that an amendment be offered drawing such distinctions, reserving—granting is perhaps a better word—any specific types of things, and that it then be judged on its merits.

I cannot say now what I would think about such an amendment because I am not informed on the subject, but the Senator made reference to hotels which have been built on the seacoast, so let us take that as an illustration. If the Senator will offer an amendment to the pending joint resolution, providing that the land upon which these hotels may be built shall be deeded or quitclaimed to the State of Florida, I think I would be presently inclined to vote for it.

Mr. HILL. I may say that an amendment has already been proposed by the chairman of the committee that would take care of that suggestion. But should we not put education ahead of recreation halls, pleasure hotels, resorts, cañañas, and things of that kind?

Mr. FULBRIGHT. I certainly think we should; but I do not believe that question is really involved. In my opinion, the problem which is bothering the Senator from Florida can be solved without in any way prejudicing the main issue.

Mr. HILL. Does the Senator from Arkansas agree with me that the matters about which the Senator from Flor-

ida speaks will be taken care of fairly and equitably?

Mr. FULBRIGHT. I do.

Mr. HILL. And with full consideration of the rights of the State of Florida, and of the development, progress, and growth of that State. We want Florida to grow, prosper, and progress, do we not?

Mr. FULBRIGHT. Certainly; and I believe that during the past 10 years the State of Florida has made at least as great progress as any other State in the Union, if not more than any other State. There is no reason to think that anyone is trying to impose upon Florida. I think we all have the greatest admiration for the job which the State of Florida has done.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. HOLLAND. Yet the amendment referred to by the Senator from Alabama simply would clear up the situation to date, and would specifically reserve in the Federal jurisdiction and control every bit of activity providing development and growth in the future, which is exactly what we do not want, because we think it is complete folly to place in the law as a permanent policy something which will stand as a handicap against future development. We think it is folly to place in the law a provision which vests in a Washington bureau the decision as to whether or not private property owners and municipalities may do any one of thousands of things which are necessary in order to assure their development, and which do not in the slightest degree interfere with navigation.

I thank the distinguished Senator from Arkansas.

Mr. AIKEN. Mr. President, I have been attending Agriculture Committee hearings, and am sorry that I have not been in the Chamber to hear all the discussion on this question, which I consider to be a critically important one. I think we should be interested in it for more than one reason.

The primary reason is that the Members of this Congress, like the Members of every Congress, are, in effect, trustees of the public heritage. It is our duty above all else to protect that which properly belongs to all the people of the country, and to defend it against those who, in small groups, sometimes undertake to secure it for their own personal benefit.

Among the great resources which properly belong to all the people of the Nation we find such items as public lands, public waters, water power, mineral rights, and navigation rights. These, among other great public resources, must be protected by us. I think we should ask ourselves, every time a measure such as the one now pending comes before the Senate, whether we are doing all we should do to protect the rights of the public.

The question frequently arises as to what are public rights, or what is public property. That question has arisen in regard to the oil deposits, the suspected oil deposits, and the possible oil deposits which lie under the ocean bed

in the sea at some distance from the shores of the States. Certain States have claimed that the oil developments which might be possible under the ocean bed at certain distances from their shores should properly belong to the States. The Supreme Court has ruled that beyond a certain limit, the oil rights do not belong to the States, but to the people of the United States as a whole.

Our form of government was very carefully conceived and inaugurated; and until a better system of government has been devised—and I see none in sight at the present time—I personally choose to stand by that which we now have, and, for my part, accept the decision of the Supreme Court, which says that certain valuable oil and mineral rights belong to the people of the United States.

It appears that there may be a considerable income from these oil lands. If that were not a possibility the subject would not be in controversy at the present time. The question is, Who is to get that income? If the income goes to the United States, then it should be used for the benefit of the public as a whole, and not for the benefit of any group or any section or any class of people.

There is no greater benefit to which income of this nature could be devoted than in the field of education. Unfortunately there is no greater need in the United States for benefits of this kind than in the field of education. I know of hardly a community in this whole great land of ours which is not deficient in educational facilities. A great many of them are desperate, indeed. So I have joined with the Senator from Alabama [Mr. HILL] and other Senators in proposing that the income from the oil lands—assuming that the oil lands are not turned over to any particular group or any particular States—shall be used for educational purposes.

The idea of distributing the national income among the States to be used for certain purposes is not new. It was followed more than 100 years ago under the administration of Andrew Jackson, who, quite in contrast to present day circumstances, found the Government embarrassed by having too much money. At that time the money itself was distributed among the States.

Then, in 1863, a great Senator from my own State, Senator Justin Morrill, proposed to the Congress that Federal income received from the sale of public lands should be used to establish the land-grant colleges, which have become such an important part of our way of life in this great land. So I repeat that it is nothing new to use income derived from certain sources for distribution among the States for certain purposes. I do not know of any worthier purpose to which the income from royalties from oil lands could be devoted than the purpose of education. I do not know of any better way to use such income than to distribute it among the 48 States of the Union—and I believe also the Territories—to be used for educational purposes.

For these reasons, I am glad to lend my support to the amendment which has been proposed by the Senator from Alabama [Mr. HILL] and other Senators.

THE INTERNATIONAL LABOR ORGANIZATION

Mr. MURRAY. Mr. President, I recently received in my office an article written by the Reverend George A. Higgins, assistant director of the social-action department of the National Catholic Welfare Conference.

The article refers to the purposes and programs of the International Labor Organization and answers some unfounded criticisms directed at that organization. The article deals particularly with some statements made by Mr. William L. McGrath, who is the appointed adviser of Mr. Charles P. McCormick, the official employer delegate to the international conference of the ILO. Mr. McGrath, speaking under the auspices of the United States Chamber of Commerce, said:

In the case of the United States and Canada, the Government delegates sent to the Conference merely reflect, to all intents and purposes, the dominance of the labor influence in our present respective administrations and go right down the line of state socialism. They, too, along with labor delegates from the United States and Canada, apparently join in the assumption that nothing can be effective save through governmental regulation and control.

These remarks of Mr. McGrath are obviously without foundation or justification in any respect.

In calling attention to this matter, I wish to say that I have a very high regard for Mr. McCormick, who is the employer delegate to the ILO. Knowing Mr. McCormick as I do, I am convinced that when he studies Mr. McGrath's statement on the merits, he will arrive at a totally different conclusion than the one arrived at by his adviser. I am confident that industrial and commercial organizations of the United States, interested in developing a better spirit of cooperation between workers and employers in America and improved conditions for workers throughout the world, will not approve Mr. McGrath's statements.

American industry has found that organized labor in the United States has been of great benefit to our capitalistic system in meeting on a sound and intelligent basis the difficult problems that arise in American business and industrial life. The Wall Street collapse of 1929 and the depression of the 1930's which followed were due mainly to the unorganized condition of American workers and farmers and the lack of adequate legislation recognizing their interest and concern in our economic system. Workers in that period were not receiving their fair share of production. The employers were taking too large a cut in the profits of industry, with the result that the purchasing power of workers and farmers finally became insufficient to support our capitalistic economy. The result was economic collapse, mass unemployment, and a serious threat of communism.

In this country, following the collapse of our economy in 1929, which was followed by the great depression, we set to work to remove the shackles from the American worker and the American farmer. The purchasing power of these groups soon began to rise. In a few short

years we had full employment and a purchasing power of such magnitude as to raise our economy to the highest record of production and earnings in our history. Thus the United States became the greatest industrial power in the world.

In discussing the conditions which brought on the economic collapse in the United States in the thirties, Fortune magazine said:

With the successful establishment of many of the principles of those early political thinkers, and with the fulfilling of many of the dreams of those early capitalists, the system that they conceived has faltered. Its irreversibility is no longer apparent. Three of the biggest nations in the western world, and many lesser ones, have rejected it almost in entirety. * * * Capitalist democracy no longer stands forth as the emancipator of mankind. Its enemies denounce it as a humbug—a system that pretends to emancipate all men but in actuality has emancipated only some men in certain portions of the earth under favorable circumstances. Its friends, on the other hand, fail to defend it. Their words result in oratory and their deeds in confusion.

Fortune magazine, in continuing its editorial, points out that "in operating the capitalist economy, American business has consistently misappropriated the principles of democracy. American business has made use of its principles to its own enormous profit, but it has failed entirely to grasp the social implications of its profit making. As representing the capitalist economy, business has an obligation to build a workable economic system."

But by 1932 it was evident that business had failed to do this. The result was an economic collapse, and the Government was compelled to act in the national interest. A liberal Congress was called into action in 1933. It acted with courage and dispatch. Most of these evils which heretofore prevailed in our economy have now been corrected. The workers and the farmers have been emancipated. Very important changes have taken place in our economy and, as a result, we laid the foundation in this country for a vast industrial expansion and widespread prosperity. This changed economy is now being called the American way of life.

I would recommend that anyone interested in this matter should read the article by Mr. Will Lissner, entitled "Shift in Income Distribution Reducing Poverty in the United States," appearing in the New York Times of March 5, 1952—see Appendix of the CONGRESSIONAL RECORD, page A1410. This article tells the complete chronological story of how we saved democracy in America and made the economic system operate for the welfare of all. This is the only way in which the nations of the world can oppose the march of communism.

The aim of the ILO is to improve the conditions of the workers and farmers, strengthen democratic government, and raise living standards throughout the world and thus build a barrier against communism.

Low wages and evil working conditions in other parts of the world directly affect the United States as well as other countries that seek to maintain high levels of wages and working conditions. The

and make of them a Federal reserve for educational purposes.

Personally, it has seemed to me that the so-called tidelands issue has resulted from a confusion of the question of ownership with the question of jurisdiction. Every State in the Union, I assume, at some time or other has had, and probably most of them now have, State ownership of some lands; but there has also been Federal ownership of lands within the jurisdiction of those States. If it were clearly recognized by the people of the country that, whatever may be the jurisdiction of a State, there can be within that jurisdiction Federal ownership of lands, much of the confusion over the so-called tidelands issue might have been averted.

But there is confusion on the subject; there have been substantial differences of opinion; and so the joint resolution reported by the Committee on Interior and Insular Affairs has proposed to resolve that problem by something in the nature of a compromise. And now, to that we have in the pending amendment, as there was in the bill which I introduced in the House of Representatives 3 years ago, the suggestion that a portion of the revenues from those lands, for which ownership of the Federal Government might be established, should be assigned to educational purposes.

House bill 4317 received some attention at the time it was introduced, but did not receive action. After I became a Member of the Senate, Mr. President, I reintroduced the bill and it became Senate bill 1090. It was introduced in the Senate in the Eighty-second Congress on the 9th of March, 1951, a little over a year ago. In the original bill, House bill 4317, I proposed using the formula which had been used in the so-called Federal-aid-to-education bill which was passed by the Senate but was not acted upon by the House, and which set up a formula for the distribution of revenues among the several States for educational purposes. That formula, however, was open to the suggestion, if not to the criticism, that it was somewhat complicated, that it perhaps laid the ground work for the possible establishment of certain regulations which would impose upon the States the views of some bureaucrat in the Federal Government as to how the money should actually be distributed among the States and expended within the States. Consequently, when a year ago I introduced the bill in the Senate as Senate bill 1090 I changed the formula and proposed the one which has been used in my own State for the distribution of funds we have available for purposes of education in the common schools, which is per capita distribution based upon a census of the children of school age. That formula has worked successfully in my State, and the revenues which have been received from the common school endowment funds and from other funds assigned to the same purpose are distributed among the schools of the State on a per capita basis.

When the Committee on Interior and Insular Affairs in its wisdom and as the result of considerable debate and discussion, and possibly compromise, reported Senate Joint Resolution 20, it

seemed to me, Mr. President, that the position of the committee brought the broad question before the Senate and afforded opportunity for the offering of amendments which would provide that certain portions of the revenue should go for the purpose of schools.

The very able Senator from Alabama [Mr. HILL] has associated with the amendment which he introduced many other Members of the Senate, and I was happy to associate myself with it.

I am not offering at this time the amendment which I have had placed on the table for reference by Members of the Senate. Depending upon developments in the Senate, I may offer it at a later time, but not while the amendment of the Senator from Alabama is pending to which I subscribed my name and to which I gave my whole-hearted support.

The amendment offered by the Senator from Alabama adopts the principle of Federal aid to education recognized in the Morrill Act of 1862, whereby most of the States not members of the Original Thirteen Colonies had been admitted and wherein they were assigned certain public lands for educational purposes, and proposes that the proceeds over and above 37½ percent provided for by the O'Mahoney resolution be assigned during this emergency for national defense purposes, and afterwards for educational purposes.

It is difficult for me to see why there should be much opposition to the amendment. Admittedly, the fate of the amendment will rest with the adoption of the basic resolution which the Senate may favor. If by any chance either of the substitute proposals should be accepted in place of the O'Mahoney resolution, I hope that the distinguished Senator from Alabama will adapt his amendment and offer it to either of those substitutes, if the parliamentary situation permits, so that whatever may be the result when final action is taken by the Senate, we shall provide at least that the royalties from the lands lying beyond the so-called State boundaries, or, even better from my point of view, lying beyond the 1-mile limit, in the amount as provided in the amendment, shall be assigned to education purposes. If either of the substitutes shall be agreed to, I hope that it will carry an amendment providing that the royalties even beyond the 1-mile limit shall be assigned to education. Whether it be the O'Mahoney, the Connally, or the Holland measure that is adopted, let us assign some of the royalties to the cause of education.

If, by any chance, the Hill amendment should not be adopted, I may offer my amendment which uses the per capita figure, but uses it in lesser amount. That amendment suggests that 12½ percent of the royalties within the 3-mile limit and 50 percent of the balance should be assigned to educational purposes.

Mr. President, in concluding, let me urge that every Member of the Senate, before the vote is taken, keep clearly in mind two simple propositions: First, that in the vote on the pending amendment we are not deciding the issue as

to whether the lands shall be assigned to the States or to the Federal Government; we are simply considering the principle that a certain part of the royalties shall be assigned to education. Whatever basic bill we consider, let us consider the educational feature. If the Senate wishes to substitute either the Connally or the Holland amendment, let us consider the educational principle as applied to the portion of the lands beyond the 3-mile limit, out to the Continental Shelf, so that whatever action is finally taken the Senate will recognize the interest of the Federal Government in common-school education, and determine that in connection with a resource where we have an opportunity to be creative, we shall take action which will benefit the common schools of the country for all time to come. Let not the Senate of the United States, at a time when we had an opportunity to do something for education, be recreant in taking advantage of the opportunity.

I yield the floor, Mr. President.

CONSTRUCTION OF AIR BASES IN NORTH AFRICA

Mr. JOHNSON of Texas. Mr. President, the Senate is aware of the distressing facts recently uncovered by the Senate Preparedness Committee on the construction of air bases in north Africa. As I stated a few days ago, the project has been a flagrant example of waste of the taxpayer's money.

Secretary of the Army Frank Pace is moving rapidly to halt the inexcusably wasteful practices. I would like to acquaint the Senate with the steps that he is taking.

A few days ago, I inserted in the RECORD a letter from Secretary Pace. In that letter he described the personnel shake-up that had been ordered already and promised to take further steps to recover whatever money has been spent improperly.

He has not stopped with promises.

On Tuesday, Army officials met with representatives of the contractors. The constructors group was given 2 weeks in which to answer the sworn testimony presented before the Preparedness Committee.

In connection with that meeting, the Army prepared an analysis of the testimony. A number of the major charges were itemized point by point and given to the contractors' representatives.

I have read the analysis carefully and consider it a good presentation of the questions raised. Therefore, for the information of the Congress, I ask unanimous consent that it be printed at this point in the RECORD.

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

Subject: Alleged deficiencies and waste in connection with construction of air bases, French Morocco.

The following are selected items from the testimony thus far taken before the Lyndon Johnson Preparedness Subcommittee:

A. PAYMENT OF EXCESSIVE PRICES FOR LOCAL PURCHASES AND SERVICES

1. It was charged that cable was purchased by Atlas from Levi Sousson at exorbitant

I ask unanimous consent that the editorial referred to may be printed in the RECORD at this point.

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

VOTES IN RESEARCH

If the foot-and-mouth disease outbreak spreads widely from Saskatchewan, where it has started only 70 miles from the United States border, the consequences can be nationally disastrous.

But something good can come from it, too, if farmers now act vigorously.

The disease was last found in the United States in 1929, when there was a small outbreak in California. At that time \$5,000,000 would have built a magnificent national animal-disease laboratory. A million a year since then would have maintained and operated it. The total cost over somewhat more than 20 years might have reached \$25,000,000.

Long before this, such a laboratory might and probably would have produced either a preventive or a cure for foot-and-mouth disease.

We did not put up the laboratory. But when foot-and-mouth disease broke out in Mexico we spent, not \$25,000,000, but \$123,000,000, to combat the disease there, and to keep it from crossing into the United States. That is to say, we poured out about five times as many dollars. And still we do not know enough about the disease to control it, certainly, by any other method than by shooting the livestock.

Even though the Saskatchewan outbreak does not spread far, the danger will always remain. An uncontrollable foot-and-mouth epidemic could be a major disaster.

The sensible conclusion is inescapable; build now the animal-disease laboratory which should have been built in 1929.

"Research makes no votes," may explain why Congress has not done well at supporting research, nor even at keeping its promises to support research.

The Seventy-ninth Congress adopted a program which authorized additions to agricultural research funds that were to be stepped up each year until by now the annual addition was to have been \$61,000,000. Actually, the most ever appropriated for any one year has been \$19,000,000 over the funds authorized by previous acts.

Subsequent Congresses were dominated by the same kinds of short-sighted majorities which in 20 years spent more than \$20,000,000,000 for politically tinged subsidies. These were designed to produce votes, but did nothing fundamental. No effective insistence for research has come from the President, and not enough from the Secretary of Agriculture.

Not only has the \$61,000,000 pledge not been redeemed, but the amounts now available have lost buying power. Agriculture, therefore, now has less Federal research support than it had 10 years ago. (If \$19,000,000 seems like a lot, it is less than one-fiftieth of one billion, less than one-thousandth of \$20,000,000,000.) And research is among the few public expenditures which produce new tax money for the Federal Treasury.

It is hardly to be hoped that the present politically minded administration and Congress will show the foresight to build an animal-disease laboratory, or to adopt an adequate research program. It might help farmers and their organizations to let 1952's candidates discover that there are votes in research, by changing the administration.

provide for the continuation of operations under certain mineral leases issued by the respective States covering submerged lands of the Continental Shelf, to encourage the continued development of such leases, to provide for the protection of the interests of the United States in the oil and gas deposits of said lands, and for other purposes.

Mr. CASE. Mr. President, the issue before the Senate in connection with the amendment submitted by the Senator from Alabama [Mr. HILL], on behalf of himself and a number of other Senators, is a rather simple one, and should not be confused with the issue involved in Senate Joint Resolution 20, introduced by the Senator from Wyoming [Mr. O'MAHONEY], on behalf of himself and the Senator from New Mexico [Mr. ANDERSON].

The joint resolution introduced by the Senator from Wyoming attempts, by way of a compromise, to effect a settlement of the so-called tidelands issue, by proposing that 37½ percent of the royalties received from minerals recovered within the belt 3 miles seaward from the low-tide mark of any coastal State be assigned to that State. The issue as to whether there should be such a compromise, or whether the substitute proposed by the Senator from Texas [Mr. CONNALLY], or the substitute proposed by the Senator from Florida [Mr. HOLLAND] should be approved by the Senate, is entirely apart from the issue involved in the pending amendment proposed by the Senator from Alabama; for the amendment offered by the Senator from Alabama proposes that the royalties received from these lands, over and above the 37½ percent, shall be set aside in a special fund, to be used first of all for urgent purposes of national defense, and; after that, for purposes of education. A determination, or at least a recommendation as to what method should be employed for the use of these funds for educational purposes, is left to be made by a committee or a commission, for which the amendment makes provision. So that the original issue in the O'Mahoney resolution is not presently before the Senate. The issue is simply whether a portion of the revenue shall be set aside and assigned as a reserve benefit for education.

That principle, Mr. President, is one which the Congress and the country have long recognized. Reference has already been made this afternoon by the Senator from Arkansas [Mr. FULBRIGHT] to the fact that in 1862 the Morrill Act was passed. It was signed by Abraham Lincoln. That act recognized the Federal interest in education, and it provided the authority under which grants have been made to the various States for educational purposes. The act was passed at a time when the country was involved in a severe struggle; and, despite the demands for money for defense at that time, it was recognized that it was a part of sound national economy to encourage education.

My interest in this proposition runs back several years. In the House of Representatives, on the 25th of April, 1949, about 3 years ago, I introduced

House bill 4317, entitled "A bill to establish a Federal waterlands reserve, and to provide for aid to the public schools with a portion of receipts therefrom."

In this Capitol, in Statuary Hall, each State of the Union may place statues of outstanding characters in its history. My State of South Dakota has at least one such statue there today. It is a statue to the memory of Gen. William H. H. Beadle. It is a replica of one in my State capitol. In my State, also, one of the State teachers' colleges is named the General Beadle State Teachers College. The acts of the State of South Dakota in placing the statue in the State capitol, in placing a replica in Statuary Hall, and in naming one of our teachers' colleges in memory of Gen. William H. H. Beadle grow out of the fact that General Beadle was the author of the provision in the enabling act which was passed by the Congress of the United States that in the lands now embraced within the States of Washington, Montana, Idaho, North Dakota, and South Dakota there should be reserved certain acreages of land for the common schools of those States, and that those lands should never be sold for less than \$10 per acre.

I recall that when I was a student in the schools of South Dakota, a campaign was conducted, in which school children were invited to contribute their dimes, their nickels, and their pennies to place that first statue in the State capitol; and the cry which was dinned into our ears at that time was, "For General Beadle—he saved the school lands of South Dakota." Those same words appear on the statue in Statuary Hall. So that from the time I was a boy in the common schools of South Dakota, Mr. President, until now, there has been drilled into me a respect for those who sought to reserve lands for purposes of education. So, in addition to what the Congress has done by the enactment of the Morrill Act and acts amendatory or supplementary thereto, in my own State of South Dakota we have long recognized that in a country where so much depends upon the information of the citizen for the success of the kind of government we have, it is a sound principle of national economy to reserve certain lands or certain endowments for the common schools of the country and the State, and for the secondary schools and for the colleges. There are therefore written into the Enabling Act of South Dakota and into our State constitution provisions for the preservation of those lands. Hence, Mr. President, when this issue regarding the possibility of recovery of substantial revenues from the mineral resources of the lands outside the States has come before the country, naturally my interest has turned to the possibility of the creation of a reserve from revenues derived from such resources for the purposes of education. Hence, in 1949, I introduced House bill 4317, to establish a Federal waterlands reserve, and to provide for aid to the public schools with a portion of the receipts therefrom. Admittedly the term "Federal water lands" was a phrase designed to suggest to whoever might read the bill, that it was proposed to take the lands which were under water,

MINERAL LEASES ON CERTAIN SUBMERGED LANDS

The Senate resumed the consideration of the joint resolution (S. J. Res. 20) to

prices ranging up to 200 to 300 percent above normal market price. (Cassidy deposition, pp. 11-14.)

2. It was alleged that floor panels and tent frames were purchased from Germaine-Milan, who was high bidder, and that in an allocation of the order a larger number was allocated to this company rather than to the lower bidders. It was charged that all required floor panels could have been obtained from the three lower bidders and that Germaine-Milan was given subcontract for footings when it was known that he was a middleman and would have to subcontract the work. (Cassidy deposition, pp. 15-18.)

3. It was charged that eggs were purchased in large quantities at 15 francs per egg when retail price was 12 francs per egg. (Cassidy deposition, p. 5.)

4. It was alleged that Atlas failed to seek or obtain discounts on local purchases, although vendors were giving such discounts to others. (Cassidy deposition, pp. 5-6.)

B. CHARGES THAT PERSONNEL OF ATLAS ACCEPTED KICK-BACKS AND ENGAGED IN COLLUSIVE PRACTICES WITH VENDORS TO DETRIMENT OF GOVERNMENT'S INTERESTS

1. Bartells, assistant superintendent of construction, sought bribe from Meffre & Co. as a condition to receiving Government business. This person convicted. Allegation made that Germaine-Milan was also implicated. Further, Atlas purchasing department personnel admitted to receipt of commissions for vendors. (Cassidy deposition, pp. 19-22.)

2. It was alleged that middleman (Cahill) was used on purchases from vendor. Indication given that vendor was told by Hillman, Atlas employee, to raise purchase price of Jony water 10 percent to take care of commission. (Cassidy deposition, p. 24.)

3. It was alleged that local hires (Arabs) were required to pay sum of money to obtain jobs. It was alleged that Atlas did not make good its promise to post signs and have interpreters explain payment for jobs not necessary. (Cassidy deposition, pp. 25-27.)

C. TIMEKEEPING—CONDITIONS AT THE SITE

1. It was alleged that brassing-in by workmen was not introduced until September 1, 1951, and, except for a foreman's report, no checking of men in the field in the morning or afternoon was made by time checkers until December 15, 1951. (Cassidy deposition, pp. 27-29.)

2. Indicates that laxity of control over workmen at projects has resulted in a high incidence of loafing, drinking, and sleeping during working hours. (Cassidy deposition, pp. 30-32.)

3. Reports made by internal audit unit of Atlas indicate no firing although this matter was brought to the attention of Atlas superintendents. (Balwan-Brewer, pp. 963-965.)

D. TERMINATION OF KEY PERSONNEL

1. It was alleged that five successive foreign business managers were employed by Atlas since commencement of project and that persons holding this position and other high officials were discharged and declared surplus when they should have been terminated for other causes. (Cassidy deposition, pp. 33-34.)

E. PROPERTY ACCOUNTS, CONTROLS, AND PROCEDURES

1. It was alleged that Atlas prepared receiving reports from invoices and that no more than 35-40 tallies were prepared on approximately 1,000 local shipments. (Cassidy deposition, p. 67.)

2. It was alleged that stock records at the various projects were not up to date and could not be reconstructed since there had been no records of receipt of purchases, no such records having been maintained from February to June 1951. (Cassidy deposition, pp. 50-51.)

3. Controls of inventory were either non-existent or in very poor condition. Atlas requisitions were prepared without adequate screening and many items marked not in stock were in stock. (Balwan-Brewer, pp. 975-977.)

4. It was alleged that with the exception of one installation no short or damage reports had been prepared and that installation such reports were prepared only during survey period. (Colonel Reed, p. 1110.)

5. Allegations were made of pilfering of tools, equipment, and materials in the staging area. (Balwan-Brewer, p. 957.) The indicated loss is estimated at approximately \$2,000,000 to \$10,000,000 over a period of 10 months. (Balwan-Brewer, pp. 1005-1007.) A major cause of this condition is alleged to be due to a lack of sufficient personnel and the presence of untrained personnel. (Colonel Reed, p. 1111.)

F. HOSPITAL ADMINISTRATION

1. It is alleged that Atlas permits dependents of its employees to be given medical treatment without charge. (Cassidy deposition, p. 54.)

G. INADEQUACY OF CONSTRUCTION METHODS AND USE OF EXCESS LABOR

1. It was alleged that Atlas did not properly erect prefabricated buildings as evidenced from experience in assembling Dallas huts. (Balwan-Brewer, p. 950.)

2. Plumbing work at the airmen's quarters Sidi Slimane was unsatisfactory basically because of lack of proper type of plumbing fittings. Ultimately it was necessary to replace with better plumbing. (Balwan-Brewer, pp. 956-957.)

3. It was alleged that Atlas employed an excess number of men on the job as plumbers, primarily in connection with pipeline, and that these men were not qualified for the job. (Connolly, p. 783.) Further alleged that James Anderson, Atlas superintendent for POL, was unqualified, all his previous experience having been as a carpenter and concrete-form builder. (Connolly, p. 784.)

4. Atlas' safety record is indicated to be very bad, there being a loss of 49,733 man-days due to accidents. Violation of Corps of Engineers safety regulations in the handling of dynamite with evidence indicating directive of district engineer ignored. (Balwan-Brewer, pp. 999-1001.)

H. REFUSAL OF ATLAS TO COMPLY WITH SPECIFICATIONS

It was alleged that Atlas deliberately disregarded the specification requirements for construction of subgrade for runway at Sidi Slimane and continued to ignore daily protest of architect-engineer representative. (Simons, pp. 554-555.)

2. It was alleged that Atlas mixed the aggregate and asphalt in improper proportions, using two or three times more asphalt than was indicated by the specifications. (Wise, p. 726.)

I. PROCUREMENT PRACTICES AND PROCEDURES IN NEW YORK OFFICE OF ATLAS

1. Specifications:

(a) It was alleged that vendors were permitted to determine the specification from which Atlas would purchase its material and equipment, thus ignoring the function of the Atlas engineering department in the development of specifications. (Leahy, pp. 990-902, 911-913.)

(b) Due to changes in specifications brought about by vendors the specifications became restrictive to the point of setting up sole source of supply. (Leahy, p. 904.)

(c) It was alleged that an administrative clerk in charge of the control desk revised specifications prepared by the engineering department although this person lacked qualifications for such purpose. (Leahy, pp. 893-900.)

(d) It was alleged that a buyer in the purchasing department called vendors to furnish specifications on items that Atlas was required to purchase. (Leahy, pp. 905-906.)

(e) It was alleged that a great deal of equipment and material purchased did not conform to specifications and that there was indication that such materials could not be used without material alteration. (Leahy, p. 934.)

(f) It was alleged that specifications were ignored in the procurement of steel hangar from Pacific Iron & Steel Co. (Leahy, pp. 871-878.) It was further alleged that competition was eliminated; that the contract was let on a square-foot basis as against lump-sum or tonnage basis, that such pricing was unorthodox and that this requirement could have been met from sources located on the east coast. (Leahy, pp. 879, 917, 919.)

2. Procurement in excess of requirements:

(a) It was alleged that Mr. Sherfey, Atlas procurement director, ignored a directive of the district engineer to reduce by 11 the number of fuel-storage tanks on order. (Leahy, pp. 884-891.)

MINERAL LEASES ON CERTAIN SUBMERGED LANDS

The Senate resumed the consideration of the joint resolution (S. J. Res. 20) to provide for the continuation of operations under certain mineral leases issued by the respective States covering submerged lands of the Continental Shelf, to encourage the continued development of such leases, to provide for the protection of the interests of the United States in the oil and gas deposits of said lands, and for other purposes.

Mr. HILL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Aiken	Hayden	Millikin
Anderson	Hennings	Monroney
Bennett	Hickenlooper	Moody
Bricker	Hill	Mundt
Bridges	Hoey	Murray
Butler, Md.	Holland	Neely
Cain	Humphrey	Nixon
Capehart	Hunt	O'Mahoney
Carlson	Ives	Pastore
Case	Jenner	Robertson
Chavez	Johnson, Colo.	Russell
Clements	Johnson, Tex.	Schoepel
Connally	Johnson, S. C.	Seaton
Cordon	Kem	Smathers
Douglas	Kilgore	Smith, N. J.
Duff	Knowland	Sparkman
Dworshak	Langer	Stennis
Eastland	Lehman	Thye
Ecton	Long	Tobey
Ellender	Magnuson	Underwood
Ferguson	Martin	Watkins
Flanders	Maybank	Welker
Frear	McCarran	Wiley
Fulbright	McCarthy	Williams
George	McClellan	Young
Gillette	McFarland	
Green	McKellar	

The PRESIDING OFFICER. A quorum is present.

Mr. McCARRAN. Mr. President, I send to the desk an amendment to the Hill amendment, which I ask to have printed and lie on the table.

The PRESIDING OFFICER. The amendment will lie on the table and be printed.

Mr. McCARRAN. Mr. President, is there any time limitation on debate?

The PRESIDING OFFICER. The time is not limited.

Mr. McCARRAN. I should like to make a brief statement explanatory of my amendment.

This amendment represents only perfecting language. It is completely in accord with the intention of the original language of the amendment submitted by the Senator from Alabama [Mr. HILL] as the senior Senator from Nevada understands that intention.

The present language of the new subsection (2) which the Hill amendment would insert appears to be susceptible of possible misconstruction. There is a latent ambiguity in the provision respecting time, namely, during the present national emergency and until the Congress shall otherwise provide.

It is not clear whether this time limitation applies to the placing of moneys in a special account in the treasury, or the use of funds in such special account for urgent developments essential to the national defense and security. In the opinion of the Senator from Nevada the latter is the correct interpretation. The amendment to the amendment which I am now proposing would eliminate any ambiguity on this point and make it clear that the moneys are to go into a special fund and remain in that fund, subject to the will of the Congress; and that moneys from that fund are to be used only for such urgent developments, essential to the national defense and national security, as the Congress shall determine and provide, during the period of the national emergency; and thereafter shall be used only for such grants to States, in aid of primary, secondary, and higher education, as the Congress shall determine and provide.

The amendatory language which I am proposing does not contain a double limitation on the duration of the national emergency, since the Congress now has the power to terminate that emergency, and since it is inconceivable that Congress will at any future time divest itself of that power. Also, since the moneys in the special fund, in the event the amendment of the Senator from Alabama should be adopted, will remain subject to the will of the Congress, it would be entirely within the power of the Congress to restrict the use of such moneys to urgent developments essential to the national defense and national security, even after the expiration of any so-called period of emergency.

Without any further explanation, because I do not feel that any further explanation is necessary, I submit the amendment for a vote of the Senate.

I understand there is a probability that a vote will be taken tomorrow. I think the author of the amendment should give consideration to my suggestion.

Mr. HILL. Mr. President, I should like to say to my friend from Nevada that I am very much interested in what he has said and that I shall certainly examine his amendment very carefully, having in mind the statement made by him.

Mr. LANGER. Mr. President, I desire to speak very briefly on the pending legislation, particularly the Hill amendment. A short time before Harold Ickes died I had the privilege and honor of

appearing with him on a radio program. I have before me a copy of the radio script of the broadcast, and I desire particularly to read into the RECORD the part of the transcript which deals with what Mr. Ickes had to say.

As has been stated several times on the floor of the Senate, Mr. Ickes was Secretary of the Interior at the time when the so-called tidelands oil question first came before the Senate. Originally, as every Senator knows, Mr. Ickes held that the oil belonged to the States bordering upon the water. Later he changed his mind and instigated the action brought by the Attorney General of the United States, which is commonly known as the case of United States versus California.

In the radio interview, which was held approximately 4 weeks before his untimely death, Mr. Ickes said:

Oil in quantity is being extracted every day from offshore lands that, according to the United States Supreme Court in the case of the United States of America against California, belongs to the people of the whole United States—to all of them and not merely to those of California. The law is the same with respect to the offshore lands of Texas and Louisiana. There is also good reason to believe that beyond the 3-mile limit within which the tidelands lie and well out toward the edge of the Continental Shelf, especially in the Pacific Ocean and the Gulf of Mexico, there are very large and rich deposits of oil. Tidelands oil is oil lying within the strip seaward of the shore line, that is exposed at low tide. I prefer to call it offshore oil, which would include all of the oil between dry land and the edge of the Continental Shelf.

Until the Supreme Court spoke, California, Louisiana, and Texas claimed substantial interest in offshore oil. There was some confusion in California as to just what would be the outside boundary of its offshore belt. Texas at first claimed ownership out to 27 miles beyond dry land, but in 1947 it began to assert ownership to the edge of the Continental Shelf. Louisiana by statute claimed 27 miles.

When I became Secretary of the Interior in 1933, I found a fixed conviction that offshore oil belonged to the dominating States. I began to doubt this. At one time, we drafted a bill in Interior declaring that title to offshore oil belonged to the United States. The Senate, of which my interlocutor (Senator LANGER) is one member who believes in safeguarding the rights of the people as opposed to the encroachments of the corporations, quickly passed this bill. In the House, the chairman of the Judiciary Committee was Hatton Sumners, of Texas. He simply put the bill in a pigeonhole of his desk and kept it there. He was serving his State and not the United States.

When I began to have my doubts as to whether or not the United States might have title to this offshore oil, I discussed it with President Roosevelt. In 1944, at my suggestion, he authorized Attorney General Biddle to file a suit against California. After President Truman succeeded, he also authorized a suit which was started in the United States District Court of the southern district of California. I had wanted it filed as an original suit in the Supreme Court, as it was possible to do so under the United States Constitution. When Tom Clark succeeded Francis Biddle as Attorney General, I suggested to him that he dismiss the pending suit and file an original one in the Supreme Court.

The suit was filed.

The California decision held that the United States had paramount rights and interests in and to offshore oil lands. This meant that those operating under State leases were trespassers and that the State leases were null and void. It also meant that all of the people of the United States, regardless of whether they lived in California, or North Dakota, or Idaho, or Arkansas, or New Hampshire, or any of the States in the Union, including the Territories and possessions, have an equity in this oil. And they will continue to have this equity unless Representatives and Senators, whom the people of the United States have sent to Congress to serve the interest of all the people, succeed in doing what some of them want to do; namely, pass legislation quitclaiming these lands to the States off of whose shores these rich properties lie.

When I asked Mr. Ickes about the declaration involving the tidelands off the coasts of Texas and Louisiana, he replied:

The Louisiana decision was on all fours with the previous one affecting California. There is some variation between the Texas decision and that involving California, but the results were the same. The people were declared by the Court to own the offshore oil lands.

Mr. Ickes continued as follows:

The average royalty to the United States on oil captured on the public domain is 12½ percent a barrel, which is altogether too low. Louisiana gets 12½ percent a barrel plus a bonus. In California, the average is 24 percent, and in Texas it is 12½ percent. Compare these royalties with what King Ibn-Saud of Saudi Arabia gets on the very large production from that country by an American oil company, the Arabian-American. In addition to taxes and certain allowances for customs, King Ibn-Saud gets 50 percent of the net profits. The United States Government just hates to tax the oil companies at their real worth. It prefers to tax the farmer, the working man, the small-business man.

Mr. President, I may say that in my experience as a United States Senator during the past 11 years, I do not think I ever ran across a case in which a member of the President's Cabinet made a better fight for all the people of the United States than did the late Secretary of the Interior, Harold Ickes, in trying to protect all the people of the United States in connection with leases by the States bordering on these oil lands, which, as he said, brought in very small amounts, as compared with what the United States Government should have received.

I asked Mr. Ickes:

In your opinion, should these royalties go to all the States in the Union, or just to those three States?

Mr. Ickes replied:

In my opinion, they should go to all of the States in the Union in proportion to population and need. They should also be increased.

Then I asked Mr. Ickes:

In your opinion, should this money be used for school purposes?

Mr. Ickes replied:

By all means, this money should be so used. I have been advocating such a use for some time. The need for maintaining and improving our educational facilities for our children is great in every State, and

growing. By devoting this money to education, the people would be able to improve their schools without having to go any deeper into their own pockets. I cannot see how any Member of Congress could think for a minute of taking from the people what the Supreme Court has said is theirs, and giving it all to the oil profiteers and a handful of States.

I asked Mr. Ickes:

What is your opinion of the present pending amendment introduced by Senator O'MAHONEY?

Mr. Ickes replied:

I am not in favor of this joint resolution. It is a booby trap. If adopted, it would have just about the same effect as the quitclaim bill vetoed by President Truman would have had. It would ignore the equities of applicants who file for leases under the Federal law and favor the trespassers operating under invalid State leases.

Then I asked Mr. Ickes:

What were your recommendations as Secretary of the Interior?

Mr. Ickes replied:

I made no recommendation with reference to the possible use of the proceeds from these offshore oil deposits, because I had resigned before the California decision had been handed down.

I then asked Mr. Ickes this question:

Who in your opinion is fighting this battle, the oil companies or the three States involved?

Mr. Ickes replied:

It is the oil interests principally, and, of course, the gas interests. They are trying to filch these rich properties from the people. And they are making the fight just as dirty as the ingenuity of hired smearers can devise. They are spending lots of money. They ought to be made to disclose how much money they are spending and how they are spending it. If the people of the whole country lose their offshore oil to the Standard Oil Co. of California and others, your State of North Dakota, Senator LANGER, would be so far on the outside that it would not even be looking inside because of the distance.

Mr. President, I may add that what the late Secretary of the Interior said about the State of North Dakota is true of every other State, as well.

Mr. Ickes also said:

The fact that you are participating in this discussion this afternoon shows that you know what is involved in the proposition to despoil the people of the richest heritage that has come their way since the founding of this country. This proposed steal is the greatest in American history, and I suspect that this means in all history. We Americans have been notorious for our waste and our extravagance, but up to this time no one has had the effrontery to propose to sandbag us for \$38,400,000,000 in just one single holdup. The Senators from the less prosperous and oilless States should realize that this issue, sooner or later, will come home to roost if they persist in supporting legislation depriving the citizens of their own States of financial benefits that would accrue to them, to their schools, or otherwise, from rich oil deposits given to all of us by a generous providence without its costing a single taxpayer so much as 1 cent.

Mr. President, if there is any legislation at all with which I am thoroughly familiar, it is the legislation involving tidelands oil. I was on the Judiciary Committee when this question was first

brought to the attention of that committee. At that time we were decidedly in the minority. At that time the Secretary of the Interior, Mr. Ickes, appeared before the committee, and went into great detail regarding this matter. Among those who appeared on behalf of the Federal Government was former United States Senator Watson, of Indiana.

Because we were in the minority, as I have said, the bill finally was reported to the full Committee on the Judiciary.

In order to give the Senate an idea of what one of the leading newspapers of an inland State thinks about this proposed legislation, let me read at this time an editorial which appeared in the Bismarck Tribune on August 4, 1951. The editorial is entitled "Tidelands Oil Hits Road Block," and reads as follows:

TIDELANDS OIL HITS ROAD BLOCK

The House of Representatives, as was to be expected, has passed a bill which would give to five coastal States title to submerged oil lands off their shores.

If Washington signs are correct, the Senate will follow suit; and then the President will veto the bill, which in the opinion of many people is exactly what he should do if he wants to act in the interests of the country as a whole.

Thus, there is every indication that the present impasse in the dispute of tidelands oil ownership will continue. It isn't likely that there will be enough pro-States ownership votes to pass the bill over the President's veto.

The fight to take ownership of the tidelands oil away from the United States and vest it in a few States is one which the coastal States of California, Texas, and Louisiana have led. This is but natural because as it stands now whatever oil there is in the tidelands belongs to all the people of the United States and to all the 48 States. If this can be changed, the tidelands oil meion can be split among the very few.

It is a little more difficult to understand why there should be support from other States for the measure, although injection of the much belabored "States' rights" issue has confused some persons.

It is unfortunate that such a deadlock should delay tidelands oil exploration and production at a time when threatened loss of Iranian oil makes development of new reserves essential.

At the same time, perhaps it is better to have a delay now in the hope that eventually Congress can agree on legislation which is in the interests of all the States and all the people rather than rush through a change which is contrary to the country's welfare.

Mr. President, former United States Senator Burton K. Wheeler was very much interested in this issue. When Senate bill 246 was before the Senate in 1949, I submitted to that bill an amendment.

The title of the bill was as follows:

To authorize the appropriation of funds to assist the States and Territories in financing a minimum foundation education program of public elementary and secondary schools and in reducing the inequalities of educational opportunities through public elementary and secondary schools, for the general welfare, and for other purposes.

Mr. President, in my amendment I asked that the money coming from the tidelands oil and accruing to the Federal Government should be used for the purpose stated in the title of Senate bill 246. I did that away back in May 1949.

I now ask unanimous consent that that amendment be printed at this point in the RECORD, as a part of my remarks.

There being no objection, the amendment submitted by Mr. LANGER on May 2, 1949, to Senate bill 246 was ordered to be printed in the RECORD, as follows:

At the proper place in the bill, strike out section 8 and insert in lieu thereof the following:

"SEC. 8. The United States Commissioner of Education shall cause an audit to be made of the expenditures of funds under the act by each State educational authority. Such audits shall at all times be available for public inspection. If either before or after an audit has been made any person shall complain to the Commissioner that he has reason to believe that any portion of the funds appropriated under this act have been expended by any State in a manner contrary to the provisions of this act, or have otherwise been lost or unlawfully used, the Commissioner shall afford such person a hearing on his complaint. If the Commissioner, after notice and hearing to the State charged with the improper expenditure or loss, upon either complaint filed by any person or upon the Commissioner's own complaint, finds that any portion of the funds appropriated under this act have been expended by any State in a manner contrary to the provisions of this act, or have otherwise been lost or unlawfully used, an equal amount shall, after reasonable notice, be withheld from subsequent payments to any such State unless such amount is replaced by such State and expended for the purposes originally intended: *Provided*, That the State educational authority shall have the right to appeal, within 30 days, from the decision of the Commissioner to withhold funds to a United States district court and such court shall have jurisdiction as to both fact and law. Any person who has filed a complaint before the Commissioner pursuant to this section shall likewise have the right to appeal, within 30 days from the decision of the Commissioner not to withhold funds, to a United States district court. If the Commissioner fails to provide a hearing on a complaint within 3 months after it has been filed with him or fails to issue a decision within 6 months after the close of the hearing on such complaint, the person who filed the complaint may file a suit in a United States district court which shall then try the case de novo. In either an appeal from a decision of the Commissioner not to withhold funds or a trial de novo of a suit filed after the Commissioner has failed to proceed to a decision within the time specified, if the court finds that any portion of the funds appropriated under this act have been expended by any State in a manner contrary to the provisions of this act or have otherwise been lost or unlawfully used, the court shall direct the Commissioner to withhold an equal amount from subsequent payments unless such amount is replaced by such State and expended for the purposes originally intended."

Mr. LANGER. Mr. President, as I have said, former Senator Wheeler became very much interested in that matter. Prior to my submission of the amendment, he had written a letter, dated February 4, 1948, in which he went into great detail with the subject matter of the present discussion.

I may add that during the 24 years that Senator Wheeler was a Member of this body, he was perhaps as well informed on the subject we are now discussing as is any Senator on this floor. I communicated with him and asked him whether he would be kind enough to

give me his views upon this subject. I have his reply, in which he discusses the case of United States of America against California. I ask unanimous consent that former Senator Wheeler's letter be printed in full at this point in my remarks.

The PRESIDING OFFICER. Is there objection?

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

WASHINGTON, D. C., February 4, 1948.
HON. WILLIAM LANGER,
Senate Office Building,
Washington, D. C.

MY DEAR SENATOR: In view of the importance of the questions raised by your letter of January 5, I have delayed replying until I was able to give your letter and the enclosures full consideration and check up again upon the provisions and administration of the reclamation laws.

You enclosed and asked for my comments upon a letter to you from the attorney general of the State of North Dakota, a resolution apparently adopted by the Association of (State) Attorneys General at a conference in Boston on October 28, 1947, and upon a letter dated November 25, 1947, from the attorney general of North Dakota to the attorney general of Montana.

The essence of these documents, of course, lies in their criticism of the decision of the United States Supreme Court in *United States v. California* (decided June 23, 1947), 67 S. Ct. 1658, in which it was decided that the marginal sea, consisting of the 3-mile strip between low water at low tide and the 3-mile limit in the Pacific Ocean off the coast of California belongs, not to California, but to the United States. These State officers, and particularly the attorney general of North Dakota, appear to be deeply apprehensive of the "dangerous implications" of this decision, and they desire congressional legislation not only declaring the title to the beds of inland waters, such as bays, harbors, rivers, and lakes, to be vested in the States in which they are situated, but even going so far as to provide that the United States quitclaim the marginal sea involved in the Supreme Court's decision back to the State of California. Such legislation is advocated by the attorneys general of the 17 reclamation States (the attorney general of Montana apparently being the only dissenter from this group), even though this would mean a substantial loss to the people of these States running into many millions of dollars, which would otherwise accrue to the reclamation fund by way of Federal oil royalties from this marginal sea.

In truth, here is an amazing situation. I have carefully studied the arguments of the attorney general of North Dakota in an effort to find any sound basis for his position which is thus flatly opposed to the vital interests of the people of his own State, and I must say that I cannot find that his position is supported by a single valid argument.

The fullest attempted rationalization of this officer's stand is set forth in his letter of November 25, 1947, to the Honorable R. V. Bottomly, attorney general of the State of Montana, and as this letter includes all the arguments contained in the other enclosures with your letter, I shall confine myself almost entirely to it. Due to the importance of this situation, I feel that it could not be covered adequately in a brief letter and so, with your indulgence, I will undertake to discuss his arguments at length.

There are two handles to his argument, namely, (1) the argument as to the dangerous implications of the Supreme Court's decision, and (2) that since the entire reclamation program is a bad thing for the reclamation States, any accruals or additions to the reclamation fund resulting from royalties

paid for oil extracted from the marginal sea would also be a bad thing.

One might first pose the question as to any possible interest a land-locked State, like North Dakota, might have in the Supreme Court's decision that the land underlying the Pacific Ocean belongs to the United States rather than the State of California. As is declared near the top of page 5 of the letter: "North Dakota has no present interest in the tidelands decision except for its dangerous implications."

According to the argument, the Supreme Court of the United States is bent upon the project of progressively impairing the sovereignty of the States with a view to increasing correspondingly the powers of the Federal Government at their expense. The argument clearly implies, if it does not state, that it is the ultimate objective of the Supreme Court to destroy the States entirely as political entities, or, in any event, so to vitiate their independence and sovereignty as, in effect, to accomplish the same result. Serious charges are made in the alternative either (1) of the Supreme Court's lack of knowledge of the provisions of the United States Constitution and, hence, of its unfitness as a judicial body to pass upon questions of the appropriate balance of power between the States and the Nation; or (2) against the propriety of its motives in that it has undertaken by insidious methods to flout or circumvent the intention of the founding fathers as expressed in the Constitution of the United States. The Court's decision in *United States v. California* (so goes the argument) is but a further indication and corroboration of the thesis that the Supreme Court has definitely undertaken to destroy the States, and that it can be expected to continue in the accomplishment of this purpose as further cases involving the sovereignty of the States come before it for decision. The Court, it is stated, is either ignorant of the provisions of the tenth amendment or is deliberately and intentionally proceeding in violation of the provisions of the Constitution of the United States to accomplish its design. In view of these factors, it can be confidently anticipated that the Court will next, and at its first opportunity, decide to dispossess or expropriate the States of all their mineral lands whether or not they are entirely landlocked and lie wholly within the States, or are adjacent to or underlying the ocean. Consequently, it is argued Congress should enact legislation which would operate to nullify the Court's decision, both to foreclose and nip in the bud, as it were, the Supreme Court's purpose to destroy the States and also as a rebuke to that body for having proceeded as far as it did in the tidelands case toward the accomplishment of its design.

I have tried to express my understanding of this argument as objectively as possible, and I do not believe I have exaggerated the contentions of the attorney general of North Dakota.

On page 2, paragraph (3) he states:

"In time of war it could commandeer the oil in the interest of national defense and security. But to say that it may do so on a new and absolutely novel rule of property law called 'a paramount right' or interest in the oil underneath this belt of land is an invention of the Court to further centralize authority in the Federal Government, and to divest the States of property rights that have been conceded to them before the formation of the Federal Government and since for a period of 150 years."

At the top of page 3 of his letter, he states:

"It seems to me that the United States Supreme Court in the last few years, especially as now constituted, has overlooked the principle that the Federal Government derives its power and authority from the Federal Constitution which were delegated to it by the sovereign States, and that all power

not so delegated resides in the 'States respectively or in the people.' (Art. 10 of the United States Constitution.) I respectfully submit that the United States Supreme Court is not conscious of this article, or if so, it is attempting to nullify it by decisions that are directly in conflict with its statement."

And on page 4, paragraph (9):

"Either consciously or by subtle indirect means, the Federal agencies have gone a long way to reduce our sovereign States from their place of prestige, and are helping to eliminate them from the original scheme of our system. Even the Supreme Court has become so imbued with that philosophy that it is now aiding that process by its decisions.

"Perhaps the fact its members owe their appointments to political background, that resulted therein, makes this inevitable and a natural tendency. But regardless, it is away from the original concept of our fathers, and I, for one, am not going to concede that the framework of the Constitution creating the sovereign States within a sovereign Union, the Union existing by virtue of the delegated powers granted in the Federal Constitution, is an outmoded and outworn theory of government."

Further, at page 4, paragraph (10):

"It may be that the effort will be like attempting to halt a huge rock rolling down a steep hill after it has gained considerable momentum. Yet the States must do that even though a little of their skin be knocked off in the process; they must stop this trend or it will completely crush their right to control and manage their own affairs; they must stop this rock that started rolling down that hill some 14 years ago ere it reaches the bottom and the process becomes complete."

And on page 5, paragraph (11):

"The theory of the United States Supreme Court invented in this decision and announced as a new rule of law would eventually, if allowed to remain as a precedent, enable the Federal Government to claim in the interests of national security and national defense a paramount right in every material or mineral now deposited within the States, at least it seems so to me."

These charges against the United States Supreme Court are serious. While the Attorney General disclaims personal competency to discuss the legal factors involved (p. 5, par. (11): "A legal analysis has been made of its implications by keener legal minds than mine, so I have not discussed this matter from that angle"), I think we must assume that he is a member of the bar. A public statement by any of our citizens that the highest judicial body of this country has deliberately undertaken to violate the United States Constitution would hardly demonstrate the faith in the institutions of our Government which we habitually assume is harbored by all good and loyal citizens, but it is shocking to me to see such a statement made by a man who is not only a member of the bar, but also the highest legal officer of one of the United States.

Aside from the propriety of these charges, however, I am convinced that they are entirely baseless. I cannot believe, nor do I think that any informed member of the bar would seriously entertain the view, that *United States v. California* is any indication of a program on the part of the Supreme Court to seize the inland minerals at the next opportunity, and thereafter and in the fullness of time, progressively to cripple the States and ultimately destroy them as political entities.

This state attorney general's disclaimer of personal competency, as already mentioned, to undertake a legal analysis of the issues involved, affords the key to his grotesque misconception of the Court's decision. *United States v. California* had nothing to do with inland waters or tidelands, or any other State-owned lands not

in the marginal sea. The decision dealt solely and entirely with the strip of land lying between the low water mark at low tide and the 3-mile limit. No implication can be drawn from the decision that the Court intended to overrule, or would ever undertake to overrule, its long-established doctrine that tidelands and the lands underlying harbors, bays, rivers, and other inland bodies of water, is, not in the United States, but in the States. The Federal Government expressly confined its case to the marginal sea to the exclusion of the lands traditionally regarded by the Court as State property. Typical of the many statements of its position is that appearing on page 2 of the brief for the United States in the case, as follows:

"No claim is here made to any lands under ports, harbors, bays, rivers, lakes, or any other inland waters; nor is claim here made to any so-called tidelands, namely, those lands that are covered and uncovered by the daily flux and reflux of the tides (i. e., those lands lying between the ordinary high-and-low water marks). There are decisions of this Court which appear to hold that titles to the beds of ports, harbors and other inland waters as well as title to the tidelands reside in the State. The Government does not challenge the results in those decisions. This case is limited strictly to lands within the 3-mile belt on the open sea."

The Court's opinion, I submit, is subject only to the construction (1) that the doctrine of the cases declaring title to tidelands and lands underlying inland waters to be in the States, was affirmed, and (2) that the doctrine is to be confined to such lands and not extended to the marginal sea.

I have just reread the Supreme Court's opinion, and how this State official is able to conjure up from it this parade of imaginary horrors, I must confess completely escapes me. As the expressly limited scope of the decision is manifest to any reader, and as I have faith in the integrity of the Court and cannot believe that it has promulgated this decision as another step in any unconstitutional purpose of the impairment and ultimate destruction of State sovereignty, I fail entirely to see in it "the dangerous implications" which, as the letter claims, afford the only basis for North Dakota's interest in the case.

As the Court points out, all previous decisions with respect to ownership of sub-ocean lands deal with lands underlying the ebb and flow of the tides, and, as a consequence, the rights of the States and the Nation, respectively, in the marginal sea, have remained an open question. The Supreme Court properly exercised its function as a judicial body in deciding this case in favor of the United States and in declaring that the administration of this area properly lies within the legislative sphere, not of the States, but of the Congress of the United States. But now, according to my understanding of this letter, it is urged that Congress should rebuke the Supreme Court for so deciding and to this end should enact legislation which would nullify the decision by conveying that area back to the State of California. The non sequitur involved in this contention is to me little short of astonishing. To sum up, I can find no merit in the argument that the Supreme Court has abused the powers of its office and thus has deserved a reprimand from the Congress which would operate to deprive the United States of its lawful property solely to the emolument of a single State and primarily to the pecuniary benefit of the big oil companies with whom the attorney general of North Dakota now finds himself allied. These companies have prospered for these many years by pilfering and selling oil which did not belong to them but without paying thus far a nickel's worth of compensation to the United States.

Not even a privately paid advocate could have undertaken with more vigor, enthusiasm, and emotional force the cause of these oil companies than has the attorney general of North Dakota.

The second handle of the argument consists in an attack upon the philosophy and administration of the reclamation laws. The arguments on this score might be summed up as follows:

The whole reclamation program, it is said, is a bad thing for the States, inasmuch as this program affords the Federal Government another opportunity to distribute appropriations and bounties to these States. The Federal Government and its officials, referred to in the letter as "bureaucrats," are thus not only in a position to use, but do use, these appropriations as a bait to entice and seduce the States to surrender more and more of their sovereign dignity and power. This situation arises by virtue of the long-term motive of the "bureaucrats" (which the letter states is shared by the U. S. Supreme Court) to reduce the States to "vassal communities of the Federal Government." The reclamation program, as I gather from the letter, is only one of the means whereby this insidious undertaking is being accomplished. The States, it is said, should fight this tendency, and in the present situation should collectively put their foot down and take a determined stand against this scheme. Unless the marginal sea is returned to the State of California, it is argued, the oil operators presently extracting oil from United States property without payment of compensation, will have to pay a 12-percent royalty to the Federal Government. Of this 12-percent royalty, 52½ percent will be payable into the reclamation fund, and thus there will be made available to the "bureaucrats" more "bait" with which to seduce the States further by tempting them to surrender more and more of their sovereign rights and powers and thus speed the accomplishment of their reduction to vassalage. The Supreme Court, it is said, is aiding this project at every opportunity, as is indicated by its decision in United States against California.

Again, I honestly do not believe that I have misstated or exaggerated the contentions of the attorney general of North Dakota.

Thus, at pages 1 and 2 of the letter it is stated:

"If I understand the purport of your argument properly it is this: At the expense of California that has been receiving royalties from oil leases in the three mile belt involved in this litigation, on the basis of the Federal statute that you cite in your letter, and the fact that a part of the bonuses, royalties, and rental earned by the United States Government from oil, finds its way into the reclamation fund and is eventually distributed to the States that participate in said fund, you feel that the decision should stand. It thus appears that the only reason upon which you base your argument is the fact that Montana, North Dakota, and other States that participate in the reclamation fund may get a little more money than now would be the case, from the Federal Government, the decision should not be disturbed by congressional action.

"I cannot agree with that type of reasoning as far as this decision is concerned. I want to cite as briefly as possible my opposition to the philosophy of government of which this decision is a part and parcel.

"(1) I do not know what the share of North Dakota would be under its participation in the reclamation fund because of royalties that would be obtained by the Federal Government from the oil produced from the land within 3 miles of the shore of California. But it occurs to me that such share would be very small. In any event, the Federal Government has for a long time been 'baiting' the States and the municipalities of

the various States by grants-in-aid. Each time funds are available to the States or municipalities they have been dominated by the bureaucracy of the Federal Government. Each time the States have taken the money by way of grants under prescribed rules, procedure, and red tape promulgated in Washington, they have lost their power to govern themselves and their people to some extent. Sometime ago, I came to the conclusion that these so-called donations, grants-in-aid, or whatever they be called, of the Federal Government, had become too expensive for the States if they were to survive as sovereigns of the Union within the framework of our Federal Constitution."

At page 3, paragraph (5):

"I submit that I do not believe it is in the best interest of the people of Montana, or North Dakota, for either the present or the long-term future, to resist action by the Congress to nullify the tidelands decision unless the people of the State of Montana or North Dakota are aware of the fact that this decision helps to implement and further centralize all authority in Washington, and unless the people of Montana and the other States involved know and are told that gradual and continued centralization of authority will eventually destroy the governmental authority of these sovereign States and reduce them to vassal communities of the Federal Government upon which they will become totally dependent, and whose benefits they will receive only if they are willing to forego and relinquish their powers to administer local functions in the interest of the welfare of their citizens."

At page 4, paragraph (9):

"A loss of the small revenues that might come back to the States participating in the reclamation fund and benefits that would thus accrue are infinitesimal when compared with the constant and unyielding endeavor of the Federal power to absorb and swallow the functions of the States. Either consciously or by subtle indirect means, the Federal agencies have gone a long way to reduce our sovereign States from their place of prestige, and are helping to eliminate them from the original scheme of our system. Even the Supreme Court has become so imbued with that philosophy that it is now aiding that process by its decisions."

Other quotations in the same vein might be set forth.

At the expense of prolonging this letter unduly, I feel that I should, with your indulgence, set forth an adequate summary of the provisions and administration of the reclamation laws. While you are as familiar with these matters as I, I would prefer to get the facts on paper because I wish, with your permission, to afford copies of this letter to other persons who are interested in this matter and for whom this summary may save time and shorten research. I believe a fair statement of the provisions and administration of these laws will amply demonstrate that the arguments being considered are without a shadow of justification.

Under the reclamation laws, reclamation projects are undertaken in the 17 reclamation States, which are Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Texas, Washington, and Wyoming.

Reclamation projects consist almost exclusively of irrigation and power projects. These involve the building of dams and reservoirs. Some projects can operate by direct pumping from rivers, but few of them operate in this way. Beyond that, a project requires construction of canal systems in order to get the water on the land, and it frequently includes transmission lines for the delivery of power. Wherever it is feasible to do so in connection with the dam, power plants are installed, not only for pumping purposes, but because irrigation itself without power would not be a paying

undertaking. In other words, without the sale of electricity in connection with the irrigation, the irrigation would not pay for the cost of construction and operation. There are also some minor projects included in the reclamation program, such as municipal water supplies.

Reclamation projects are financed almost entirely out of two types of funds, namely, (1) the earmarked reclamation funds, and (2) general funds of the Treasury. The earmarked funds consist of funds which come from the States and the repayments of funds previously advanced. The original source of the reclamation fund was from the sale of public lands. Up until now that has amounted to somewhat over 55 percent of the total receipts. Approximately 40 percent of the fund has come from the Oil Leasing Act. It may be noted here that while such oil royalties may come from any State of the Union, expenditures under the Reclamation Act are made only in the 17 reclamation States. A small amount comes to the reclamation fund from the proceeds of Federal Power Commission licenses, and also a small amount comes from potassium royalties.

The reclamation fund is supplemented from time to time by appropriations from the general funds of the Treasury. That started in the period 1933-37, when the reclamation program exceeded the amounts available from the fund, and the supplementation of this fund from other sources was provided for. A substantial amount of reclamation appropriations comes from the General Treasury. For instance, in the regular Interior Department Appropriation Act for 1948 (Public Law 247, 80th Cong., 1st sess.) about \$18,000,000 was appropriated from the reclamation fund, while about \$68,000,000 was appropriated from the General Treasury. Congress, in fact, appropriated up to the hilt and still found that there were three or four big projects for which no funds were available. The most important projects underway at the present time are the Colorado-Big Thompson in Colorado, the Central Valley in California, and Columbia Basin in Washington. These three biggest projects, rather ironically, are located right in the heart of the area where the attorneys general want to quitclaim the marginal sea to the State of California, in order to cut off further sources of revenue from the reclamation fund.

The reclamation fund amounts substantially to a revolving fund, that is to say that all projects constructed out of it are required to repay to the Federal Government all, or nearly all, of the appropriation. Under the present law the normal period for such repayment is 40 years of irrigation projects. Repayments with respect to irrigation projects are without interest. On the other hand, so far as a power project is concerned, the loan is with interest. But in the case of irrigation projects the appropriation, as stated, amounts to a loan without interest. No interest is charged upon the theory that since the money came from the Western States without expenditure or effort on the part of the United States, the Federal Government is not entitled to collect interest upon it. It is in no sense of the word a grant-in-aid to the State. There is no dollar-matching feature about it.

The reclamation fund dates back to the act of June 17, 1902. At the present time no expenditures can be made from the reclamation fund except by appropriation of Congress. Such expenditures could have been made prior to the act of August 13, 1914, but from the date of that act expenditures can only be made as Congress appropriates the money for the particular project. The result is that all the money in the reclamation fund, while it is earmarked for reclamation purposes, is available only on appropriation by Congress, and no officer or

employee of the United States is in any position to use this fund as a club or as a bait to get the States to surrender any of their sovereign powers. The criticism by the attorney general of North Dakota, then, of the expenditure of any of the reclamation fund is a criticism of the legislation of the Congress of the United States, approved by the President of the United States.

The official head of the Reclamation Bureau is the Commissioner of Reclamation. He has no power, however, to make any expenditures upon any reclamation project. As already stated, before he can spend a cent on any project, Congress must make the appropriation and authorize the expenditure. The Commissioner of Reclamation, however, if he is able to make certain findings, can, subject to the concurrence of the Secretary of the Interior, authorize a particular project and lay his proposal before the Congress. But while such action by the Commissioner and the Secretary would operate to authorize the project, Congress is entirely free to veto the proposal by a mere failure to grant the requisite appropriation for the project.

The preconditions to such an authorization by the Secretary and the Commissioner are exceedingly hard to fulfill. In the first place, a very extensive engineering and economic investigation must be undertaken with reference to the project. The States often contribute to the cost of such investigations. Then before the proposal goes to Congress, a report on the proposal must be prepared and circulated among the governors of all the States in the river basin where the project will be located. The report must also be sent to the Secretary of the Army. If a single one of these officials objects to the project, authorization of it by the Secretary and Commissioner becomes impossible. Thus each of these State governors has a veto power over any attempted authorization by the Secretary and the Commissioner.

But assuming that all approved, other rigorous conditions must have been fulfilled. The Secretary must find (a) that all reimbursable costs in the case of an irrigation project will be repaid, usually within 40 years; and (b) that the prospects for the sale of power are such that repayment of that portion of the estimated cost (the power plant) can be anticipated within a reasonable period, usually taken to be 50 years (with interest as distinguished from the irrigation project which is without interest). If the Secretary can make these findings, plus a number of others, and if, in addition, none of the governors objects in any respect to the report, and if, moreover, the Secretary of the Army does not object in any respect, then the Secretary under the law is empowered to authorize the project and to go before Congress to ask for the necessary funds to carry it out.

But even if this procedure is followed to the letter, neither the Secretary nor the Commissioner is authorized to spend a cent on the project until Congress provides the funds by a special appropriation. Congress, of course, is under no duty to make the appropriation and may, if it chooses, withhold it entirely. In that event the project fails.

In the light of this situation, it might be asked what purpose is served by vesting in the Secretary and the Commissioner the power to authorize particular projects in accordance with the procedure described. The effect, as is well known to you, is that once a project is thus authorized by the Secretary the Bureau of the Budget can honor his request for an appropriation. Moreover, the Appropriations Committee can report favorably upon an appropriation for such a project without subjecting itself to a point of order, as would be the case in the event the appropriation was unauthorized, since, as you know as well as I, the Appropriations Committee cannot report out any substantive legislation and must report out only

those appropriations which are for purposes theretofore authorized.

But the description of the above procedure is largely academic, since the Secretary and the Commissioner, as a practical matter, generally find it impossible to make all the findings as a prerequisite to the authorization of a project. This procedure of secretarial authorization is practically never used at present. So far as this authorization procedure is concerned, the Bureau of Reclamation is now operating under the Reclamation Act of 1939 (43 USCA, sec. 485), and since that act was passed the Bureau, I am informed, has employed this authorization procedure only five times. In the overwhelming majority of the cases, the inauguration of proposals for reclamation projects and their authorization is undertaken, not by the Secretary and the Commissioner, but by the Congress. And regardless of how the proposal is inaugurated, Congress can, in any event, defeat it by refusing to make the appropriation.

The point of all this is that since the ultimate power to make the expenditure on a reclamation project lies, not with the Secretary or the Commissioner, but entirely with the Congress through legislation approved by the President, the attacks by the attorney general of North Dakota against the administration of the reclamation laws should properly be leveled, not against the bureaucrats but against the Congress and the President of the United States.

As already shown, the States enjoy a double-barreled insulation against the activities of the Secretary and the Commissioner in administering the reclamation laws in that Congress, in the event the authorization procedure is not followed, may choose not to undertake a particular project, and in the event it is followed, may refuse to make the necessary appropriations. And, in the event the Secretary and the Commissioner decide to follow the authorization procedure, every single governor in the river valley affected (not to mention the Secretary of the Army) has a veto power over these officers, in that an unfavorable response from any of them is sufficient to defeat their powers of authorization with respect to the project. And, as I will show further, each State in which a project is proposed has available, practically speaking, veto power in the use of which it can (if one can imagine the impossible) forestall the expenditure of Federal funds upon any reclamation projects within its borders.

In any fair consideration of the charges being discussed, one should consider not only the provisions of the reclamation laws but the practical aspects of their administration. The Bureau of Reclamation works in close cooperation with State authorities and State engineers. It has currently about 15,000 employees, of whom approximately 350 are in Washington. The rest are scattered among the States, and the employees of the Bureau in Washington are nothing more than a reviewing office. Seven regions are set up in the field with a wide delegation of authority to them. As a result, the administration of the act has become very localized. The men in the field are in constant touch with State engineers and with the State water authorities, and, moreover, not infrequently the States contribute part of the cost of the investigations. I have been informed that the investigation funds to cover proposed projects are so hard to come by that the Bureau, if its field people ever encountered any serious public antipathy toward the projects, would order them to move out forthwith.

It is my information that never in the experience of the Reclamation Bureau has a single State ever objected to a reclamation project being undertaken within its boundaries. They may occasionally have ideas about how the project might better be carried out from the standpoint of their interests, but none has ever taken the position

that the project should not be undertaken at all. Quite on the contrary, their attitude is one of enthusiasm and eagerness that the Federal expenditures be made for the benefit of their people. Possibly, if any State objected to projects being carried out within its boundaries, a constitutional question might be involved, but the situation has never arisen and with the States as eager as they are for these projects, I do not see, as a practical matter, how the situation could ever arise.

It is hardly necessary to point out that all reclamation construction appropriations are made by Congress project by project. The Bureau of Reclamation does not receive any lump sum construction appropriations with discretion in any official as to how they shall be apportioned or spent. Since, therefore, no one outside Congress is in a position to apportion or deny any general funds which are appropriated, no Federal officer is in a position to bait the States to surrender their sovereign powers through holding out prospects of appropriations from any public moneys under his control. No one who is informed as to the provisions and administration of the Reclamation Laws could seriously contend that any Federal official is in a position to hold forth an inducement to the States to bargain away their sovereign powers in relation to the central government.

The money appropriated with respect to a project is not a gift to the State or even a gift to the people of a State. Neither is it a loan to the State. It is a loan to the people on the project who are, typically, the farmers and water users who will benefit by the project. In order to qualify for these benefits, these water users must organize themselves as an irrigation district or a water-conservation district. Then the Bureau of Reclamation makes a contract with this corporation or municipality under which the latter undertakes to repay, year by year, the advances made by the Federal Government. But, according to my understanding of the law, no group of water users enjoys a vested right so to organize. The State legislature, in other words, is entirely free, both under the Federal and under State constitutions, to determine what, if any, powers they shall have. But under the reclamation laws they must be properly authorized by the State legislature before the requisite contract can be executed and the project undertaken. Thus, as I have already indicated, not only does the governor of the State possess a veto power over any proposal for a new project by the Commissioner of Reclamation, but theoretically at least the State legislature has an absolute veto power over any appropriations and expenditures which Congress may actually authorize for any reclamation project. I see no reason why a State legislature could not accomplish a blanket veto of all reclamation expenditures in its State simply by enacting a law preventing the organization of districts competent to contract with the Bureau of Reclamation. Moreover, even if the corporation or municipality should be chartered by the State legislature, the contract with the Bureau of Reclamation must be put up to a vote of the individuals in the district, and a majority of them can defeat the project by voting against entering into it. I should like further to point out that section 8 of the Reclamation Act of 1902 provides that:

"Nothing in this chapter shall be construed as affecting or intended to affect or in any way interfere with the laws of any State or Territory relating to the control, operation, use, or distribution of water used in irrigation, or any vested right acquired thereunder, and the Secretary of the Interior, in carrying out the provisions of this chapter shall proceed in conformity with such laws, and nothing herein shall in any way affect any right of any State or of the Federal Government or of any landowner, appropriator, or user of water in, to, or from any interstate

stream or the waters thereof. (43 U. S. C. A., sec. 383)."

I believe this summary of the provisions and administration of the reclamation laws clearly demonstrates that the charges of the attorney general of North Dakota, to the effect that any accruals from oil royalties to the reclamation fund would be a bad thing for the States, are entirely without foundation.

In the light of the foregoing facts, what valid reason can the attorney general of North Dakota advance in support of his position? As far as I can determine, it seems fair to conclude that he is against any Federal aid projects which would benefit the people of the United States. His complaint cannot be against the officials of the Reclamation Bureau, and so it must be against the Congress of the United States and against the bulk of all Federal legislation enacted within the last 15 or 20 years. If, as he states, he is against the philosophy underlying the reclamation laws, he must be equally opposed to all activities of the Rural Electrification Administration, the Reconstruction Finance Corporation, every activity of the civil functions appropriation of the Corps of Army Engineers, and, if one desires to carry his idea to its logical limits, I might include, as well, the social-security program, veterans' benefits, and the construction of new post office buildings. He certainly must be violently opposed to the plan for the development of the Missouri Basin which Congress has authorized the Corps of Engineers and the Bureau of Reclamation to undertake jointly, not only in North Dakota, but also in South Dakota, Nebraska, Kansas, Missouri, Colorado, Wyoming, and Montana. The determined fight which North Dakota made for its share of the appropriations for the development of all the potential resources of the Missouri Basin is now a matter of history. The list of other measures to which he must be equally opposed could be extended almost endlessly.

If it is such a body of legislation to which he is opposed he could hardly regard influencing the Congress to nullify the tidelands decision as any perceptible accomplishment. Under the fair assumption that he is opposed to the philosophy of all Federal legislation resulting in direct pecuniary benefits to the American people, his criticisms should be leveled against those primarily responsible for the enactment of such measures, namely, the Congress, the President, and the voters of this country. The position that this trend of government will somehow be reversed or even halted if the Congress hands California and the big oil companies a present of the Nation's vast riches in the Pacific Ocean in order to prevent further accruals to the reclamation fund, appears to me to be as naive as it is senseless.

Consistently with his position that the United States should deed back the oil fields of the marginal sea to California, the attorney general of North Dakota should demand that every foot of the public domain should be conveyed to the respective States within which it is situated. If it is in the national interest to reward trespassers such as these big oil companies, who for years have been plundering the public lands of the Nation without paying the United States a cent of compensation, it certainly would be no less in the national interest to make a gift to the States of every foot of Federal oil, coal, timber, grazing, sodium, and phosphate lands, as well as all other Federal property, than it would be to reconvey the marginal sea to California for the benefit of these trespassers.

I am enclosing for your interest a copy of a letter I recently received from the attorney general of Montana. He appears to stand almost alone in his position that the interests of the people of his State will be

served rather than prejudiced by additions to the reclamation fund. He shares my astonishment at the campaign which has been undertaken by the attorneys general of the other reclamation States to shut off the people of their States from the benefits of any additions to the reclamation fund resulting from Federal oil royalties accruing from the marginal sea.

Highly interesting indeed is the editorial quoted from the Lincoln Star of January 22, 1948, which states that the attorney general of Nebraska is receiving a lobbyist's fee of \$1,500 a month to influence the enactment of legislation which would nullify the tidelands decision. The editorial properly asks, "Where is Nebraska's interest here?" But more interesting still is the query, Who is paying the attorney general of Nebraska this \$1,500 a month? If it is the Association of Attorneys General, where are they getting the money? Certainly the other attorneys general are not paying the attorney general of Nebraska out of their own pockets.

You will note further that the attorney general of Nebraska, in the last paragraph of his letter to the attorney general of Montana, states that the National Reclamation Association and the conference of western engineers "both have recently gone on record heartily endorsing congressional action recognizing State ownership of submerged lands." While I have not yet seen these opinions, I would regard it as astounding if these organizations, presumably on the basis of no more convincing arguments than those advanced by the attorneys general of Nebraska and North Dakota, should work to defeat the best interests of the Nation and the people of the reclamation States. Finally, what interest have the attorneys general from any State other than California in legislation quitclaiming the marginal sea to California? If they believe, as the attorney general of North Dakota apparently does, that the United States Supreme Court at the next opportunity will expropriate the States of all submerged mineral lands within their boundaries, certainly they could be as well protected against such a contingency by a measure providing merely that the United States, without reference to the marginal sea, quitclaims all inland submerged lands recognized as State property prior to the tidelands decision to such recognized owners. But for some strange reason these attorneys general, even from the States which are entirely landlocked, are not confining themselves to this obviously complete protection. Their objective is to procure nullification of the tidelands decision by legislation quitclaiming the marginal sea to California. It is to me highly significant that the first alternative would not redound to the benefit of the big oil companies, whereas the second alternative, now being so earnestly advocated by the Association of Attorneys General, would play directly into their hands.

I suggest that there is much more here than meets the eye. Congress should undertake and complete a thorough investigation of the situation.

Sincerely,

BURTON WHEELER.

Mr. LANGER. Mr. President, the attorney general of Montana was also very much interested in seeing that a portion of the oil derived from submerged lands went to the State of Montana, rather than that all the oil should go to the States bordering on the ocean, and he prepared a brief on this subject, entitled "Brief on the Misnamed 'Tidelands' Oil and Mineral Legislation, Heretofore and Now Pending Before the Congress of the United States—Senate Bill 1938—Senator Moore and Others—House Resolution 5992—Congressman Chadwick." I ask

unanimous consent that this brief by the attorney general of Montana be printed in full at this point in my remarks.

The PRESIDING OFFICER. Is there objection?

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

BRIEF ON THE MISNAMED "TIDELANDS" OIL AND MINERAL LEGISLATION HERETOFORE AND NOW PENDING BEFORE THE CONGRESS OF THE UNITED STATES—SENATE BILL 1988 (SENATOR MOORE AND OTHERS); HOUSE RESOLUTION 6992 (CONGRESSMAN CHADWICK)

First it should be understood that the above bills and like proposed legislation do not pertain to tidelands but do pertain to the land under the ocean, being a 3-mile belt extending oceanward from the line of low tide. The disputed lands lie beyond the tidelands.

I would like to emphasize again that all of the propaganda put forth to further Senate bill 1988 and the matter of the lands affected has been erroneous in emphasizing and designating the controversy as pertaining to tidelands. Nothing could be more misleading, for the United States Supreme Court's decree, *United States v. California* (332 U. S. 804), entered thereon on the 27th day of October 1947, definitely states:

"1. 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 three 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.

"2. The United States is entitled to the injunctive relief prayed for in the complaint.

"3. Jurisdiction is reserved by this Court to enter such further orders and to issue such writs as may from time to time be deemed advisable or necessary to give full force and effect to this decree."

This, as you will note, explicitly excludes tidelands, and applies exclusively to the three nautical-miles belt, seaward from low-water mark. Tidelands, as I am informed, are the lands covered and uncovered by the daily ebb and flow of the tides—therefore, the tidelands, being inland and above low-water mark, as well as inland waters, are definitely excluded under the Supreme Court's order and decree, which was rendered on October 27, 1947.

Next, I would like to point out that we have on the statute books the Federal Leasing Act, which is known and designated as Public Land Minerals Leasing Act, chapter 85 (41 Stat. 437).

The foregoing chapter 85 applies to all lands owned by the United States, containing deposits of coal, phosphates, sodium, oil, oil shales, or gas, with the exceptions. Section 1 of the act is as follows:

"That deposits of coal, phosphates, sodium, oil, oil shales, or gas, and lands containing such deposits owned by the United States, including those in national forests, but excluding lands acquired under the act known as the Appalachian Forest Act, approved March 1, 1911 (36 Stat. 961), and those in national parks, and in lands withdrawn or reserved for military or naval uses or purposes, except as hereinafter provided, shall be subject to disposition in the form and manner provided by this act to citizens of the United States," etc.

You will note the above section 1 applies to such mineral lands owned by the United States, except:

1. The lands covered by the Appalachian Forest Act;
2. Lands in national parks;
3. Lands withdrawn or reserved for military or naval uses or purposes;
4. Lands in Alaska, which are handled under another statute.

None of these exceptions, of course, apply to this off-shore ocean belt, but this 3-mile belt is and has been at all times owned by the United States, and as the Supreme Court stated in *United States v. California*, supra, "The Government, which holds its interests here as elsewhere in trust for all the people."

Where your State and mine, and all other inland reclamation States have such an interest in this matter can easily be seen in section 35 of the above-mentioned leasing act, which is as follows:

"For future production 52½ percent of the amounts derived from such bonuses, royalties, and rental shall be paid into, reserved, and appropriated as a part of the reclamation fund created by the act of Congress, known as the Reclamation Act, approved June 17, 1902 * * * and for future production 37½ percent of the amounts derived from such bonuses, royalties, and rentals shall be paid to the Secretary of the Treasury after the expiration of each fiscal year to the State within the boundaries of which the leased lands or deposits are or were located, said money to be used by such State or subdivisions thereof for the construction and maintenance of public roads, or for the support of public schools or other public educational institutions, as the legislature of the State may direct."

This means that of all such deposits anywhere in the United States leased by the Federal Government on their 12½-percent royalty basis, 52½ percent is returned to the reclamation States through the reclamation fund, and Montana participates therein, as well as other reclamation States.

Early in the 1920's oil was discovered off the Pacific coast of California; since that discovery there has existed a controversy between the State of California and the United States over the ownership of the 3-mile strip of land and the oil therein underlying the Pacific Ocean lying seaward of the ordinary low-water mark on the coast of California, and outside of the inland waters.

Suit was instituted by the United States in the Supreme Court of the United States for the determination of the question as to the ownership of such lands and the minerals underlying the same.

While this suit was pending in the Supreme Court, through the efforts of the National Association of Attorneys General, the State of California, and the oil companies involved, a joint resolution, designated as House Joint Resolution 225, was introduced in Congress to quitclaim to the several States all interest of the United States in and to all such coastal lands and minerals, as well as all lands and minerals underlying all navigable waters.

This joint resolution passed both Houses of Congress. However, the measure was vetoed by President Truman, and it failed to be passed over his veto.

The pertinent part of the President's veto message as given in the CONGRESSIONAL RECORD, volume 92, part 8, page 10660, August 1, 1946, is as follows:

"I return herewith, without my signature, House Joint Resolution 225. * * *

"The purpose of this measure is to renounce and disclaim all right, title, interest, claim or demand of the United States in 'lands beneath tidewaters,' as defined in the joint resolution. * * *

"Contrary to widespread misunderstanding the case does not involve any tidelands, which are lands covered and uncovered by the daily ebb and flow of the tides; nor does it involve any lands under bays, harbors,

ports, lakes, rivers, or other inland waters. Consequently the case does not constitute any threat to or cloud upon the titles of the several States to such lands, or the improvements thereon. When the joint resolution was being debated in the Senate, an amendment was offered which would have resulted in giving an outright acquittance to the respective States to all tidelands and all lands under bays, harbors, ports, lakes, rivers, and other inland waters. Proponents of the present measure, however, defeated this amendment. This clearly emphasized that the primary purpose of the legislation was to give to the States and their lessees any right, title, or interest of the United States in the lands and minerals under the waters within the 3-mile limit. * * *

"The ownership of the vast quantity of oil in such areas presents a vital problem for the Nation from the standpoint of national defense and conservation. If the United States owns these areas, they should not be given away. If the Supreme Court decides that the United States has no title or interest in the lands, a quitclaim from Congress is unnecessary.

"It thus presents a legal question of great importance to the Nation, and one which should be decided by the Court. The Congress is not an appropriate forum to determine the legal issue now before the Court. The jurisdiction of the Supreme Court should not be interfered with while it is arriving at its decision in the pending case."

The President has analyzed the case, the *United States of America v. State of California*, supra, very aptly in his veto message as is shown by the Supreme Court's decision on June 23, 1947 (332 U. S. 19), in which the Court very carefully distinguished between: "Inland navigable waters such as rivers, harbors, and tidelands down to the low-water mark and the land thereunder" and "waters lying to the seaward in the 3-mile belt," and the lands thereunder; as to the former, the Court states:

"The Government does not deny that under the Pollard rule, as explained in later cases, California has a qualified ownership of lands under inland navigable waters such as rivers, harbors, and even tidelands down to the low-water mark."

Again the Court states:

"The belief that local interests are predominant as constitutionally to require State domination over lands under its land-locked navigable waters finds some argument for its support. But such can hardly be said in favor of State control over any part of the ocean or the ocean's bottom.

"The 3-mile rule is but a recognition of the necessity that a government next to the sea must be able to protect itself from dangers incident to its location. It must have power of dominion and regulation in the interests of its revenue, its health, and the security of its people from wars waged on or too near its coasts.

"Consequently, we are not persuaded to transplant the Pollard rule of ownership as an incident of State sovereignty in relation to inland waters out into the soil beneath the ocean, so much more a matter of national concern. If this rationale of the Pollard case is a valid basis for a conclusion that paramount rights run to the States in inland waters to the shoreward of the low-water mark, the same rationale leads to the conclusion that national interests, responsibilities, and therefore, national rights, are paramount in waters lying to the seaward in the 3-mile belt.

"The Government, which holds its interests here as elsewhere, in trust for all the people, is not to be deprived of those interests. * * *

"We are faced with the issue as to whether the State or Nation has paramount rights in and power over this ocean belt.

"We hold that the United States is entitled to the relief prayed for."

The Court, on October 27, 1947, entered its order and decree, which clearly shows that its decision applies only to the ocean belt underlying the Pacific Ocean. The pertinent paragraph is:

"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 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" (332 U. S. 804, 805).

The National Association of Attorneys General and the Governors' Conference, have been driving to have Congress pass legislation quitclaiming to the coastal States and inland States all land under navigable waters whether inland or seaward.

Such legislation would be directly against the best interests of the State of Montana and all other reclamation States.

May I emphasize that if such legislation is passed by Congress, nullifying the decision of our Supreme Court of the United States, then in that event, the "reclamation fund" will receive not 1 cent from this fabulous natural, national resource, and thereby Montana and other reclamation States will be deprived of any share of this wealth. Not only that, but California and Texas will participate in the royalty and funds and will also participate in the "reclamation fund," which is supplied from production of Federal leases on oil produced in Montana and other inland reclamation States.

For, if the decision of the Supreme Court stands, 12½ percent royalty of all of the untold millions of dollars of oil produced from the coastal lands and of all future production will be delivered into the United States Treasury, of which 52½ percent will go to the reclamation fund and Montana and all other reclamation States which need reclamation funds so badly will participate therein.

As to the total amount of production in the 3-mile belt, the office of Secretary of the Interior has estimated that there is at least 100,000,000,000 barrels of oil, nearly five times the mainland's proved reserves. The number of millions of barrels that have been taken from these lands can be ascertained by the Federal Government.

The reclamation fund received originally its greatest income from the sales of public lands; however, that source has now practically dried up. Consequently the Senators and Representatives from the Western States (reclamation States) finally had passed the Mineral Leasing Act, from which the reclamation fund now receives most of its sustained income.

I am sure you will agree with me that the western Congressmen are always hard pressed in getting appropriations for reclamation, and I am informed it will be more so in the future, so we must maintain what we have.

If the Supreme Court's decision stands, and Senate bill 1988 and other such legislation is defeated, think of the income to the reclamation fund from the 52½ percent of the Government's royalty on 100,000,000,000 barrels of oil, besides the accounting to said fund from the millions of barrels of oil already extracted from lands owned by the United States.

I am giving you this background to show how important it is to the State of Montana and all other reclamation States that the past and present drive to nullify the court's decision by legislation of the Congress should be resisted most diligently by Montana and all of the reclamation States.

For your quick reference the reclamation States that participate in the reclamation

fund are: Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Texas, Washington, and Wyoming. (Sec. I, ch. 1093, 32 Stat. 388. Approved June 17, 1902.)

How any attorney general or anyone else from a reclamation State, outside of California and Texas, can approve such action as contained in Senate bill 1988, or any other such legislation, is beyond my comprehension. To authorize Congress to make a gift of this tremendous, natural national resource to the oil companies is a fraud of the first magnitude on the reclamation fund, and takes it from our States.

Hoping this will be of some aid in understanding this strictly economic problem and its vital significance to Montanans, I am,
Sincerely yours,

R. V. BOTTOMLY,
Attorney General.

P. S.—The foregoing brief was written and published on March 8, 1948, while I was attorney general of Montana.

Mr. LANGER. Mr. President, I frankly do not know of any Senator who became more interested in the bill I have just mentioned than did former Senator Donnell, of Missouri, who until a short time ago was a Member of this body. He delivered a splendid speech upon this subject on May 5, 1949, which appears in the CONGRESSIONAL RECORD, volume 95, part 5, pages 5655-5672. I ask unanimous consent that the speech made by former Senator Donnell on that occasion be printed in full at this point in my remarks.

The PRESIDING OFFICER. Is there objection?

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

Mr. DONNELL. Mr. President, the pending question is still the amendment offered by the Senator from North Dakota, is it not?

The PRESIDING OFFICER. It is.

Mr. DONNELL. The Senator from North Dakota came by my desk, I should say possibly a half hour ago, and said he would be out of the Chamber for about an hour. I have an amendment I desire to present. I realize that the amendment of the Senator from North Dakota is pending at this time, and I would rather not talk on my amendment while his is pending. I am rather fearful that his amendment is going to be protected, and not voted on until his return and I was contemplating, after other Senators speak, if they desire to speak, to move to lay aside temporarily the amendment of the Senator from North Dakota so that my amendment might be the order of business. I desire to give notice to that effect, so that the Senate may be so advised.

Mr. WHERRY. Mr. President, will not the Senator withhold his suggestion until those who desire to speak on the pending amendment may do so? We will see whether the Senator from North Dakota may not then be present on the floor of the Senate.

Mr. DONNELL. I shall be very happy to comply with the suggestion.

Mr. KILGORE. Mr. President, since the report of the Committee on Labor and Public Welfare bringing to the floor of the Senate the pending bill, my office has been in receipt of very heavy correspondence from my State, representing people in all walks of life, representing organizations of all kinds, supporting and urging the passage of the bill as reported to the Senate by the committee. The correspondence does not come from what might be called an educational lobby seeking money in the way of pay for

teachers. It does not consist of petitions, but of personal letters, from bankers, from newspaper editors, from farmers, from merchants, from heads of civic clubs, practically without exception urging the passage of the bill in its original form.

Mr. President, we face a peculiar situation in the United States. We face an inequity of distribution of actual earnings. Many of the States—and my State is one of them, as are most of the Southern States—depend for income, largely upon the production of raw material and the major portion of such industries as are located within their borders is held by people outside the State, sometimes even people outside the United States. These States suffer from this inequitable distribution of income, and statistics show that the States which pay the lowest amount per pupil for the education of their children almost without exception pay most of the income of the State, percentage-wise, for education. That is due to the fact that the major income in those States is by way of wages and salaries. On the other hand, other States pay much less than their per capita income for schools, yet are able to pay much more per pupil to educate their children.

I think the pending bill is aimed at a more equitable distribution of what I like to call fugitive income, and when I hear the representatives of some States speaking about the amount of Federal income tax paid from their States, I could go into the corporate index of my own State and show that a sizable proportion of the income tax paid there was earned from products originating in the State of West Virginia on which not one cent of the tax has ever come to help the school children of West Virginia.

I have sorted out the letters to which I have referred, and I intend to ask unanimous consent to have a few of them printed as a part of my remarks in the body of the RECORD. The first one, for instance, happens to come from a teachers' association, from the president of the West Virginia State Teachers' Association, endorsing the bill.

Another comes from a junior high school in my State, and the principal of the high school, endorsing the bill.

Another is from a taxpayer of the State at White Sulphur Springs.

Another is from the business manager of the Glenville Democrat, of Glenville, W. Va., endorsing the bill.

I have a letter from a mother in one of our communities endorsing the bill.

Another letter is from a rural section, from a farmer, urging the passage of the bill in order that his children may receive better schooling.

Another is from a businessman in the city of Fairmont, from which city my distinguished colleague, the junior Senator from West Virginia, comes, endorsing the bill.

Another is from a taxpayer and a worker in Weston, W. Va.

Another is from the assistant cashier of the Home National Bank of Sutton, W. Va.

One is from the principal of a graded school, who knows the problem of getting and paying teachers and keeping his school going.

One is from a stock raiser in my State.

Another is from the mayor of one of our municipalities.

I have an editorial from the Sunset News of Bluefield, W. Va., a Democratic newspaper. It is true, but owned and operated by a former colleague of mine, former Senator Hugh I. Shott, a Republican.

Another is a letter from the Lions' Club of West Union, one of our communities.

Mr. President, I ask unanimous consent that these letters be printed as a part of my remarks.

The PRESIDING OFFICER. Is there objection?

There being no objection, the letters were ordered to be printed in the Record, as follows:

WEST VIRGINIA STATE
TEACHERS' ASSOCIATION,
Logan, W. Va., February 28, 1949.

HON. HARLEY M. KILGORE,
United States Senate,
Capitol Building,
Washington, D. C.

DEAR SENATOR KILGORE: The last world conflict probably proved beyond a doubt that the schools of our Nation were very short on personnel, facilities, and everything else needed to educate the majority of our citizens. We want to improve this condition, that should have never existed in a nation as great as ours.

So at this time we are requesting your support and influence toward an early enactment of Senate bill 246, Federal aid to education.

I am quite sure the parents, teachers, and citizens in general will be very grateful for your consideration of this bill.

Very sincerely,

KNUTE W. BURROUGHS,
President.

BARNES JUNIOR HIGH SCHOOL,
Fairmont, W. Va., April 20, 1949.

HON. HARLEY M. KILGORE,
Senator from West Virginia,
Washington, D. C.

MY DEAR MR. KILGORE: You have been honored and respected by the people of this community for your stand on many issues which have been dear to the hearts of the common man. I honestly believe that you have touched a tender spot in their affections in your support of Federal aid to education. You will not soon be forgotten for your stand on this most important piece of legislation, now before the American people.

Sincerely yours,

F. WALTER COX,

WHITE SULPHUR SPRINGS, W. VA.,
April 26, 1949.

Senator HARLEY M. KILGORE,
Senate Office Building,
Washington 25, D. C.

DEAR SENATOR KILGORE: As a supporter of you and the Democratic Party since I became of age, I am writing to you to urge your unlimited support of Senate bill S. 246, covering Federal aid to education.

As a teacher in the elementary schools of Greenbrier County for the past 14 years, I am well aware of the shortcomings of our present educational system which have been fostered by a shortage of funds. I am acquainted with teachers who are only high-school graduates, with those who are seeking any kind of means to escape the profession, with those who lurch through a school year with a total lack of pupil interest, and it's easy to understand when I find that my yearly salary of \$1,900 must compete in the markets with the common laborer earning \$2,400-\$2,500 in this little community, this despite the fact that he has made no preparation for his tasks. I am denied the benefits of social security. My only light is the meager pension which I may gain after half a lifetime of bare existence.

Can a system like this promote the urge in teachers to impart the necessary instructions to the pupils who are the real sufferers. Again I urge your support of S. 246.

Sincerely yours,

CAMILLA SNEDEGAR.

THE GLENVILLE DEMOCRAT,
Glenville, W. Va., April 22 1949.

The Honorable HARLEY M. KILGORE,
Member, United States Senate,
Washington, D. C.

MY DEAR MR. KILGORE: I note with pleasure your interest in and sentiment for passage of bill S. 246, Federal aid to education.

From a layman's viewpoint, it would seem that your view on the matter is exactly right; I congratulate you and hope that you will continue to do all within your power to see that this bill gets the approval of your fellow colleagues.

Our schools need Federal aid, and it seems that the measure proposed is perhaps the most equitable means of helping all parties concerned. Only through this means will we ever be able to put on the type of building and rebuilding program so urgently needed here in our own county of Gilmer.

Again, thanks for your interest in behalf of the schools, and best wishes for a long, enjoyable stay as one of our Senators in our Nation's Capital.

Very truly yours,

LYNN B. HICKMAN,
Associate Editor and Business Manager.

PRINCETON, W. VA., April 26, 1949.

MR. HARLEY M. KILGORE,
United States Senator,
Washington, D. C.

DEAR SIR: I am writing on behalf of the Federal aid to education bill which is to come before the Senate within the next few days. I want you to support the bill and do everything in your power to get it to pass. The schools in West Virginia, and teachers also, are in need of aid to meet the standards of living today. We are now living on a bare existence salary for 9 months. The other three we are not meeting expenses. The Senators from West Virginia supported the bill in the last Congress, and I hope they will do so again this time.

We teachers are counting on you to help us get a better standard of living.

Yours truly,

Mrs. LENA PETTREY.

ROANOKE, W. VA., April 19, 1949.

DEAR SENATOR: I want to congratulate you on your interest in the Federal aid for education bill. I, too, think it is a good bill and should be passed without doubt.

I have been a small local farmer for the past 40 years in West Virginia. I have seen much advancement in education, but not nearly enough. In many ways boys and girls of West Virginia have a hard time competing with boys and girls from other States which offer a higher standard of education.

With the Federal aid all States will be equal in opportunity for an education, which will be a great thing for the United States. Residents of one State will not be looked down upon by another State, as they have formerly been.

I urge you to do all you can to speed up the passage of this bill.

Thank you.

Sincerely yours,

G. E. HAWKINS.

FAIRMONT, W. VA., April 21, 1949.

HON. HARLEY M. KILGORE,
Senator from West Virginia,
Washington, D. C.

DEAR SIR: As a parent of children in Barnes School, Fairmont, W. Va.; wife of a teacher at Fairmont Senior High School, and member of the Bellview Community Club (combined PTA and civic organization), I wish to thank you and Mr. NEELY for your good work in helping to get the bill for Federal aid to education out of committee and ready for presentation before the Senate.

I hope you can successfully use the influence of your office to bring this bill to a quick and favorable vote.

We people of this community realize that it is not only in our own community school that these funds are needed but all over the Nation. But in our own school (Barnes) the plaster is falling off the walls and ceilings, endangering the lives of many children.

So, first of all, for safety measures, we hope Federal aid will be forthcoming since our local boards are unable to raise enough money to take care of all the needs.

Yours truly,

GLADYS M. WHITE,
(Mrs. R. Ryland White).

WESTON, W. VA., April 22, 1949.

HON. HARLEY M. KILGORE,
Senate Office Building
Washington, D. C.

DEAR MR. KILGORE: I wish to thank you for supporting the Federal aid to education bill. I am a farmer. I have 12 children, 8 who have already completed their education and 4 still in school. I would like for my children still in school to receive the special privilege and opportunities which myself and my older children were deprived of.

Please use your influence to bring this bill before the floor of the Senate.

Yours very truly,

ELDON BRIGHT.

THE HOME NATIONAL BANK,
Sutton, W. Va., April 22, 1949.

HON. HARLEY M. KILGORE,
Senate of the United States,
Washington D. C.

DEAR SIR: We here have received some indications that the Federal aid to education bill may meet with some strong opposition when brought before the Senate for a vote. While we fully realize your stand is favorable toward the bill it is somewhat of a worry to think that our children are to be left out of necessary building facilities and equipment because of a lack of money. We have moved to a state of mind in recent years that if the need is great enough there is always some way of securing funds to put a movement over the top. Certainly this is a case where the need is great.

We join with you in hoping that this bill will pass. If there is anything we can do to forward its passage call on us.

Sincerely,

M. B. JAMES.

SUTTON GRADED SCHOOL,
Sutton, W. Va., April 19, 1949.

Senator HARLEY M. KILGORE,
Senate of the United States,
Washington, D. C.

DEAR SENATOR KILGORE: We are certainly pleased to note that you are favorably inclined toward the passage of the Federal education bill (S. 246). You realize along with us the urgent need for additional funds to operate our schools at top efficiency.

I only wish it was possible in some way for the teaching group to bring to the public the ill effects of our crowded classroom conditions, our out-of-date buildings, and our below normal certified teaching group. All these conditions will be somewhat alleviated by the additional funds made possible through Federal aid to education.

Accept our thanks for your work in getting this bill through. We do feel it will go through when brought to that stage in the legislation program.

Sincerely,

ERNIE W. HARRIS,
Principal.

WESTON, W. VA., April 21, 1949.

Senator HARLEY M. KILGORE,
Senate Office Building,
Washington, D. C.

DEAR SENATOR: As a citizen of West Virginia I wish to express my appreciation for your loyalty and interest in the education of the youth of our State and I urge you to use your influence to have bill S. 246 put on the calendar and passed by the Senate as soon as possible.

I am interested in raising the standards of education in West Virginia so that our young

people will have a better chance of competing with others.

Yours for better education,
AUBREY W. JACKSON,
Farmer.

MUNICIPALITY OF MOOREFIELD, W. VA.,
April 21, 1949.

Senator HARLEY M. KILGORE,
Washington, D. C.

DEAR SENATOR: I am writing to thank you for your interest in Federal aid to education, and especially for your interest in S. 246, and to urge you to support this bill when it comes up for debate and vote.

I believe nothing in the Eighty-first Congress can do will be of greater moment than passage of the Federal aid to education bill. I need not state the reasons to you because you are more familiar with them than I am. But I wanted to express to you my great interest in this legislation and ask your continued support of it.

Sincerely yours,
P. W. CLARKE, *Mayor.*

LIONS CLUB OF WEST UNION, W. VA.,
April 29, 1949.

Hon. HARLEY M. KILGORE,
United States Senator,
Senate Office Building,
Washington, D. C.

DEAR SENATOR KILGORE: The regular meeting of the Lions Club of West Union, W. Va., was held at West Union April 26, 1949. At this meeting it was unanimously agreed to inform you of our support of the Federal aid to education bill as it is now written.

Respectfully yours,
R. C. HUDKINS,
President.

"[From the Sunset News, Bluefield, W. Va.,
of April 25, 1949]

"THE HEALTH PROGRAM

"A measure embracing President Truman's health program was expected to go to Congress today. Few issues in recent years have created as much discussion, at least, on the part of those opposed, as the administration's proposal to provide medical and hospital care for all through compulsory insurance financed by a payroll tax.

"Certainly the objective—that of building a healthier population by making health services available to every citizen through a pay-in-advance system of insurance—is a worth-while one.

"Medical and hospital costs have soared beyond the means of a great many citizens, as many doctors will admit, and the private insurance plans, valuable as they have been in leading the way and in showing what can be done through insurance, are not adequate in the face of present charges.

"A fair-minded person will admit that a problem exists. As things now stand, an accident or an illness requiring a lengthy stay in a hospital can place the average wage earner so deeply in debt that it may take him years to regain his economic stability.

"Americans insure against every other conceivable risk. It is only logical and intelligent to insure against the risk of loss of health and earning power.

"We do not say that the program that is now proposed is perfect or the only answer to the problem which exists. The bill is just being introduced today, and certainly thorough study of it must be made. It is even probable, because of the debate which is sure to develop, that no action will be forthcoming in this session of Congress.

"But the Truman administration is certainly to be credited with making a start toward finding a solution for one of the Nation's greatest problems—the improvement of the health of all the people.

"Most of the discussion of the health-insurance plans thus far has taken the form of violent and often intemperate opposition by medical-society spokesmen, most of whom are dead set on maintaining the status quo at all costs. In place of an intelligent and open-minded effort to arrive at a better means of meeting the medical needs of the times, a smoke screen has been raised in which the bogeyman of socialized medicine is paraded before the public, with long lines of Americans queued up waiting their brief turn to be jabbed with a needle by a 'Government doctor.'

"Nothing of the sort is envisioned in the Truman program. It is a Government insurance plan in which private doctors and private hospitals would continue to function as at present, with the patients selecting their own physicians as they do now, but with the difference that a medical tax, raised in advance, would pay the bill.

"The program deserves careful and thorough study, not denunciation and the old, old effort to apply the Red smear."

Mr. KILGORE. Mr. President, in voting on this bill I urge that none of us think of it as a charitable gesture to improvident States, but as a means of more equitably redistributing the money earned in those States but credited to the incomes of other and more fortunate States.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from North Dakota [Mr. LANGER].

Mr. DONNELL. Mr. President, I wish to address an inquiry to the minority leader, if I may do so without impropriety.

The PRESIDING OFFICER. The Senator may do so.

Mr. DONNELL. Is it the opinion of the Senator from Nebraska that the Senator from North Dakota would have any objection to his amendment being voted upon now?

Mr. WHERRY. In response to the question asked by the Senator from Missouri, I will say that I have just spoken with the Senator from North Dakota, who is detained from the Senate on official business. He said it would be perfectly agreeable to him if the Senate were to vote on his amendment. He thought his amendment such a good one that it would be adopted unanimously, even though he were not present. I suggest that the question on the amendment be put, so Members of the Senate can do as they please respecting a unanimous vote for his amendment, as hoped for by the Senator from North Dakota.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from North Dakota [Mr. LANGER].

The amendment was rejected.

Mr. DONNELL. Mr. President, I now call up the amendment which I caused to be placed on the table on May 2, and ask if the Chair will be kind enough to have the clerk read it.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 8, line 4, it is proposed to amend section 6 by inserting the word "public" between the words "for" and "elementary."

Mr. WHERRY. Mr. President, will the Senator yield so that I may suggest the absence of a quorum? The amendment offered by the Senator from Missouri is a very important one, and before he begins discussing it, I should like to suggest the absence of a quorum, if he will yield to me for that purpose.

Mr. DONNELL. I yield to the Senator from Nebraska for that purpose, with the understanding that I do not lose the floor.

The PRESIDING OFFICER. With that understanding, the clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names: Aiken, Baldwin, Brewster, Bridges, Byrd, Chapman, Cordon, Donnell, Ellender, Fer-

guson, Flanders, George, Gillette, Gurney, Hendrickson, Hill, Hoey, Humphrey, Hunt, Ives, Johnson of Colorado, Johnson of Texas, Johnston of South Carolina, Kefauver, Kilgore, Knowland, Langer, Long, McCarthy, McClellan, McFarland, McGrath, McKeellar, McMahon, Magnuson, Martin, Miller, Morse, Mundt, Murray, Myers, Neely, O'Connor, O'Mahoney, Reed, Robertson, Russell, Saltonstall, Schoeppel, Smith of Maine, Sparkman, Taft, Taylor, Thomas of Utah, Thye, Tydings, Wherry, Wiley, Young.

The PRESIDING OFFICER. A quorum is present.

The question is on agreeing to the amendment offered by the Senator from Missouri [Mr. DONNELL].

Mr. BALDWIN. Mr. President, will the Senator from Missouri yield to me for a unanimous-consent request?

Mr. DONNELL. I yield if I may do so without losing my position on the floor.

The PRESIDING OFFICER. Without objection, the Senator from Missouri may yield for that purpose.

Mr. BALDWIN. Mr. President, I ask unanimous consent that it may appear of record that the subcommittee of the Armed Services Committee investigating the Malmady matter is holding a hearing this afternoon; that the Senator from Wyoming [Mr. HUNT], the Senator from Wisconsin [Mr. MCCARTHY], and the junior Senator from Connecticut are engaged in that hearing; and that we have unanimous consent of the Senate to do so.

The PRESIDING OFFICER. The RECORD will so indicate.

Mr. DONNELL. Mr. President, may I have the privilege of having my amendment again stated by the clerk?

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 8, line 4, it is proposed to amend section 6 by inserting the word "public" between the words "for" and "elementary."

Mr. DONNELL. Mr. President, the title of Senate bill 246 reads as follows: "A bill (S. 246) to authorize the appropriation of funds to assist the States and Territories in financing a minimum foundation education program of public elementary and secondary schools, and in reducing the inequalities of educational opportunities through public elementary and secondary schools, for the general welfare, and for other purposes."

It will be observed that in reading the title I have, in each of the two places in which the word "public" appears in the title, emphasized the appearance of that word therein by my voice. The fact that the word "public" appears in the title is to my mind of very great importance in determining the advisability or nonadvisability of adopting the amendment which I have proposed, which amendment would cause to be inserted that very word, namely, the word "public," between the words "for" and "elementary" on page 8, line 4, of the bill.

Not only does the word "public" appear in the two instances noted in the title of the bill, but it is of particular interest to observe that the same word "public" is mentioned in 31 places in the body of the bill, and that that word appears in each of those 31 instances as a part of the expression "public elementary school," "public secondary school," "public elementary," "public secondary schools," "public school jurisdictions," "public education agencies," "public schools," "public school jurisdiction," or "public education agency."

Yet, Mr. President, in the clause of the bill which designates the expenditures for which funds shall under the bill be available for disbursement, the word "public" is omitted.

It is of further interest to observe that in the very section of the bill in which appears the clause to which I have referred, in which clause the word "public" is omitted, the very

selfsame word "public" appears twice shortly in advance of the portion of the bill which appears at line 4 on page 8.

It is not strange, Mr. President, in view of this extraordinary omission of the word "public" at the place indicated, that there appears in the *Christian Century* of March 23, 1949, a most interesting article entitled "A Weasel Omission." The article begins with these three sentences:

"Theodore Roosevelt coined the expression 'the weasel word.' A 'weasel word' is one which by juxtaposition with a meaningful word sucks the meaning out of it. But the deliberate omission of a word in a certain context may sometimes perform the same trick."

Later in the article, after quoting this very section 6 to which my amendment applies, the writer of the article says:

"The absence of the word 'public' in the place indicated above is a weasel omission. It sucks the meaning out of the purpose of the bill, as that purpose is consistently and meticulously guarded at every other point throughout the entire text. This weasel omission points the bill away from public education and makes possible the use of Federal money in aid of parochial schools in those States where the laws permit such use."

Mr. President, I hasten to mention that by quoting the word "weasel," I mean in no sense any dishonest or tricky imputation, for it was clearly the intention of the Committee on Labor and Public Welfare to omit that word, and that was done because of the views which that committee almost unanimously held. I use the word "almost" in that connection because I think I was the only member of the committee who voted in favor of an amendment designed to effect, generally speaking—with one rather notable exception—the purposes of the amendment which we are now discussing.

Under section 6 of the bill there is set forth the provision entitled "Availability of Appropriations." Obviously, that section constitutes the very heart of this bill, for although the bill elsewhere authorizes appropriations and refers to the mechanics of certification, payment, apportionment, and so forth, yet unless there be contained in the bill a section providing for the availability of such appropriations, the passage of the bill would be only an idle gesture.

So section 6, vitally important as it is, is the one in which it is of tremendous importance that the word "public" be used, if in fact the purpose of the bill is—as stated in the title—to authorize the appropriation of funds to assist the States and Territories in financing a minimum foundation education program of public elementary and secondary schools, and in reducing the inequalities of educational opportunities through public elementary and secondary schools, for the general welfare, and for other purposes.

Again, Mr. President, by my intonation I have emphasized as well as I could, and I now emphasize for the Record by my words, the fact that the bill contains in its title that expression in which the word "public" appears twice.

Yet what does section 6—the very heart of the measure, as I have indicated—say? It says this:

"Sec. 6. In order more nearly to equalize educational opportunities, the funds paid to a State from the funds appropriated under section 3 of this act shall be available for disbursement by the State educational authority, either directly or through payments to local public-school jurisdictions or other State public-education agencies, for any current expenditure."

For what? Not for public elementary or secondary school purposes exclusively, for the word "public" is not to be found in this section between the words "for" and "elementary"; but after the recital, twice contained in that section, of the word "pub-

lic," yet when we reach the vital inner core of the heart of the bill, designating the current expenditures for which these funds may be disbursed, section 6 says, as the writer of the editorial to which I have referred has indicated, "for elementary- or secondary-school purposes for which educational revenues derived from State or local sources may legally and constitutionally be expended in such State."

Obviously the writer of the editorial in the *Christian Century* is correct in pointing out the fact that the absence of the word "public" does, to quote him again, "suck the meaning out of the purpose of the bill, as that purpose is consistently and meticulously guarded at every other point throughout the entire text."

Mr. President, after my amendment is placed in effect—and it provides for the insertion of the word "public" between the words "for" and "elementary"—the current expenditures for which the bill would permit disbursement of these funds will be for "public elementary or secondary school purposes for which educational revenues derived from State or local sources may legally and constitutionally be expended in such State."

Again, Mr. President, I have emphasized by my voice, and I do now by these words which will appear in the printed Record, the word "public," which will appear in section 6 if my amendment be adopted. Indeed, Mr. President, the only change produced by my amendment will be the insertion of the word "public" in section 6.

Under the bill without my amendment the purposes for which the disbursement of Federal funds under the terms of Senate bill 246 could be made could include both public elementary or secondary school purposes and nonpublic elementary or secondary school purposes.

Mr. FLANDERS. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER (Mr. Chapman in the chair). Does the Senator from Missouri yield to the Senator from Vermont?

Mr. DONNELL. Mr. President, I would very much prefer to complete my argument without interruption, rather than to yield at this time.

Mr. FLANDERS. My question relates to a part of the argument.

Mr. DONNELL. Mr. President, I would prefer, if I may do so without impoliteness, to have the Senator permit me to proceed with my argument, and when I conclude it I shall be glad to answer any questions.

Mr. President, among the nonpublic elementary or secondary school purposes for which the disbursement of the funds provided under the bill may be made, unless my amendment is adopted, are religious nonpublic elementary or secondary school purposes, provided that such purposes are those for which "educational revenues derived from State or local sources may legally and constitutionally be expended in such State."

In 1948, I submitted and argued, and there was voted upon by the Senate, an amendment to Senate bill 472. In many respects, that amendment was similar to the amendment I now offer to Senate bill 246; in fact, in some respects, the amendments are identical. That amendment, submitted in 1948, provided for striking out the words "for which educational revenues derived from State or local sources may legally and constitutionally be expended in such State," and would have inserted in lieu of those words a colon and thereafter the following: "Provided, That no funds appropriated under this act shall be disbursed in any State for the support or benefit of any sectarian or private school."

Mr. President, the amendment I have just quoted was opposed at that time by the senior Senator from Vermont [Mr. AIKEN] because of the fact, as I understood, that he

feared and, in fact, believed that the amendment would prevent the payment of funds to academies in the State of Vermont, which academies were used in that State for the purpose of educating children. He pointed out that the citizens of Vermont have, scattered throughout their State in the small towns, numerous small high schools or academies, as they are called. He informed us that they are financed partly by private funds, by endowment. He stated that some of them are a hundred years or more old. The towns in which they are located utilize them as the local high school. They serve the purpose of a high school, so he stated. The town is required by State law to pay tuition to the academies which are located within their boundaries. Thousands of boys and girls have received a high-school education by attending these—I am quoting his language—"technically private but actually public schools."

Said the senior Senator from Vermont: "If it were not for the privilege of attending these schools many of our children would never get to high school at all. Some of the towns where they are located are many miles from the nearest public high schools."

Mr. President, the amendment of last year prohibiting the disbursement of any fund appropriated under the act in any States for the support or benefit of any sectarian or private school may well have prohibited the payment of any such funds to the academies to which the Senator from Vermont alluded. To my mind the amendment which I have offered this year, and which I am now arguing, answers the point which was made by the Senator from Vermont. I may say to the Senate, as I do say, that the reason for offering the amendment in the form I have this year, is in order to meet the very objection to which the Senator from Vermont alluded last year. As I see it, the new amendment would not prohibit payment to the academies in Vermont, for I see no reason why Vermont or any other State could not carry on public-school purposes by engaging the use of facilities or the services of teachers in private academies. It will be observed that in the excerpt which I read from the remarks of the Senator from Vermont last year, he states expressly that the academies are technically private but actually public schools.

So, Mr. President, the amendment which I have now offered and which would provide simply that the funds which may be disbursed may be for any current expenditure for public elementary or secondary school purposes, and so forth, to my mind would not prevent the application of any of those funds to the academies to which the senior Senator from Vermont last year alluded.

What is the effect of the amendment which I have offered? I have indicated that its effect is to grant Federal funds for disbursement for current expenditure for public—I emphasize the word "public"—elementary or secondary school purposes, and no other. At the risk of repetition I say that under the amendment, no moneys are to be used except for public-school purposes. I want it perfectly clear that is the intent of the amendment.

Why should not moneys be given by the bill to any nonpublic school? Such nonpublic schools may be divided into two groups: One, private nonsectarian schools; the other, sectarian schools. As to moneys to be given from Federal funds to private nonsectarian schools, if, for illustration, any Member of the Senate were the proprietor of a school, whether conducted for or without financial profit, I take it that to give money to such a private school, nonsectarian as it is, is subject to two fundamental objectives; at least, under the bill as written.

In the first place, such a gift to a private school would be contrary to the expressed purpose of the bill as set forth in the title,

that is to say, "to assist States and Territories in financing a program of public elementary and secondary schools, and in reducing the inequalities of educational opportunities through public elementary and secondary schools, for the general welfare, and for other purposes."

In the second place, a gift to such a private school, even though nonsectarian, is objectionable on principle, as I see it, because I think for the Federal Government to make gifts to individuals is highly opposed to public policy.

We have illustrations in our own midst of gifts having been made, at least nominally so, as for illustration, to a servant of the Senate who has served with distinction throughout a period of years. For such gifts I can see some justification, a proper justification. As for instance, in the case of the old gentleman known to the Senator from Alabama, who is now listening so courteously to me, who served in the Senate for many, many years, now, because of infirmity, is compelled to retire. I can see how under circumstances such as that it is possible and advisable from the standpoint, even of encouraging others to work for us to give something for which we have not made a contractual obligation. But, Mr. President, as I see it, that is quite different from the Senate of the United States and the House of Representatives of the United States undertaking to give to a private nonsectarian school moneys out of the public Treasury.

As to the second class of nonpublic schools, namely, sectarian schools, as I see it, there are three fundamental objections to the use of any funds under Senate bill 246 for that class of nonpublic schools, namely, sectarian schools. As is the case with respect to nonsectarian schools, such utilization of funds for sectarian school purposes would be contrary to the expressed purpose of the bill, as set forth in the title, which I have read, the assistance of States and Territories in financing "a program of public elementary and secondary schools, and in reducing the inequalities of educational opportunities through public elementary and secondary schools, for the general welfare, and for other purposes." Not only would the gift of moneys to a sectarian school be contrary to the expressed purpose of the bill, but in addition, just as is true in the case of private nonsectarian schools, it is objectionable on considerations of public policy to give public funds to private recipients.

But, Mr. President, there is a third, a very fundamental reason, which in my opinion is applicable to gifts of moneys from the Federal Treasury to sectarian schools. That is the fact that such a gift is violative of public policy for at least two reasons. I am not at the moment discussing the constitutional phase of the question. The points to which I refer with respect to public policy are these: First, to give such funds to a sectarian school would be to permit moneys derived from people of all religious beliefs—yes, or, in part, from people of no religious beliefs—to be used for the teaching of religious views held by specific groups. Thus it would follow that moneys paid into the public treasury by people of all religious beliefs, and by people in some instances, at any rate, of no religious beliefs, would be used for the teaching of religious views held by only a part of the people, and perhaps even contrary to the beliefs of other groups of the people.

In the second place, Mr. President, to permit moneys to be granted from the Treasury of the United States to sectarian schools would bring it about that if some sectarian schools are supported by public funds, other groups would doubtless ask that they also be supported by public funds.

Mrs. Agnes Meyer, of Washington, D. C., whose name is well known, not only in this Capitol, but elsewhere, writing in the March

1948 issue of the Reader's Digest, at page 68, says:

"Public support of one sectarian school system would bring many others into existence, thus undermining our public education system and the future development of our Republic."

But, Mr. President, not only do these two reasons of public policy to which I have referred argue irresistibly against the propriety and advisability of our public funds being paid to sectarian schools, but I submit a further reason in opposition to such payment, namely, not only is the giving of money to sectarian schools contrary to public policy, from the standpoint of the public itself, but it is also true that from the standpoint of the sectarian schools themselves support by public funds of sectarian schools is harmful; that is, harmful to the sectarian schools themselves. This follows from the fact that there is a very real danger that the Government which provides the funds will ultimately, even if not at the outset, attach conditions to the use of such funds. Thus it is reasonable to expect Government interference ultimately with the policies of such sectarian schools themselves.

In connection with the consideration of the harmful effects which may be expected from the application of public funds to sectarian schools by both the public and by such schools, I call attention to the observation made by the minority, namely, 4 out of 9 of the Justices of the Supreme Court of the United States, in *Everson* against Board of Education, decided February 10, 1943, No. 52, October term, 1946. At page 13 of the minority opinion of Mr. Justice Rutledge for himself and the other three dissenting members of the Court, the writer called attention to the objection of Madison and his coworkers to the imposition of a tax for religion. Mr. Justice Rutledge pointed out that the opposition was not to small tithes—and I emphasize the word "small"—but "it was to any tithes whatsoever."

Then follows this very significant sentence bearing on the proposition to which I am now addressing myself:

"And the principle was as much to prevent the interference of our law in religion as to restrain religious intervention in political matters."

Thus it is that Justice Rutledge, for himself and the three other dissenting Justices, emphasized the point that the imposition of a tax for religion is injurious not only to the State but to the religious groups themselves.

Mr. President, someone may say that the quotation which I have just stated comes from the minority of the Supreme Court; but, to my mind, the decision of the Court clearly shows that on this point there is a unanimity of opinion between the minority and the majority.

In connection with the harmful effects which may be expected by both the public and the sectarian schools from the application of public funds to such schools, attention is called to the fact that the spokesman for the majority Justices in the *Everson* case, namely, Mr. Justice Black, sets forth, from the decision of the Court of Appeals of South Carolina in the *Harmon* case and cites as having been quoted with approval by the United States Supreme Court in *Watson v. Jones* (13 Wall. 679, 730), the following observation:

"The structure of our Government has for the preservation of civil liberty rescued the temporal institutions from religious interference. On the other hand"—

Continuing, says the Court:

"On the other hand, it has secured religious liberty from the invasions of civil authority."

Thus it is that the spokesman for the majority of the Supreme Court in the *Everson* case indicates very clearly that the Supreme Court of the United States believes that the imposition of taxes for religion and the com-

mingling of State and religious organizations is injurious both to the religious groups and to the Nation itself.

Mr. President, the expression of views which I have made thus far today is by no means confined to the Member of the Senate who now addresses it. Indeed, nearly every State in the Union has officially expressed itself to the effect that it is advisable either to prohibit or to restrict the use of public funds for sectarian school purposes.

It is very interesting to observe the development of the history of public education in the United States. In the early history of the Nation the education of the youth was a function carried on by the church. Professor Cubberly, dean emeritus, School of Education, Leland Stanford University, says:

"In Colonial times, too, and for some decades into our national period, the warmest advocates of the establishment of schools were those who had in view the needs of the church. Then gradually the emphasis shifted, as we have shown in chapter 4, to the needs of the State, and a new class of advocates of public education now arose. Still later the emphasis has been shifted to industrial and civic educational needs, and the religious importance has been almost completely eliminated."

I pause, Mr. President, to remark that the edition from which I am quoting is that of 1934. I now resume the quotation:

"This change is known as the secularization of American education. It also required many a bitter struggle, and was accomplished by the different States but slowly. The two main factors which served to produce this change have been (1) the conviction that the life of the Republic demands an educated and intelligent citizenship and, hence, the general education of all in the common schools controlled by the State, and (2) a great diversity of religious beliefs among our people which forced tolerance and religious freedom through a consideration of the rights of minorities."

Continuing, Professor Cubberly says, and I call special attention to this:

"The secularization of education with us must not be regarded either as a deliberate or a wanton violation of the rights of the church, but rather as an unavoidable incident connected with the coming to self-consciousness and self-government of great people."

"So long as there was little intercommunication and migration, and the people of a community remained fairly homogeneous, it was perfectly natural that the common religious faith of the people should enter into the instruction of the school. When the schools were purely local and voluntary this was not a serious objection. With the rise of State support, and the widening of the units for maintenance and control from the lonely community or district to the town, the county, and the State, the situation changed. With the development of the West, after 1800, with its indifference as to distinctions still powerful in the older States to the East; the coming of foreign immigration, which began to be marked after about 1825; and the intermingling of peoples of different faiths in the rapidly evolving cities and towns, religious uniformity ceased to exist. Majority rule now for a time followed, but this was soon forced to give way to the still more important governmental principle of religious freedom."

Then, Mr. President, the writer, Professor Cubberly, concludes this observation to which I refer as follows:

"As necessity gradually compelled the State to provide education for its children, sectarian differences made it increasingly evident that the education provided must be nonsectarian in character."

Mr. President, I shall not detain the Senate by extensive consideration of the historical development of this matter, but I think it is of importance in the development of this

argument at least to mention a portion of the history of the development of public education in the United States. I quote again from Professor Cubberley at page 237. He is speaking at the moment of the conflict which was then on in Massachusetts on educational matters, and he said:

"By 1840 the Massachusetts conflict was on, and in that year Governor Seward, of New York, urged the establishment of schools in the cities of the State in which the teachers should be of the same language and religion as the foreign patrons. This dangerous proposal encouraged the Catholics, and they immediately applied to the New York City council for a division of the city school fund, and, on being refused, carried their demand to the legislature of the State. A Hebrew and a Scotch Presbyterian Church also applied for their share, and supported the Catholics in their demands. On the other hand, the Methodists, Episcopalians, Baptists, Dutch Reformed, and Reformed Presbyterians united with the Public School Society in opposing all such division of the funds.

"The legislature deferred action until 1842, and then did the unexpected thing. The heated discussion of the question in the city and in the legislature had made it evident that, while it might not be desirable to continue to give funds to a privately organized corporation, to divide them among the quarrelling and envious religious sects would be much worse. The result was that the legislature created for the city a City Board of Education, to establish real public schools, * * * by enacting that no portion of the school funds was in the future to be given to any school in which 'any religious sectarian doctrine or tenet should be taught, inculcated, or practiced.'"

Mr. President, I think it is of some interest to observe that this experience, in which one denomination after another sought to secure benefits, pointedly illustrates the wisdom of the observation quoted this afternoon from Mrs. Agnes Meyer, "Public support of one sectarian school system would bring many others into existence, thus undermining our public educational system, and the future development of our Republic."

Mr. President, Professor Cubberley further says, at page 239 of his work, Public Education in the United States, after reciting numerous other incidents and facts intermediate from where I left off:

"To settle the question in a final manner legislatures now began to propose constitutional amendments to the people of their several States which forbade a division or a diversion of the funds, and these were almost uniformly adopted at the first election after being proposed. The States, with the date of adoption of such a constitutional provision are—"

Mr. President, at the risk of some tediousness, I desire to read the list, because I think it is extremely interesting and important. The professor divides his book into two columns, one under the headline "States amending constitution." In other words, they already had constitutions, and they then amended the constitutions so as to forbid a division or a diversion of the funds, meaning thereby, as I understand, to sectarian schools. I read from the list:

States amending constitution

New Jersey.....	1844
Michigan.....	1850
Ohio.....	1851
Indiana.....	1851
Massachusetts.....	1855
Iowa.....	1857
Mississippi.....	1868
South Carolina.....	1868
Arkansas.....	1868
Illinois.....	1870
Pennsylvania.....	1872
West Virginia.....	1872

States amending constitution—Continued

Alabama.....	1875
Missouri.....	1875
North Carolina.....	1876
Texas.....	1876
Minnesota.....	1877
Georgia.....	1877
California.....	1879
Louisiana.....	1879
Florida.....	1885
Delaware.....	1897

The second column of Professor Cubberley's work, at page 239, contains a somewhat shorter list entitled "Adopted When Admitted." In other words, as an initial proposition, in these States whose names I shall read the constitutions contained a constitutional provision which forbade, as I understand the professor's work, a division or diversion of the funds.

Adopted when admitted

Wisconsin.....	1848
Oregon.....	1857
Kansas.....	1859
Nevada.....	1864
Nebraska.....	1867
Colorado.....	1876
North Dakota.....	1889
South Dakota.....	1889
Montana.....	1889
Washington.....	1889
Idaho.....	1890
Wyoming.....	1890
Utah.....	1896
Oklahoma.....	1907
New Mexico.....	1912
Arizona.....	1912

The States, the names of which I have read, total 38, and, as I have indicated, include those amending their constitutions and those which adopted a provision of this kind upon their admission.

Mr. President, Professor Cubberley referred, as Senators have doubtless noted, to the year 1875 in the course of his tabulation, and I think it is particularly of interest in the United States Congress to observe this historical fact which he recites at page 240 of his work:

"In 1875 President Grant, in his message to Congress, urged the submission of an amendment to the Federal Constitution making it the duty of the States to support free public schools, free from religious teaching, and forbidding the diversion of school funds to church or sectarian purposes. In a later message he renewed the recommendation, but Congress took no action because"—and I call attention, Mr. President, to Professor Cubberley's reason, which he states—"because it considered such action unnecessary. That the people had thoroughly decided that the school fund must be kept intact and the system of free public schools preserved may be inferred from the fact that no State admitted to the Union after 1858"—I read that again—"that no State admitted to the Union after 1858, excepting West Virginia, failed to insert such a provision in its first State constitution.

Professor Cubberley continues:

"Hence the question may be regarded as a settled one in our American States. Our people mean to keep the public-school system united as one State school system, well realizing that any attempt to divide the schools among the different religious denominations (the World Almanac for 1930 lists 79 different denominations and 160 different sects in the United States) could only lead to inefficiency and educational chaos."

So, Mr. President, the opinion which I have indicated in this historical development is the opinion not of the individual who now addresses the Senate alone, but is the official opinion as expressed by the people of the great majority of the States of the Union in their various State actions and,

yes, not merely by some perfunctory State expression, but by the provision of the fundamental law of each of those States, namely, their constitutions.

In May of 1943 there was issued by the research division of the National Education Association of the United States a pamphlet which sets forth under the heading of "Constitutional prohibitions against State aid to private schools" one or more excerpts from the constitutions of each of 46 of the 48 States. I may say that in the presentation of the amendment of last year I secured unanimous consent for insertion in the RECORD of these excerpts. There was also inserted the introduction which precedes them. They appear in the CONGRESSIONAL RECORD, volume 94, part 4, pages 3591-3594.

Mr. President, I regard it of such importance that we have connectedly at this time in the Eighty-first Congress of the United States this information without the necessity of going back to and hunting up a previous book, that I ask unanimous consent that the same excerpts and introduction which appear in the CONGRESSIONAL RECORD, volume 94, part 4, pages 3591-3594, taken from the pamphlet of the National Education Association of the United States, be here incorporated as a part of my remarks.

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

"The present report is an attempt to list constitutional provisions directly or indirectly permitting or prohibiting State aid to private schools and the court decisions which have interpreted these provisions.

"Part I lists State by State the constitutional prohibitions against aid to private schools. Following the constitutional provisions are listed in each State the judicial decisions, briefly annotated. These court decisions have interpreted these provisions when situations have arisen which have been challenged as violating the prohibitions. The older cases deal with direct aid by way of paying the salaries of teachers in private schools or using private-school buildings for public-school classes. Seldom do such cases occur in recent years, although there was an Iowa case in 1940. Nowadays the more common issues are transportation and textbooks authorized by statutes which permit the extension of these services to pupils attending private schools.

"PART I—CONSTITUTIONAL PROHIBITIONS AGAINST STATE AID TO PRIVATE SCHOOLS

"ALABAMA

"Constitution of 1901, as amended:
"Article XIV, section 263: 'No money raised for the support of the public schools shall be appropriated to or used for the support of any sectarian or denominational school.'

"ARIZONA

"Constitution of 1912, as amended:
"Article IX, section 10: 'No tax shall be laid or appropriation of public money made in aid of any church, or private or sectarian school, or any public service corporation.'

"ARKANSAS

"Constitution of 1874, as amended:
"Article XIV, section 2: 'No money or property belonging to the public-school fund or to this State for the benefit of schools or universities shall ever be used for any other than for the respective purposes to which it belongs.'

"Amendment No. 11 (providing for support of common schools by taxation): 'Provided further, That no such tax shall be appropriated for any other purpose nor to any other district than that for which it is levied.'

"CALIFORNIA

"Constitution of 1879, as amended:
"Article IX, section 8: 'No public money shall ever be appropriated for the support of

any sectarian or denominational school or any school not under the exclusive control of the officers of the public schools. * * *

"Article IV, section 30: 'Neither the legislature nor any county, city, * * * shall ever make an appropriation, or pay from any public fund whatever, or grant anything to or in aid of any religious sect, church, creed, or sectarian purpose, or help to support or sustain any school, college, university, hospital, or other institution controlled by any religious creed, church, or sectarian denomination whatever, nor shall any grant or donation of personal property or real estate ever be made by the State, or any city * * * for any religious creed, church, or sectarian purpose whatever: *Provided*, That nothing in this section shall prevent the legislature granting aid pursuant to section 22 of this article.'

"COLORADO

"Constitution of 1876, as amended:

"Article IX, section 7: 'Neither the general assembly, nor any county, city * * * or other public corporation shall ever make any appropriation, or pay from any public fund or moneys whatever, anything in aid of any church or sectarian society, or for any sectarian purpose, or to help support or sustain any school, academy, seminary, college, university, or other literary or scientific institution controlled by any church or sectarian denomination whatsoever.'

"CONNECTICUT

"Constitution of 1818, as amended:

"Article VIII, section 2: 'The fund, called the school fund, shall remain a perpetual fund, the interest of which shall be inviolably appropriated to the support and encouragement of the public, or common schools, throughout the State, and for the equal benefit of all the people thereof.'

"DELAWARE

"Constitution of 1897, as amended:

"Article X, section 4: 'No part of the principal or income of the public school fund, now or hereafter existing, shall be used for any other purpose than the support of free public schools.'

"Article X, section 3: 'No portion of any fund now existing, or which may hereafter be appropriated, or raised by tax, for educational purposes, shall be appropriated to, or used by, or in aid of any sectarian church, or denominational school.'

"Judicial decisions: *State ex rel. Traub et al. v. Brown et al.* (172 A. 835 (1934)). State appropriation for transportation of pupils to sectarian schools was declared unconstitutional.

"GEORGIA

"Constitution of 1877, as amended:

"Article I, section 1, paragraph XIV: 'No money shall ever be taken from the public treasury, directly or indirectly, in aid of any church, sect, or denomination of religionists, or of any sectarian institution.'

"Article VII, section XVI, paragraph 1: 'The general assembly shall not by vote, resolution, or order grant any donation or gratuity in favor of any person, corporation, or association.'

"IDAHO

"Constitution of 1890, as amended:

"Article IX, section 5: 'Neither the legislature nor any county * * * or other public corporation, shall ever make any appropriation or pay from any public fund or moneys whatever, anything in aid of * * * or to help support or sustain any school, academy, seminary, college, university, or other literary or scientific institution, controlled by any church, sectarian, or religious denomination whatsoever.'

"ILLINOIS

"Constitution of 1870, as amended:

"Article VII, section 3: 'Neither the general assembly nor any county, city * * * or

other public corporation shall ever make any appropriation, or pay from any public fund whatever, anything in aid of any church or sectarian purpose, or to help support or sustain any school, academy, seminary, college, university, or other literary or scientific institution controlled by any church or sectarian denomination whatever.'

"Judicial decisions:

"*People v. McAdams* (82 Ill. 356 (1948)). A private charitable school cannot be authorized by the State legislature to levy tax for its support.

"*Millard v. Board of Education* (10 N. E. 669 (1887)). The rental of a church school for public-school purposes when necessity arises was upheld as valid.

"*Cook County v. Chicago Industrial School for Girls* (18 N. E. 183 (1888)). Direct aid to sectarian school was declared unconstitutional.

"*Cook County v. Chicago Industrial School for Girls* (117 N. E. 735 (1917)). Payments to sectarian school were sustained as valid.

"INDIANA

"Constitution of 1851, as amended:

"Article I, section 6: 'No money shall be drawn from the treasury for the benefit of any religious or theological institution.'

"Article VIII, section 3: 'The principal of the common school fund shall remain a perpetual fund * * * and the income thereof shall be inviolably appropriated to the support of common schools and to no other purpose whatever.'

"Judicial decisions: *State ex rel. Johnson v. Boyd* (28 N. E. (2d) 256 (1940)). Use of parochial school building and equipment for public-school pupils and payment of nuns as public-school teachers was upheld.

"IOWA

"Constitution of 1857, as amended:

"Article I, section 3. 'The general assembly shall make no law respecting an establishment of religion; or prohibiting the free exercise thereof; nor shall any person be compelled to attend any place of worship, pay tithes, taxes, or other rates for building or repairing places of worship, or the maintenance of any minister, or ministry.'

"Judicial decisions:

"*Scripture v. Burns* (12 N. W. 760 (1882)). Rental of a church or sectarian school for public-school purposes when necessity arises was upheld.

"*Knowlton v. Baumhover* (166 N. W. 202 (1918)). Use of parochial school building and teachers for public-school pupils was declared unconstitutional.

"KANSAS

"Constitution of 1861, as amended:

"Article VI, section 8. 'No religious sect or sects shall ever control any part of the common school or university funds of the State.'

"Judicial decisions:

"*Atchison, Topeka & Santa Fe Railroad Co. v. Atchison* (28 P. 1000 (1892)). Taxes cannot be levied for private and sectarian institutions.

"KENTUCKY

"Constitution of 1891, as amended:

"Section 189. 'No portion of any fund or tax now existing, or that may hereafter be raised or levied for educational purposes, shall be appropriated to or used by, or in aid of, any church, sectarian, or denominational school.'

"Judicial decisions:

"*Halbert v. Sparks* (9 Bush. 259 (1872)). Contract of school district with private academy for attendance of public-school pupils was invalid.

"*Underwood v. Wood* (19 S. W. 405 (1892)). Legislature may not exempt from taxation parents of pupils attending private institution, nor divert public funds in aid of such private school.

"*Williams et al. v. Board of Trustees, Stanton Common School District* (191 S. W. 507 (1917)). School district may not contract with sectarian school for attendance of public-school pupils even if no funds are paid to the school but merely to the teachers.

"*Craun et al. v. Walker et al.* (2 S. W. (2d) 654 (1928)). School district contract with sectarian school for attendance of public-school pupils was upheld and distinguished from the Williams case on details of the circumstances.

"LOUISIANA

"Constitution of 1921, as amended:

"Article XII, section 13: 'No public funds shall be used for the support of any private or sectarian school.'

"Article IV, section 8: 'No money shall ever be taken from the public treasury, directly or indirectly, in aid of any church, sect, or denomination of religion, or in aid of any priest, preacher, minister, or teacher thereof, as such, and no preference shall ever be given to, nor any discrimination made against, any church, sect, or creed of religion, or any form of religious faith or worship. No appropriation from the State treasury shall be made for private, charitable, or benevolent purposes to any person or community.'

"Judicial decisions:

"*Bordon et al. v. Louisiana State Board of Education et al.* (123 So. 655 (1929)). Free textbook act was upheld in its provisions for furnishing books to pupils in attendance at the parochial schools.

"*Cochran v. Louisiana Board of Education* (123 So. 664; 281 U. S. 370 (1929)). On substantially the same facts as the Bordon case; decided on the same day and affirmed later by the United States Supreme Court.

"MAINE

"Constitution of 1820, 1876, as amended:

"Article VII: 'A general diffusion of the advantages of education being essential to the preservation of the rights and liberties of the people; to promote this important object, the legislature is authorized, and it shall be their duty to require the several towns to make suitable provisions, at their own expense, for the support and maintenance of public schools; and it shall further be their duty to encourage and suitably endow, from time to time, as the circumstances of the people may authorize, all academies, colleges, and seminaries of learning within the State; provided that no donation, grant, or endowment shall at any time be made by the legislature to any literary institution now established, or which may hereafter be established, unless, at the time of making such endowment, the legislature of the State shall have the right to grant any further powers to alter, limit, or restrain any of the powers vested in, any such literary institution, as shall be judged necessary to promote the best interests thereof.'

"MARYLAND

"Constitution of 1867, as amended:

"Article VII, section 3: 'The school fund of the State shall be kept inviolate, and appropriated only to the purposes of education.'

"Judicial decisions: *Board of Education of Baltimore County v. Wheat* (199 A. 628 (1938)). Transportation for pupils attending sectarian schools was upheld.

"MASSACHUSETTS

"Constitution of 1790, as amended:

"Article XLVI, amendment 2: 'And no grant, appropriation or use of public money or property or loan of public credit shall be made or authorized by the Commonwealth or any political division thereof for the purpose of founding, maintaining, or aiding * * * any other school, or any college, infirmary, hospital, institution, or educational, charitable, or religious undertaking which is not publicly owned and under the exclusive control, order, and superintendence of public officers or public grants

authorized by the Commonwealth or Federal authority or both.

"Judicial decisions:

"*Barnes v. Falmouth* (6 Mass. 401 (1810)). Massachusetts Constitution, until 1833, provided for the choice of a teacher with stated qualifications—a Protestant teacher of piety, religion, and morality, of some incorporated religious society, elected by such society. This case came up because a teacher was appointed from an unincorporated religious society and so was not entitled to any part of the funds raised by the towns for educational purposes.

"*Jenkins v. Andover* (103 Mass. 94 (1869)). Statute authorizing a town to levy tax for private school is unconstitutional.

"*In re Opinion of the Justices* (102 N. E. 464 (1913)). Public money may be appropriated for higher educational institutions under sectarian control as the constitutional prohibition refers to sectarian schools teaching the same branches as in the public schools.

"MICHIGAN

"Constitution of 1909, as amended:

"Article II, section 3: 'No money shall be appropriated or drawn from the treasury for the benefit of any religious sect or society, theological or religious seminary; nor shall property belonging to the State be appropriated for any such purpose.'

"MINNESOTA

"Constitution of 1857, as amended:

"Article VIII, section 3: 'But in no case shall the moneys derived as aforesaid, or any portion thereof, or any public moneys or property, be appropriated or used for the support of schools, wherein the distinctive doctrines, creeds, or tenets of any particular Christian or other religious sect are promulgated or taught.'

"MISSISSIPPI

"Constitution of 1890, as amended:

"Article VIII, section 208, 'No religious or other sect, or sects, shall ever control any part of the school or other educational funds of the State; nor shall any funds be appropriated toward the support of any sectarian school.'

"Judicial decisions:

"*Otken v. Lamkin* (56 Miss. 758 (1879)). State aid on basis of inclusion of pupils attending sectarian schools is unconstitutional.

"*Chance et al. v. Mississippi State Textbook Rating and Purchasing Board et al.* (200 So. 706 (1941)). Furnishing free textbooks to pupils in attendance at parochial schools was upheld.

"MISSOURI

"Constitution of 1875, as amended:

"Article XI, section 11. 'Neither the general assembly nor any county, city . . . or other municipal corporation, shall ever make an appropriation or pay from any public fund whatever, anything in aid of any religious creed, church, or sectarian purpose, or to help to support or sustain any private or public school, academy, seminary, college, university, or other institution of learning, controlled by any religious creed, church, or sectarian denomination whatever; nor shall any grant or donation of personal property or real estate ever be made by the State, or any county . . . for any religious creed, church, or sectarian purpose whatever.'

"MONTANA

"Constitution of 1889, as amended:

"Article XI, section 8. 'Neither the legislative assembly, nor any county, city . . . or other public corporation, shall ever make, directly or indirectly, any appropriation, or pay from any public fund or moneys whatever, or make any grant of lands or other property in aid of any church, or for any sectarian purpose, or to aid in the support of any school, academy, seminary, college, university, or other literary, scientific institu-

tion, controlled in whole or in part by any church, sect, or denomination whatever.'

"Article V, section 35. 'No appropriation shall be made for charitable, industrial, educational, benevolent purposes to any person, corporation or community not under the absolute control of the State, nor to any denominational or sectarian institution or association.'

"NEBRASKA

"Constitution of 1875, as amended:

"Article VII, section 11: 'Neither the State legislature nor any county, city, or other public corporation, shall ever make any appropriation from any public fund, or grant any public land in aid of any sectarian or denominational school or college, or any educational institution which is not exclusively owned and controlled by the State or a governmental subdivision thereof.'

"Judicial decisions: *State ex rel. Public School District No. 6 of Cedar County v. Taylor* (240 N. W. 573 (1932)). State aid cannot be given to a district in which the only school is sectarian.

"NEVADA

"Constitution of 1864, as amended:

"Article XI, section 10: 'No public funds of any kind or character whatever, State, county, or municipal, shall be used for sectarian purposes.'

"Judicial decisions: *State ex rel. Nevada Orphan Asylum v. Hallock* (16 Nev. 373 (1882)). Public funds cannot be used in aid of a school connected with a charitable sectarian orphan asylum.

"NEW HAMPSHIRE

"Constitution of 1784, as amended:

"Part II, article 8, section 83: 'Knowledge and learning . . . being essential to the preservation of free government . . . it shall be the duty of the legislators . . . to cherish . . . all seminaries and public schools, to encourage private and public institutions. . . . Provided, nevertheless, that no money raised by taxation shall ever be granted or applied for the use of the schools or institutions of any religious sect or denomination.'

"Judicial decisions: *Holt v. Town of Andrim* (9 A 389 (1887)). Statute authorizing a tax for a school building to be perpetually leased to an academy implies that all conditions necessary to give validity to the statute and lease will be met; mere exaction of tuition will not make the school private.

"NEW JERSEY

"Constitution of 1884, as amended:

"Article IV, section 7: 'The fund for the support of free schools . . . shall . . . remain a perpetual fund; and the income thereof shall be annually appropriated to the support of public free schools . . . and it shall not be competent for the legislature to borrow, appropriate, or use the said fund or any part thereof, for any other purpose, under any pretense whatever.'

"NEW MEXICO

"Constitution of 1912, as amended:

"Article XII, section 3: 'No part of the proceeds arising from the sale or disposal of any lands granted to the State by Congress, or any other funds appropriated, levied, or collected for educational purposes, shall be used for the support of any sectarian, denominational, or private school, or college or university.'

"Article IV, section 31, 'No appropriation shall be made for charitable, educational, or other benevolent purpose to any person, corporation, association, or community not under the absolute control of the State, but the legislature may, in its discretion, make appropriations for the charitable institutions and hospitals for the maintenance of which annual appropriation were made by the legislative assembly of 1909.'

"NEW YORK

"Constitution of 1938, as amended:

"Article XI, section 4. 'Neither the State nor any subdivision thereof, shall use its property or credit or any public money, or authorize or permit either to be used directly or indirectly, in aid or maintenance, other than for examination or inspection of any school or institution of learning wholly or in part under the control or direction of any religious denomination, or in which any denominational tenet or doctrine is taught, but the legislature may provide for the transportation of children to and from any school or institution of learning.' (Formerly sec. 4, art. IX, former constitution. Renumbered sec. 4 by constitution of 1938 which added provision relating to transportation of pupils.)

"Article VII, section 8. 'The money of the State shall not be given or loaned to or in aid of any private corporation or association, or private undertaking; or shall the credit of the State be given or loaned or to in aid of any individual, or public, or private corporation, or association, or private undertaking, but the foregoing provisions shall not apply to any fund or property now held, which may hereafter be held by the State for education purposes.' (Formerly sec. 4, art. XI, former constitution.)

"Subject to the limitations on indebtedness and taxation, nothing in this constitution contained shall prevent the legislature from providing for the aid, care, and support of the needy directly or through subdivisions of the State; or for the protection by insurance or otherwise, against the hazards of unemployment, sickness and old age; or for the education and support of the blind, the deaf, the dumb, the physically handicapped, and juvenile delinquents as it may deem proper; or for health and welfare services for all children, either directly or through subdivisions of the State including school districts; or for the aid, care, and support of neglected and dependent children and of the needy sick through agencies and institutions authorized by the State board of social welfare or other State department having the power of inspection thereof, by payments made on a per capita basis directly or through the subdivisions of the State. The enumeration of legislative powers in this paragraph shall not be taken to diminish any power of the legislature hitherto existing.' (Formerly sec. 1, art. VII, former constitution. Renumbered sec. 8 by constitution of 1938 and revised by including provisions of sec. 9, art. VIII of former constitution, relating to State aid for certain public welfare and educational purposes and by adding new provisions in last paragraph.)

"Article VIII, section 1: 'No county, city . . . shall give or loan any money or property to or in aid of any individual, or private corporation or association, or private undertaking, or become directly or indirectly the owner of stock in, or bonds of, any private corporation or association, nor shall any county . . . give or loan its credit to or in aid of any individual, or public or private corporation or association, or private undertaking, but this provision shall not prevent a county from contracting indebtedness for the purpose of advancing to a town or school district, pursuant to law, the amount of unpaid taxes returned to it.'

"Subject to the limitations on indebtedness and taxation applying to any county . . . nothing in the constitution contained shall prevent a county, city, or town from making such provision for the aid, care, and support of the needy as may be authorized by law, nor prevent any such county, city, or town from providing for the care, support, maintenance, and secular education of inmates of orphan asylums, homes for dependent children, or correctional institutions and of children placed in family homes by authorized agencies, whether un-

der public or private control, or from providing health and welfare services for all children. Payments by counties, cities, or towns to charitable, eleemosynary, correctional, and reformatory institutions and agencies, wholly or partly under private control, for care, support, and maintenance, may be authorized, but shall not be required, by the legislature. No such payments shall be made for any person cared for by any such institution or agency, nor for a child placed in a family home, who is not received and retained therein pursuant to rules established by the State board of social welfare or other State department having the power of inspection thereof. (Formerly section 10 in part, article VIII, former constitution. Renumbered section 1 by constitution of 1938, which revised the section generally and added most of the provisions of the second paragraph.)

"Judicial decisions:

"*People ex rel. Roman Catholic Orphan Asylum Society v. Board of Education* (13 Barb. 400 (1851)). Catholic orphan asylum is not entitled to part of the common school fund.

"*Sargent v. Board of Education* (76 Supreme Court, Appellate Division 588 (1902)). Payment of salaries of teachers in St. Mary's Boys' Orphan Asylum was upheld; wearing of religious garb was held not to be sectarian instruction.

"*O'Connor v. Hendrick* (77 N. E. 612 (1906)). Wearing of religious garb by public-school teachers was held to be a sectarian influence and State superintendent's order forbidding same was upheld.

"*Smith v. Donahue et al.* (195 N. Y. S. 715 (1922)). Free textbooks law was held not to apply to pupils attending parochial schools.

"*People ex rel. Lewis v. Graves* (219 N. Y. S. 189 (1929)). Excusing pupils for 1 hour a week to attend religious instruction is not using public property or money in aid of denominational schools.

"*Judd v. Board of Education of Union Free School District No. 2, Town of Hempstead, Nassau County* (15 N. E. (2d) 576 (1938)). Transportation of pupils of sectarian schools was unconstitutional under former constitution.

"NORTH CAROLINA

"Constitution of 1876, as amended:

"Article IX, section 4. 'The proceeds of all lands that have been or hereafter may be granted by the United States to this State * * * also all money, stocks, bonds, and other property now belonging to any State fund for purposes of education * * * shall be paid into the State treasury, and together with so much of the ordinary revenue of the State as may be by law set apart for that purpose, shall be faithfully appropriated for establishing and maintaining in this State a system of free public schools, and for no other uses or purposes whatsoever.'

"NORTH DAKOTA

"Constitution of 1851, as amended:

"Article VIII, section 152. 'No money raised for the support of the public schools of the State shall be appropriated to or used for the support of any sectarian school.'

"Judicial decisions: *Gerhardt v. Heid* (267 N. W. 127 (1936)). Wearing of religious garb by public-school teachers was upheld.

"OHIO

"Constitution of 1851, as amended:

"Article VI, section 2. '* * * No religious or other sect, or sects, shall ever have any exclusive right to, or control of, any part of the school funds of this State.'

"OKLAHOMA

"Constitution of 1907, as amended:

"Article II, section 5. 'No public money or property shall ever be appropriated, applied, donated, or used, directly or indirectly,

for the use, benefit or support of any sect, church, denomination, or system of religion, or for the use, benefit, or support of any * * * sectarian institution as such.'

"Article IX, section 5. '* * * And no part of the proceeds arising from the sale or disposal of any lands granted for educational purposes, or the income or rentals thereof, shall be used for the support of any religious or sectarian school, college, or university. * * *'

"Judicial decisions:

"*Oklahoma Railway Company v. St. Joseph's Parochial School* (127 P. 1087 (1912)). The constitutional prohibition against aid to public schools does not prevent the State from including in the franchise granted a railroad the provision that school tickets be furnished all pupils including those in attendance at parochial schools.

"*Guerney et al. v. Ferguson et al.* (122 P. (2d) 1002 (1941)). Statute providing for transportation of pupils attending parochial schools was declared unconstitutional.

"OREGON

"Constitution of 1859, as amended:

"Article I, section 5. 'No money shall be drawn from the treasury for the benefit of any religious or theological institution.'

"PENNSYLVANIA

"Constitution of 1874, as amended:

"Article X, section 2. 'No money raised for the support of the public schools of the Commonwealth shall be appropriated to or used for the support of any sectarian school.'

"Article III, section 17. 'No appropriation shall be made to any charitable or educational institution not under the absolute control of the Commonwealth, other than normal schools established by law for the professional training of teachers for the public schools of the State, except by a vote of two-thirds of all the members elected to each house.'

"Article III, section 18. 'No appropriation shall be made for charitable, educational, or benevolent purposes to any person or community nor to any denominational or sectarian institution, corporation, or association. Provided, that appropriations may be made for pensions.'

"Judicial decisions:

"*Hysong v. School District of Gallitain Borough* (50 A. 482 (1894)). Wearing of religious garb by public-school teachers was declared lawful.

"*Commonwealth v. Harr* (78 A. 68 (1910)). The statute (subsequent to previous case) prohibiting the wearing of religious garb or insignia by public-school teachers was upheld as valid.

"RHODE ISLAND

"Constitution of 1843 as amended:

"Article XII, section 2: 'The money which now is or which may hereafter be appropriated by law for the establishment of a permanent fund for the support of public schools, shall be securely invested, and remain a perpetual fund for that purpose.'

"SOUTH CAROLINA

"Constitution of 1895 as amended:

"Article XI, section 9: 'The property or credit of the State of South Carolina, or of any county * * * or any public money, from whatever source derived, shall not, by gift, donation, loan, contract, appropriation, or otherwise, be used directly or indirectly in aid or maintenance of any college, school, hospital, orphan house, or other institution, society or organization, of whatever kind, which is wholly or in part under the direction or control of any church or of any religious or sectarian denomination, society, or organization.'

"SOUTH DAKOTA

"Constitution of 1889, as amended:

"Article VIII, section 16: 'No appropriation of lands, money, or other property or credits

to aid any sectarian school shall ever be made by the State, or any county or municipality within the State * * * and no sectarian instruction shall be allowed in any school or institution aided or supported by the State.'

"Judicial decisions:

"*Synod of Dakota v. State* (50 N. W. 632 (1891)). Pierre University was unable to collect for expenses in teacher-training program after having been designated as a teacher-training institution by the board of education because it was a sectarian school.

"*Hlebjanja v. Brown* (236 N. W. 296 (1931)). County superintendent acted illegally in ordering public school closed and directing that costs of sending children to other schools would be borne by the district. Parents who sent children to parochial school could not collect for costs.

"TENNESSEE

"Constitution of 1870, as amended:

"Article XI, section 12: 'No law shall be made authorizing said (common school) fund or any part thereof to be diverted to any other use than the support and encouragement of common schools.'

"Judicial decisions: *Swadley v. Haynes* (41 S. W. 1066 (1897)). The rental of a church school for public-school purposes when necessity arises was upheld as valid.

"TEXAS

"Constitution of 1876, as amended:

"Article VIII, section 5: 'The available school fund shall be applied annually to the support of the public free school. And no law shall ever be enacted appropriating any part of the permanent or available school fund to any other purpose whatever; nor shall the same or any part thereof ever be appropriated to or used for the support of any sectarian school.'

"UTAH

"Constitution of 1895, as amended:

"Article X, section 13: 'Neither the legislature nor any county, city * * * or other public corporation, shall make any appropriation to aid in the support of any school, seminary, academy, college, university, or other institution, controlled in whole, or in part, by any church, sect, or denomination whatever.'

"VIRGINIA

"Constitution of 1902, as amended:

"Article IX, section 141: 'No appropriation of public funds shall be made to any school or institution of learning not owned or exclusively controlled by the State or some political subdivision thereof.'

"Judicial decisions: *Hall's Free School Trustees v. Horne* (80 Va. 470 (1885)). Public funds cannot be given in aid of a school established by a charitable bequest and under the control of the trustees of the corporation.

"WASHINGTON

"Constitution of 1889, as amended:

"Article IX, section 4: 'All schools maintained or supported wholly or in part by the public funds shall be forever free from sectarian control or influence.'

"Judicial decision: *Newman v. Schlarb* (50 P. (2d) 36 (1935)). Public schools were defined as those established under the laws, usually regulated in matters of detail by local authorities in various districts, towns, or counties, and maintained at public expense by taxation and open without charge to children of all residents of towns or other district. (Quoted from *Litchman v. Shannon* (155 P. 783 (1916)).)

"WEST VIRGINIA

"Constitution of 1872, as amended:

'Although there is no specific provision in the West Virginia constitution, it has been reported by the State department of education that the provision requiring that the

school fund be kept inviolately for public-school support is interpreted by the State as a prohibition against aid to private schools.'

"WISCONSIN

"Constitution of 1848, as amended:

"Article I, section 18: 'Nor shall any money be drawn from the treasury for the benefit of religious societies, or religious or theological seminaries.'

"Judicial decisions: *Curtis's Adm'rs. v. Whipple* (24 Wis, 350 (1869)). The legislature cannot authorize a town to raise money for a private school.

"*Dorner v. School District No. 5* (118 N. W. 353 (1908)). The rental of a church school for public-school purposes when necessity arises was upheld as valid.

"*State ex rel. Van Straten v. Milquet* (192 N. W. 392 (1923)). A transportation contract in which only 2 out of 30 pupils were attending the public schools was invalid.

"WYOMING

"Constitution of 1889, as amended:

Article VII, section 8: 'Nor shall any portion of any public-school fund ever be used to support or assist any private school, or any school, academy, seminary, college, or other institution of learning controlled by any church or sectarian organization or religious denomination whatsoever.'

"Article III, section 36: 'No appropriation shall be made for charitable, industrial, educational, or benevolent purposes to any person, corporation, or community and not under the absolute control of the State, nor to any denominational or sectarian institution or association.'

Mr. DONNELL. Mr. President, one of the citations which I read from Professor Cubberley's book indicates very clearly that the movement toward the secular school and away from the carrying on by the church of the function of educating the young did not arise from hostility to religion as such. The amendment which I now propose and argue for is not brought about remotely, or in any manner directly, indirectly, or otherwise, by any hostility to religion or to any branch of religion or to any church or organization. In the excerpts which I read a little while ago from Professor Cubberley along this line was this one sentence at page 231 of his book:

"The secularization of education with us must not be regarded either as a deliberate or a wanton violation of the rights of the church, but rather as an unavoidable incident connected with the coming to self-consciousness and self-government of a great people.

"But Professor Cubberley has something further to say upon this point. At page 232 he quotes from Brown—S. W.—and he says:

"As Brown (S. W.) has so well said it, 'Differences of religious belief and a sound regard on the part of the State for individual freedom in religious matters, coupled with the necessity for centralization and uniformity, rather than hostility to religion as such lie at the bottom of the movement toward the secular school.'"

Mr. President, there was mentioned this afternoon by the distinguished senior Senator from Connecticut [Mr. McMAHON] the *McCollum* case, or, as I believe he termed it, the *Champaign* case, which arose in connection with the Board of Education of School District No. 71, Champaign County, Ill. In connection with the point that the movement toward the secular school and away from the carrying on by the church of the function of educating the young did not arise from hostility to religion as such, I ask to read the following from the majority opinion in the case of *McCollum* against the Board of Education, which is the case to which the Senator from Connecticut referred, namely, *People of the State of Illinois ex rel. McCollum v. The Board of Edu-*

cation of School District No. 71, Champaign County, Ill., et al. (Sup. Ct. of the U. S. No. 90, October term, 1947), appearing at page 4 of the opinion of Mr. Justice Frankfurter, in which Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton joined. I may say that this was not a dissenting opinion. It was a further opinion concurring in the outcome of the case. Said Mr. Justice Frankfurter, on behalf of himself and these other three Justices:

"Separation in the field of education, then, was not imposed upon unwilling States by force of superior law. In this respect, the fourteenth amendment merely reflected a principle then dominant in our national life. To the extent that the Constitution thus made it binding upon the States, the basis of the restriction is the whole experience of our people. Zealous watchfulness against fusion of secular and religious activities by government itself, through any of its instruments, but especially through its educational agencies, was the democratic response of the American community to the particular needs of a young and growing nation, unique in the composition of its people. A totally different situation elsewhere, as illustrated, for instance, by the English provisions for religious education in state-maintained schools, only serves to illustrate that free societies are not cast in one mold. (See the Education Act of 1944, 7 and 8 Geo. VI, ch. 31.) Different institutions evolve from different historic circumstances."

Continuing, Mr. Justice Frankfurter said:

"It is pertinent to remind that the establishment of this principle of separation in the field of education was not due to any decline in the religious beliefs of the people. Horace Mann was a devout Christian, and the deep religious feeling of James Madison is stamped upon the remonstrance. The secular public school did not imply indifference to the basic role of religion in the life of the people nor rejection of religious education as a means of fostering it.

"The claims of religion were not minimized by refusing to make the public schools agencies for their assertion. The nonsectarian or secular public school was the means of reconciling freedom in general with religious freedom. The sharp confinement of the public schools to secular education was a recognition of the need of a democratic society to educate its children, insofar as the State undertook to do so, in an atmosphere free from pressures in a realm in which pressures are most resisted and where conflicts are most easily and most bitterly engendered. Designed to serve as perhaps the most powerful agency for promoting cohesion among a heterogeneous democratic people, the public school must keep scrupulously free from entanglement in the strife of sects. The preservation of the community from divisive conflicts, of government from irconcilable pressures by religious groups, of religion from censorship and coercion however subtly exercised, requires strict confinement of the State to instruction other than religious, leaving to the individual's church and home indoctrination in the faith of his choice.

"This development of the public school as a symbol of our secular unity was not a sudden achievement nor attained without violent conflict. While in small communities of comparatively homogeneous religious beliefs, the need for absolute separation presented no urgencies, elsewhere the growth of the secular school encountered the resistance of feeling strongly engaged against it. But the inevitability of such attempts is the very reason for constitutional provisions primarily concerned with the protection of minority groups. And such sects are shifting groups, varying from time to time, and place to place, thus representing in their totality the common interest of the Nation.

"Enough has been said to indicate that we are dealing not with a full-blown principle, not one having the definiteness of a surveyor's metes and bounds. But by 1875—I digress to comment again upon the fact that that was the year in which President Grant made his suggestion to Congress—"but by 1875 the separation of public education from church entanglements, of the state from the teaching of religion, was firmly established in the consciousness of the Nation. In that year President Grant made his famous remarks to the convention of the Army of the Tennessee:

"Encourage free schools and resolve that not one dollar appropriated for their support shall be appropriated for the support of any sectarian schools. Resolve that neither the State nor the Nation, nor both combined, shall support institutions of learning other than those sufficient to afford every child growing up in the land the opportunity of a good common school education, unmixed with sectarian, pagan, or atheistical dogmas. Leave the matter of religion to the family altar, the church, and the private school, supported entirely by private contributions. Keep the church and state forever separated.'" (The President's speech at Des Moines (22 *Catholic World*, 433, 434-35 (1876)).)

Continuing, Justice Frankfurter says:

"So strong was this conviction, that rather than rest on the comprehensive prohibitions of the first and fourteenth amendments, President Grant urged that there be written into the United States Constitution particular elaborations, including a specific prohibition against the use of public funds for sectarian education, such as had been written into many State constitutions. By 1894, in urging the adoption of such a provision in the New York constitution, Elihu Root was able to summarize a century of the Nation's history: 'It is not a question of religion, or of creed, or of party; it is a question of declaring and maintaining the great American principle of eternal separation between church and state' (Root, addresses on Governments and Citizenship, 137, 140). The extent to which this principle was deemed a presupposition of our constitutional system is strikingly illustrated by the fact that every State admitted into the Union since 1876 was compelled by Congress to write into its constitution a requirement that it maintain a school system 'free from sectarian control.'"

Statutory references are cited by the Supreme Court for this assertion by Mr. Justice Frankfurter.

Because of the fact that my own home is in the State of Missouri, I should like at this point to read a portion of the new constitution of Missouri, which is a comparatively short paragraph on the subject of public aid for religion, religious purposes, and institutions, the constitution having been adopted only 4 years ago, or thereabouts—in the year 1945. My recollection is that the provisions I am about to read are substantially the same—perhaps exactly the same—as those in the constitution of 1875, though I may be in error in my recollection. The language is as follows:

"Sec. 8. Prohibition of public aid for religious purposes and institutions. Neither the general assembly or any county, city, town, township, school district, or other municipal corporation shall ever make an appropriation or pay from any public fund whatever anything in aid of any religious creed, church, or sectarian purpose, or to help to support or sustain any public or private school, academy, seminary, college, university, or other institution of learning controlled by any religious creed, church, or sectarian denomination whatever. Nor shall any grant or donation of personal property or real estate ever be made by the State

or any county, city, town, or other municipal corporation for any religious creed, church, or sectarian purpose whatever."

In February 1946, the National Education Association, which, as we of course realize, is a great organization of those who are engaged in the profession of teaching, issued a notable research bulletin consisting of about 44 pages, entitled "The State and Sectarian Education," being volume 24, part 1. The foreword to that research bulletin is signed by a gentleman who is doubtless well known to many Members of the Congress because of his distinction and his industry and integrity. I refer to Mr. Willard E. Givens, executive secretary of the National Education Association. The foreword is so clear and so modern—1946—and conveys so succinctly the views therein expressed, and comes from such an authoritative source, the executive secretary of the National Education Association, that I take the liberty at this moment of reading the foreword into my remarks. Mr. Givens says:

"Perhaps no public moneys are collected, banked, spent, and audited with greater care than those allotted to public education. Rarely indeed are charges made, and even more rarely are claims proved, that any school authority has failed to use school funds in accordance with law. This record of scrupulous observance of the law is a praiseworthy one. One reason why the law has been so carefully observed is that the people in each State have been vigilant. They have agreed that the State and its subdivisions should, at public expense, provide not less than elementary and secondary school opportunities for every child."

Mr. President, I pause at this point to state that after the argument made earlier today, in which the distinguished Senator from Ohio [Mr. TAIT] called attention to the fact that every State in the Union provides for its children public schools which can be availed of, if desired, I was greatly impressed by the fact that a gentleman met me outside of this Chamber, on the steps leading to this great building, and commented that he had been pleased that that notation had been made in the argument. It emphasizes the fact, as Mr. Givens puts it, that—

"The people in each State . . . have agreed that the State and its subdivisions should at public expense provide not less than elementary- and secondary-school opportunities for every child."

Then, proceeding, Mr. Givens says in this foreword—and I call particular attention to this sentence:

"They have insisted"—in other words, the people in each State have insisted—"that the money appropriated for public education shall not be spent for private or church schools, no matter how socially worthy. Many State legislatures and courts have repeatedly set forth these traditionally American principles. It would be misleading, however"—says Mr. Givens—"to assume that such American principles sprang into being all at one time. The standard that public funds should not be used to support any religion has been repeated again and again in State constitutions. But it has taken detailed legislation and court decisions to clarify the specific application of the general principle to time, place, and conditions."

Mr. President, I call especial attention to that last sentence, namely, that—

"It has taken detailed legislation and court decisions to clarify the specific application of the general principle to time, place, and conditions."

Because probably I shall refer to that statement again, somewhat later in my argu-

ment, in reference to certain decisions of the Supreme Court of the United States.

Mr. Givens then says:

"Furthermore, widespread as have been the restrictions against diverting public moneys to religious purposes, the principle continues to be challenged from time to time.

"In recent years there have been several cases where the courts have appeared to rule that public funds could be used for pupils attending sectarian schools. Usually these cases have involved free textbooks and transportation. In some instances the courts maintained that the State laws as written did not forbid such aid. These cases illustrate the need for reexamination of the legal situation in every State, as is done in this bulletin.

"In seeking to restrain the use of public-school funds, educators do not oppose the sectarian-school movement"

Says Mr. Givens; and Mr. President, I emphasize this statement. He further says:

"Those who wish to support such schools in our country can do so without restriction. They meet opposition, however, when they maintain that all citizens of a State should be taxed to support any type of sectarian education."

Mr. President, I digress to say that obviously similar opposition would be met with if it were maintained that all citizens of the United States who pay taxes should be taxed to support any type of sectarian education.

I resume reading the foreword by Mr. Givens:

"Such efforts to direct public funds to sectarian schools weaken the financial support of public education which in many States is not adequate to provide acceptable public educational opportunities. To no small degree the strength of America today has come through a program of public education which has minimized differences and emphasized unity among all citizens of the United States.

"This research bulletin summarizes the facts with respect to State assistance to non-public education. It reviews the constitutional, statutory, and judicial bases underlying many types of relationship between church and State with respect to education. It provides the basis for further study and discussion in every State.

"WILLARD E. GIVENS,

Executive Secretary, National Education Association."

Mr. President, in the booklet to which I have referred—the February 1946 bulletin in which Mr. Givens' foreword appears—at page 11 appear these two significant sentences:

"However, during the period"—the period referred to in the preceding observation—"most of the States were including a constitutional provision prohibiting the use of tax revenues for sectarian purposes."

Then this sentence:

"All States now so provide, directly or indirectly, except Maine and North Carolina, but in Arkansas, Iowa, and New Jersey the provisions are limited."

Mr. President, I digress at this point to observe that someone may suggest that if there are in practically all the States prohibitions against the use of public funds for sectarian purposes, it follows that in practically all the States Federal funds under Senate bill 246 will not be permitted to be used for sectarian schools. In answer to such a suggestion, I call attention to the fact that although there are, as I have stated, prohibitions in 46 of the 48 States, the National Education Association bulletin at page 43 states:

"An appropriation of any public-school funds to a sectarian school would be unconstitutional in most States, and such an appropriation could not be made from certain funds in any State."

Mr. President, the word "any" and the word "certain" are italicized.

So the situation is, as pointed out in the bulletin, that an appropriation of public-school funds to a sectarian school can be made in some States from certain funds, even though there is a restriction, and thus a recognition, in the constitution of the State of the desirability of restricting such appropriations. Yet, Mr. President, as a matter of fact in every one of the minority of the States in which appropriations from certain funds—and I emphasize the word "certain"—can be made, I believe that if this bill shall pass in its present form, without the adoption of my amendment, undoubtedly an effort will be made to sustain the validity of the use of Federal funds for sectarian-school purposes; and in the second place, due to the differences in the statutes of the several States in this respect, separate litigation will be required to determine whether the Federal funds provided under this bill could be used in each respective State for sectarian schools.

Again I refer to the observation made by Mr. Givens, to which I paid special attention a little while ago:

"It has taken detailed legislation and court decisions to clarify the specific application of the general principle to time, place, and conditions."

Mr. President, I hold in my hand a pamphlet entitled "Higher Education for American Democracy." This is an official document; it is a report of the President's Commission on Higher Education—and by the word "President," I refer to the President of the United States—issued in Washington, D. C., in December 1947, being volume V of the Commission's report. The letter of transmittal is quite brief, and I should like to read it. It comes from a very distinguished educator, George F. Zook, Chairman of that Commission, and widely known throughout the Nation:

"WASHINGTON, D. C., December 11, 1947.

"DEAR MR. PRESIDENT: On July 13, 1946, you established the President's Commission on Higher Education and charged its members with the task of examining the functions of higher education in our democracy and the means by which they can best be performed.

"The Commission has completed its task and submits herewith a comprehensive report, Higher Education for American Democracy.

"The magnitude of the issues involved prompted the Commission to incorporate its findings and recommendations in a series of six volumes, of which this is the fifth.

"The Commission members and the staff are grateful for the opportunity which you have given us to explore so fully the future role of higher education, which is so closely identified with the welfare of our country and of the world."

Mr. President, the membership of the Commission speaks for itself. It consists, I think, of 28 members. I shall not read the list, but I ask leave at this point to have the list included in full in my remarks. It appears on one of the fly leaves of the booklet.

There being no objection, the list was ordered to be printed in the Record, as follows:

President's Commission on Higher Education: George F. Zook, chairman; Sarah G. Blanding; O. C. Carmichael; Arthur H. Compton; Henry A. Dixon; Milton S. Eisenhower; John R. Emens; Alvin C. Eurich; Douglas S. Freeman; Algo D. Henderson; Msgr. Frederick G. Hochwalt; Lewis W. Jones; Horace M. Kallen; Fred J. Kelly; Murray D. Lincoln; T. R. McConnell; Earl J. McGrath; Martin R. P. McGuire; Agnes Meyer (Mrs. Eugene); Harry K. Newburn; Bishop G. Bromley Oxnam; F. D. Patterson; Mark Starr; George D. Stoddard; Harold H. Swift; Orway Tead; Goodrich C. White; Rabbi Stephen S. Wise;

Francis J. Brown, executive secretary; A. B. Bonds, Jr., assistant executive secretary.

Mr. DONNELL. Mr. President, from my observations you will have noted that this notable Commission was dealing not with elementary—yes; not even with secondary education—but with higher education. I suggest not as an expert upon education but merely as an individual, that it would seem to me that, if there should be any distinction in the preservation of the separation of church and State as between elementary and secondary education on the one hand, and higher education on the other, the greater care should be bestowed upon elementary and secondary education. The boys and girls who have attained the age when they enter colleges and universities to receive higher education have at least progressed further, it is to be assumed, in their mental development than have the children who are in the elementary and secondary schools. I say, therefore, Mr. President, that, in my opinion, if there be any distinction in the care which should be bestowed to see that there shall be no intermingling of church and State in our schools, the greater part of that care should be bestowed upon the secondary and elementary schools.

But, Mr. President, this notable Commission, headed by Mr. Zook, appointed by the President, and reporting to him, considers, as you will note in a moment, that it is of high importance that the matter of separation shall be considered and observed in connection with higher education. I submit, a fortiori, that it should be considered with respect to elementary and secondary education. Here is the observation of the Commission to which I refer. It appears in bold-faced type at page 57 of the report:

"Federal funds for the general support of current educational activities and for general capital-outlay purposes should be appropriated for use only"—I emphasize the word "only"—only in institutions under public control."

It will be observed that he is referring to Federal funds, and he is referring to the general support of current educational activities, and for general capital-outlay purposes. I pause to say that this bill, it will be observed, does not include capital-outlay purposes. I believe I am correct. But the writer of the report, and the report itself, lays down the proposition that Federal funds for such general support of current educational activities should be appropriated for use only in institutions under public control. I call particular attention to this italicized sentence, which appears a little later in the report:

"Nevertheless, any diversion by Government of public funds to the general support of nonpublicly controlled educational institutions tends to deny the acceptance of the fundamental responsibility and to weaken the program of public education."

Mr. President, someone may say, "Well, this was a merely perfunctory observation." I am pleased to say that the report in itself negatives that idea, for not only had the period between July 13, 1946, and December 11, 1947, ensued between the time of the establishment of the Commission and the rendition of the report, but the fact that this problem was seriously considered to be involved in the whole subject matter of the report, I take it appears from the fact that there was a dissent to the opinion expressed by the distinguished majority members of the Commission. Of the 28 members, 2 dissented, and those 2 were Msgr. Frederick G. Hochwalt and Martin R. P. McGuire. Monsignor Hochwalt is director of higher education of the National Catholic Welfare Conference, and Dr. McGuire is, or was, dean of the Graduate School of the Catholic University of America. I do not mean by the word "was" to imply any possibility of his

no longer being dean. I am not informed as to whether he is.

Mr. President, what was the reaction among the people of the Nation, or some of them at any rate, with respect to the report of the President's Commission on Higher Education? The Churchman, which is a religious publication, contained—and I quoted it last year—an article reading as follows:

"WASHINGTON, D. C.—Action of President Truman's Commission on Higher Education to limit any Federal appropriations in aid of colleges and universities to public institutions was given warm approval by the recently formed Protestants and Other Americans United for Separation of Church and State.

"In a statement directed to Dr. George F. Zook, Chairman of the Commission * * * the church-state organization commended the Commission's recommendation 'to exclude private and church schools.'

"It said: 'We are greatly concerned that religious training shall be widely and effectively disseminated among the people, but we hold with you that provisions for such inculcation must be privately supplied.'

"This does not mean,' the statement warned, 'that tax-supported schools must be hostile or indifferent to religion, lacking in moral values, and pagan or atheistic in character.'

"We would deplore the day,' it added, 'when church schools come to lean on the Government as a financial prop.'

"Declaring that state-supported church school 'would spell the end of our public-school system,' the organization further warned that 'to divide state-supported education into sectarian school systems would divide American society itself into hostile sectarian camps, intensify sectarian intolerance, and thrust a religious issue permanently into the political arena from which our Constitution was designed to exclude it.'

"Next to the Constitution itself, our public-school system has been our strongest bulwark against the development of religious intolerance in our political life."

So, Mr. President, the reaction, at least, from this one organization, will thus be noted.

On July 17, 1947, the American Unitarian Association addressed a letter to me. I assume it doubtless went to other Members of the Senate, perhaps to all of them. The letter reads as follows:

AMERICAN UNITARIAN ASSOCIATION,
Boston, Mass., July 17, 1947.

HON. FORREST C. DONNELL,
Senator from Missouri,
Senate Office Building,

Washington, D. C.

DEAR SENATOR DONNELL: May we remind you, sir, that there is grave danger to the traditional and democratic principle of the separation of church and state in the amended Taft bill for \$300,000,000 Federal aid to education. According to a late press release the Senate Labor and Public Welfare Committee has approved the bill on a basis which does not exclude nonpublic schools from financial aid under the bill, but leaves the question of distribution of such funds to private and religious schools to the discretion of the individual States.

Since a far greater number of nonpublic schools in the United States are parochial in nature, this bill, if passed in its present form, would be the beginning of the providing of public funds for church-operated schools.

We are deeply aware of, and sympathetic to, the financial needs of our American public school system, and hope that you will support the granting of aid to these institutions. But to give Federal funds to religious schools, whether Jewish, Catholic, or Protes-

tant, is a direct violation of one of the fundamental tenets of our American democracy—a principle deemed important enough by our founding fathers that it was included in the first amendment to our United States Constitution.

We call your attention to the following resolution adopted at the one hundred and twenty-second annual meeting of the American Unitarian Association, composed of Unitarian churches in the United States and Canada, which passed without a dissenting vote on May 22, 1947:

"SEPARATION OF CHURCH AND STATE

"Whereas the American Unitarian Association has always stood for the separation of church and state; and

"Whereas the traditional historic position of the United States since Thomas Jefferson articulated the principle of religious freedom for the Commonwealth of Virginia and the enactment of the first amendment to the Constitution has been to establish and maintain the separation of church and state; and

"Whereas there are pending at present certain Federal and State proposals to provide public funds for nonpublic schools; and

"Whereas the Supreme Court of the United States in a 5 to 4 opinion decided in the case of *Arch Everson v. the Board of Education in the Township of Ewing* that the legislature in the State of New Jersey was constitutionally within its rights in providing for the use of public funds for the transportation of pupils to other than public schools, but not including schools operating for profit; and

"Whereas this decision may be interpreted as establishing a precedent which places many problems involving the issue of State support of sectarian institutions squarely upon the individual States; be it therefore

Resolved, That the American Unitarian Association, assembled in its one hundred and twenty-second annual meeting, calls upon all Americans, both within and without the churches, to oppose all encroachment upon the principle of the separation of church and state including the action of legislatures (at present particularly in Illinois, Indiana, Louisiana, Massachusetts, Michigan, New Jersey, and New York), local school boards, and other policy-making instrumentalities of Government; and be it further

Resolved, That we urge those States whose constitutions do not now guarantee the separation of church and state to incorporate such guaranties by constitutional amendments; and be it finally

Resolved, That the executive officers of the American Unitarian Association be instructed to seek active cooperation with other denominations and organizations for the purpose of promoting unity of action to this end."

Because we feel that S. 472, in its present form, is contrary to a functioning, democratic educational system, we ask you to support the Federal-aid bill only after it has been amended to exclude public aid to nonpublic schools.

Respectfully,

MERRILL E. BUSH,
Director, Department of Adult Education and Social Relations.

(At this point Mr. Donnell yielded to Mr. McKellar for the consideration of House Joint Resolution 226, and debate ensued, which by order of the Senate, appears at the conclusion of Mr. Donnell's speech. Mr. Donnell also yielded to Mr. Wherry, and debate ensued, which likewise appears at the conclusion of Mr. Donnell's speech.)

Mr. DONNELL. Mr. President, there occurred in Atlantic City, N. J., in the month of March of last year, I believe, the seventy-fourth annual conference of the American Association of School Administrators. The maga-

zine the Churchman, to which I recently referred, in its issue of March 15, 1948, contains an article headed "Public funds—school administrators oppose special aid." The article reads as follows:

"ATLANTIC CITY, N. J.—The use of public funds for 'direct or indirect' support of church schools was opposed here by the seventy-fourth annual conference of the American Association of School Administrators.

"The resolution, one of 22 introduced by a committee, declared:

"We believe the American tradition of separation of church and state should be vigorously and seriously safeguarded. We reassert the right of special-interest groups, including religious denominations, to maintain their own schools as long as such schools meet the standards defined by the State in which they are located.

"We believe that these separate schools should be financed entirely by their own supporters. We therefore oppose all efforts to devote public funds either to the direct or indirect support of such schools."

"One session of the conference was devoted to a discussion of religious training in the schools, including the released-time plan. However, no resolution on this subject was introduced."

Mr. President, I am unable to vouch to the Senate as to whether the resolution which I have read was adopted. The hearing of the article reads, as I have indicated, "Public Funds—School Administrators Oppose Special Aid." I call attention to the article itself, which merely states that the use of public funds for the direct or indirect support of church schools was opposed by the seventy-fourth annual conference of the American Association of School Administrators, and that the resolution to which I have referred, being one of 22 resolutions introduced by a committee, declared as I have read. I am unable to state whether the conference approved it, or whether that was the action of the committee.

An organization known as the National League Opposed to Sectarian Appropriations is referred to in a letter hearing the signature of Frank J. Batcheller, chairman of the national committee. I quote from an article appearing in the Christian Science Monitor of March 27, 1947, as follows:

"Boston, March 27.—Strong protests against the inclusion in the Federal education bill now before Congress of any clause authorizing or permitting the use of public funds for the benefit of sectarian schools were mailed to all Members of Congress today by the National Committee of the League Opposed to Sectarian Appropriations.

"Letters were addressed from the League's headquarters in Cambridge, Mass., calling upon the people's representatives to maintain the great fundamental American principle of complete separation of church and state by denying support of sectarian institutions at the expense of the general public."

The letter, bearing the signature of Frank J. Batcheller, chairman of the national committee, follows:

"As chairman of the National Committee of the League Opposed to Sectarian Appropriations, an organization whose membership exceeds 8,000,000 citizens and whose proposed constitutional amendment to prohibit all sectarian appropriations has been unanimously endorsed by other organizations whose total membership is more than 20,000,000, I emphatically protest against the inclusion in the Federal education bill of any clause or provision authorizing or permitting the use for the benefit of sectarian schools of any money appropriated by this bill.

"The appropriation of public money for sectarian schools, whether by Federal, State,

or municipal governments, is a clear violation of the great basic American principle of the complete separation of church and state. This is equally true whether the schools in question are aided by direct payment of public money or by the furnishing of free transportation, free textbooks, or free supplies of any nature for their pupils. Any attempts to secure such grants or aid should be decisively defeated.

"We are just as strongly opposed to any Federal education bill that would aid sectarian schools only in those States that make grants for the benefit of such institutions as we are to any legislative acts that would assist those schools in all States.

"Because a number of States, as a result of political manipulation and political pressure, have violated the principle of the separation of church and state by furnishing free transportation for the pupils of parochial schools in no way justifies or excuses the Federal Government doing the same thing."

Mr. President, in the issue of the Churchman for March 15, 1948, are two articles, each of which I should like to place in the Record. One is in favor of the use of public funds for private institutions. I wish to place it in the Record in order that we may have here some expression from someone who favors such use, subject to our analysis.

The first article is headed "Deterioration public schools suffer if funds are diverted." It reads as follows:

"CHICAGO.—The widespread deterioration of the public schools will be increased if funds are diverted to sectarian schools out of public funds, a committee reported here to the annual meeting of the Methodist Board of Education. Bishop W. Earl Ledden, of Syracuse, N. Y., headed the committee, which urged resistance to the never-ending campaign by a powerful religious organization for complete support of sectarian schools. It said collapse of the public-school system and weakening of the foundations of national unity will result from such a campaign.

"We recognize the public schools as the primary agency through which our society attempts to open up its culture to youth and to train them in the ideals and ways of living," the report stated. "We, as Protestants, are committed to the public schools as the most effective means of providing common education for all our children."

"Religion, the report said, should be given 'its rightful place in the public-school program, without violating traditional principles of separation of church and state, by presenting moral and spiritual values.'

"The intellectual and spiritual affinity existing between Protestant churches and public schools' must be recognized and a more vital relationship between the two urged."

Mr. President, the other article in the Churchman, being the one advocating the use of financial aid from both Federal and State sources for private and parochial schools, reads as follows:

"GRAND RAPIDS, MICH.—Federal and State financial aid for private or parochial schools to give equal opportunity to all and special privileges to none was recommended here by Dr. Henry VanZyl, professor of education at Calvin College, in an address before members of the Michigan Christian School Alliance.

"If we want to have a healthy social structure and preserve our democracy, and if private schools are among the best guarantees of liberty and freedom, then we ought to give private schools and private initiative more support," Dr. VanZyl asserted.

"Parochial schools of all faiths are as entitled to governmental assistance as are public schools, under the American theory of justice to all and prejudice toward none, in Dr. VanZyl's opinion.

"He sees no threat in private-school aid to the American principle of separation of

church and state. 'Government financial support to all schools, public and private, would be more in keeping with the spirit of democracy upon which this country was founded.'"

Mr. President, the Council of Bishops of the Methodist Church, as reported in the Churchman of May 15, 1947, has this to say:

"We rejoice in the liberty this Nation grants churches to maintain schools if they so desire, but we hold that the support from public funds of sectarian education is fraught with danger and must be resisted and ended."

Mr. President, over a year ago there occurred in my own city of St. Louis, Mo., a notable convention of the Southern Baptist Church, attended by 7,900 persons from 19 States and the District of Columbia. The Christian Science Monitor of May 9, 1947, contains a statement, a portion of which I shall read. It is entitled "Baptists Against the United States Aid to Church Institutions," and it reads as follows:

"St. Louis, Mo., May 9.—The Southern Baptist Convention, protesting what it described as a threat to the future of all public schools, went on record today against the acceptance of Federal aid by church-sponsored schools. The convention, attended by 7,900 persons from 19 States and the District of Columbia, adopted unanimously a resolution warning all Baptist schools and other institutions against accepting grants of money from the Government for any purpose, on the ground it weakened what it termed the traditional wall between the church and state."

Mr. President, I have on my desk certain other observations, a few of which I should like to read into the Record. Included among them are resolutions passed by the Associated Church Press on April 22, 1949. I am informed that the Associated Church Press comprises all the better-known Protestant newspapers in America. The resolution reads as follows:

"Whereas the disparity in educational opportunity across the United States works injustice to a large number of children: Be it

"Resolved, That the ACP endorse in principle Federal aid to public education.

"Whereas increased efforts are being made to break down the traditional American separation between church and state: Be it

"Resolved, That the ACP urge Congress to amend S. 246, the Thomas bill, so as to make impossible under any circumstances the grant of Federal funds to parochial and private schools."

I also have before me an extract which I am informed is from a letter written by Dr. W. O. Carver, professor, of the Southern Baptist Theological Seminary, Louisville, Ky., to the junior Senator from Kentucky [Mr. Withers]. The letter contains this statement:

"You direct my attention to the fact that the word 'public' appears twice in section 6 of the bill."

I pause to say that section 6 of the bill, as I earlier observed, is the section to which my amendment proposes to add the word "public" in another place. Dr. Carver also says:

"I was perfectly aware of that. I was also aware—and this was the one point of my communication—that at the third place where 'public' should occur with the hyphen connecting it with 'school,' this vital word is omitted. It is entirely obvious that this omission was deliberate and has for its intention opening the door for the negation of the Federal Constitution. The plea of 'States' rights' in justification of this evasion is, in my judgment, unworthy of Members of the United States Congress. My letter was for

the purpose of making a plea that this evasion by omission should be corrected before the bill is passed."

I also quote the following resolution adopted on February 8, 1949, concerning Federal aid for education, by the Joint Conference Committee on Public Relations. I think I am correctly stating the name of that organization. The resolution appears in a booklet issued under the headline "Report from the Capital," Joint Conference Committee on Public Relations, 1628 Sixteenth Street NW., Washington, D. C.; the Northern Baptist Convention; the Southern Baptist Convention; the National Baptist Convention; the National Baptist Convention, Inc.; J. M. Dawson, executive secretary; E. Hilton Jackson, chairman; W. B. Lippard, secretary.

The resolution reads as follows:
"The issue of the separation of church and state immediately confronts us. The bill, S. 246, now pending in Congress, lends itself to an interpretation which makes possible the use of Federal funds for parochial schools. The Joint Conference on Public Relations for the Baptists of the United States respectfully calls upon the Congress to defeat the attempt of any church group to secure public funds for parochial schools, as permitted by S. 246, section 6. We further urge that in section 6, page 7, line 10, after the words 'expenditure for', the words 'tax-supported public' be inserted."

Mr. President, a letter dated April 14, 1949, upon the letterhead of the American Council of Christian Churches of California, Civil Affairs Committee, after stating the date, reads as follows:

The Honorable FORREST C. DONNELL,
Senate Office Building,
Washington, D. C.

DEAR SIR: We view with deep concern some of the trends which we see in our Nation today. There are some programs which at the outset may seem desirable, but, if not carefully guarded, may prepare the way for the overthrow of the very thing that they are designed to promote. We fear that this is true with many of the Federal aid-to-education bills. Almost all these bills that have come to our attention would allow the Federal-aid moneys to be used for any educational purpose that is approved by the particular State. (Mrs. Douglas' bill is a notable and praiseworthy exception.) At present there are at least 19 States in which State school funds are being used in one way or another to benefit private or parochial schools. Of course, we do not refer to the private specialized schools for the mentally or physically handicapped which educational authorities have found to be very helpful, but we do refer to such practices as school-bus transportation furnished to parochial school students, textbooks furnished to parochial school students, and other so-called indirect aid. All State constitutions forbid the use of tax funds for the benefit of any other than public schools, but by curious interpretations these constitutions have been made to allow the very action which they prohibit. With these incidental benefit and general welfare decisions we must disagree most strongly.

Right here may we say that in considering these decisions it is not our desire to single out any particular group, but rather that we are opposed in principle to any action that tends to breach the wall between church and state. Though I am a Baptist, I am as thoroughly opposed to any State aid that might come to Baptists as to any other religious denomination. We believe that the giving of any tax funds to aid directly or indirectly any church organization is wrong both legally and morally. We believe that any aid which assists any private or parochial school system in obtaining pupils, or lightens the financial burden of maintaining their pupils, is aid to that school system. And when a school system is operated by a church

for the purpose of instructing in its dogmas and rituals, then aid to that school system is aid to that church and comes perilously close to establishment of that church. The history of education in many other lands reveals the consummate folly of entrusting one church with the authority for and responsibility of educating our children.

Now, we realize that this may seem quite farfetched and suspicious on our part, but we feel that the loopholes in many of these bills may be used to establish practices which are and must remain foreign to our Nation. We cannot afford to risk wrecking the best educational system in the world—our public schools. Therefore we ask you to insist that any educational-aid bill which Congress may consider be endowed with such safeguards as will prevent the aid going to any but public schools.

Very truly yours,

G. M. LANE,
Chairman.

Mr. President, I have also at hand a release of the Religious News Service, 381 Fourth Avenue, New York, N. Y., under date of May 2, 1949, which was Monday of this week. It reads:

"METHODIST LEADERS WARNED AGAINST
FEDERAL AID

"(By Religious News Service)

"ATLANTIC CITY, N. J.—

Unless some Senator wants it all read, I shall not undertake to do so, because some of it does not pertain to the question now being discussed. I shall read what I think applies. The entire communication is available if any Senator wishes to see it. It reads as follows:

"ATLANTIC CITY, N. J.—Schools founded and fostered by church groups will make larger contributions to society if they do not receive governmental support, Dr. John C. Gross, head of the Methodist Church's division of educational institutions, declared here.

"Dr. Gross addressed a meeting of the Methodist Board of Education, which comprises 109 ministers and laymen of the church. The division of educational institutions connects 127 Methodist-related universities, colleges, and schools, with a combined enrollment of 181,027 students, including 81,804 veterans.

"Urging that church schools be kept independent and free, Dr. Gross said:

"The Methodist Church should not abandon its educational institutions upon the doorstep of the United States Treasury."

"He warned that if a financial crisis developed which would make church schools dependent upon the Federal Government for support, 'they will find it difficult to avoid governmental dictation and ultimate state domination.'"

Mr. President, I have also a letter, on the letterhead of the Council of Churches, St. Joseph Protestantism United for Service, YWCA Building, St. Joseph, Mo., February 2, 1949, which I shall read into the RECORD:

The Honorable FORREST DONNELL,
Senate Office Building,

Washington, D. C.

DEAR SENATOR DONNELL: I am writing to express my concern over the Senate bill No. 246 dealing with the matter of Federal aid to public education.

I realize the predicament in which public education finds itself in these days and sincerely hope that some method can be worked out which will undergird our educational system adequately. I think it is high time that this matter be considered thoroughly by the Senate body. My concern, Mr. DONNELL, is over the provision in the bill which throws the responsibility upon each State for the allocation of this Federal money between public and parochial schools. I think this is a proposed violation of the principle of separation of church and state and will

open the doors of the Public Treasury to sectarian inroads.

I know many Protestant Christians will appreciate whatever effort you can put forth to undergird our public education without at the same time placing public money at the disposal of a system which is opposite to public education.

Very sincerely yours,

GEORGE H. WILSON,
Executive Secretary.

I referred earlier this afternoon to the article in the Christian Century of March 23, 1949. I think it is appropriate at this point to read a few of the sentences near the end of that article, and I do so, as follows:

"So far as is known, S. 246 has not yet come from the subcommittee."

I pause, Mr. President, to say that is the bill which subsequently did come from the committee and is now being debated.

I resume the quotation:

"There is, therefore, time for public opinion to express itself. Every Senator should be made aware that the weasel omission of this critical word, which puts the Federal Government in the position of gratuitously offering to subsidize parochial schools, is resented by patriotic citizens who are determined that the separation of church and state shall be maintained. The opinion of citizens should be registered by letter to their own Senators, strongly urging that, prior to voting on S. 246, this one word 'public' should be inserted in line 10 of section 6 before the words, 'elementary or secondary school purposes.'"

I may say, that obviously the print of the bill before the writer of this editorial was an earlier print, but it is the same line, as I understand, to which my amendment applies; and the amendment which I now propose is to insert the word "public" at the point indicated by the writer of the article.

Mr. President, what does this bill propose to do with respect to the use of Federal funds by either sectarian or private schools? Obviously, it does not contain any express prohibition against the use of the funds by either sectarian or private schools. We can search the bill from one end to the other and not find one single syllable of any prohibition of or opposition to the use of Federal funds by either sectarian or private schools, unless the language which is contained in section 6, "for which educational revenues derived from State or local sources may legally and constitutionally be expended in such State" constitutes such expression of prohibition.

I shall discuss that language a little later.

What does the bill do? Let us examine it and see what it does; that is to say, section 6, which is the one under discussion. Instead of saying specifically the purposes for which Federal funds may be used; instead of using, as the bill elsewhere does in 31 places, the word "public"; instead of stating, as the title of the bill does, that it is "To authorize the appropriation of funds . . . in financing a minimum foundation education program of public elementary and secondary schools"; instead of stating as among the objects of the bill "reducing the inequalities of educational opportunities through public elementary and secondary schools," section 6 reads:

"In order more nearly to equalize educational opportunities, the funds paid to a State from the funds appropriated under section 3 of this act shall be available for disbursement by the State educational authority, either directly or through payments to local public-school jurisdiction"—note the word "public" there—"or other State public-education agencies"—note the word "public" there—"for any current expenditure"—note the omission of the word "public" at that point—"for elementary or secondary school purposes for which educa-

tional revenues derived from State or local sources may legally and constitutionally be expended in such State."

Mr. President, I take it that the language "purposes for which educational revenue is derived from State or local sources may legally be expended in such State" is merely a legal conclusion and can lead to nothing else than extensive litigation from one end of the country to the other to determine what school purposes are there for which educational revenues derived from State or local sources may legally and constitutionally be expended in such State. Of course, a final decision of the Supreme Court of the United States ultimately would be rendered and would set the question at rest, but this bill, by the use of such language as I have indicated, which I think any lawyer will state unhesitatingly constitutes a mere legal conclusion, does not set at rest the purposes for which these moneys may be used.

We were told last year by the distinguished Senator from Ohio, who argues today very clearly and vigorously in favor of the bill, of his opinion as to certain decisions of the Supreme Court of the United States. I quote from what he said in the CONGRESSIONAL RECORD, volume 94, part 3, page 3357:

"I might say that, so far as the parochial schools are concerned, the recent decisions of the Supreme Court make it"—

Make it what, Mr. President?—

"almost impossible for any State to give aid to any parochial schools except possibly for bus transportation."

I admire the frank statement of the Senator from Ohio. It will be observed that he did not make that statement without qualification. The word "almost" is a very significant qualification of the language of the Senator from Ohio. The cases to which he referred were obviously the two cases the opinions in which he asked to be incorporated and which were incorporated in the CONGRESSIONAL RECORD, volume 94, page 3, page 3357 and following, namely the cases of *Everson, appellant, v. Board of Education*, previously mentioned in my argument this afternoon, and the other, the case of the *State of Illinois ex rel. McCollum*, which latter decision was delivered on March 8, 1948, the *Everson* decision having been delivered on February 10, 1947.

Mr. President, to my mind neither of these two decisions, or, so far as I know, no other decision of which I have heard, is decisive on the question involved here as to what purposes there are for which these funds may legally and constitutionally be expended in the respective States. I concede that there is certain language in each of them from which a strong argument may be made that none of these funds could be used for parochial schools; and I should not be all surprised if the Supreme Court ultimately shall so hold. But, Mr. President, we have a situation today in which the Court has gone only as far as the *Everson* case and the *McCollum* case go, unless there are some other decisions later of which I am not advised; and neither of those decisions, notwithstanding the observations to which I refer, is decisive of the issue here at hand.

I say I concede the fact that certain of the language in each of these cases can be used very effectively in support of an argument, and possibly, and I might even say probably, a subsequent Court decision to the effect that no State can contribute to sectarian schools except possibly by way of a contribution to a pupil, or to his parents, for his transportation. For example, in the *Everson* case Mr. Justice Black said, at page 16 of his opinion, in speaking of the New Jersey situation:

"The State contributes no money to the schools. It does not support them. This legislation as applied does no more than to provide a general program to help parents

get their children, regardless of their religion, safely and expeditiously to and from accredited schools."

Also at page 14 of this opinion Mr. Justice Black, in the same case, said:

"New Jersey cannot consistently with the establishment of religion clause of the first amendment contribute tax-raised funds to the support of an institution which teaches the tenets and faith of any church."

I shall a little later come to the *McCollum* case, and possibly cite certain language in it to which an advocate arguing to the effect that these funds cannot be used for sectarian schools might point in aid of his argument.

Mr. President, notwithstanding the language which I have read, in the *Everson* case the Court did not adjudicate the question whether such aid, other than transportation, could be given to sectarian schools. This follows from the fact that the question whether such other aid can be given such schools was not before the Court in the *Everson* case. The only question before the Court was whether parents who had paid bus fares for their children were legally and constitutionally entitled to reimbursement for those fares. That was the question before the Court, that was the only question decided by the Court, and anything not necessary to that decision was dictum by the Court, and not binding upon it. Any lawyer in this great body would join with me in the statement, I am sure, that the Court is not only not bound by dictum, but in many cases repudiates dicta.

I point out that although the only question in the *Everson* case was whether, if a parent shall pay transportation for his child to go to school, he can legally be reimbursed for it, Justice Rutledge and his adherents upon the Court had this significant observation to make as to the broad language of the Court in that case:

"Neither so high nor so impregnable today as yesterday is the wall raised between church and state by Virginia's great statute of religious freedom in the first amendment, now made applicable to all the States by the fourteenth."

It is entirely conceivable that hereafter some type of aid or some aid under specific circumstances to sectarian schools, which aid the minority represented by Mr. Justice Rutledge would consider a further breach of the wall between church and state, may not be considered by the majority to be such breach at all. Indeed, apprehension to that effect is indicated in the *Everson* case by the four minority justices when, after the quotation which I gave but a moment ago, they said:

"That a third, and a fourth, and still others will be attempted, we may be sure. For just as *Cochran v. Board of Education* (281 U. S., 370) has opened the way by oblique ruling for this decision, so will the two make wider the breach for a third. Thus with time the most solid freedom steadily gives away before continuing corrosive decision."

Let me recall that the *Cochran* case was one in which it was held that the furnishing of books to the school children, both in public and private schools, or wholly either sectarian or nonsectarian, from public funds in Louisiana, did not follow the Fourteenth Amendment as a taking of private property for a private purpose. It was held also by the Court that the taxing power of the State was there exerted for a public purpose.

Even the observations in the *Everson* case which may hereafter be used effectively in either an argument or a subsequent court decision, that no State can give aid to sectarian schools except possibly by way of contribution to a pupil or his parents, may not be applicable to a future method of operation by a sectarian school. For example, such a school may hereafter be so operated as not

to embrace those religious activities to which Justice Black alluded, or to teach the tenets or faith of any church, to quote substantially if not exactly his language. The activities of the school could be rearranged so as to embrace the teaching of ordinary school work in one building, thereupon adjourning the pupils to other nearby quarters for religious instruction after the hours for sectarian school, so that by some such arrangement the activities of the school could be arranged so as not to teach the tenets or faith of any church.

The primary point which I make as to the *Everson* case is that the question as to whether or not public funds from the Federal Government may be used for sectarian schools was not the question at issue, and that consequently the case itself does not justify the conclusion that the law is settled by the decision of the Court.

Mr. President, I am not alone in the view, as I judge from a certain incident which occurred on May 2, 1947, that the *Everson* case is not decisive to the effect that the use of public funds for sectarian purposes is barred. I call attention to the fact that the *Everson* case was decided by the Supreme Court of the United States on the 10th day of February 1947. On May 2, 1947, after widespread public discussion of the *Everson* case in newspapers and by word of mouth all over the United States, a significant thing occurred in the House of Representatives. Not only was the decision not accepted in the House as conclusive to the effect that Federal funds could not be used for sectarian schools, but to the contrary Representative JOSEPH R. BRYSON, of South Carolina, whom many of my colleagues doubtless know, introduced in the House of Representatives on May 2, 1947, a joint resolution proposing to amend the Constitution of the United States specifically prohibiting the use of public funds for sectarian purposes. If it had been decided in the *Everson* case, and if it was certain, that nothing else of a substantial nature could ever be turned over to sectarian schools because of the *Everson* case decision, obviously the amendment which Mr. Bryson proposed would be unnecessary and superfluous.

The *Christian Science Monitor* of May 3, 1947, contained an article headed as follows: "Constitutional amendment would bar public funds for sectarian purposes."

I read from the article as follows:

"WASHINGTON.—A proposed amendment to the United States Constitution, implementing its original intent of separation between the church and state by specifically prohibiting the use of public funds for sectarian purposes, was introduced in Congress May 2 by Representative JOSEPH R. BRYSON, Democrat, of South Carolina.

"Speaking from the floor of the House of Representatives, Mr. Bryson explained that it was 'not directed at or against any particular faith or creed, but applies to all faiths and all creeds alike as was the original intention of the first amendment.'

"Mr. Bryson continued: 'Due to increasing tendencies on the part of State governments and the Federal Government to circumvent the article of the Constitution written by our founding fathers, establishing a wall of separation between church and state, it now seems necessary to give further expression'—"

I note that the language is not merely "advisable" but "necessary," 2½ months after the *Everson* decision—

"it now seems necessary to give further expression to the meaning of the constitutional barriers against the appropriation of money for and to be used by sectarian educational institutions.

"Not only should separation of church and state be maintained, the Representative insisted, but 'It must be more definite and distinct.'

"The proposed amendment reads as follows:

"Neither the National Government nor any State, county, city, town, village, nor other civil division shall use its property or credit or any money raised by taxation or otherwise, or authorize either to be used, for the purpose of founding, maintaining, or aiding by appropriation, payment for services, expenses, or in any other manner, other than by remission of taxation, any church, religious denomination, or religious society or undertaking which is wholly or in part under sectarian or ecclesiastical control.

"Neither the National Government nor any State, county, city, town, village, nor other civil division shall pay any person or persons any money for services, expenses, or for any kind or for any other purposes, or furnish free transportation, free textbooks, or free supplies of any kind or nature because of their connection with or attendance at, any school, institution, society, or undertaking, which is wholly or in part under sectarian or ecclesiastical control.

"Nothing herein contained shall in any way repeal or curtail the privileges, rights, and benefits of persons who served in the Armed Forces of the United States of America as set forth in House Document No. 772, of the Seventy-ninth Congress, second session."

Mr. President, I ask unanimous consent that the entire article from the *Christian Science Monitor*, from which I have quoted, may be incorporated in the *RECORD* at this point.

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

"CONSTITUTIONAL AMENDMENT WOULD BAR PUBLIC FUNDS FOR SECTARIAN PURPOSES

WASHINGTON.—A proposed amendment to the United States Constitution, implementing its original intent of separation between the church and state by specifically prohibiting the use of public funds for sectarian purposes, was introduced in Congress May 2 by Representative JOSEPH R. BRYSON, Democrat, of South Carolina.

"Speaking from the floor of the House of Representatives, Mr. BRYSON explained that it was 'not directed at or against any particular faith or creed, but applies to all faiths and all creeds alike as was the original intention of the first amendment.'

"TENDENCY TO SIDESTEP

"Mr. BRYSON continued: 'Due to increasing tendencies on the part of State governments and the Federal Government to circumvent the article of the Constitution written by our founding fathers, establishing a wall of separation between church and state, it now seems necessary to give further expression to the meaning of the constitutional barriers against the appropriation of money for and to be used by sectarian educational institutions.'

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persons any money for services, expenses, of any kind or for any other purposes, or furnish free transportation, free textbooks, or free supplies of any kind or nature because of their connection with or attendance at, any school, institution, society, or undertaking, which is wholly or in part under sectarian or ecclesiastical control.

"Nothing herein contained shall in any way repeal or curtail the privileges, rights, and benefits of persons who served in the armed forces of the United States of America as set forth in House Document No. 772, of the Seventy-ninth Congress, second session.'

"SPURS CIVIC DRIVES

"Primed by the recent United States Supreme Court's 5-to-4 decision upholding the right of the State of New Jersey to pay for the transportation of parochial school children, Mr. BRYSON's action spearheads a national movement by civic and church groups to clarify the democratic intent of the highest laws of the land.

"Aroused organizations all over the country, who see in the Court's action an opening wedge for broader demands by sectarian groups, are tendering their support to the National League Opposed to Sectarian Appropriation at its headquarters in Cambridge, Mass., according to Frank J. Batcheller, chairman.

"NAME IS CHANGED

"Founded in 1903 as the American Minute Men, the organization recently adopted the more specific title of National League Opposed to Sectarian Appropriations.

"Under that title the league claims to have gathered a membership of many millions who believe, 'since it is the irrefutable intention of the Nation's bylaws to keep the church and state separate, that this intention should be projected into the Constitution in clear and irrefutable language,' according to Mr. Batcheller.

"Instead of discouraging the league, the Supreme Court's ruling merely has confirmed the original conviction of its members that the Constitution is too open to legal interpretations on the vital issue of the separation of church and state, Mr. Batcheller explained. Hence, he said, the time has now come to act.

"The wide division of opinion in the highest court of the land on so vital an issue as 'separation of church and state,' the league spokesman warned, 'indicates an entering wedge that might well cause one to wonder where it will stop.'

"MUCH BIGGER ISSUE

"The issue is much bigger than that of paying from public funds for the costs of transporting school children,' Mr. Batcheller continued. 'It implies the ultimate breakdown of one of the main bulwarks of democracy, namely, religious liberty, or the freedom from domination of the church by the state, or domination of the state by the church.'

"That courts, legislatures, and conferences can show wide divergencies of opinion over the separation of church and state implies the dangers of legal ambiguities.

"The minority report of two of the Justices of the highest court in the land on the New Jersey issue attests to these dangers. For there is no plainly drawn provision in the Constitution upon which the Court could act positively in preserving the separation of church and state.'

"TEXT OF AMENDMENT

"As introduced by Mr. BRYSON, the amendment specifically stated that 'Neither the National Government nor any State, county, city, town, village, nor other civil division shall use its property or credit or any money raised by taxation or otherwise, or authorized either to be used, for the purpose of founding, maintaining, or aiding by appro-

priation, payment for services, expenses, or in any other manner, other than by remission of taxation, any church, religious denomination, or religious society, or any institution, school, society, or undertaking which is wholly or in part under sectarian or ecclesiastical control.'

"VET AID EXEMPTED

"The proposed amendment continued: 'Neither the National Government nor any State, county, city, town, village, nor any civil division shall pay any person or persons any money for services, expenses of any kind or for any other purpose, or furnish them free transportation, free textbooks, or free supplies of any kind or nature because of their connection with, or attendance at, any school, institution, society, or undertaking, which is wholly or in part under sectarian or ecclesiastical control. Nothing herein contained shall in any way repeal or curtail the privileges, rights, or benefits of persons who served in the Armed Forces of the United States of America as set forth in House Document No. 772 of the Seventy-ninth Congress, second session.'

"Clarifying the final sentence of the amendment that would appear to permit appropriations to sectarian colleges and schools, Mr. Batcheller stated: 'Congress has passed certain emergency legislation providing for the education of veterans, with which we do not intend to interfere.'

"As a matter of fact, Mr. Batcheller explained, omission of the last sentence would have had little effect, if any, upon the funds appropriated for veterans' education since passage of the amendment, he said, will require several years, when most war veterans will have completed their educational benefits under existing appropriations.

"Mr. Batcheller made it plain that the League Opposed to Sectarian Appropriations was neither anti-Roman Catholic, antisectarian, nor antianything. Rather, it is a pro-American organization, he said, of churchmen and representatives of civic groups throughout the country who believe 'that the best ways to handle this problem of taxpayers' money being used for the support of nonpublic schools and institutions is by the adoption of a constitutional amendment.'

"POPULAR TEST SOUGHT

"The present legal rifts that permit the legal interpretation of this vital issue already have resulted in the use of public funds for the transportation of parochial school children in 14 States.

"Yet, in only two instances, he pointed out, has the question been referred to popular vote—once in New York, when the issue was lumped into an omnibus bill covering 24 other issues, and again in Wisconsin where appropriations for sectarian support were defeated by more than 100,000 votes.

"This issue has been strongly political,' Mr. Batcheller stated. 'In the 14 States mentioned, appropriations for parochial school transportation have been granted by the legislatures. The proposal even got through two sessions of the Wisconsin Legislature before it was slaughtered by a popular referendum.'

"Hence, the attempt is being made to keep this issue in the legislatures and away from the voters. Yet I would predict that 75 to 80 percent of the people would vote against it if they had the opportunity.'

Mr. DONNELL, Mr. President, a further indication that it will likely be contended that the Everson case does not settle the right of the Federal Government to extend aid to sectarian schools is found in a very interesting and very instructive article by Prof. J. M. O'Neill, chairman of the speech department at Brooklyn College and chairman of the Committee on Academic Freedom of the American Civil Liberties Union, in the June 1947 issue of the magazine called *Comm-*

tary, in which article, although Professor O'Neill refers to and shows familiarity with the Everson case, he includes as the chief of what he considers two principal arguments for extending Federal aid to parochial schools, that which he terms the untenable position that the United States Constitution forbade such aid. The McCollum case likewise is not in point. It merely holds that in the tax-supported public schools in the State of Illinois religious instruction cannot be given. In this connection I call attention to the fact that the school district was using the compulsory process of its public-school system to provide religious classes for its pupils.

Mr. President, I submit that the effect of the bill is not conclusively determined by either the Everson or the McCollum cases.

We are told by the Senator from Ohio today that the amendment is in conflict with the theory of the bill. I submit that it is not. The very title of the bill, the very use of the word "public," the very reference to the program of "public elementary and secondary schools," and "the inequalities of educational opportunities through public elementary and secondary schools," indicate that a provision that these expenditures may only be made for public elementary or secondary school purposes is in line with the purposes of the bill. He says that this is a limitation upon the States. Mr. President, the very fact that the bill gives money only to educational purposes is in itself a limitation. It is not a gift for any purpose that the State may desire to use the money.

So, Mr. President, the amendment which I propose is in line with the purposes of the bill, is in line with sound public policy, and the amendment should be adopted.

Mr. LANGER. Mr. President, I now desire to speak on another subject for 4 or 5 minutes.

The PRESIDING OFFICER. The Senator from North Dakota has the floor.

ELECTION OF PRESIDENTS BY POPULAR VOTE

Mr. LANGER. Mr. President, yesterday, the Subcommittee of the Senate Judiciary Committee, consisting of the senior Senator from Wisconsin [Mr. WILEY] and the senior Senator from West Virginia [Mr. KILGORE] acting as a subcommittee considered Senate Joint Resolution 33, proposing an amendment to the Constitution of the United States relating to terms of office of President, and providing for nomination of candidates for President and Vice President, and for election of such candidates by popular vote. Among other things, Representative BURDICK, of North Dakota, and myself appeared for what is known as the old George Norris joint resolution, which I have reintroduced in each Congress since Senator George Norris died. Senator Norris had been Chairman of the Judiciary Committee, and at the beginning of each Congress introduced a joint resolution proposing a constitutional amendment providing for the election of the President by popular vote of the people. I had the pleasure of testifying yesterday in behalf of that measure. Senate Joint Resolution 33 is the same as the joint resolution which was advocated by Senator Norris, though he failed to secure its passage. The joint resolution was defeated in a fight led by former Senator Tydings of Maryland. It was so amended that, finally, when the

vote was taken, Senator Norris did not vote for his own joint resolution.

I may say that Senate Joint Resolution 33 was patterned on the one prepared by the late George Norris. It provides that a President of the United States may be nominated in exactly the same way that United States Senators are now nominated. It provides for a direct Republican primary and a direct Democratic primary, to be held on the same day in the month of June. It provides that the man or woman receiving the largest number of votes on that day shall be voted upon in November. It also provides that, upon a petition signed by qualified voters, equal in number to one-tenth of one percent of the number of people who voted for President at the last previous presidential election, being filed with the Secretary of State, an independent candidate may run, or a new party may be created.

The only suggestion I have to add in connection with the joint resolution is this: It is particularly important to me, as a result of the primary election in Minnesota last week, where, as alleged by newspapers in the State of Minnesota, Federal employees were afraid to ask for any ballot other than a Democratic ballot; and I suppose State employees were afraid to ask for any ballot other than a Republican ballot. As a result of that election, the editor of the Minnesota Star suggested in his newspaper that this joint resolution be amended so as to provide for a consolidated ballot, in order that a person desiring to vote in a presidential preference primary might merely ask for a ballot. He would have to vote either Republican or Democratic, but in any event, no outsider would know which way he voted, and he would therefore be protected from any embarrassment which might result if he were to ask for a particular ballot. I believe every Senator should read this old George Norris joint resolution, as embodied at the present time in my resolution, Senate Joint Resolution 33. The last time it was voted on, 33 votes were cast for it. If 12 more Senators had changed their vote, it would have passed the Senate. I believe, if Senators will read the joint resolution, they will, when it next comes to a vote, overwhelmingly support it.

Mr. President, I ask unanimous consent that Senate Joint Resolution 33 be printed in the RECORD at this point as a part of my remarks.

The PRESIDING OFFICER. Is there objection?

There being no objection, Senate Joint Resolution 33 was ordered to be printed in the RECORD, as follows:

Joint resolution proposing an amendment to the Constitution of the United States relating to terms of office of President, and providing for nomination of candidates for President and Vice President, and for election of such candidates, by popular vote

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of both Houses concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when rati-

fied by conventions in three-fourths of the several States:

"ARTICLE —

"SECTION 1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of 4 years, and together with the Vice President chosen for the same term, be nominated and elected as hereinafter provided.

"SEC. 2. The official candidates of political parties for President and Vice President shall be nominated at a primary election by direct vote of the qualified voters who are members of the respective political parties in the several States. The time of such primary election shall be the same throughout the United States, and, unless the Congress shall by law appoint a different day, such primary election shall be held on the first Wednesday after the first Monday in June in the year preceding the expiration of the regular term of President and Vice President. Persons voting in primaries for candidates for President and Vice President in each State shall have the qualifications requisite for electors of the most numerous branch of the legislature of such State, and shall have been members of their respective political parties for not less than 6 months prior to the holding of such primaries.

"The names which shall appear in each of the States on the primary ballots for candidates of the respective political parties shall be only of those persons who shall have filed petitions at the seat of the Government of the United States with the Secretary of State. Such petitions shall be valid only if filed at least 60 days prior to the day of primary election and if signed by qualified voters in any or all of the several States, equal in number to at least one-tenth of 1 percent of the total number of popular votes cast throughout the United States for all candidates for President—or, in the case of the primary election first held after the ratification of this article, for electors of President and Vice President—in the most recent previous presidential election.

"Sec. 3. Within 30 days after such primary election the chief executive of each State shall make distinct lists of all persons of each political party for whom votes were cast and the number of votes for each such person, which lists shall be signed, certified, and transmitted under the seal of such State to the seat of the Government of the United States, directed to the Secretary of State, who shall open all certificates and count the votes. The person receiving the greatest aggregate number of popular votes of any party for candidate for President shall be the official candidate of such party throughout the United States for President; and the person receiving the greatest aggregate number of popular votes of any party for candidate for Vice President shall be the official candidate of such party throughout the United States for Vice President.

"Sec. 4. In the event of the death or resignation of the official candidate of any political party for President, the person nominated by such political party for Vice President shall be the official candidate of such party for President. In the event of the death or resignation of the official candidate of any political party for Vice President, a national committee of such party shall designate a candidate for Vice President, who shall then be deemed the official candidate for Vice President of such party, but in choosing such candidate the vote shall be taken by States, the delegation from each State having one vote. A quorum for such purpose shall consist of a delegate or delegates from two-thirds of the States, and a majority of all States shall be necessary to a choice.

"Sec. 5. The electoral-college system of electing the President and Vice President of

the United States is hereby abolished. The President and Vice President shall be elected by the people of the several States as shall be determined by direct vote of the qualified voters at a general election. The time of such election in each State shall be the same throughout the United States, and unless the Congress shall by law appoint a different day, such election shall be held on the first Wednesday after the first Monday in November in the year preceding the expiration of the regular term of the President and Vice President. The voters in each State shall vote directly for President and Vice President and shall have the qualifications requisite for electors of the most numerous branch of the State legislature. The names of candidates officially nominated in primaries as herein provided, and in addition the names of any independent candidates, shall appear in every State upon the official ballot for the offices of President and Vice President, but names of any such independent candidates shall so appear only following the filing with the Secretary of State of the United States, at least 60 days prior to the day of the election, of petitions signed by qualified voters in any or all of the several States, equal in number to at least one-half of 1 percent of the total number of popular votes cast throughout the United States for all candidates for President.

"SEC. 6. Within 30 days after such election the chief executive of each State shall make distinct lists of all persons receiving votes for President and all persons receiving votes for Vice President, and the number of votes cast in such State for each, which lists shall be signed, certified, and transmitted under the seal of such State to the seat of the Government of the United States directed to the President of the Senate. The Congress shall be in session on the 6th day of January, or if such day shall fall on Sunday on the 7th day of January, and on that day the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted. The person having the greatest aggregate number of popular votes for President shall be President, and the person having the greatest aggregate number of popular votes for Vice President shall be Vice President. No person constitutionally ineligible to that office of President shall be eligible to that of Vice President of the United States.

"SEC. 7. In the event that it is shown by such certificates that the two persons receiving the greatest number of votes for President have received an equal number of such votes, the House of Representatives shall choose immediately, by ballot, the President. In choosing the President the votes shall be taken by States, the representation from each State having one vote. A quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. If the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the 20th day of January next following, then the Vice President shall act as President, as in the case of death or other constitutional disability of the President. In the event that it is shown by such certificates that the two persons receiving the greatest number of votes for Vice President have received an equal number of such votes, the Senate shall choose the Vice President. A quorum for this purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

"SEC. 8. The Congress shall have power to provide by appropriate legislation for methods of determining any dispute or controversy that may arise in the counting and canvassing of votes for President and Vice President in any such primary or general

election. The places and manner of holding such primary or general election shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations. The Congress and the several States shall have concurrent power to prevent fraud and corrupt practices in connection with such primary or general elections.

"SEC. 9. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by conventions in the several States as provided in the Constitution."

MINERAL LEASES ON CERTAIN SUBMERGED LANDS

The Senate resumed the consideration of the joint resolution (S. J. Res. 20) to provide for the continuation of operations under certain mineral leases issued by the respective States covering submerged lands of the Continental Shelf, to encourage the continued development of such leases, to provide for the protection of the interests of the United States in the oil and gas deposits of said lands, and for other purposes.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Alabama [Mr. HILL]. The Senator from Michigan is recognized.

Mr. MOODY. Mr. President, if in these times of danger to our freedoms, in this day of deficits and of Federal budgets made huge by the threat of atomic war that is inherent in the aggressive, world-wide Red revolution stemming from Moscow, if a Senator should rise to his feet and propose to give away national assets worth \$50,000,000,000 or more, I think perhaps his colleagues might well suggest that he have his head examined.

Yet this is precisely what is proposed in all seriousness today by those who suggest that Congress deed away the rights of the American people to the oil and gas lying under the marginal seas and the Continental Shelf—rights which the Supreme Court of the United States has decided that by law are theirs.

To do this would be an act of gross malrepresentation of all the people of the country for the benefit of a comparative few. For these oil and gas rights can be, and I hope will be, translated into riches which, first, can lighten the burden of building our strength to avert a terrible third world war, and thereafter can be devoted to improvement of our educational system. This system, though the greatest in the world, is now going through a period of financial crisis so severe that millions of our children are being deprived of a proper education.

This translation of these oil riches into concrete terms of a reduced tax burden and better education is what is proposed in the pending bipartisan amendment, which was placed before the Senate by my honored and eloquent colleague from Alabama [Mr. HILL] for himself and 18 other Senators. This amendment carries in its wise provisions the greatest single break for the American taxpayer, and the best hope that our school system will not be allowed to deteriorate under the tremendous pressures of the modern world, of any-

thing the Senate has had a chance to vote on in many years.

One of the most urgent issues before the Senate, Mr. President, is that of Government economy. We are all seeking to ferret out waste and eliminate it. We are all looking for a way to keep expenditures and taxes down, without cutting into the bone and muscle of the powerful and intricate system of military, economic, social, and psychological defenses which are imperative if we are to repel the onslaught of the Communist slave empire without atomic war or to win such a war if one tragically comes.

On the Senate floor, we hear much talk of economy, and I trust that this talk will be translated into effective action when the McClellan bill for reorganization of our budget-making system, now on the calendar with a unanimous favorable report from the Committee on Government Operations, is called up for action by the leadership. Soon, I hope.

We also have heard much talk on the question of appropriations for the mutual security program, an integral part of the endeavor to protect the United States and prevent war; an indispensable factor in keeping open the channels to such imports as cobalt, columbium, manganese, and other materials, without which we could not manufacture, with all of our great industrial prowess, a single jet engine or a single pound of steel. We do not, of course, want to spend on this or any other project one dime more than is essential, but it would be dangerous to devote to it one dime less than is essential. I will be interested indeed to see how those who have been mistakenly calling mutual security a give-away program vote on this bill and on the Hill amendment.

It will be interesting indeed to note, also, how those who devote much of their attention, in and outside the Senate, to discussion of economy vote on this question.

For here we have the greatest single economy issue that has been presented to the Congress in a decade, perhaps in many decades. Here is a \$50,000,000,000 hidden-ball trick. Here is a scheme that makes Teapot Dome look like a conservation project. To me, it would be an amazing thing if the Senate should kiss away all Federal rights to this submerged oil, and hand them over to the three States of California, Louisiana, and Texas.

Of course, Mr. President, I am not questioning the sincerity or the motives of any of our distinguished colleagues who differ with me on this question. Nor if this oil and gas belonged by law to the States would I be here advocating that the Federal Government take it away from the States. I am conscious of the fact that the serious contention has been made that legally these few States, not the Government and the people as a whole, have the rights to these great riches.

But, Mr. President, this question of law is now decided. It has been decided by the highest court in our land. I do not believe any Senator here wishes to attack the fundamental system under

which property rights in our country are adjudicated. What we are asked to do by those who would have Congress quit-claim the people's rights, is to say: "As a matter of policy, even though the Supreme Court has said this oil belongs to all the people, we in the Senate think that it should not belong to the people of the 48 States, but of only 3 States. Therefore, we hereby hand it all over to you."

Mr. President, this is not a question of "tidelands" oil. There is no question about the ownership of oil lying beneath the territory between the high-water mark and low tide. It belongs to the States. But there is equally no question, now that the Supreme Court has spoken, about the oil located off shore in the marginal seas between the low-water mark and the 3-mile limit. This offshore oil belongs to all the American people. And the same is true of additional riches beyond the 3-mile limit under the Continental Shelf.

There has been some apprehension that the rights of inland States to resources lying beneath navigable rivers or lakes would be affected by this bill. This is not the case. It has been clearly decided that all such rights belong to the contiguous States. This, of course, includes all rights in my State of Michigan to any oil resources underneath the shores of Lakes Michigan and Huron. But the question of oil resources beyond the low-tide mark and beneath the marginal seas surrounding our entire country are an entirely different proposition. These, the Supreme Court has ruled, belong to the United States.

In recognition of the fact that the cooperation of the States as well as private industry is highly desirable if not imperative in the development of this resource, the committee bill, introduced by the distinguished statesman from Wyoming [Mr. O'MAHONEY], provides generously for State participation in the proceeds of offshore oil. Some feel that this allocation of 37½ percent of the income by the Government to the States is too generous. Certainly it is generous. It does have the advantage of getting the issue settled once and for all and paving the way for immediate development of the resource.

But the proposal to give this entire asset to the States is out of the question. It is fantastic. How generous can we get? How generous with the people's assets can we Senators be, in line with our responsibility to conserve them? How can anyone who fashions for himself the label "conservative" vote for a measure that does precisely the opposite of conserving the people's rights and property? In my own lights, a conservative is one who bases his actions along lines which in the long run will conserve our system and conserve our freedoms.

By that definition, it seems to me, the person whose thought, opinion, and understanding keep up with the dynamic changes in our times, on both world problems and domestic issues, is truly the most effective conservative, because static or backward-looking policy would give us scant hope of preserving what we have. But how anyone who pretends

under any definition to be a conservative can vote to give away a \$50,000,000,000 asset is beyond me.

Mr. President, I wish every Member of the Senate had been here yesterday afternoon to hear the presentation of the case in behalf of this amendment by the Senator from Alabama [Mr. HILL]. I wish that the entire Nation, in fact, had had the opportunity to see and hear the Senator marshal his facts; not only from our limited galleries but over the television and radio. Had the Senator from Alabama yesterday had the same audience that has listened in on some of our televised committee hearings, I feel sure there would be no doubt about the fate of this amendment. I believe it would be adopted by an overwhelming vote because of the overwhelming demand that would have come from clear and universal recognition of what this issue is.

I might say, in passing, that I think the people of our country, and especially our children and their parents, owe a great debt of gratitude to the Senator from Alabama. He has provided the leadership in this fight, in which some of us have felt privileged to join.

Mr. HILL. Mr. President, will the Senator from Michigan yield?

Mr. MOODY. I yield.

Mr. HILL. Will the Senator from Michigan permit me to express my appreciation for his kind words and to tell him how proud I am that he is one of the cosponsors of the amendment. The amendment has no stronger or more devoted a cosponsor than is the Senator from Michigan.

Mr. MOODY. I thank the Senator from Alabama.

Mr. President, because the Senator from Alabama has covered the subject so well, I shall summarize rather than give in detail the many reasons I feel it imperative that our schools be provided the assistance contemplated in our amendment.

First, I should like to make a point to which the Senator from Alabama alluded only lightly. That is the argument that the Federal Government should not do anything to help the States lift educational standards because that in some way might federalize the schools, might impose a sort of gigantic bureaucratic octopus over their development which would strangle rather than enhance them.

Of course, that sort of talk is poppycock. It is the same diversionary approach which is always adopted by enemies of progress whenever, as the peoples' agent the Government moves to do something for the people that is not being done and cannot be done otherwise. The junior Senator from Michigan does not want our educational processes federalized nor, I am confident, does any sponsor of this amendment. But that determination does not so blind these sponsors to the facts of life, that they will turn away from doing the job which needs to be done.

Thomas Jefferson, in 1802, was the man who launched the policy of setting aside lands for school support at the time a State was admitted to the Union.

As States formed from the public domain were admitted to the Union over the years, the grants of sections in townships for schools were continued. Lands were reserved as endowments for academies and universities. Brown, Yale, Princeton, the Massachusetts Institute of Technology, Dartmouth, Pennsylvania, and many others of our oldest and finest educational institutions were aided by this Federal action.

I do not believe that anyone, as a result, has ever gotten himself so crossways of history as to charge that President Jefferson was an advocate of excessive federalization or a centralized state.

It was so throughout the entire nineteenth century and has been so throughout the first half of the twentieth. Law after law has been written onto the statute books recognizing the principle that the riches of our natural resources should be devoted in part to education.

The Morrill Act of 1862 provided a grant of land to each State amounting to 30,000 acres for each Senator and Representative in Congress from that State, the proceeds to be used to support agricultural and mechanical colleges. Congress later continued annual appropriations to land-grant colleges.

There are now 69 such colleges, and I have never heard complaint from my State that one of our great educational institutions, Michigan State College in Lansing, has been controlled or restricted or affected in any way except a helpful way by Federal land-grant appropriations.

In the same tradition the Smith-Hughes Act of 1917 provided Federal funds for industrial courses in public schools, and for training teachers in such courses. The Smith-Bankhead Act of 1920 provided Federal aid for vocational rehabilitation of physically disabled persons, and an act of 1943 amended this law. Under a 1939 law, Federal funds are providing pilot training through colleges and universities, and there are many other such examples.

Every Member of the Senate knows there is no disposition on the part of any responsible person in the Government to federalize education. Anyone who advances this particular argument against the Hill amendment convicts himself of lack of knowledge of the facts or else of trying to use a specious argument to obstruct proper aid to the schools.

Mr. President, our school system is facing a real crisis. Approximately 2,500,000 more children will be entering school in September of this year than entered just 2 years ago, in September of 1950. Our population is still growing, and facilities to handle even the students we now have simply are not in existence.

If we are to have an adequate educational system, Mr. President, we must have two things, equipment and teachers. The more important of the two, of course, are the teachers, for it is to the teaching profession that we must look for the leadership, the patience, the wisdom, and the good heart required

to help in moulding the brain and character of our future citizens. We also must have buildings. We cannot assemble classes out under the apple tree and be sure it will not rain. The weather is not that good, even in California, or Florida—or Michigan.

We have this year the highest enrollment of students in the history of our country—33,000,000—and it is going higher next year. Many students are getting their education under intolerable conditions—in empty garages, quonset huts, trailers, hotel basements, even in apartment house bathrooms. When we went to school, we could pretty well be assured, whether we liked it or not, of our own desk in a pleasant room, and a full-day session.

Millions of pupils in school today will never know what that sense of stability means unless swift action is taken to expand our educational plant. They attend half-day sessions. Some 400,000 boys and girls do not get a full school day. These kids will be 6 only once, 10 only once. Their schooldays come now or never.

In addition, the remarkable survey of school conditions made by Dr. Benjamin Fine for the New York Times shows that one of every five schools in the country today is obsolete, a fire hazard, or a health risk. This does not include the so-called schools pressed into service on an emergency basis. Dr. Fine testified before the Senate Committee on Interior and Insular Affairs. He was talking about the so-called regular school buildings.

Dr. Fine told the committee that the Nation must build at least 80,000 classrooms a year for the next 7 years to meet its needs. This would provide some 222,000 classrooms for increased enrollment, 126,000 to replace obsolete buildings, and 252,000 to reduce the existing backlog of need for more space.

The question is here posed very squarely whether we can afford as a Nation to provide an education for our children or whether we cannot. I should hate to think that the answer would be that we cannot.

Yet all of us hesitate in these days to vote as an increase in taxes any such sum as would be required for this purpose. It has not been done as a local undertaking. It is not being done as a congressional undertaking. The Hill amendment, however, offers a way to give the building program a great, rolling impetus without increasing taxes and without increasing the Federal deficit. I wonder how any Senator can feel that this is not more desirable than relinquishing fifty billions in assets to three States.

But, as I said a few moments ago, Mr. President, the real heart of our educational system is the people in it, the teachers. I was once a teacher, and know something of the problems facing a man who considers making teaching his lifetime profession. If he wishes to raise a family and support and educate it, he can earn more at nearly any other profession or business. As the Senator from Alabama [Mr. HILL] pointed out yesterday, a recent survey showed that only 8 percent of male teachers sup-

port themselves by teaching alone. In 92 out of 100 cases, the teachers hold outside jobs, or else their wives work.

The financial returns to women teachers are, of course, no more, in some communities less. No wonder trained teachers have been leaving their profession, reluctantly, by droves.

They are not primarily interested in remuneration or they would not be teachers at all.

But at present-day prices they have to eat. They must pay the same high prices as the rest of us pay. If we do not want our educational system to crumble beneath us, we are going to have to quit treating teachers as a second-class profession and pay teachers adequately.

Mr. President, at least 105,000 new elementary schoolteachers will be needed every year in order to keep up with the increased enrollment in the student body. About 35,000 teachers are being trained every year. At present rates, by 1960, which is only 8 years from now, there will be in this country a shortage of 700,000 teachers.

To make matters worse, teachers are leaving their profession in greater numbers than at any other time since the Second World War, when 350,000 of the best teachers left, never to return to the profession. Of course, one reason for their leaving is poor pay. On a Nation-wide basis, the average salary of teachers is \$3,290 a year, which is not adequate to support a family properly in these days.

Mr. President, it is estimated unofficially that one out of every eight pupils in the public schools of the United States is suffering from an impaired education because of inadequate facilities, including poorly equipped classrooms, inadequate buildings, and poor supervision. The number of students not receiving a full school day is about 400,000, and some students have to attend school even on a triple-session schedule.

Present indications are that the school building program is falling behind schedule, despite the fact that more schools are being built than were erected during the war or during the recent period of acute shortage of war materials, but it is doubtful that even half the 80,000 schoolrooms need in 1952 will be constructed.

Children are attending school in all sorts of places, as I indicated a few minutes ago. In that connection, I should like to read into the Record a letter I received not long ago from Mr. K. L. Lettinger, school superintendent in Dexter, Mich. He was looking for more material with which to build a school in that community. He said:

The situation is acute. School enrollments continue on the increase. We are using an elementary building that was built back in 1887. Obsolete is no word for it.

Yet today we are housing 488 boys and girls in that old building, which was built to accommodate 150 pupils.

Listen to this:

We are renting the Sunday school of St. Andrews Evangelical Reformed Church, the Masonic Temple, the Hoey garage—

As I understand, this garage is not owned by the Senator from North Caro-

lina, but the spelling of the owner's name is the same—

plus the operation of five one-room rural school buildings. This entails transporting five grades from 2 to 6 miles each morning.

Then he goes on to tell of other difficulties. I think it is significant that while in 1933, when we were just beginning to come out of the depression, the United States spent more than 4.3 percent of its national income on public-school education. Yet in 1949-50, the last year for which figures are available, it spent only 2.57 percent.

This amendment, sponsored on a bipartisan basis by the Senator from Alabama [Mr. HILL] and a number of other Senators, provides for the establishment of a National Advisory Council on Grants in Aid to Education, consisting of 12 members, 4 to be appointed by the President of the United States, 4 by the Speaker of the House of Representatives, and 4 by the President of the Senate. This Council would submit to the President, not later than February 1, 1953, a plan for the equitable use of the grants-in-aid to education provided by this amendment.

This amendment has stirred great interest among organizations interested in education. The National Grange, the Farmers Union, the American Library Association, the American Federation of Teachers, the Congress of Industrial Organizations, the American Federation of Labor, the Friends Commission on Legislation, and other organizations have publicly endorsed this amendment.

Mr. President, in conclusion, I should like to read a few quotations from great Americans which I think are particularly pertinent to this bill.

In his message of March 1949, President Truman said:

Education is our first line of defense. In the conflict of principle and policy which divides the world today, America's hope, our hope, the hope of the world, is in education. Education is the most important task before us.

Again, more than a year later, he said:

Democracy demands good education—today more than ever.

Gen. Dwight D. Eisenhower said not long ago:

To neglect our school system would be a crime against the future. Such neglect could well be more disastrous to all of our freedoms than the most formidable armed assault on our physical defenses. Where our schools are concerned, no menace can justify a halt to progress.

I think a particularly fine statement was made by the United States Commissioner of Education, Dr. Earl J. McGrath. He said:

Tyranny thrives on ignorance; democracy on enlightenment. Freedom must rely not alone on defensive arms, but also on the clarity and depth of conviction. Man's hope of peace hinges on the continuing adequacy and excellence of education.

That fine historian, Henry Steele Commager, put it this way:

Schools reflect the society they serve. A society that is indifferent to its own heritage cannot expect schools to make good the indifference. A society that slurs over fundamental principles and takes refuge in the

superficial and ephemeral cannot demand that its schools instruct in abiding moral values. A society proudly preoccupied with its own material accomplishments and well-being cannot fairly expect its schools to teach that the snug warmth of security is less meaningful than the bracing venture of freedom. To reform our schools is first to reform ourselves.

The great Horace Mann, who had a great part in Brown University, in the early days of the university where I received my education, put it very succinctly. He said:

The schoolhouses are the first line of our national defense.

Federal aid to education, then, is in the American tradition and has been part of our history from the very beginning. There can be no doubt of the seriousness of the financial crisis facing education today and in the near future. The Hill amendment furnishes the means, completely within our tradition, to solve this crisis so that future generations may rise up to call us blessed.

I therefore hope that the Hill amendment will be adopted.

PERSONAL STATEMENT BY SENATOR O'MAHONEY—THE GOVERNMENT'S POSITION IN THE SANTA MARGARITA RIVER CASE

Mr. O'MAHONEY. Mr. President, I am happy that the senior Senator from California [Mr. KNOWLAND] and the junior Senator from California [Mr. NIXON], who now occupies the chair, are both present when I rise to make a few remarks which may be in the nature of personal privilege.

On Tuesday last, the senior Senator from California inserted in the RECORD, without having consulted the Senator from Wyoming—which, of course, was not obligatory for him to do—a copy of a letter which was addressed to me from one Ed Ainsworth, of the Los Angeles Times, under date of March 18, 1952.

As it happens, I had to leave Washington on the evening of Wednesday of last week in order to go to my home State of Wyoming to present the Vice President of the United States at a meeting held in the city of Casper, Wyo., on the evening of Monday, March 24. In order to be back in Washington on Tuesday, when the submerged-lands joint resolution was again to come before the Senate, I flew all night from Casper to Washington, leaving Casper at 11 o'clock that evening after the meeting and arriving in Washington Tuesday afternoon. So I had not had an opportunity to see the letter from Mr. Ainsworth to me at the time it was placed in the RECORD.

RETRACTION DEMANDED

This letter was accompanied by a clipping of a story written by Mr. Ainsworth for the Los Angeles Times. The Senator from California was good enough to edit the article by eliminating some of the more offensive paragraphs in it. However, the letter calls upon the Senator from Wyoming to make a retraction of the statement which he made upon the floor of the Senate on the 5th of

March, with respect to a certain water case pending in California. The letter concludes with these two paragraphs, after stating that I had been grossly misled by Mr. William H. Veeder, special assistant to the Attorney General, with respect to what I had said:

The great harm which you have done, either wittingly or unwittingly, to the remedial legislation now pending in Congress on the Fallbrook case can be completely undone only if you make a public retraction.

If you do not see fit to make such a retraction, perhaps other Senators will call it to the attention of your colleagues.

As I say, I had not read the letter at the time it was placed in the RECORD. However, I have read it since, and of course, I have made no retraction, not only have I not made any retraction, but I do not propose to do so now, because what I said was absolutely and completely correct. If any retraction is to be made it should be made by Mr. Ainsworth; perhaps not to me personally, but certainly to the readers of his newspaper.

AINSWORTH'S READERS DECEIVED

Mr. President, I used to be a newspaperman. I used to be a city editor and I used to be an editorial writer. If I had ever undertaken to deceive the readers of the newspapers for which I wrote in the manner in which the author of this article is deceiving the readers of his newspaper I would have been ashamed of myself.

Mr. MOODY. Mr. President, will the distinguished Senator from Wyoming yield?

Mr. O'MAHONEY. I yield.

Mr. MOODY. I should like to say, as one who has been in the newspaper business a little more recently than the distinguished chairman of the Committee on Interior and Insular Affairs, that I am familiar with the work of the distinguished chairman as a newspaperman. I am proud to say that he was a crack newspaperman.

Mr. O'MAHONEY. The Senator from Michigan is very kind.

I quote from what I said on the 5th of March, at page 1882 of the CONGRESSIONAL RECORD, in response to a question by the Senator from Washington [Mr. MAGNUSON]:

For example, I have on my desk the decision in a California water-rights case. For months some of the newspapers of California were claiming that the Government of the United States was seizing and trying to secure through court action water rights which belong to the State.

As a matter of fact, the United States, having established a military camp, was seeking to obtain water rights as a proprietor in order to supply the needed water for the soldiers from all the States of the Union who happened to be in the camp. It had nothing whatever to do with this controversy.

NO RELEVANCY TO SUBMERGED LANDS ISSUE

And then—omitting some colloquy with the Senator from Alabama [Mr. HILL] and other Senators which did not directly relate to the point in question—I went on to say:

The case is known as the Santa Margarita River case, in which the Federal Government sought to obtain water rights for a

military reservation, not as a sovereign but as a proprietor. A stipulation was recently entered in this case making it clear that the Santa Margarita River case has no relation whatever to the controversy over submerged lands.

I ask unanimous consent that the papers be printed in the RECORD at this point in my remarks.

The stipulation was printed in the RECORD.

The decision to which I had reference was the decision, rendered on August 15, 1951, in the case of the United States against Fallbrook Public Utility District and others, civil No. 1247, in the United States District Court in and for the Southern District of California, by the chief judge of that court, Judge Yankwich.

The case before the court was on the motion of the State of California to intervene in the lawsuit to determine the Navy's water rights, and to file an answer. Judge Yankwich decided the motion in a written opinion, giving the State of California leave to intervene and permission to have its answer filed.

Of course I did not say that this was a final decision. When I referred to the decision, I could not possibly have meant to imply that it was a final decision in the case, because at the very same time I placed in the RECORD the stipulation which had been entered into between the State and the Federal Government for the case to proceed to trial upon its merits. I wish to read now some of the statements made by the court in California.

Mr. KNOWLAND. Mr. President, will the Senator from Wyoming yield?

Mr. O'MAHONEY. Yes; I yield.

Mr. KNOWLAND. I am glad that the able Senator from Wyoming is making the statement on the floor, because certainly we should have a clarification of the matter. I am a layman. I know that the Senator from Wyoming is an attorney.

Mr. O'MAHONEY. Well, I was admitted to practice and did practice.

Mr. KNOWLAND. I do not want to get into any intricate legal problems. I did not consider the matter to which the Senator referred as being a decision in the Santa Margarita case. I believe it was a statement made by the judge, perhaps dictum; but not a decision in the sense that the controversy over the Santa Margarita River had been decided by the court.

Mr. O'MAHONEY. I did not say so. The Senator from California is quite correct. I did not say that at any time. I could not have said it, inasmuch as at the same time I referred to the decision of Judge Yankwich I caused to be inserted in the RECORD the stipulation which had been signed for the purpose of the trial of the case.

CASE TRIED IN NEWSPAPERS

I wish to read—and I particularly wish to commend this to the attention of Mr. Ainsworth and the editor of the Los Angeles Times—a sentence from the language used by Judge Yankwich. He said:

So that I believe that, while discussion of this lawsuit is perfectly proper, it should be

by the local counsel if he had been given that authority. I am speaking from experience, because I represented a group of water users on one of these projects, and suddenly we found out that everything had to go to the Department of Justice rather than be determined by the local counsel who had passed on such matters previously and who had never had any trouble with them.

Mr. VANECH. Senator, it may interest you to know, as you no doubt are aware of, that the Department of Justice handles such matters in anywhere from 24 hours to a week. I think it is the most expeditious handling of any place in the Government.

Many times people will say that it is here or that it is there, but I can show you by the records how things have been handled.

If the Congress of the United States wants to change that, I would suggest that hearings be held and that we see what the best thing is to be done.

Senator WATKINS. I introduced the bill in a regular way, and apparently nobody appeared when the matter came before the committee. We reported the bill out favorably, and then it was objected to by the Department of Justice, which was against it. I think there was a brief introduced in the record by the chairman of this committee prepared by the Department of Justice against this particular measure.

While I have no personal interest in it, the people of my State would like to see these matters handled more expeditiously. It means two sets of attorneys to pass on the same thing, and I don't believe that the Department of Justice attorneys are as well qualified to pass on local titles as are the men who live in the communities and who have examined the ground and who have gone over all of the matters involved and can give their decisions quickly.

I was wondering what your personal attitude was and whether you were dead set against that type of thing.

Mr. VANECH. I believe in expediting the work of the Government, and I am opposed to the duplication of work any place.

Senator WATKINS. Well, that seems to be duplication to me, and if it is not, I would like to know it.

Mr. VANECH. I would like to be better informed than I am at the moment before I make a categorical statement as to what my position is.

If the Attorney General is held responsible, he should not authorize the delegation of that authority to some other agency if he feels that he would rather have his own staff pass on it.

Now, I don't think that there is any need for duplication of work. When work is prepared in the field like that, what is done in many of those cases is that when the work is sent in the experts in the title section make sure that everything is all right before it is certified. A certification is required over the Attorney General's signature.

MINERAL LEASES ON CERTAIN SUBMERGED LANDS

The Senate resumed the consideration of the joint resolution (S. J. Res. 20) to provide for the continuation of operations under certain mineral leases issued by the respective States covering submerged lands of the Continental Shelf, to encourage the continued development of such leases, to provide for the protection of the interests of the United States in the oil and gas deposits of said lands, and for other purposes.

Mr. McFARLAND. Mr. President, I am wondering if Senators on both sides would be ready to vote on the amendment of the distinguished Senator from

Alabama [Mr. HILL] at this time. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Aiken	Green	McKellar
Anderson	Hayden	Millikin
Bennett	Hennings	Monroney
Bricker	Hickenlooper	Moody
Bridges	Hill	Mundt
Butler, Md.	Hoey	Murray
Cain	Holland	Neely
Capehart	Humphrey	Nixon
Carlson	Hunt	O'Mahoney
Case	Ives	Pastore
Chavez	Jenner	Robertson
Clements	Johnson, Colo.	Russell
Connally	Johnson, Tex.	Schoeppel
Cordon	Johnston, S. C.	Seaton
Douglas	Kem	Smathers
Duff	Kilgore	Smith, N. J.
Dworshak	Knowland	Sparkman
Eastland	Langer	Stennis
Ecton	Lehman	Thye
Ellender	Long	Tobey
Ferguson	Magnuson	Underwood
Flanders	Maybank	Watkins
Frear	McCarran	Welker
Fulbright	McCarthy	Wiley
George	McClellan	Williams
Gillette	McFarland	Young

The PRESIDING OFFICER. A quorum is present.

The question is on agreeing to the amendment offered by the Senator from Alabama [Mr. HILL]. On this question the yeas and nays have been ordered.

Mr. McFARLAND. Mr. President, I wish to make inquiry to see if Senators who are interested in this amendment are willing to vote on it now.

Mr. McCARRAN. Mr. President, if I may answer that question in part, this afternoon I offered an amendment to the amendment of the Senator from Alabama [Mr. HILL]. At that time I was given to understand that a vote would not come until tomorrow. I asked that my amendment to the amendment be printed and lie on the table. I did not want to force a vote at that time, because Senators had not had an opportunity to look at it. I had hoped that in the course of events the Senator from Alabama would examine it and accept it. If he does not accept it, I must of necessity, when I am in order, offer the amendment to his amendment.

Mr. CHAVEZ. Mr. President, I hope that Senators who are eager to get a vote on the amendment will at least give us an opportunity until tomorrow to speak on it. Several of us have been very busy in the Committee on Appropriations. I had a very short statement to make on the amendment offered by the Senator from Alabama. I have not had an opportunity to do so. Therefore, I ask the indulgence of Senators who are trying to get a vote on the amendment. I ask them to postpone an agreement for a vote until tomorrow afternoon.

Mr. McFARLAND. I can see that the Senators are not willing to vote this afternoon.

Mr. President, I ask unanimous consent that beginning tomorrow at 12 o'clock there be a limitation on debate upon the pending amendment of 1 hour, with 30 minutes to each side. And a limitation of 30 minutes on any amendment to the amendment, with 15 minutes to each side; that debate thereafter

be limited as follows: 1½ hours on any substitute for the bill, to be divided equally, 45 minutes to each side; and a limitation of 1 hour of debate on the joint resolution.

Mr. KNOWLAND. Mr. President, reserving the right to object, I would suggest to the majority leader that he make inquiry to ascertain whether we could enter into a unanimous-consent agreement for the early part of next week, so that on all of the amendments, including the various substitutes which have been offered, a vote could be had within a certain time. In that way we could bring to an end the over-all discussion.

Mr. McFARLAND. Mr. President, I should like to complete my unanimous-consent request. I propose that debate on any other amendment or motion or appeal be limited to 30 minutes, 15 minutes to each side, to be controlled by the proponent of the amendment or substitute and the distinguished Senator from Wyoming [Mr. O'MAHONEY]; and in the event that the Senator from Wyoming favors the amendment, the time in opposition to be controlled by the distinguished minority leader or any Senator designated by him; and that all amendments be germane.

Mr. KNOWLAND. Mr. President, will the Senator yield?

Mr. McFARLAND. I yield.

Mr. KNOWLAND. The Senator from Arizona, as I understand, is now referring only to the Hill amendment and any amendments to the Hill amendment. Is that correct?

Mr. McFARLAND. No; all amendments.

Mr. KNOWLAND. Including the Holland substitute?

Mr. McFARLAND. Including all substitutes. Under the proposed agreement, if the distinguished Senator from Florida offers his substitute, the limitation on debate on that substitute would be an hour and a half, to be divided equally—45 minutes to each side; if the distinguished Senator from Texas [Mr. CONNALLY] offers his substitute amendment, the time for debate on that substitute would be limited to an hour and a half, 45 minutes to each side; debate on all amendments to substitutes, to the pending amendment, and to the joint resolution itself would be limited to 30 minutes, 15 minutes to each side; debate on the joint resolution itself would be limited to 1 hour; and all amendments must be germane.

Mr. KNOWLAND. Mr. President, will the Senator yield further?

Mr. McFARLAND. I yield.

Mr. KNOWLAND. I wonder whether the distinguished majority leader would make the request for the early part of next week, since no notice has been given prior to this time.

Mr. McFARLAND. Mr. President, if there is objection I shall of course try to arrange another unanimous-consent agreement. I hope there will not be any objection. No matter what day is suggested there will always be some Senators who will be inconvenienced by entering into a unanimous-consent agreement. If there is any objection to voting tomorrow and continuing with the voting until we get through with the

joint resolution, I shall see what can be done.

Mr. McCARRAN. Mr. President, will the Senator yield?

Mr. McFARLAND. I yield.

Mr. McCARRAN. Mr. President—

The VICE PRESIDENT. The Chair would like to understand the request so that he may submit it to the Senate. The Senator from Arizona asks unanimous consent that debate on the pending amendment offered by the Senator from Alabama [Mr. HILL] be limited to 1 hour, to be equally divided; that debate on any amendment to that amendment be limited to 30 minutes, to be equally divided; that debate on the pending substitute or any other substitute to the bill be limited to an hour and a half, to be equally divided; and that on all other amendments the limitation of debate be 30 minutes, to be equally divided.

Mr. McFARLAND. Also that with respect to any motion or appeal the limitation be 30 minutes, to be equally divided.

The VICE PRESIDENT. Yes; or any motion or appeal.

Mr. McFARLAND. And all amendments must be germane.

Mr. McCARRAN. Mr. President, will the Senator from Arizona yield?

Mr. McFARLAND. Yes; I yield.

Mr. McCARRAN. Reserving the right to object—and I do not want to object to any progress being made—what I have to say would take only a few minutes, because my mind is pretty well made up on this joint resolution. However, I am constrained to object to any agreement for today or tomorrow, for the reason that a great number of Senators are absent, and the senior Senator from Nevada must himself be absent tomorrow afternoon. I have no objection to entering into a unanimous-consent agreement for any day next week.

Mr. McFARLAND. Mr. President, I make the same unanimous-consent request to apply beginning on next Monday at 12 o'clock.

Mr. AIKEN. Mr. President, I object.

The VICE PRESIDENT. The Senator from Vermont objects.

Mr. LONG. Mr. President, reserving the right to object—

The VICE PRESIDENT. Objection has been made.

Mr. LONG. Does the agreement with respect to the substitute include the substitute offered by the junior Senator from Louisiana?

Mr. McFARLAND. Yes; all substitutes.

The VICE PRESIDENT. Objection has been heard.

Mr. HOLLAND. Mr. President, will the Senator from Arizona yield?

Mr. McFARLAND. I yield to the Senator from Florida.

Mr. HOLLAND. Mr. President, reserving the right to object—

The VICE PRESIDENT. There is nothing before the Senate to object to. Objection has already been made to the request by the Senator from Vermont [Mr. AIKEN].

Mr. HOLLAND. As I understand—

Mr. McFARLAND. Mr. President, was objection made to my second request?

Mr. AIKEN. Yes.

The VICE PRESIDENT. The Senator from Vermont objected to the second request.

Mr. HOLLAND. Mr. President, perhaps the Senator from Florida misunderstood the situation, but he understood that the Senator from Arizona had yielded to him.

Mr. McFARLAND. Yes; I have yielded to the Senator from Florida.

The VICE PRESIDENT. The Senator from Arizona has yielded to the Senator from Florida; but there is nothing before the Senate in the way of a unanimous-consent request.

Mr. HOLLAND. I thank the Presiding Officer. So far as the Senator from Florida is concerned, he is quite agreeable to vote on Monday, although he realizes objection has been made. He is willing to vote on Tuesday or on any other day next week. He would be willing to vote tonight on the pending measure. He cannot agree to a vote tomorrow because, as the senior Senator from Nevada has announced, several Senators are leaving the city tonight—and some of them have already left—who had understood that they would have at least 24 hours' notice. Two days ago we made a proposal to vote on Friday, and at that time distinguished Senators on the other side were unwilling to agree. The Senator from Florida and his associates are agreeable to vote on Monday, Tuesday, or on any other day thereafter.

Mr. RUSSELL. Mr. President, will the Senator from Arizona yield?

Mr. McFARLAND. I yield.

Mr. RUSSELL. Mr. President, it is very evident that we have reached an impasse on agreeing to vote on this matter. I take the liberty of suggesting to the distinguished majority leader the wisdom of laying the pending measure aside and taking up the military pay bill under some kind of limitation.

Mr. McFARLAND. I was about to make another unanimous-consent request which would include the military pay bill.

Mr. HOLLAND. Mr. President, if the Senator from Arizona will yield further, I hope he will pursue his desire to obtain a unanimous-consent agreement to vote on Tuesday or thereafter, because, unless the laying aside of the pending measure is coupled with the fixing of a definite date in the future, either for a limitation on debate or a unanimous-consent agreement to vote, the Senator from Florida will have to object.

Mr. RUSSELL. I stated specifically—and perhaps I was not talking loud enough—that I was trying to ascertain whether we could enter into a unanimous agreement with reference to when we could dispose of the military pay bill.

Mr. ANDERSON. Mr. President, will the Senator from Arizona yield?

Mr. McFARLAND. I yield.

Mr. ANDERSON. The Senator from Arizona has worked out a unanimous-consent request which we think is in very good shape except that it includes the word "motion." If he could limit that portion of his request to amendments, or at least not include motions, it would be easier to obtain a unanimous-consent request; because if by chance

the proposal of the Senator from Florida [Mr. HOLLAND] is adopted we should have more than an hour and a half of debate.

Mr. McFARLAND. How much time would the Senator from New Mexico suggest?

Mr. ANDERSON. I do not know, but there have not been any hearings on the proposal of the Senator from Florida. As we found out with respect to the Alaska statehood bill there are many Senators who believe very firmly in having hearings. I believe there ought to be extended hearings on the proposal of the Senator from Florida.

Mr. McFARLAND. Mr. President, as I understand, the hearings on this measure included every phase of the tidelands issue.

Mr. LONG. Will the Senator from Arizona yield to me for a question?

Mr. McFARLAND. I yield to my friend, the Senator from Louisiana.

Mr. LONG. If the Senator from Arizona will examine the hearings on his desk, he will find that they are hearings on Senate Joint Resolution 20 "including conferences with executive departments on S. 940." The Senator from Arizona will notice that during the entire hearings, much of the discussion was on the same subject which has been debated here in the course of consideration of the unfinished business.

Mr. ANDERSON. The Senator will note that much of the matter included in the printed hearings is not the proceedings at the committee hearings, but is a discussion or a conference which was held in the committee.

Mr. McFARLAND. Mr. President, many Senators are beginning to ask me whether Congress will be able to leave Washington by July 1st, or whether the date of leaving will be later than that. Let me say now that we shall have to remain here until next Christmas unless we start now to make more progress, and we shall have to begin to hold evening sessions. The Senate can make its work easy on itself or can make it hard. I wish to cooperate, of course.

Mr. AIKEN. Mr. President, will the Senator from Arizona yield to me?

Mr. McFARLAND. I yield to my friend, the Senator from Vermont.

Mr. AIKEN. My objection to having consideration of the unfinished business resumed on Monday was not because I am opposed to having the Senate take prompt action on the joint resolution. In fact, I think we should vote tonight on the pending amendment.

However, I am opposed to fixing a time for voting which will be most favorable to those who favor the amendment. I do not think we should arrange the schedule of the Senate in such a way as to meet the convenience of a very few Senators. I think we should proceed now to vote.

Mr. McFARLAND. I agree with the Senator from Vermont, but other Senators are not willing to have the Senate proceed to vote now. So we shall have to do the best we can.

Mr. CHAVEZ. Mr. President, will the Senator from Arizona yield to me?

Mr. McFARLAND. I yield to my good friend the Senator from New Mexico.

Mr. CHAVEZ. There is no question that this matter can be adjusted satisfactorily to all Senators who wish to vote on the joint resolution and on the amendments thereto. It so happens that some Senators cannot arrange to be present to vote on tomorrow or Monday or Tuesday. So the Senator from Georgia [Mr. RUSSELL] has suggested that in the meantime we could dispose of another legislative proposal, thus helping to avoid our remaining in session until Christmas.

During the middle of the week all Senators are present, as a rule. Why cannot the Senator from Arizona ask unanimous-consent agreement which would enable a vote to be taken on the unfinished business, Senate Joint Resolution 20, and the amendments to it, by Thursday of next week, and in the meantime obtain consent so that the Senator from Georgia [Mr. RUSSELL] or any other Senator who may wish to bring up another legislative proposal, perhaps including an appropriation bill, may have an opportunity to do so.

Mr. RUSSELL. Mr. President, will the Senator from Arizona yield to me?

Mr. McFARLAND. I yield to the Senator from Georgia.

Mr. RUSSELL. I may say that the military pay bill is of tremendous importance to the 3,500,000 men in our armed services. That measure is one to which the Committee on Armed Services has devoted very intensive study. I put in about 10 days of as hard work as I have ever done in my life, in endeavoring to obtain a bill which would deal fairly with the situation, and yet would result in some economies.

The committee has reported the bill in an amount some \$370,000,000 below the amount estimated by the armed services and the amount urged by them and the amount included in the bill as passed by the House of Representatives.

Of course, the Senate is at liberty to vote either up or down the bill as reported by the committee. That matter is one for the Senate to decide as it may see fit to do.

I think the bill as reported does substantial justice. From my mail, I judge that the bill is not altogether favored by all those in the armed service; but I think it is, all in all, a fair bill.

Of course, the bill cannot take effect until the first of the month following its enactment.

Those in the Armed Forces are entitled to know something about what is to be the disposition of that measure—whether it is to be voted up or down, whether it is to become law or is not to become law.

I do not think much of the time of the Senate will be required for the consideration and disposition of that bill, although, of course, some time will be required, because the measure is a very important one.

However, if we are to postpone until the latter part of next week the further consideration of Senate joint resolution 20, the unfinished business, then I see no reason why in the meantime we cannot take up the military-pay bill, which I have been discussing, and dispose of it.

It is one of the bills we must dispose of before we adjourn.

Mr. McFARLAND. Mr. President, I am going to change my unanimous-consent request.

Mr. O'MAHONEY. Mr. President, will the Senator from Arizona yield to me, before he proposes the change?

Mr. McFARLAND. Yes; I yield.

Mr. O'MAHONEY. Mr. President, I think the RECORD should show that all of us on our side of this question are willing to vote by tomorrow on the unfinished business and on all amendments to it. I have suggested to several Senators that I would be willing to have the Senate remain in session until midnight tomorrow, in order to dispose of this joint resolution.

However, I know that unanimous consent will not be given to such a request, because some Senators are unwilling to have the Senate vote on this measure tomorrow, inasmuch as they have made engagements which will take them out of the city; and they want to be able to vote on the joint resolution.

Unfortunately, those Senators, by objecting to the request for unanimous consent to have the vote on the joint resolution taken by tomorrow, are necessarily causing a postponement of the vote until next week, when other Senators will be absent, by reason of engagements they have made. We are bound to have that situation develop whenever a unanimous-consent agreement is proposed.

I am frank to say that I think the suggestion made by the Senator from Georgia is about as good a suggestion as can be made, namely, that the unfinished business be temporarily laid aside until the military-pay bill has been disposed of. However, there should be a limitation to such an agreement, so that every Senator who is interested in and is desirous of voting on any phase of the submerged-lands joint resolution will be on notice and will be ready to be here to vote.

Mr. ANDERSON. Mr. President, will the Senator from Arizona yield to me?

Mr. McFARLAND. I yield to the Senator from New Mexico.

Mr. ANDERSON. I simply wish to say that I recognize the problem that confronts the majority leader. I, for one, would be glad to do exactly what the Senator from Wyoming has suggested, namely, remain in session tomorrow until we have entirely disposed of the unfinished business, and thus try to clear the decks a little for the majority leader, so that he can get other proposed legislation before the Senate.

Mr. THYE. Mr. President, will the Senator from Arizona yield to me?

Mr. McFARLAND. I yield.

Mr. THYE. I think the suggestion made by the distinguished Senator from Wyoming is a good one. I cannot see any reason for a delay of several days in the handling of this particular measure, with the result that in the meantime the Senate would take up another measure, and later would return to a lengthy debate on the questions involved in the tidelands joint resolution.

So I believe we should proceed with the voting on the unfinished business,

both tonight and again tomorrow, until we have finally disposed of it. Only in that manner can we expedite the business of the Senate.

If, on the contrary, we temporarily lay aside the unfinished business, and at a future time proceed to take it up again, there will be many days of additional debate on the tidelands measure, before we finally vote on it.

Mr. McFARLAND. Mr. President, I would that we could obtain a vote on this measure tonight; but I know we cannot.

I also know that Senators have a way of talking until other Senators who are interested can return to the floor. We have had a little experience with that situation.

So we shall simply have to do the best we can, even though it is not what we would like to do.

Mr. President, at this time I shall make another unanimous-consent request, which will include the bill in which the distinguished junior Senator from Georgia [Mr. RUSSELL] is interested: I wish to amend the unanimous-consent request I previously made so as to provide 1½ hours for debate on any motion to recommit, with the time to be divided equally between the proponent of the motion and the Senator from Wyoming [Mr. O'MAHONEY], in the event he is opposed to the motion; or if he is in favor of the motion, then the time in opposition to the motion to be in charge of the distinguished minority leader.

I wish to add to the unanimous-consent request the following modification: that the unanimous-consent agreement I have proposed in regard to the unfinished business go into effect beginning next Tuesday; that on tomorrow the unfinished business be temporarily laid aside, and that the Senate proceed with the consideration of House bill 5715, Calendar 1186, the so-called military-pay bill; that on Monday there be a limitation of debate, in the case of that bill, of 1 hour on each amendment, to be divided equally between the proponent of the amendment and the distinguished Senator from Georgia [Mr. RUSSELL]; and 2 hours on the bill, to be divided equally between the distinguished Senator from Georgia and the minority leader or any other Senator he may designate; and that all amendments to both bills be germane.

The VICE PRESIDENT. Is there objection?

Mr. AIKEN. Mr. President, would the majority leader be willing to substitute, in the proposed unanimous-consent agreement, Wednesday for Tuesday?

Mr. McFARLAND. Well, if I must—

Mr. AIKEN. Otherwise, I would object.

Mr. McFARLAND. Very well; I substitute Wednesday, in the case of the so-called tidelands joint resolution.

The VICE PRESIDENT. Is there objection?

Mr. THYE. Mr. President, I wish to state frankly what my position is. I have canceled some engagements in order to be here this week and during the early part of next week. I realize

I should leave Washington not later than 8:20 next Wednesday morning. I shall not return during the remainder of that week.

However, I am not going to request that the entire legislative procedure in the Senate Chamber be tied up merely for my convenience.

So I shall merely ask the consent of the Senate that I be excused next Wednesday morning, for the remainder of the week.

I should like to see the unfinished business voted on between now and next Tuesday night. However, if that cannot be accomplished, then I shall ask consent of the Senate to be excused for the remainder of next week. If any Senator wishes to pair with me, I shall state my position on the unfinished business. I shall not ask this legislative body to lay aside its work for my convenience or for my pleasure.

The VICE PRESIDENT. Is there objection to the request?

Mr. CASE. Reserving the right to object, it appears to me that Friday and Monday would not afford adequate time for the consideration of the pay bill; therefore, I am constrained to object.

Mr. McFARLAND. There would be three days—Friday, Monday, and Tuesday. If we do not finish the pay bill, it would merely go over until after we completed consideration of the pending joint resolution. The pay bill would not have to be concluded in that time; but I am sure we could dispose of it within 3 days.

The VICE PRESIDENT. Is there objection to the request?

Mr. CASE. I object.

Mr. DOUGLAS. Reserving the right to object—

The VICE PRESIDENT. The Senator from South Dakota has already objected.

Mr. McFARLAND. Mr. President, I very much regret that objections are interposed. I merely want to state that I had hoped that, if we could dispose of the pending measure, the pay bill, the Defense Production Act, and probably one other matter before Easter, we might take a vacation for a few days. One or two Senators can hold up the entire procedure of the Senate, which is designed to expedite the consideration of pending measures. I cannot, of course, prevent Senators continuing to speak until they can obtain the presence of those who support their views.

The pay bill does not have to be disposed of by Tuesday night. If it is not disposed of by that time, it can go over until the following day. So I hope the distinguished Senator from South Dakota will not insist upon his objection. It seems to me that everyone else is agreeable. The distinguished Senator from Minnesota [Mr. THYE] is making quite a sacrifice. It would mean much toward expediting the work of the Senate, if we could enter into this unanimous-consent agreement.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. McFARLAND. I yield.

Mr. O'MAHONEY. Mr. President, I am in hearty sympathy with the desire of the majority leader to make progress

with the business of the Senate, and I am sure that is the sentiment of every Member of this body. It seems to me to be impossible to lay aside continually the business of the whole Senate to suit the convenience of one or two Members who may have made other arrangements or who may have assumed obligations having nothing to do with the business of the Senate.

Mr. McFARLAND. Mr. President, I have ascertained what the trouble was regarding the unanimous-consent request in respect to the other bill. I wish to change my unanimous-consent request by withdrawing the proposed limitation of debate on the pay bill, and by merely asking unanimous consent that the Senate lay aside temporarily the unfinished business, that its consideration be resumed on Wednesday, with the limitations on debate previously requested by me, and that the pay bill be taken up tomorrow without limitations.

The VICE PRESIDENT. Is there objection to that request? The Chair hears none and it is so ordered.

The unanimous-consent agreement, as subsequently reduced to writing, is as follows:

Ordered, That, beginning at the hour of 12 o'clock noon on Wednesday, April 2, 1952, debate on Senate Joint Resolution 20, the so-called tidelands measure, be limited as follows:

Not to exceed 1 hour upon the amendment proposed by Mr. HILL for himself and others, to be equally divided and controlled by Mr. HILL and Mr. O'MAHONEY; not to exceed 1½ hours upon any substitute that may be proposed; not to exceed 30 minutes upon any perfecting amendment, appeal, or motion except a motion to recommit, upon which the limit shall be 1½ hours; and not to exceed 1 hour upon the question of the passage of the joint resolution: *Provided*, That the time upon any amendment (including substitutes) and motions shall be equally divided and controlled by the proposer of any such amendment or motion and by Mr. O'MAHONEY unless he is in favor of any such amendment or motion, in which event the time in opposition thereto shall be controlled by the minority leader or someone designated by him; that upon the question of the passage of the joint resolution, the time shall be equally divided and controlled by Mr. O'MAHONEY and the minority leader or someone designated by him; *Provided further*, That no amendment or motion that is not germane to the subject matter of the said joint resolution shall be received.

EXECUTIVE SESSION

Mr. McFARLAND. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The VICE PRESIDENT laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(For nominations this day received, see the end of Senate proceedings.)

The VICE PRESIDENT. If there be no reports of committees, the Secretary will state the nominations on the Executive Calendar.

THE INTERNATIONAL MONETARY FUND AND THE INTERNATIONAL BANK OF RECONSTRUCTION AND DEVELOPMENT

The Chief Clerk read the nomination of David K. E. Bruce to be United States Alternate Governor of the International Monetary Fund, and United States Alternate Governor of the International Bank for Reconstruction and Development, for a term of 5 years.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

UNITED STATES COAST GUARD

The Chief Clerk proceeded to read sundry nominations in the United States Coast Guard.

Mr. McFARLAND. I ask that the nominations in the Coast Guard be confirmed en bloc.

The VICE PRESIDENT. Without objection, the Coast Guard nominations are confirmed en bloc.

POSTMASTERS

The Chief Clerk proceeded to read sundry nominations of postmasters.

Mr. McFARLAND. I ask that the nominations of postmasters be confirmed en bloc.

The VICE PRESIDENT. Without objection, the postmaster nominations are confirmed en bloc.

That completes the Executive Calendar.

Mr. McFARLAND. I ask that the President be immediately notified of all nominations confirmed today.

The VICE PRESIDENT. Without objection, the President will be immediately notified.

LEGISLATIVE BUSINESS

The VICE PRESIDENT. Without objection, the Senate will resume the consideration of legislative business.

REFUTATION OF STATEMENT BY DREW PEARSON

Mr. CAIN. Mr. President, for the reason that my friend the junior Senator from New Jersey [Mr. HENDRICKSON] is necessarily absent from the Senate today, I wish to speak to the Senate on his behalf.

On January 21, 1951, Mr. Drew Pearson stated in the Washington Post that the distinguished junior Senator from New Jersey [Mr. HENDRICKSON] has been appointed to the Senate Committee on the Judiciary as a direct result of a deal agreed to between the Senator from New Jersey and the senior Senator from Maine [Mr. BREWSTER].

Pearson stated it to be a fact that the Senator from New Jersey had written a minority report on the wire-tapping investigation then before the Senate, at the direction, if not by the order of the Senator from Maine; and that, for so doing, he was rewarded with membership on the Senate Judiciary Committee.

On the following day, the Senator from New Jersey took notice of the Pearson allegation, and commented briefly, as can be found in the CONGRESSIONAL

tinental Shelf and hence that all revenues produced therefrom could be devoted to education.

First, the Holland bill, S. 940, favored by States' right proponents, does not apply outside of State boundaries. The Hill and other education amendments to Senate Joint Resolution 20 would apply to all tidelands located on the Continental Shelf.

Texas has no producing wells within her constitutional boundary and Louisiana has few. Hence, if the Hill amendment were tacked to the Holland bill, it would apply solely to California, which is the only State with producing wells within her constitutional boundary.

The Hill amendment would thus produce for the Federal Government only about \$16,000,000 annually for division among 1,000,000 public-school teachers, and 25,000,000 public-school students.

The sixth argument in favor of the education amendment appears to me to be as follows: That all tidelands oil, even that lying under hundreds of feet of water, could be commercially produced under present techniques of the petroleum industry.

The petroleum industry has not found it commercially feasible to produce oil from submerged lands in water deeper than 100 feet.

In the Gulf of Mexico, the Continental Shelf is 93 miles from the low water mark, and the water is more than 600 feet deep at that distance. Off the State of California, water deepens rapidly, so that the Continental Shelf with more than 600 feet of water is just 15 miles from the low-water mark.

A line dividing water 120 feet deep on the average from deeper water just about divides in half the Gulf tidelands. This shows one-half of the Gulf's Continental Shelf cannot be considered valuable oil lands since the petroleum industry cannot economically drill from sites located on water at depths greater than 100 feet. I refer to the January 29, 1952, National Petroleum Council Report, page 92. Similarly, a line dividing water 100 feet deep, on the average, from deeper water off California's coast, would have one-third of California's tidelands oil structures in water deeper than 100 feet. My authority for this statement comes from advice of the Coast and Geodetic Survey. This land, too, cannot be considered as an oil source despite arguments of oil-for-education proponents to the contrary.

Mr. President, perhaps those amendments will prevail in the days immediately ahead, but I seek only to provide such information as will let the people know what they are getting or what they may wish to vote to get at the time the vote is called for.

RECESS

Mr. GEORGE. Mr. President, I move that the Senate stand in recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 6 o'clock and 5 minutes p. m.) the Senate took a recess until tomorrow, Friday, March 28, 1952, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate March 27 (legislative day of March 24), 1952:

IN THE ARMY

The following-named officers for appointment in the Regular Army of the United States to the grade indicated under the provisions of title V of the Officer Personnel Act of 1947:

To be brigadier generals, Medical Corps

Maj. Gen. Leonard Dudley Heaton, O16960, Army of the United States (colonel, Medical Corps, U. S. Army).

Brig. Gen. Silas Beach Hays, O17803, Army of the United States (colonel, Medical Corps, U. S. Army).

The following-named officers for appointment in the Regular Army of the United States to the grades indicated under the provisions of title V of the Officer Personnel Act of 1947:

To be major generals

Maj. Gen. Walter Leo Weible, O11308, Army of the United States (brigadier general, U. S. Army).

Maj. Gen. Lyman Louis Lemnitzer, O12687, Army of the United States (brigadier general, U. S. Army).

Maj. Gen. William Kelly Harrison, Jr., O5279, Army of the United States (brigadier general, U. S. Army).

Maj. Gen. George Leland Eberle, O6613, Army of the United States (brigadier general, U. S. Army).

Maj. Gen. William Brooks Bradford, O6661; Army of the United States (brigadier general, U. S. Army).

Maj. Gen. Ralph Julian Canine, O7154, Army of the United States (brigadier general, U. S. Army).

To be brigadier General

Brig. Gen. Patrick Henry Tansey, O9299, Army of the United States (colonel, U. S. Army).

Brig. Gen. Philip Edward Gallagher, O11249, Army of the United States (colonel, U. S. Army).

Maj. Gen. Thomas Joseph Cross, O11431, Army of the United States (colonel, U. S. Army).

Maj. Gen. Riley Finley Ennis, O11854, Army of the United States (colonel, U. S. Army).

Brig. Gen. David Ayres Depue Ogden, O12051, Army of the United States (colonel, U. S. Army).

Brig. Gen. Frank Otto Bowman, O12090, Army of the United States (colonel, U. S. Army).

Brig. Gen. John Hamilton Hinds, O12106, Army of the United States (colonel, U. S. Army).

CONFIRMATIONS

Executive nominations confirmed by the Senate, March 27 (legislative day of March 24), 1952:

THE INTERNATIONAL MONETARY FUND AND THE INTERNATIONAL BANK OF RECONSTRUCTION AND DEVELOPMENT

David K. E. Bruce, of Virginia, to be United States Alternate Governor of the International Monetary Fund, and United States Alternate Governor of the International Bank for Reconstruction and Development, term of 5 years.

UNITED STATES COAST GUARD

The following officers of the United States Coast Guard Reserve to be lieutenants (junior grade) in the United States Coast Guard: Robert E. Wolfard Roy M. Wimer John F. Mundy, Jr. Robert F. Hornbeck Roland P. Amateis, Jr. Roland J. Frapplier

Edward J. Geissler Edward G. Ware
Thomas L. Wakefield William E. West, Jr.
John H. Hedetniemi Kenneth B. Hofstra
William C. Jefferies Edward O. Wille
John C. Parker Emmett G. McCarthy

The following officers of the United States Coast Guard Reserve to be ensigns in the United States Coast Guard:

Donald H. Reaume William J. Spinella
Harold R. Brock Arthur G. Morrison
Joseph F. Hallameyer John T. Rouse
Robert B. Matson James R. Meeker
Glenn D. Jones Frederick J. Lessing
George H. Drinkwater Donald J. Riley
Oscar J. Jahnson, Jr. Donald E. Greenamyre

POSTMASTERS

ARKANSAS

Otis W. Gilleylen, Murfreesboro.

CALIFORNIA

Francis V. DeDecker, Blythe.
Marion H. Moorehead, Modesto.
John L. Murphy, Salinas.
Grace A. Belardes, San Juan Capistrano.
Glenn H. Jamison, Willits.

COLORADO

Bill E. Osborn, Bristol.
Henry G. Klein, La Junta.

CONNECTICUT

Ruth T. Lathrop, Andover.

FLORIDA

Frank Stacy Ledbetter, Jr., Kissimmee.

HAWAII

Bella Pung Puua, Pearl City.

ILLINOIS

Van W. Isom, Coulterville.
Denver C. Bailey, Creston.
Lois M. Kilbride, Essex.
Lee J. Boston, Palatine.
Thomas A. Denton, Pinckneyville.
Myrtle M. Houghtby, Shabbona.

INDIANA

Albert N. Smith, Fort Wayne.
Marian H. Keyes, Orland.

IOWA

Allan M. Stebbins, Buffalo.
William A. Mannasmith, Coin.
James C. Jensen, Council Bluffs.
Robert M. Smith, Lamont.
Robert J. Lind, Lisbon.
Charles H. Howe, Nichols.
William F. White, Oakdale.
Donald R. Kinne, Tingley.
Leo F. Faust, Westfield.

KANSAS

Quinten J. Hickert, Clayton.
Gladys M. Miesner, Oberlin.
Ralph L. Stadel, Quenemo.

KENTUCKY

Roger T. Easley, Nicholasville.
John D. Buckner, Shelbyville.

MARYLAND

Edward J. McPartland, Lonaconing.

MICHIGAN

Meta W. Huff, Belmont.
Peter H. Timmer, Charlevoix.
Herold M. Stark, Cedar Springs.
Thomas V. Manor, Newport.

MINNESOTA

Edmund H. Winter, Adrian.
Edith L. Hansen, Eyota.
Gordon W. Dysthe, Iona.
Derald C. Groth, Ogema.
Leo D. Gaffaney, Villard.

MISSISSIPPI

William B. Schumpert, Amory.
Emmette Ross Clifton, Jr., Ethel.
John C. Garner, Newhebron.
Temple G. Broadus, Purvis.
Hiram Wilton Griffin, Vardaman.
Marvin Massey, Wesson.

RECORD, volume 97, part 1, page 511. Said the Senator from New Jersey:

I was highly amused at Mr. Drew Pearson's deductions in respect to my sponsorship of the minority views on the recent wire-tapping investigation, particularly that figment of his imagination which led him to severely indict every single member of the Republican minority committee on committees. One has but to read the names of that distinguished group of Senators to know that they would not be parties to such a cheap and tawdry trade as that with which Mr. Pearson charges me—and without their complete accord I could never have enjoyed a place on the Judiciary Committee nor would I have wanted it. Had Mr. Pearson attended those last meetings of the Pepper subcommittee he would have heard me say there substantially the things which I incorporated in the minority views. I still feel very strongly that a congressional committee is not a grand jury in any sense, and that any action taken on the Pepper report should proceed with the utmost care and caution in the interest of simple decency and justice.

Mr. President, when one who is known to tell the truth, as is the Senator from New Jersey, bothers to tell a person like Pearson, who often fails to tell the truth, that the Senator from New Jersey made no deal with the Senator from Maine, or with any other Senator, that ought to destroy the validity of the question raised by Pearson.

It is unnecessary to ask an honest man to speak more than once on any question involving his integrity or conduct. For what reason I know not, Pearson has again held in question the honesty of my friend and colleague, the junior Senator from New Jersey.

In the Washington Merry-Go-Round of yesterday, as it appeared in the Washington Post, Pearson said this:

First, BREWSTER got Senator McCARTHY, Republican, of Wisconsin, a member of the investigating committee, to block a vote. Later, when Chairman NEELY called a special meeting and after the committee voted 7 to 1 to cite Gruenwald, BREWSTER button-holed Senator HENDRICKSON, Republican, of New Jersey—persuaded him to prepare a minority report whitewashing the entire wire-tap scandal including his pal, Henry Gruenwald.

BREWSTER even went to the extreme length of promising HENDRICKSON a place on the coveted Judiciary Committee if he would spearhead the whitewash. Finally HENDRICKSON yielded.

I need not say to the Senate, Mr. President, that Pearson has viciously lied about the Senator from New Jersey. The Senate knows Pearson, not for his truthfulness, but for his willingness to lie about a man in his efforts to destroy other men through the man defamed.

I speak now, but not to defend a friend against a corrupt and venomous journalist. My friend's reputation for speaking the truth is all the defense that he or any honest man will ever need. I simply wish to point out that appointments are made to all standing committees of the Senate by the Committee on Committees, not by the Senator from Maine or by any other individual Senator.

The Senator from Maine is not a member of the Committee on Committees, nor was he when the Senator from New Jersey was appointed to the Judi-

ciary Committee. The Senator from Washington happens to be a member of the Committee on Committees. At no time, by way of compliment, has the Senator from Maine ever improperly suggested that the Senator from New Jersey ought to be placed on the Judiciary Committee. The decision to place the Senator from New Jersey on the Judiciary Committee was reached by a unanimous vote of the 15 members of the Committee on Committees. Pearson unsuccessfully attempts to establish the making of an unsavory deal between the Senator from New Jersey and the Senator from Maine while doubting the integrity of the membership of the Committee on Committees.

Perhaps the Senate would like to be reminded of who are the members of that committee. Its chairman is the Senator from Nebraska [Mr. BUTLER], and the other members are the Senator from Ohio [Mr. BRICKER], the Senator from Washington [Mr. CAIN], the Senator from Montana [Mr. ECTON], the Senator from Vermont [Mr. FLANDERS], the Senator from New York [Mr. IVES], the Senator from Indiana [Mr. JENNER], the Senator from Missouri [Mr. KEM], the Senator from North Dakota [Mr. LANGER], the Senator from Massachusetts [Mr. LODGE], the Senator from Nevada [Mr. MALONE], the Senator from Wisconsin [Mr. McCARTHY], the Senator from Maine [Mrs. SMITH], the Senator from Utah [Mr. WATKINS], and the Senator from Delaware [Mr. WILLIAMS].

Mr. President, the only subject before the Committee on Committees was a pending request from the junior Senator from New Jersey that he be appointed to the Judiciary Committee at the first opportunity. In due time that opportunity was afforded, and the appointment of the junior Senator from New Jersey was agreed to unanimously, with pleasure and complete approval.

MINERAL LEASES ON CERTAIN SUBMERGED LANDS

The Senate, in legislative session, resumed the consideration of the joint resolution (S. J. Res. 20), to provide for the continuation of operations under certain mineral leases issued by the respective States covering submerged lands of the Continental Shelf, to encourage the continued development of such leases, to provide for the protection of the interests of the United States in the oil and gas deposits of said lands, and for other purposes.

Mr. CAIN. Mr. President, it seems to me that several of the arguments in favor of the oil-for-education amendment are fallacious. I should like to give my own interpretation concerning six of the arguments offered by the proponents.

In the first place, Mr. President, it is said, and probably really believed by some, that there are 15,000,000,000 barrels of oil reserves in the tidelands of California, Texas, and Louisiana. Actually, no one knows with any certainty how much oil is under the tidelands of these States. While structures favorable to oil production have been found on submerged lands of the Continental

Shelf, it does not necessarily follow that all these structures contain oil or, if they do contain oil, it will be in proportionate amounts equaling those of proved fields.

Second, that the oil reserves in these areas are worth \$400,000,000,000.

Mr. President, no one knows what the price of oil per barrel will be when these tidelands oil reserves finally are withdrawn, because no one can know what the price may be over the next 20 years. The proved reserves of California are 156,000,000 barrels, and the proved reserves of the Gulf of Mexico are 321,000,000 barrels, a total of 477,000,000 barrels.

Third, Mr. President, it is said that all the oil in these areas can be produced soon enough to make a significant contribution to the financial needs of public education, national defense, or retirement of the public debt.

The only revenues that could be devoted immediately to any such purposes are present revenues which are running at an estimated \$127,000,000 a year. The production of oil is 51,000,000 barrels a year, and the computation is based on \$2.50 a barrel.

Old Federal aid to education bills would have required an average expenditure of \$500,000,000 a year; national defense appropriations are running at a \$50,000,000,000 a year clip; the national debt is about a quarter of a trillion dollars.

The Geological Survey estimates that it will take 20 years to withdraw tidelands reserves.

The fourth argument offered by the proponents of the oil-for-education amendment is that the Federal Government has the right to claim all tidelands-oil revenues.

While this statement, with the exception of demands made on the State of Washington by the Secretary of the Interior, has never been made directly by any responsible Federal official, it is implicit in the public promises made to teachers and labor-union officials who favor devoting tidelands-oil revenue to education.

Under the Mineral Leasing Act of 1920 the minimum royalty the Government gets is 12½ percent, and the maximum is 25 percent.

Consequently, the most the Federal Government could hope to derive from total tidelands 1952 revenue would be \$23,000,000—\$127,000,000, total tidelands revenue, multiplied by 18 percent, the median percentage between 12½ percent and 25 percent equals \$23,000,000, the Government's share.

Divided among 1,000,000 public-school teachers, the Government's maximum share if entirely devoted to this purpose could mean at most an annual pay raise in 1952 of \$23.

Divided among 25,000,000 public-school children, if entirely devoted to this purpose, the Government's annual share could contribute 92 cents to each pupil this year, or barely enough to buy each student a 10-cent lead pencil every 6 or 7 weeks.

Mr. President, the fifth argument in favor of the education amendment runs about like this: That the oil-for-education bills would apply to the entire Con-

outbreak of the war, irrespective of what disposition was made subsequently of the land, buildings, and contents.

"(d) That claims filed pursuant to subsection (b) shall be determined and paid upon the basis of postwar cost of replacement which shall be ascertained by the War Claims Commission. In making such determinations the Commission shall utilize but not be limited to the factual information and evidence contained in the records of the Philippine War Damage Commission; the technical advice of experts in the field; the substantiating evidence submitted by the claimants; and any other technical and legal means by which fair and equitable postwar replacement costs shall be determined.

"(e) The Commission is hereby authorized and directed to proceed at once with the necessary investigation, study, and establishment of procedures in order to determine the replacement costs of the claims to be filed under subsections (b) and (c), using as a basis for beginning such investigation and study the evidence contained in the claims of those religious organizations or their personnel which have already filed and are eligible to be paid under the terms of subsection (a) of this section.

"(f) All claims under subsections (b) and (c) must be filed on or before October 1, 1952; and not later than March 31, 1953, the Commission shall adjudicate according to law and provide for the payment of any claim filed pursuant to this section. In any case in which any money is payable as a result of subsections (b) and (c) to a religious organization or its personnel functioning in the Philippines, such money shall be paid upon request of such organization to its affiliate in the United States: *Provided*, That all money thus paid to such affiliated religious organization in the United States shall be used by such affiliate for the purpose of restoring the educational, medical, and welfare facilities described in subsections (b) and (c) and located in the Philippines.

"(g) The Commission shall expedite the payments under this section without reducing payment of claims of American civilian internees and prisoners of war filed before March 31, 1953, pursuant to the provisions of section 5 and 6 of this act."

SEC. 3. Claims for compensation under subsection (d) of section 6 of the War Claims Act of 1948, as amended, must be filed with the War Claims Commission within 1 year after the date of the enactment of this act.

SEC. 4. Nothing in this act, or in the amendments made by this act to the War Claims Act of 1948, as amended, shall operate to extend the life of the War Claims Commission for any period of time.

And to amend the title so as to read: "An act to amend sections 6 and 7 of the War Claims Act of 1948."

Mr. KNOWLAND. May we have an explanation of the House amendments?

Mr. McCARRAN. Mr. President; section 1 of S. 1415 is an amendment added to the bill by the House of Representatives, to provide for the payment of compensation to prisoners of war for the labor of these prisoners of war and for inhumane treatment administered to them by the enemy government by which they were held. This compensation is to be awarded at the rate of \$1.50 per day for each day that the prisoner of war was held and on which he alleges and proves in an acceptable manner to the War Claims Commission either (a) that he was compelled to labor in violation of title 3, section 3 of the Geneva Convention of July 27, 1929, or (b) that he was subjected to inhumane treatment in vio-

lation of the Geneva Convention. Payment of these claims is to be made from the war claims fund, the proceeds of which stem from liquidated property originally seized or vested by the Office of Alien Property. In the event that the prisoner of war is no longer living, payment would then be made to (1) the widow if there are no children; (2) one-half to the widow and one-half to the child or children of the deceased prisoner of war; (3) to the child or children of the deceased prisoner of war if there is no widow; or (4) to the parents in equal shares if there is neither a widow nor a child.

Mr. President, I move that the Senate concur in the House amendments.

The motion was agreed to.

AMENDMENT OF DISTRICT OF COLUMBIA CODE OF 1901, AS AMENDED, RELATING TO GARNISHMENT

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1368) to amend subsection (a) of section 1107 of the District of Columbia Code of 1901, as amended by section 2 of the act of December 20, 1944 (D. C. Code, sec. 15-403 (a)), and to amend section 467 of the District of Columbia Code of 1901 (D. C. Code, sec. 16-323), which was, on page 2, line 16, strike out all after "contractu" down to and including "section" in line 20.

Mr. KNOWLAND. Mr. President, may we have an explanation of the House amendment?

Mr. JOHNSTON of South Carolina. Mr. President, on October 19, 1951, the Senate passed and sent to the House, S. 1368, to increase the exemption from garnishment in the District of Columbia of the earnings of a family head from \$100 to \$200 per month. The House amended the bill by merely eliminating the provision "That food, shelter, or clothing received as part of earnings, salary, insurance, annuities, or pension or retirement payments, shall not be included in computing income for the purposes of this section."

That is the only amendment to the bill.

I move that the Senate concur in the amendment of the House.

The motion was agreed to.

LEGISLATIVE PROGRAM

Mr. McFARLAND. Mr. President, I wish to make an announcement with respect to the legislative program.

Following disposition of the unfinished business the Senate will consider Calendar No. 1273, H. R. 4394, to provide certain increases in the monthly rates of compensation and pension payable to veterans and their dependents, and for other purposes.

Following disposition of H. R. 4394, the Senate will consider Calendar 1274, H. R. 4387, to increase the annual income limitations governing the payment of pension to certain veterans and their dependents and to preclude exclusions in determining annual income for purposes of such limitations.

Following disposition of H. R. 4387, the Senate will consider Calendar No. 1285, S. 2728, to amend the act of July 22, 1950 (Public Law 609, 81st Cong.), as amended, so as to extend free mailing privileges to members of the armed forces of foreign nations serving under the United Nations command in Korea, on a reciprocal basis, and for other purposes.

MINERAL LEASES ON CERTAIN SUBMERGED LANDS.

The Senate resumed the consideration of the joint resolution (S. J. Res. 20), to provide for the continuation of operations under certain mineral leases issued by the respective States covering submerged lands of the Continental Shelf, to encourage the continued development of such leases, to provide for the protection of the interests of the United States in the oil and gas deposits of said lands, and for other purposes.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. SMATHERS. Mr. President, I am happy to yield to the Senator from Utah [Mr. BENNETT] such time as he may desire, but before yielding to him I shall yield to the Senator from Massachusetts [Mr. SALTONSTALL].

Mr. SALTONSTALL. I thank the Senator from Florida.

I should like to ask the majority leader if he expects to take up any other business than the submerged lands bill this afternoon?

Mr. McFARLAND. It is not the intention to take up any other bill this afternoon, unless it be some noncontroversial bill. If that should occur, I should be very glad to confer with the Senator from Massachusetts.

The PRESIDING OFFICER. There is no limitation on debate this afternoon.

Mr. SMATHERS. Mr. President, I yield to the Senator from Utah [Mr. BENNETT] such time as he may desire.

Mr. BENNETT. Mr. President, as I study the so-called tidelands issue, I am more and more convinced that there is one fundamental issue involved which transcends all others in importance, namely, whether the Congress will make it unmistakably clear that it will not stand for the whittling away and destruction of rights which are guaranteed to the States under our Constitution and the law as understood and applied for long periods of time. I think it is incumbent upon the Members of the Senate to demonstrate to the executive and judicial branches that it intends that the Federal system as established in the Constitution shall be preserved and that the States shall not be eaten up by doctrines of paramount rights or other newly conceived theories of law which might be concocted by the executive officials and ultimately accepted by the courts.

Mr. President, I am not a lawyer and do not pretend to know the intricacies and ramifications of the law. However, as I have understood the conclusions of well-qualified lawyers, as they are expressed in ordinary lay language, I am of the impression that the legal profession in great part is convinced that the

tidelands decisions were departures from settled law and represent another encroachment by the Federal Government on the rights of the States.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. BENNETT. I shall be glad to yield to the Senator from Wyoming.

Mr. O'MAHONEY. Mr. President, I should like to say to the Senator from Utah that in the opinion of the chairman of the Committee on Interior and Insular Affairs, and certainly in the opinion of the Supreme Court, the decisions of the Supreme Court, in the three cases of California, Texas, and Louisiana, do not whittle away any rights of the States. If the Senator will indulge me, I should like to state the issue very succinctly.

The problem of State or Federal control over lands of the open ocean with respect to the oil under such lands never arose in the history of the Government. The joint resolution which is pending before the Senate does not take away from the coastal States any control they now have with respect to lands submerged by harbors, bays, inlets, or sounds. Inland navigable waters are not affected. Every single decision of the Supreme Court quoted by those who have been seeking to convince those who represent interior States that lands submerged by rivers and lakes are in danger referred only to inland navigable waters.

The Federal Government has not sought to change that rule of law in any respect, and the joint resolution pending before the Senate does not change it. The only issue is whether the Federal Government or the States shall exercise jurisdiction over lands which are submerged by the open sea. From the time of Thomas Jefferson, who first asserted the doctrine of the 3-mile limit, until the present President of the United States, in September 1945, asserted jurisdiction over the entire Continental Shelf, which extends in some cases 150 or 160 miles into the sea, there never has been any doubt that the Federal Government is the power which controls in that area.

The quitclaim bills which have been passed have sought to assert State rights, State ownership, and State control in an area which, as I have said, from the time of Thomas Jefferson, Secretary of State under George Washington, until this hour have been within the domain of the Federal Government. The raid is not on the States; the raid is on the Federal Government in the form of the quitclaim bills.

Mr. BENNETT. Mr. President, I appreciate the fact that that is the position of the honorable Senator from Wyoming.

As I said earlier, I am not trained in the law, and if the Senator will bear with me until I proceed a little further with my argument, he will see the purpose of my statement.

I have indicated that I have gathered the impression that the tidelands decisions were departures from settled law. As I understand the conclusions of many of the lawyers, a new theory of law was developed in the tidelands cases.

I have been advised that the legal periodicals contain discussions and re-

ports of issues and decisions of significance, and that they represent a cross section of legal thinking. With this thought in mind, I have had my staff prepare for me an abstract of the conclusions expressed in those periodicals, as they are stated in lay language, and not the legal rationale behind the ultimate opinion, as to the state of the law on the tidelands issue prior to the decisions of the Supreme Court, and as to the propriety of those decisions. I think that the picture those abstracts paint would be of interest to the Senate, because I have had included expressions both for and against the point of view of the States, wherever such expressions appear in the periodicals. I have included expressions made before the tidelands decisions, and since they were rendered.

Mr. President, I ask unanimous consent that the memorandum which I have had prepared be printed in the body of the Record at the end of my remarks and as a part thereof.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

(See exhibit 1.)

Mr. BENNETT. Mr. President, I realize that the authors of many of these articles come from States with an interest in the tidelands and that some of them have taken an active part in the controversy. However, a number of the other authors do not have a partisan position. The memorandum is, I think, worthy of consideration along with other material available to the Senate. Since this memorandum was prepared, it has come to my attention that the Attorney General of Texas recently remarked that 43 articles in law reviews and legal periodicals in 20 States and England have considered the tidelands cases, and that 40 of the 43 are critical of the principles and procedures followed by the Supreme Court.

In conclusion, Mr. President, I wish again to allude to a fact which has been expressed here before. I wish to note that even though the issue before the Senate now involves only the oil of the tidelands, the new doctrine of paramount rights in the Federal Government may well be extended some day to other resources and other situations, unless the Congress unqualifiedly expresses its objection on behalf of the people.

Mr. LONG. Mr. President—

Mr. SMATHERS. Mr. President, I yield to the Senator from Louisiana, in order that he may ask a question of the Senator from Utah.

Mr. LONG. I assume that the Senator from Utah knew that the American Bar Association appointed a committee to make a study of this question, and that the committee concluded that the decisions in the California, Texas, and Louisiana cases were completely in conflict with the doctrine which had been laid down by innumerable cases for 160 years. I should also like to ask the Senator if he knows that the American Bar Association is on record as favoring the position of the States, as also is the National Chamber of Commerce, which has made a study of the matter.

Mr. BENNETT. I knew that, but I thought perhaps the abstracts from a number of legal articles written in law reviews might add to the information available to the Senate.

Mr. LONG. I thank the Senator.

EXHIBIT 1

ABSTRACTS OF CONCLUSIONS BY AUTHORS OF ARTICLES IN LEGAL PERIODICALS AS TO THE CORRECTNESS OF TIDELANDS DECISIONS

Report of special committee of American Bar Association on proposed resolutions regarding tidelands (73 Reports American Bar Association 436 (1948)):¹

"The Supreme Court in this case (California) held that California does not own the seaward areas within its boundaries, contrary to principles established in a long line of prior decisions by the court."

Joseph A. Loret,² Louisiana's 27-Mile Maritime Belt (13 Tulane L. R. 252 (1939)) (commenting on the Nye resolution and action by Federal executive officials to claim Federal ownership):

"When he heard of the introduction of that bill in Congress, the Honorable Gaston L. Porterie, attorney general of Louisiana, was very much surprised at the attack therein made upon the title of the various Coastal States to the sea bottom within their respective borders, as he had always considered their ownership thereof beyond dispute."

Gordon Ireland,³ Marginal Seas Around the States (2 La. L. R. 252, 447 (1940)):

"The United States has * * * no ownership rights in the bed or soil under the marginal sea, except such incidents or easements as are necessary in support of the exercise of Federal delegated powers."

Edwin Borchard,⁴ Resources of the Continental Shelf (40 American Journal of International Law 53 (1946)):

"Since the general principle is uniformly followed, and has no exception so far as we are aware, it is safe to say that it is thoroughly established that all the tidelands whether on the coast or on rivers are the property of the adjacent State. All tidelands, meaning waters and submarine land up to the 3-mile limit counting from low-water mark, are included in the general rule."

"There is no settled law which the Court need consider binding with regard to the lands in question" (56 Yale L. J. 356 (1947)).⁵

"In deciding between the Federal Government and California, the Court had little in the way of law or precedent to bind it, and was free to reach a decision that was the most reasonable under present-day condition" (33 Va. L. R. 657 (1947)).

"California's claim of ownership is, of course, generally favored by those decisions of State courts in which the type of question has arisen. But Federal cases, which should control this determination as between Nation and State, do not adequately support the claims of either litigant in the present suit" (5 Washington and Lee L. R. 85 (1947)).

¹ Appointed committee reported to house of delegates and their recommendations and report were adopted February 23, 1948; see also 34 American Bar Assn. J. 279 (1948), 33 Mass. L. Q. 55 (1948).

² Special assistant attorney general of Louisiana, former assistant attorney general of Puerto Rico, lecturer in law at Louisiana State University.

³ Professor of law, Portio Law School, formerly professor of law, Louisiana State University.

⁴ Professor of law, Yale University Law School, former Assistant Solicitor, Department of State.

⁵ Where citation only is given, the article is a student comment or note.

W. Page Keeton,⁶ Federal and State Claims to Submerged Lands Under Coastal Waters (25 Texas L. R. 262 (1947)):

"In the opinion of the writer, the judicial decisions will support the claim of the States to submerged land at least to the extent of 3 miles from low-water mark. In view of this fact and in view of the fact that property rights are in question, it is unlikely that the Supreme Court will see fit to disregard this long-standing rule of property, notwithstanding there was originally a reasonable argument for a contrary position."

"This case [California] marked the initial instance in which the specific question of ownership of the bottom of the open seas was raised before the United States Supreme Court. * * * It is noted that the decision in the instant case continues the trend toward the centralization of Government which has been steadily extended under the commerce, tax, and war powers of Congress" (14 Brooklyn L. R. 118 (1947)).

"Ever since the creation of the Federal Government it has been thought that as an incident of State sovereignty all lands under navigable waters and all tidelands belong to the respective States in which such lands are situated. * * * These principles were reaffirmed by the Supreme Court in a long and unbroken line of decisions, many of which dealt with tide and submerged land of the sea."

[After commenting on the California case.] "While this may seem to be a rather inaccurate summary, it is true that the principal case is the first in which the United States itself claimed ownership to the 3-mile belt" (35 Calif. L. R. 605 (1947)).

"None of the American cases, however, involved disputes over the open sea or lands beneath" (3 Intramural L. R. (New York University) 44 (1947)).

Ownership of the sea bed (24 British Yearbook of International Law 382 (1947)):

[After commenting on the Pollard case.] "This case has been followed in numerous decisions, in some of which the word 'tidelands' has been used ambiguously, and there have been dicta which suggest that the rule in the Pollard case applies not only to the soil above low-water mark but also to the soil beneath the waters to the seaward of low-water mark. There was sufficient weight of opinion to lead Professor Borchard to the firm conclusion that the rights in question belonged to the States individually, and not the United States."

Hiram M. Dow,⁷ Implications of Decision of *United States v. California* (Report of Annual Meeting New Mexico State Bar, 1947, p. 35):

"We may sum it up by saying that for 171 years our State and Federal Governments had recognized State ownership of all submerged lands within their respective boundaries."

John E. Thomason, *United States v. California*; Paramount Rights in the Federal Government in Submerged Coastal Lands (26 Texas L. R. 304 (1948)):

"No authorities cited sustain the statement that such 'broad dominion and control * * * asserted under international law' entitles it to set aside the resources of these lands to its own use as against the claims of a competing State."

"There are no cases prior to the present opinion in which it is said that the Federal Government owns the marginal sea, while there are many cases with statements to the effect that the States are the owners of the marginal seas" (21 Southern California L. R. 208 (1948)).

(Goes on to conclude the California case was decided in error.)

Elton M. Hyder, Jr.,⁸ *United States v. California* (19 Miss. L. J. 265 (1948)):

"In the face of repeated and uniform recognition by the Supreme Court of the United States of State title to submerged lands underlying coastal waters, there is no justification for applying any different rule or rationale."

Robert E. Hardwicke,⁹ Carl Illig,¹⁰ and C. Perry Patterson,¹¹ The Constitution and the Continental Shelf (26 Texas L. R. 398 (1948)):

"It is submitted that legal, political, and practical reasons, as well as history and precedent, support the conclusion that the United States should vest in, or recognize as already vested in, the littoral States the title to, and dominion and control over the Shelf and its resources, subject to the exercise of Federal delegated powers, such as regulation of navigation. * * *

"The decision against California was astounding and the reasoning behind it even more so. The declaration * * * was something novel in our law."

[After commenting on the Pollard case.] "In subsequent cases involving the application of this rule there frequently appeared language clearly indicative that the Court at that time considered State ownership to include the bed of the marginal sea, at least within the 3-mile limit, although in no case was the Court called upon to extend State ownership beyond the low water mark" (8 La. L. J. 578 (1948)).

Julius F. Parker, Problems in Florida and Other Coastal States Caused by the California Tidelands Decision (1 Fla. L. R. 44 (1948)):

"That the reasons advanced and conclusions reached in the majority opinion would evoke strong dissents was to be expected. * * *

"Conceding that support for State ownership of territorial waters could be stronger than it is, the fact remains that there is no support whatever for Federal ownership as against the States, unless * * * there be some practical argument inducing Federal seizure."

"The question of ownership in these offshore areas had never before been brought to the attention of the Court. * * *

"Little authority can be found relating to the proposition that the United States owns the tidelands" (36 Ill. B. J. 292 (1948)).

Herbert H. Naujoks,¹² Title to Lands Under Navigable Waters (32 Marquette L. R. 7 (1948)):

"In recent years (but before the California Tidelands decision), it had been thought that the United States Supreme Court decisions had settled authoritatively the long-established rights of the various States to the lands underlying the ocean waters off their shores. * * * The many decisions of the United States Supreme Court which held that the several States had paramount rights in the title to the submerged lands underlying the tidewaters adjacent to their shores now have all been overruled by the California Tidelands decision. * * *

"The author submits that the United States Supreme Court is wrong in its decision."

E. J. Sullivan,¹³ The Tidelands Question (3 Wyoming L. R. 10 (1948)):

"From the time of the American Declaration of Independence until the decision against California in the Tidelands Case,

⁸ Assistant attorney general in charge of oil and gas division for State of Texas—an address before Jackson, Miss., Junior Bar Association Second Annual Law Institute.

⁹ Fort Worth bar.

¹⁰ Houston bar.

¹¹ Professor of government, University of Texas.

¹² Wisconsin and Illinois bars, assistant attorney general of Wisconsin.

¹³ Wyoming bar.

State and Federal governments had recognized State ownership of all submerged lands within their respective boundaries. * * *

"Since the beginning of the Republic, State ownership of submerged lands, inland and in principle offshore, has been confirmed and reaffirmed through 52 Supreme Court decisions, 244 Federal and State court decisions, 49 Attorney General opinions, and 31 Department of Interior opinions. During all this time, a monumental precedent was built up without a single dissent."

Price Daniel,¹⁴ Texas Title to Submerged Land (1 Baylor L. R. 237 (1949)):

"Texas has two separate and distinct claims in support of its ownership of submerged lands and minerals. First in the general rule of law which has existed in our country for over 170 years recognizing that the separate States own the lands beneath all navigable waters within their respective boundaries. * * *

"This general rule was recognized and applied by all the States, both inland and coastal, and by all Federal courts and executive departments for more than 100 years."

Melvin J. Richards,¹⁵ Tidelands and Riparian Rights in Florida (3 Miami L. Q. 339 (1949)):

"There seems to be a popular misconception that the Supreme Court of the United States in that case [California] changed the law of the land as previously laid down. There can be little doubt but that it holds contra to the intimations of all previous holdings of the same Court and the rules laid down by the highest courts of the individual States, but the majority opinion in that case held that the State-Federal conflict arose in this case for the first time, that the Supreme Court of the United States was never before called upon to decide and had never before ruled upon the issue involved."

"The 13 original States never surrendered the subsoil of their navigable waters to the Federal Government. Thus it was consistently held that to deny ownership of these lands to the States admitted to the Union subsequent to its formation would deny them admission on the 'equal footing' guaranteed by their acts of admission (99 Pa. L. R. 259 (1950)).

Richard Wait,¹⁶ Supplementary History of Title of Massachusetts to Submerged Sea Lands (36 Mass. L. Q. 17 (1950)):

[After commenting on the rationale of the Supreme Court in the California case.] "This is an interesting theory, but its major flaw is in its premise, for the law did recognize property in submerged offshore lands long prior to 1800."

James Munro,¹⁷ The Supreme Court and the Marginal Sea (4 Wyo. L. J. 181 (1950)):

"The California decision is debatable only to the extent that it asserts the Federal right to paramount jurisdiction rather than title in the United States. * * * Here again the Court may be on solid historical ground, for as the assertion of jurisdiction over the 3-mile limit had arisen solely from considerations of national defense, and so was not primarily concerned with the bed of the sea, the right to extract oil, stemming from exactly the same considerations, should be similarly limited."

"In extending the principle of the California decision the Supreme Court again applied a unique conception of the equal-footing doctrine. * * * The Court erred in omitting important historical evidence bearing upon the Texas case" (24 Temple L. Q. 377 (1950)).

¹⁴ Attorney general of Texas.

¹⁵ Florida bar.

¹⁶ President of Massachusetts Bar Association.

¹⁷ Illinois and Wyoming Bars, Assistant Professor of Law, University of Wyoming, 1945-46.

⁶ Dean of law, University of Oklahoma.

⁷ Of the New Mexico bar and member of Board of Bar Examiners of New Mexico.

"The position of the Government and of the majority of the Court toward the Thirteen Original States, of which Massachusetts was one, cannot be supported. Why? Because the Court did not discuss the muniments of title of the Original Thirteen States.

"We respectfully submit that the majority of the court was mistaken in its history, its law, and its vision in the California opinion and that the public interest of the people of the United States call for the overruling of that opinion." (35 Mass. L. Q. 1 (1950)).¹⁸

"Until the California case it was generally accepted that the title to tidelands was in the respective States. . . . The principle was indeed well settled. . . .

"It is felt that these decisions might better have been decided in favor of the States. This would have been in accord with established case law, and would have left to Congress the task of acquiring new territory for the United States." (21 Tenn. L. R. 676 (1951).)

"The United States Supreme Court has followed and reasserted the basic doctrine of the Pollard case many times. In doing so, it has used language strong enough to indicate that the Court then believed that the States not only owned tidelands and soil under navigable inland waters, but also owned soils under all navigable waters in their territorial jurisdiction, whether inland or not. . . .

"Although it has been suggested that there was no settled law for the court to follow in the *United States v. California*, the *Abby Dodge, Pollard's Lessee v. Hagan* and the many cases cited therein seem to constitute a reasonably definite line of authority." (15 Albany L. J. 85 (1951)).

John Hanna,¹⁹ *The Submerged Land Cases* (3 Stanford L. R. 193 (1951)):

"California, both in its exhaustive briefs and oral argument, made an impressive showing of historical research, opinions of international law authorities, judicial opinion, and official Government rulings and practices. Such arguments had convinced Senate and House Judiciary Committees, the American Bar Association, the Conference of Governors, the National Association of Attorneys General, the National Institute of Municipal Law Officers, and many representatives of official lawyer's organizations."

"That the submerged land cases announced 'a startling proposition,' 'a revolutionary idea,' and 'an unprecedented doctrine' is clear from comments of others in this symposium and in legal periodicals of the Nation" (3 Baylor L. R. 115 (1951)).²⁰

Mr. SMATHERS. Mr. President, I wish to thank the Senator from Utah [Mr. BENNETT] for his very constructive and informative statement regarding the tidelands question. I recognize, just as he does, that the position stated by the distinguished chairman of the Committee on Interior and Insular Affairs, the able Senator from Wyoming [Mr. O'MAHONEY], is merely his own viewpoint, which has not been agreed with by the best constitutional lawyers of the Nation today or those of the past. It

had not been agreed to by the Supreme Court in some 52 decisions prior to the decision in the California case. Again I thank the Senator from Utah.

It is not my intention this afternoon to discuss the so-called Hill amendment to Senate Joint Resolution 20, other than to say that I and the other sponsors of S. 940, which is also known as the Holland substitute, do not take a back seat to the Senator from Alabama or any of the co-sponsors of his amendment.

When it comes to a sincere desire to see the very serious school problem which confronts the Nation settled, and settled intelligently—I am certain I speak for many other Senators who are opposed to Senate Joint Resolution 20 and to the Hill amendment when I say that we have a deep and abiding concern about the shortage of schools and the lack of adequate salaries for the school teachers of the United States.

I feel that the questions with respect to the lack of schoolrooms and buildings and of the inadequate pay of school teachers should be considered by Congress in an effort to find an intelligent and proper way by which the Federal Government can help State officials solve these most pressing problems.

I congratulate the able Senator from Alabama for his interest in education; but toward the Hill amendment I share the feeling of the able and distinguished Senator from New Mexico [Mr. ANDERSON], a coauthor of Senate Joint Resolution 20, who said before our committee while the Hill amendment was being discussed that while he believed in the purposes of the Hill amendment, nevertheless, he recognized that it had nothing whatsoever to do with the big question raised by Senate Joint Resolution 20, and that the Hill amendment, as a matter of fact, should be considered by a different committee than the one which considered and reported the pending joint resolution.

In order to keep the record straight, I quote from page 35 of the hearings before the Committee on Interior and Insular Affairs on this question, where it appears the Senator from New Mexico said this in reference to the Hill amendment:

This question as to how you are going to handle Federal aid to education, it seems to me, properly comes before another committee.

Every one of us recognizes that the Hill amendment, laudable in its purposes, appealing in its intentions, has, nevertheless, in effect, been offered in order to sweeten Senate Joint Resolution 20 and to make it more palatable to Senators. Obviously, it is difficult for anyone who believes that the school situation should be improved, as most of us believe it should be, to vote against the Hill amendment; and if the Hill amendment were adopted, it would be even more difficult to vote against Senate Joint Resolution 20. But the Hill amendment and all that it envisions should stand on its own feet. It should come before the Senate as separate legislation. It should not be attached to Senate Joint Resolution 20 to confuse the issue actually before us. It should not be injected into

the present discussion, which involves the question of whether or not the Federal Government is a government of delegated powers or whether it is superior to State governments in all matters, and for that reason has paramount rights and ownership with respect to lands which heretofore the States have always claimed as their own.

If the Hill amendment were modified to such an extent as to provide that the money realized by the Federal Government from the sale of oil in the submerged lands should be used to hire more tax collectors, or for the development of new and secret weapons of warfare, it would not command the sympathetic consideration which it now receives because it is concerned with schools. Yet the principle of the Hill amendment would be exactly the same; and if the proceeds were to be used for something aside from schools, I am sure that the majority of the Senate would agree that the Hill amendment actually had nothing whatsoever to do with the question of who has paramount rights in or owns the submerged lands. The Senate would vote down the Hill amendment with the statement that it should be considered subsequently, and as separate legislation.

We are now trying to settle the issue of ownership—not what should be done with the proceeds from the sale of lands or resources whose ownership is at the moment in doubt. It is my hope that this sweetening of Senate Joint Resolution 20, the sauce which has been applied to it, the appealing seasoning in which it has been smothered, in the form of the Hill amendment, will not be so seductive to Senators that they will, by voting for it, forget or upset the constitutional principle which has been enunciated by all constitutional writers—a principle written by the founding fathers in article X of the Bill of Rights, which provides that—

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.

Mr. HOLLAND. Mr. President, will my colleague yield for a question?

Mr. SMATHERS. I am happy to yield to my very able colleague from Florida.

Mr. HOLLAND. I fully and completely agree with my colleague in his analysis of the Hill amendment. I wonder if he does not feel that, in addition to all the highly objectionable features of that amendment as applied to this particular measure, perhaps the gravest danger incorporated in it is its utter failure to safeguard to the States their independence and their complete control of their own public-school systems.

Mr. SMATHERS. I heartily agree with my distinguished colleague that that is another objection to the Hill amendment. That is another reason why the Hill amendment should be brought before the Senate in the form of separate legislation, so that all the dangers which are inherent in it—even though it has a very laudable purpose—can be discussed intelligently on the floor of the Senate.

¹⁸ A special edition devoted to the Massachusetts Bar Association to the Problem of Federal Ownership of Submerged Lands.

¹⁹ Professor of law, Columbia Law School.

²⁰ Abstracts from the individual articles in this masterful symposium have not been included. This symposium includes articles and papers by Dean Roscoe Pound, former dean of Harvard Law School, Prof. James William Moore of Yale Law School, Prof. Charles Cheney Hyde, Prof. John Hanna, Ireland Graves, a prominent Texas attorney, Price Daniel, Attorney General of Texas, and includes the Memorandum in Support of Rehearing in *United States v. Texas*.

Mr. President, in discussing the issue of who owns or has the paramount rights to submerged lands lying underneath coastal waters, it is essential that terms be clear, and that they have the same meaning for everyone. Otherwise, it might easily develop that some of us would be using the same language, but with different meanings in mind. To avoid such confusion, I wish briefly to define a few of the words so often used in connection with this subject.

Although this controversy is popularly known as the tidelands issue, the actual tidelands, as they are now defined, are not in dispute. The tidelands are those areas along our coasts lying between mean high tide and mean low tide. State ownership of those areas is not now contested by the Federal Government.

However, the Federal Government is asserting claim to the ocean bottom seaward from the low-water mark. Title to a portion of that area is in dispute because recognized State boundaries extend into the oceans and the Gulf of Mexico for at least 3 miles. The area lying below the low-water mark but within the admitted boundaries of the coastal States is properly called "marginal lands." It is the ownership of that relatively narrow strip which is now in dispute.

The problem here arises, therefore, because the individual coastal States contend that they have always owned their marginal lands, while the Federal Government, since 1947, in the case of United States versus California, has asserted the claim that the Federal Government had the right to the resources in those lands.

The States' claims to ownership are fully supported by a historical study of the legal chain of title. When the Thirteen Original Colonies won their independence from England they were 13 separate, sovereign States. Article 1 of the definitive treaty of peace between the United States of America and England contained this statement:

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—

Not "with it," but "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.

Under the terms of that peace treaty each of the Thirteen Original States succeeded the King in all rights of ownership previously enjoyed by the King within the boundaries of the individual Colonies.

In tracing the title and ownership from the King of England to the States, with which he made a peace treaty, we must agree that there can be no question that before the Colonies won their independence from England the King of the British Isles was the owner of the seas and lands underneath the sea which lay along the coast. As early as 1610

the Privy Council of England in the case of Royal Fisheries of the River Bane said:

The reason for which the King hath an interest in such navigable river, so far as the sea flows and ebbs in it, is because such river participates of the nature of the sea so far as it flows * * * and the King hath the same branches of the sea and navigable rivers, so high as the sea flows and ebbs in them, which he hath in the high sea.

Dean Roscoe Pound, of the Harvard Law School, recently wrote in the *Baylor Law Review* this statement, which was placed in the *RECORD* a moment ago by the able Senator from Utah [Mr. BENNETT]:

As to the common law, from the time of Sir Matthew Hale's classical treatise *De Portibus Maris*, it has been settled that the title to the soil of the sea below high water mark is in the sovereign except so far as an individual or a corporation has acquired rights in it by express grant or by prescription or usage.

There can be no doubt, therefore, that the King of England was the sovereign of the coastal waters; and, as a matter of fact, it was because he was the owner of the adjoining seas that it was held that he also owned the navigable rivers, harbors, and streams, because they were merely fingers of the sea.

A number of colonial charters granted the isles of the adjoining seas to the grantee of the land on the mainland. For example, the grant by King Charles I to Lord Baltimore in the year 1632 included the isles 30 miles off the Eastern Shore. All the evidence, therefore, supports the contention that the King exercised the prerogative of ownership of the coastal waters of the lands within his domain.

Each original colony, therefore, acquired from the British King ownership and domain of its coast, as each colony was the successor in title to all the privileges of ownership enjoyed by the King.

The proponents of Federal ownership to the marginal lands would have us believe that the concept of a State owning waters and lands 3 miles offshore was created only after the American Revolution and after the ratification of the Constitution, and that, therefore, the colonies, as distinguished from States, never claimed ownership beyond the low water mark. As a matter of fact, the very able senior Senator from Wyoming [Mr. O'MAHONEY] on the floor of the Senate this afternoon stated that the concept of the 3-mile limit was originated by Thomas Jefferson, and only came into usage and being after the Constitution was adopted.

Facts prove otherwise. As I have previously mentioned, the evidence shows that the King of England exercised the rights of ownership over the adjoining seas. The extent of his claim of domain is evidenced by the statement of Johann Julius Surland who in 1750 said:

The jurisdiction of harbors, shores, coasts and banks extends as far as the waters washing thereon can be contested with cannon.

At that time 3 miles.

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

Mr. SMATHERS. I am very happy to yield to the very able Senator from Louisiana, who has done so much to present a clear picture of the real problem which now confronts the Senate.

Mr. LONG. Mr. President, I thank my friend, the distinguished Senator from Florida, and I wish to congratulate him on his masterly speech on the subject, as well as on the work he has done in connection with it as a member of the Committee on Interior and Insular Affairs.

I believe the Senator from Florida is familiar with the fact that the concept of the 3-mile limit was really one of delimitation. There being no question about the fact that the Sovereign owned the beds of the sea, the only question was as to how far he could exercise his ownership, namely, whether he could exercise his ownership 3 miles, 8 miles, or 10 miles out to sea. There was a question involving the determination of the limitation of that ownership. But, there was never any doubt as to whom the land belonged. When the question arose as to how far out the United States of America claimed its sovereignty extended and how far the sovereignty of the States extended, there was no doubt at all that the States owned the beds of their streams; and the only question was how far out to sea their ownership extended.

Mr. SMATHERS. I heartily agree with the Senator from Louisiana. The question of 3 miles being the delimitation was discussed at the time the Thirteen Colonies were under the direct jurisdiction of the King. It was not a concept which had its birth in a dream, so to speak, as has been suggested as an explanation on the floor, in the days of Thomas Jefferson or after the Constitution was signed. I thank the distinguished Senator from Louisiana.

History shows then that when the Thirteen Original Colonies became independent States they obtained the ownership of their coastal waters and for at least 3 miles seaward.

When in 1787 the 13 States joined together under one Federal Government, that Government acquired only such rights and only such lands as were specifically granted to it by the Constitution. All other powers, properties, and rights were left vested in the States.

Article 10 of the Bill of Rights states:

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.

The marginal lands were as much a part of each State as were the uplands and the lands below the rivers and harbors. The Constitution granted none of these to the Federal Government. Since then, there is no instrument or even any claim of any act or deed by which the coastal States either explicitly or impliedly conveyed the marginal lands to the Federal Government.

In the following years as each new State entered the Union, it did so on an equal footing with the original 13 States. It was understood and accepted

that this "equal footing" meant that each coastal State retained its ownership over its submerged lands.

In decision after decision, the Supreme Court of the United States has given judicial confirmation to the belief that the ownership of the tidelands and marginal lands was vested in the respective coastal States.

In 1842, in the case of *Martin against Waddell*, the Supreme Court of the United States had this to say:

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 for their own common use subject only to the rights since surrendered by the Constitution to the General Government.

The rights so surrendered by the States were, of course, paramount authority in the fields of navigation, interstate, and foreign commerce, and defense, which are quite apart and different from ownership.

In the case of *Smith against Maryland*, decided in 1855, the Supreme Court of the United States said:

Whatever soil below low water is the subject of exclusive propriety and ownership, belongs to the State on whose maritime border, and within whose territory, it lies, subject to any lawful grants of that soil by the State or the sovereign power which governed its territory before the Declaration of Independence.

In 1867, in the case of *Mumford against Wardwell*, the Supreme Court of the United States said:

It is the settled rule of law in this Court 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 with their respective borders. (Quoting from *Pollard v. Hagan*.)

Since the inception of our Nation, the accepted law of the land has been that the States had full rights, sovereignty, and jurisdiction of all navigable waters within their respective borders, subject only to the Federal Government's navigational rights and use for defense purpose.

Mr. LONG. Mr. President, will the Senator from Florida yield.

Mr. SMATHERS. I am very happy to yield.

Mr. LONG. The Senator from Florida is reading language from the many cases which laid down the rule that the beds of all tidewaters belong to the States, and that the lands beneath the navigable waters belong to the States. No distinction was ever made by the Court in enunciating the broad rule, which was obviously correct, that lands beneath these waters within their boundaries belonged to the States.

As the Senator from Florida well knows, that rule and that doctrine were laid down and announced very clearly. There was no doubt in anyone's mind that what the Court was saying in these cases—even though they involved the beds of rivers or bays—was that these properties belonged to the States. That

was the clear expression of the Court for 160 years. So when the Justices of the Supreme Court attempt today to say that the question of who owned the property out in the open sea or off the shore of the Gulf, the Atlantic, or the Pacific had not been settled, at least it can be stated that the Court had on innumerable occasions said that the property belonged to the States. Perhaps it did not have the exact facts before it in all cases, but in 52 cases the Court did state that the property belonged to the States, before the present New Deal Court decided to change the law.

Mr. SMATHERS. I thank the Senator from Louisiana. To prove exactly his point I should like to quote from the decision written by Mr. Justice Hugo Black when he wrote the majority opinion in the case of *United States versus California*, which case first denied State ownership in marginal land. He said:

This Court has followed and reasserted the basic doctrine of the *Pollard* case many times. And in doing so it has used language strong enough to indicate that the Court then believed that States not only owned tidelands and soil under navigable inland waters, but also owned soils under all navigable waters within their territorial jurisdiction, whether inland or not.

What the able Senator from Louisiana has stated is certainly substantiated in the opinion written by Mr. Justice Hugo Black. He certainly admitted all the obiter dicta in these 52 cases, which had well established the belief that the States owned the marginal lands lying off their coasts. Suddenly, and apparently without sound reason, at least so far as I can understand, he upset a doctrine which had been in effect for more than 100 years.

Mr. LONG. Mr. President, will the Senator from Florida yield, to permit me to ask a question?

Mr. SMATHERS. I am happy to yield to the Senator from Louisiana.

Mr. LONG. Certainly the quotation from which the Senator from Florida has read shows that in that instance Mr. Justice Black, who wrote the decision against the States, himself said, in his own words, that he realized that the Court had said for 110 years that this property belonged to the States, but he wanted to reverse that decision.

Mr. SMATHERS. Exactly. When the able chairman of the Committee on Interior and Insular Affairs stands on the floor of the Senate and says, as he did a little while ago, that it had been established forever that the States did not own the lands under their marginal sea, he was taking direct issue with what Justice Hugo Black stated when he said that for all those years it had been the opinion of the Supreme Court that the States owned the lands under the navigable waters within their jurisdiction, whether or not.

Mr. LONG. Mr. President, will the Senator from Florida yield for another question?

Mr. SMATHERS. I am happy to yield to the Senator from Louisiana.

Mr. LONG. Does not the Senator from Florida agree that in the earlier decisions involving waters, whether a bay or a

river or an estuary, the facts were such that the courts had to find, in effect, that the States owned the bed of the sea, in order to determine that the States owned the bed of the inland waters, because the possession of the inland waters was based on the theory that they were merely a branch or an arm of the sea, and that the ownership of those waters and the beds under them was derived from the doctrine that the King owned the bed of the sea and that the States succeeded to the right of the King.

Mr. SMATHERS. Exactly.

Mr. LONG. I thank the Senator.

Mr. SMATHERS. I thank the Senator from Louisiana for his very helpful contribution.

So, Mr. President, as I have pointed out, even Mr. Justice Black admitted that, previous to his decision, the Supreme Court of the United States believed the States owned the marginal lands.

It has always been my concept of the constitutional division of powers that only the legislative branch of the Government has the right to change the law. Now, however, we have an instance where six justices have taken upon themselves the legislative function of overturning what even they admit was the accepted rule of law on submerged lands, as we have just demonstrated by referring to the words of Mr. Justice Hugo Black.

The States and the courts were not the only ones adhering to the belief of State ownership of submerged lands. On numerous occasions the Department of the Interior evidenced its support of that principle. As recently as 1933, the then Secretary of the Interior, the late Harold L. Ickes, refused to grant Federal oil leases on marginal land under the Pacific Ocean within the boundaries of California, for he then said:

Title to the soil under the ocean within the three-mile limit is in the State of California, and the land may not be appropriated, except by authority of the State.

Throughout the history of our Nation the Federal Government had recognized, consented to, and supported the belief that each coastal State owned its own marginal lands. It was not until relatively recent times, with the discovery of valuable oil fields under the sea, that claim to these areas was made by the Federal authorities.

Mr. LONG. Mr. President, will the Senator from Florida yield to me for a question at this point?

Mr. SMATHERS. I am happy to yield to the distinguished junior Senator from Louisiana.

Mr. LONG. As a matter of fact, we we not confronted today with the unusual situation that the advocates of Federal ownership concede that it is not a proper Federal Government function to attempt to regulate or control the marginal sea, insofar as the reclaiming of land is concerned or in so far as the regulation of fishing or the catching of shrimp or the taking of oysters or clam shells or kelp or sponges or similar articles is concerned; but only when some oil is found there, after the doctrine that that land belongs to the States has been

maintained for 110 years, do they attempt to say that the Federal Government should have it?

Mr. SMATHERS. Yes; for 110 years, so long as nothing of value was found in those lands, those who advocated Federal control were happy to adhere to the belief that the States owned their marginal lands, as the Senator from Louisiana has pointed out.

However, after oil has been discovered in those lands, in order to get control of the oil, the advocates of Federal control wish to upset 110 years of constitutional precedents confirming the ownership of those lands in the States.

Mr. LONG. Mr. President, will the Senator from Florida yield further to me?

Mr. SMATHERS. I am happy to yield to the Senator from Louisiana.

Mr. LONG. I wonder whether the Senator from Florida has noticed how much of the New Deal and the Fair Deal attention seems to concentrate on everything relating to fuel or power. If those who subscribe to the New Deal or the Fair Deal doctrines wish to nationalize anything, it seems that fuel or power comes first to their attention. I do not understand why that should be. However, it seems that when the gas industry wishes to transport gas, it is subjected to the theory that any small, independent gas producer should be completely controlled by the Federal Government.

We also see that many of those who take that view have recommended that the coal mines be nationalized.

We further see that such persons think the Federal Government should attempt to take over the entire field of the generation of power and the transmission of power.

So it seems strange that those who would like to take the Nation further down the road to socialism are quite willing to go into high gear, so to speak, at any time with regard to any matter which can be shown to relate to either fuel or power.

Mr. SMATHERS. Mr. President, I am not an expert on socialism. However, from reading generally about socialism, I believe that the basic plan of the Socialists is to have the Central Government take over control of the communications system and the power and fuel industries, as the Senator from Louisiana has so well pointed out.

I am not sure that that is the intent in this case at all. Neither the Senator from Louisiana nor I would make such a charge. However, the facts, as the Senator from Louisiana has presented them, seem to indicate that every time a question relating to fuel or power arises there is concerted effort on the part of some persons to get the fuel, power, or other resources into the hands of the Federal Government.

Mr. President, in 1945 the United States Attorney General initiated an original action in the Supreme Court against the State of California over the question of which government had jurisdiction over the marginal lands.

In 1947 the Supreme Court of the United States, in ruling on the California case, rendered an opinion which, instead of settling the controversy, has

resulted in further confusion and bewilderment as to just what government—State or Federal—does have title to the marginal lands. In that case, concurred in by only six Justices, the Supreme Court ruled that the Federal Government had the authority to take the oil extracted from the marginal lands because, in the words of Justice Black:

We decide for the reasons we have stated that California is not the owner of the 3-mile marginal belt along its coast and that the Federal Government, rather than the State, has paramount rights in and power over that belt, an incident to which is full domain over the resources of the soil under that water area, including oil.

It is interesting to observe, Mr. President, in the decision by Mr. Justice Black, that he did not say that the Federal Government owned or had title to the submerged lands; he merely said that California did not own that land.

Mr. LONG. Mr. President, will the Senator from Florida yield to me for another question?

Mr. SMATHERS. I am happy to yield to the Senator from Louisiana.

Mr. LONG. In that case, the Supreme Court held that the Federal Government had paramount rights; but I am sure the Senator from Florida knows that there was no declaration by the Court that the State had no rights. As the able Senator from Texas [Mr. CONNALLY] pointed out, when it is said that the Federal Government has paramount rights, that implies, in itself, that some other rights do exist.

Mr. SMATHERS. That is correct. Of course, the phrase "paramount rights," in its accepted meaning, connotes the paramount rights of the Federal Government to control matters relating to national defense, interstate and foreign commerce, navigable streams, and similar matters. That is all that "paramount rights" ever meant until the 1947 opinion, when the Supreme Court ruled in the case of United States versus California.

Mr. LONG. Mr. President, will the Senator from Florida yield at this point?

Mr. SMATHERS. I am happy to yield.

Mr. LONG. I believe that in some of the earlier decisions involving submerged lands, the courts—many years previously—had said that the States owned the land, subject to the paramount rights of the Federal Government in the field of navigation and in the field of national defense. However, they did not then seem to believe that such paramount rights had a way of coalescing, so as to take away the property belonging to someone else.

Mr. SMATHERS. Apparently, in the eyes of the Supreme Court, the paramount rights were expanding and extending.

Mr. President, since the California case there have been two additional cases which have further added to the confusion. On June 5, 1950, the Supreme Court of the United States, in the case of United States against Louisiana, speaking through Justice Douglas, decided that the 13 original colonies never acquired ownership in the marginal land and that, therefore, the rest of the States, admitted on an equal foot-

ing, do not own their marginal lands, either. The implication of this decision was that if a State had owned its marginal sea at the time of entry into the Union, it would continue to do so. However, on the same day, June 5, 1950, the Supreme Court handed down its decision in the case of United States against Texas, involving the marginal lands of Texas. In this case, the Court decided that even though Texas as a sovereign republic before its admission to the Union owned its marginal lands, nevertheless upon entering the Union it lost full authority and ownership of its marginal lands.

Justice Felix Frankfurter, who is not generally regarded as a reactionary or the tool of any oil lobbies or a Southern obstructionist, had this to say in disagreeing with the majority opinion:

The submerged lands now in controversy were part of the domain of Texas when she was on her own. The Court now decides that when Texas entered the Union she lost what she had and the United States acquired it. How that shift came to pass remains to me a puzzle.

I may add that it remains a puzzle for a number of other persons in the United States, certainly including myself, and also including, I am sure, the senior Senator from Florida [Mr. HOLLAND] and the junior Senator from Louisiana [Mr. LONG].

The Supreme Court, by three vague opinions, based on strange, strained, and unusual reasoning, has, in effect, reversed the law which had been well established for more than 100 years.

In all three of the Supreme Court cases which I have mentioned oil has been the immediate subject of controversy. It seems that the underlying theory of the Department of the Interior for claiming dominion over this resource was that oil is essential to our national defense, that defense needs are paramount, and that therefore the Federal Government owns the oil in the submerged lands. This theory was substantially the basis of the Supreme Court decision in the California case, as recognized by Justice Douglas in his majority opinion in the case of United States against Louisiana, in which he cited the California decision, and said:

National interest, national responsibilities, national concerns are involved. The problems of defense, national defense, relations with other powers, war and peace, focus there. National rights must, therefore, be paramount in that area.

That is the rationale of United States against California.

Justice Douglas, in writing the majority opinion of the Louisiana case, said:

Today the controversy is over oil. Tomorrow it may be over some other substance or mineral, or perhaps the bed of the ocean itself. If the property, whatever it may be, lies seaward of low-water mark, its use, disposition, management, and control involve national interest and national responsibilities.

The Supreme Court in that decision of but four Justices—two of the Justices took no part, two dissented, and the fifth, Justice Frankfurter, wrote an opinion disagreeing with the majority—has by judicial decree transferred to the Federal Government the basic right

to regulate—or even confiscate—the sponges, the oyster beds, or whatever else may be affixed to the soil of our coastal border.

The scope of these decisions is so alarming and of such import to the future stability of property rights that it demands the close scrutiny of every Member of this Senate. Admittedly, the Department of Interior and the Department of Justice are today asserting no desire to control fishing and other related industries. However, if we acquiesce in this transfer by judicial decree, we are on notice that at any time the Federal Government can assert its rights as the alleged owner of our subsoils below the low-water mark, we shall be in a constant state of uncertainty, operating and regulating our own businesses on a sufferance basis rather than as owners.

Merely because the officials in the Department of the Interior and the Department of Justice are not now insisting upon control and regulation of resources and other activities in the marginal seas does not preclude them from some day changing their mind and, relying upon the Supreme Court decisions, claiming such resources as the property of the Federal Government. And, as the able Senator from Louisiana pointed out, it may depend upon how valuable those resources may be.

Mr. LONG. Mr. President, will the Senator yield for a question?

Mr. SMATHERS. I am happy to yield.

Mr. LONG. As a matter of fact, Mr. Perlman when before our committee said he did not think any Solicitor General would be worthy of the job if he claimed the inland waters. But on the other hand, was it not Mr. Perlman, as Solicitor General, who went before the court, asked it to overrule innumerable prior decisions announcing the so-called "separate but equal" doctrine, which dealt with the subject of civil rights?

Certainly, as the Senator knows, if we were to tie in the aid-to-education amendment as a part of this measure, and if the school-teacher lobby should ask the Solicitor General to claim the inland waters for the school teachers of the country, someone, yielding to political pressure, as apparently Mr. Perlman may have done, might then proceed to put in a claim to the inland waters. Certainly the Court has given every opening for such a claim to be made, in view of the doctrine which the Supreme Court laid down in the California, Texas, and Louisiana cases.

Mr. SMATHERS. I thank the Senator from Louisiana.

It is true that an amendment to Senate Joint Resolution 20 would permit the States to regulate, manage and administer the taking, conservation and development of all fish, shrimp, oysters and other marine, animal and plant life within the marginal lands. However, I submit that such an amendment is merely a consent on the part of this Congress for the States to continue operating in a field of authority which is rightfully theirs alone. The amendment does not say that the United States recognizes that the States have sole authority to so regulate, but merely gives

a temporary permission to the States, a permission which could be withdrawn by any later Congress.

Furthermore, it would take little stretching by the present United States Supreme Court in its judicial gymnastics to include in its general gift to the Federal Government all of a State's tidewaters and inland waters which are capable of being navigated. As a matter of fact, the Attorney General, in his brief in the case of United States against California, expressed disapproval of the case of Pollard against Hagan, which is the decision upon which State title to inland navigable waters was established.

Some of the Members of the Senate advocated an amendment to Senate Joint Resolution 20 which would disclaim Federal ownership of all navigable inland waters including the Great Lakes. The very able and very fine senior Senator from Illinois [Mr. DOUGLAS] has, on that basis, professed his support of Senate Joint Resolution 20, as he would under such circumstances, if that amendment were adopted, no longer have any fear or concern over any Federal claim being made to the lands below the shore line of his State.

However, I submit that there is no logical distinction between the shores of the Great Lakes and the shores of the Atlantic and Pacific and the Gulf of Mexico. When the Supreme Court of the United States, in the case of Illinois Central Railroad against Illinois, had determined the ownership of the bed of Lake Michigan adjoining the city of Chicago, it was decided that the same rule of law should be applicable to the Great Lakes as that which applies to the coastal States.

The Supreme Court in that case—One Hundred and Forty-sixth United States Reports, page 387—in the year 1892, had this to say:

It is the settled law of this country that the ownership of and dominion and sovereignty over lands covered by tidewaters, within the limits of the several States, belong to the respective States within which they are found, 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 waters, and subject always to the paramount right of Congress to control their navigation so far as may be necessary for the regulation of commerce with foreign nations and among the States. * * *

The same doctrine is in this country held to be applicable to lands covered by fresh water in the Great Lakes over which is conducted an extended commerce with different States and foreign nations. 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 other respects they are inland seas, and there is no reason or principle for the assertion of dominion and sovereignty over and ownership by the State, of lands covered by tidewaters that is not equally applicable to its ownership of and dominion and sovereignty over lands covered by the fresh waters of these Lakes.

I submit that at the time this decision was rendered, the Supreme Court of the United States considered its definition of tide-waters to mean navigable waters, and was not then narrowly defined so as to only include that strip rising between

high and low tide—One Hundred and Forty-sixth United States Reports, page 435. Consequently, the ownership of the States bordering the Great Lakes to the lands below the waters adjacent to their coast rises or falls with the ownership of the coastal States to their marginal lands. As the Supreme Court has said, the Great Lakes are in all respects open seas and there is, therefore, no logical reason for distinguishing between the coast of the Great Lakes and the coasts of oceans.

Because the new Supreme Court is of the opinion that the Federal Government now owns the marginal lands due to its relationship with other nations, that same reasoning is now applicable to the marginal lands in the Great Lakes. It is no wonder that some Senators who support Senate Joint Resolution 20 also support the proposed amendment to it, which specifically excludes claim of Federal ownership to marginal lands in Great Lakes. I ask, Is it not the grossest sort of discrimination to disclaim title to the subsoil off the shore of one State and not of the other States? It would be just as great a discrimination as if we were to disclaim title to the marginal lands off California but not off the coast of Texas. I am surprised that Senators would advocate what amounts to special legislation in behalf of their own States while asking that the Federal Government take over the marginal lands off the coasts of other States. What would happen if oil were discovered in the bed of Lake Michigan?

According to the amendment, the Federal Government would have no claim to such oils. It is therefore very easy for Senators to support this legislation, which would take the oil proceeds of coastal States and spread them among all the school systems throughout the country, even in Illinois, Michigan, and the other States. But if any oil is discovered off the Great Lakes' coastlines it would belong to the adjoining States. Certainly it seems to me that this question must be settled on an equal and fair basis, with the same decision applying to every State. If we decide that the marginal lands of California belong to the Federal Government, then those of Florida should belong to the Federal Government. And, likewise, if the marginal lands of Florida belong to the Federal Government, the same is true for the State of Illinois, the State of Michigan, and the other States which are sponsoring the amendment. To exclude them, in the words of Sam Goldwyn, "to include them out," in the event this Federal ownership doctrine ever becomes the law of the land, would be highly unfair and discriminatory.

But the subsoils under the marginal and inland waters are not the only areas of resources which are in jeopardy due to the Supreme Court's thinking. If the Federal Government can establish a principle which allows it to usurp the authority of the individual States on the grounds of the needs of defense, then it can likewise appropriate for itself other resources wherever they may lie and to whomever they may belong. The same reasoning could equally well apply to the

coal mines of Pennsylvania, the gold mines of Colorado, the silver mines of Nevada, and the uranium deposits recently found in Polk County, Fla., from which the distinguished senior Senator from Florida [Mr. HOLLAND] comes.

This is not a far-fetched interpretation dreamed up by me as a straw man. Supreme Court Justice Reed recognized this very danger in his dissenting opinion in the case of United States against Texas. He 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.

Dean Roscoe Pound of Harvard, who I am sure every Senator will agree is a man who knows something about the laws of the United States and who is certainly a great constitutional lawyer, had this to say on this very point:

If sovereignty with responsibility for defense and international relations did necessarily and inseparably involve dominium, that is, ownership of land, all private ownership of land would have to be given up.

(a) When defense for practical purposes meant defense from attack by sea within the range of the ordnance of the time, it could have been said that jurisdiction over the marginal sea was required for defense. But now that the whole country is potentially threatened from the air and defense may have to be made from every part of the land, not merely the seacoast but every locality up and down the land may call for defensive activities of the National Government. Today, defense, in a time of long-distance bombing and long-distance invasion by air over the whole territory of a belligerent must involve a power of defense from one end of the land to the other. If exercise of sovereignty for defense requires that the Government be owner, then there can no longer be private or state ownership of land. Under the conditions of warfare today the argument for national defense would make the United States owner of the whole land as well as of the shore of the sea and the sea adjacent to our territory.

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

Mr. SMATHERS. I am very happy to yield to the Senator from Louisiana.

Mr. LONG. Does not the Senator think that those who tell us we need not worry about the Government's taking all these properties and nationalizing various other things are, in many respects, the same gentlemen who approve the Government's taking over the practice of medicine, the Government's extended powers into the field of public power, the regulation of the production of fuels and various other things, and extending its power into the field of agriculture and, in the estimation of some of us, practically socializing agriculture? They say, "Do not let us worry about it; that is not our intention." But there are those who believe that the Government is doing just that in many fields.

Mr. SMATHERS. I agree with the Senator from Louisiana. I cannot understand how any person who believes in article 10 of the Bill of Rights, who be-

lieves the teachings of Jefferson, Madison, and other great founders of our Government, can vote for Senate Joint Resolution 20.

Some effort seems to have been made in the debate on this subject to confuse the issue by making it appear that the Holland substitute would surrender the Federal Government's paramount rights of navigation and defense in the marginal lands. Nothing could be further from the actual facts. Ownership of the resources in the soil has nothing whatever to do with the Federal Government's paramount rights of navigation and defense.

The senior Senator from Illinois would like for us to disclaim title to the subsoils in Lake Michigan. Does he thereby contend that the Federal Government would lose its paramount rights of navigation and defense in Lake Michigan?

The senior Senator from Wyoming would have us disclaim title to the river beds and the harbors. Does he thereby contend that the Federal Government would lose its paramount rights to navigation and defense over all navigable streams, rivers, and harbors in the United States?

Of course not, and the same is applicable to the marginal lands of the coastal States.

In further considering the ramifications of the Supreme Court's reasoning, I believe it should be remembered that the sole legislative authority of the Federal Government is vested in the Congress of the United States. Courts are not authorized and are not supposed to indulge in writing legislation. As every lawyer knows, in numerous instances in our Federal and State judicial history, courts for one reason or another have rendered decisions which amounted to writing new laws. In some instances this was the only course that the Court could take because the law which they were called upon to interpret was so ambiguous that their interpretation amounted to legislating. In other instances the courts, by judicial decision, have filled a legislative void which also amounted to the writing of laws. In such cases, however, the courts have never intended to usurp the legislative function, and it has always been within the power and the duty of the legislative branch either to affirm or disavow a court's decision when the court had, for one reason or another, engaged in legislating.

It seems to me that we have such an issue before us today. The Supreme Court has admittedly, by the decision of Justice Hugo Black, indulged in the writing of new law, when he said, in effect, "We admit the law has been this way for 100 years, but we are going to change it." So as the Court has indulged in the writing of new law, it is not only our right, but our duty, in view of the confusion which has arisen, to clarify what this legislative body believes to be the law on the subject.

In the opinion of the junior Senator from Florida, Senate Joint Resolution 20 is not the proper legislation to clarify the situation. Although it was introduced and is presented as a so-called

interim measure, in truth and fact it is not an interim proposal either as to time or substance.

Mr. LONG. Mr. President, will the Senator yield?

Mr. SMATHERS. I yield.

Mr. LONG. The proposal has been occasionally called an interim proposal and a compromise proposal. Actually, it is neither. If it passes as it stands at this moment—

Mr. SMATHERS. Did the Senator say "interim" or "enter in"? It appears to me to be an "enter in" proposal.

Mr. LONG. The Senator is correct. If the resolution passes in its present form it would simply mean that the Federal Government would take over the lands of States within the 3-mile limit. As a matter of fact, it has been stated that it is a compromise proposal, when there is no compromise involved. It is simply a case of drawing up a piece of proposed legislation offering some very slight concessions to the States and, upon that basis, saying that it is a compromise. With whom is it a compromise? It is simply an effort to make the proposed legislation more palatable.

Mr. SMATHERS. It is a compromise such as the judge in New York will make with Willie Sutton, giving him either 80 years in prison or 75 years in prison.

Senate Joint Resolution 20, by an amendment now withdrawn, would have provided that for a period of 5 years after its enactment the States would have some voice in the issuing of oil leases, but after that time, unless the Congress enacted some new legislation, the full authority to act would vest in the Secretary of the Interior. In the absence of additional legislation, then, this proposal would give permanent authority to the Federal Government. Such a measure could scarcely be termed "interim."

Mr. LONG. Mr. President, will the Senator further yield?

Mr. SMATHERS. I yield.

Mr. LONG. Of course, that provision has been removed from the resolution. The distinguished chairman of the committee one day, after discussing the matter, but without any agreement with anyone, had that amendment incorporated in the resolution. When the resolution was reported, he decided that apparently that provision did not make the resolution any more palatable, and he withdrew it without objection on the part of anyone. It is one of those things called a compromise by those who take the Federal side of the controversy.

One day they put a provision into the measure and the next day they take it out and say they are compromising with someone, when there is no compromise involved.

Mr. SMATHERS. A compromise indicates each side giving up something. I do not know what the other side has given up in this so-called compromise measure.

It becomes obvious that the pending joint resolution is not an interim measure, but amounts to a very definite declaration on the part of Congress that it has the authority to dispose of the minerals in the marginal lands, if we adopt the resolution in its present form.

Furthermore, the enactment of Senate Joint Resolution 20 would leave unsolved the boundaries of the State authority, therefore leaving undetermined titles to improvements, piers, and beaches along the coasts of the United States.

The Senators from Florida have joined with 33 other Senators in sponsoring S. 940, now the Holland substitute, which we believe would properly and thoroughly settle this entire problem.

I may say here that the very able senior Senator from Florida [Mr. HOLLAND], when he discussed this resolution, pointed out that Senate Joint Resolution 20 would leave completely unsettled the question of who should pay taxes, even, for example, on the many hotels, piers, and similar structures which today are built on filled-in land off the coast of the State of Florida.

The senior Senator from Florida has recently offered his substitute for Senate Joint Resolution 20, his substitute being in essence the provisions of S. 940, with certain minor refinements of language. The so-called Holland substitute would provide legislative confirmation of the common law as it applied to marginal lands and as the law has been understood for more than 100 years. It would give congressional recognition to the coastal States' title to marginal lands within their boundaries as recognized at the time the States were admitted into the Union, or as later recognized by Congress.

The problem of the tidelands involves two important questions, first, the necessity, in the interest of national defense, of immediately developing the oil resources of the marginal lands; and second, of settling, once and for all, the title to areas over which there will be much dispute because of the Federal claim to the marginal lands.

Senate Joint Resolution 20 offers only an unsatisfactory so-called compromise on the first question, while leaving untouched the second. On the other hand, the Holland substitute would dispose of both problems and settle the law once and for all.

This is not a debate about whether we will turn over our resources in marginal lands to private oil companies. The truth of the matter is that oil companies do not care whether the Federal Government or the States have those lands, because in either case they will get leases and will have to pay royalties to lessors. The same development work will be done by the same people, no matter who owns the lands. To say that it is necessary to have this question included in the program in order to have oil developed is certainly a strange point, not supported by the facts. As a very practical matter, it is only good, common sense that the States, which have for more than a hundred years exercised their authority over the coastal waters and lands underneath, should continue their ownership out to their territorial boundaries.

It is also important that Congress once again reaffirm the principle that the Federal Government has paramount

rights only in matters in which the Federal Government has been specifically delegated rights by the States or by the Constitution. We should not permit to develop in the United States a doctrine or a principle which in essence holds that the Federal Government existed prior to the State governments, and that the Federal Government has paramount rights and authority in all matters where it may wish to claim such rights and authority.

We should not permit to be developed on the basis of the present Supreme Court decisions a doctrine which is contrary to the conception of democratic government as envisioned by Jefferson, Madison, Monroe, and all the other great founders of our Government. We should not permit an unsound principle such as this to stand, for it is a principle which, if ignored, can some day easily destroy State boundaries, and not only take away State property, but ultimately individual property, and make us all subservient to the all-powerful State.

This issue transcends the question of who will get title to the oil or where the proceeds of the oil will go. The monetary value of oil is of insignificance when compared to the overpowering question of the type of government we in the United States are to live under in the future.

The Holland substitute is the only proposal yet offered that can bring permanent order out of chaos and restore stability from the present confusion. Historically and legally the Holland substitute is fair and just. From a practical standpoint, it is the only logical and sensible solution to this problem. Therefore, I urge Senators to give overwhelming approval to the Holland substitute.

Mr. LONG. Mr. President, will the Senator yield?

Mr. SMATHERS. I am happy to yield to the Senator from Louisiana.

Mr. LONG. The Senator from Florida has made an admirable address on the subject before the Senate. Inasmuch as he adverted to the proposed aid-to-education amendment, I would appreciate it if the Senator would permit me, by unanimous consent, to place in the RECORD at this point a telegram I have received from Mr. Allan B. Kline, president of the American Farm Bureau Federation, who said that the settlement of the tidelands issue should not become confused with the Federal aid-to-education issue.

Mr. SMATHERS. I thank the Senator for that contribution.

Mr. LONG. I ask unanimous consent that the telegram may be printed in the RECORD.

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

CHICAGO, ILL., April 1, 1952.

Hon. RUSSELL B. LONG,
Senate Office Building,
Washington, D. C.:

It is the position of the American Farm Bureau Federation that Federal aid to education should be decided on its merits in the effort to tie it to tidelands oil issue. Federal aid to education seems merely to be a ruse. We oppose the combination as a

most unsatisfactory approach to the legislative problem involved in each.

ALLAN B. KLINE,
President, American Farm Bureau
Federation.

Mr. HOLLAND. Mr. President, will my colleague yield?

Mr. SMATHERS. I yield to the senior Senator from Florida.

Mr. HOLLAND. I wish to express my very warm congratulations to my distinguished colleague. I think he has made a most able address, and a real contribution to this debate.

I particularly appreciate, as I believe all other Members of the Senate likewise will appreciate, the fact that the Senator ended on the note that he did, namely, that, after all, the major consideration in this debate is whether it is sound Government to set up a superstate, with powers transcending anything the Federal Government has ever dreamed of having before, governing the whole submerged belt surrounding the Nation, and each of the maritime States, and calling for tens of thousands of additional employees, and for the making of decisions in hundreds and thousands of matters which vitally affect the local life and growth of communities along our coast line.

I think that is the gist of the subject. The oil question is a temporary matter, which will be completely disposed of within 20 or 25 years at the most. The permanent problem is one which should give deep concern to the people of the Nation, because we are now planning the kind of Government which we shall have during the hundreds of years, nay, thousands of years, during which all of us hope and believe in our hearts that our Government will continue to exist as the greatest democratic power on earth.

I warmly thank my distinguished colleague, the junior Senator from Florida.

Mr. SMATHERS. I thank my colleague, the senior Senator from Florida, and I yield the floor.

Mr. ELLENDER. Mr. President, I wish to join with the senior Senator from Florida [Mr. HOLLAND] in his compliments to the junior Senator from Florida [Mr. SMATHERS] for the able address he has just delivered.

While we are complimenting Members of the Senate for their contributions to the debate, I wish to pay my respects to the distinguished senior Senator from Florida [Mr. HOLLAND] for the able work he has been doing in this great fight.

I also wish to compliment my colleague the junior Senator from Louisiana [Mr. LONG] for the able work he has been doing in this fight on the tidelands issue. I do not have the ego to feel that I could add much to what has already been said on this subject, except perhaps by way of emphasis.

In discussing the tidelands subject, which is the unfinished business of the Senate, I should like to bring to the attention of the Senate a few concrete examples that show the slow but steady progress of bureaucracy in this country toward a strong centralized government. I believe such a discussion appropriate at this time in view of the fact

(a) This section has worked out well and many employers have entered into the election campaigns where they were heretofore excluded. The NLRB handed down a weird decision on this section about a month ago in the General Shoe Co. case, but I understand a new decision is coming out in about a week which will change Board policy and give real meaning to the free speech intent of the Taft-Hartley law.

BOTH MUST BARGAIN

The Wagner Act provided that the employer only must bargain in good faith. Taft-Hartley says that also applies to unions.

WHO MAY PETITION FOR AN ELECTION

Under the Wagner Act only the union could ask for an election, except in the single case where an employer was faced with two unions insisting they represented his employees, but neither of whom would file an election petition. Taft-Hartley provides that an employer on his own petition may secure an election to determine who represents the majority of his employees, but that such an election may be held no more than once in any 12-month period. This once a year restriction gives contracts greater stability and prevents the parties from harassing each other with too many elections.

NON-COMMUNIST AFFIDAVITS

Congress recognized the fact that Communism makes its most effective inroads through organized labor and has done so in just about every country the Communists have taken over. In order to give labor an opportunity to rid itself of Communists who have entrenched themselves in the American labor movement, Taft-Hartley required that before a union may use the services of the Labor Board for any purpose, its officers must sign affidavits disclaiming any Communist affiliation or belief.

(a) This provision has worked out very well in that many unions whose officers are Communists have seen a rebellion by the membership, which, because of this provision, has already forced many of the Communists out of responsible union offices.

INJUNCTIONS

The NLRB is empowered by Taft-Hartley to go directly into court to seek injunctions to prevent the commission of unfair labor practices. This section should be distinguished from the so-called national emergency provisions discussed later.

(a) A good example of how this injunction to prevent an unfair practice has worked was the recent case where John L. Lewis refused to bargain with the southern coal operators unless Joseph Moody, the association's president, stayed out of the negotiations. General Counsel Denham secured a court injunction which affirmatively ordered Lewis to bargain with Moody and anyone else the coal operators might select.

RIGHT TO STRIKE PRESERVED

The Taft-Hartley law expressly protects the right of workers to strike—except Government employees who lose their civil-service status if they strike.

(a) Under the national emergency section, the right to strike is preserved although it may be postponed under special circumstances for as long as 80 days only.

SUPERVISORS

A series of decisions by the NLRB and the Supreme Court under the Wagner Act put management in a position where it was required to bargain with its foremen and supervisors—in other words, management had to bargain with itself.

(a) Taft-Hartley provided that supervisors may organize, but an employer is not required to bargain with them.

(b) Since the passage of the act, we have seen a general trend by management, through education and consolidating its su-

pervisory force, aimed at making all supervisors bona fide management representatives.

SUITS FOR DAMAGES AGAINST UNION

Taft-Hartley provides that unions may sue and be sued for damages for breach of contract. It specifically states that only the union funds may be attached in any judgment and the members, as individuals, are not subjected to loss of money or property.

(a) Union opposition to this feature was based on the assumption that they would be endlessly harassed by lawsuits. It has not worked out that way, and to date only about a dozen suits for damages are actually pending in all courts throughout the United States under this section of the law.

VOLUNTARY CHECK-OFF

Taft-Hartley provides that before dues may be checked off from an employee's wages, the employee must file a written authorization directing the company to deduct these dues from his pay and turn them over to the union.

MEDIATION SERVICE

Taft-Hartley created, as an independent agency, the Federal Mediation and Conciliation Service, whose duty is to settle disputes by bringing the parties together in an effort to forestall strikes.

(a) The creation of this service, as an independent agency, should remove the suspicion that its predecessor took a one-sided pro-labor approach. This was reasonable in a sense, since the old Mediation Service was part of the Department of Labor, and thus required by statute to be a partisan of labor.

(b) The new service seems to have the confidence of both sides.

NATIONAL EMERGENCY STRIKES

Whenever a strike or a threat of a strike occurs in a vital industry (such as coal, transportation, communications, etc.) and the President believes that a stoppage would imperil the national health and safety, he may take the following action:

"Appoint a board of inquiry which will report all the facts to him, but will make no recommendations. Should this information convince him that a stoppage would imperil the national health and safety, he may direct the Department of Justice to seek an injunction to delay the strike. Then, should the courts agree that the national health and safety would be endangered, the injunction may be issued. It may last for 80 days at the longest. Meantime, the Mediation Service is required to make every effort to bring the parties together and avoid a stoppage. Should all these efforts fail, the NLRB is required to take a secret-ballot vote of the employees to determine whether they want to accept the employer's last offer, or strike. Should they vote to strike, they are free to do so and when the 80 days run out, the injunction must be dissolved."

(a) Examples of how this section has worked out are the recent coal stoppage, the threat of a strike at the Oak Ridge Atomic Energy Plant, and the present maritime dispute.

(b) What Congress apparently had in mind was that in one of these national emergency situations, the public simply could not afford a stoppage and if all efforts to settle were unavailing, the 80-day period would give the Congress an opportunity to legislate further.

POLITICAL CONTRIBUTIONS

One of the most controversial sections in Taft-Hartley is the one on political contributions by unions. It's now before the Supreme Court.

(a) This section applies the Corrupt Practices Act (dating back to 1907) to unions as it always has applied to corporations. Congress simply intended to prevent union officers from arbitrarily taking union funds and committing them to the campaign of

some candidate for Federal office. This applies to general union funds only—individual members can make any contributions they wish.

(b) Whether the language of the law carries out this limited intent is now up to the Supreme Court.

WELFARE FUNDS

This section of the law is a stop-gap provision only. Generally speaking, it provides that any union welfare fund to which an employer contributes must be jointly administered as a trust fund.

(a) This section is inadequate to deal with the over-all problem of welfare funds and pension plans and it is generally agreed that further comprehensive legislation on those subjects is needed.

STATE LAWS

Taft-Hartley provides that the NLRB may cede to State labor boards certain disputes where the State law is not inconsistent with the Federal law.

(a) When the Wagner Act was in effect, a number of States enacted what became known as little Wagner Acts. Under this set-up, the National Board could allow the States to handle a lot of disputes which were purely local in character since the disputants would get about the same relief under the State law as they would under the Federal Wagner Act. However, there are as yet no "little Taft-Hartley laws." Hence, the Board is taking jurisdiction of many disputes where they had never acted before. This is probably a proper exercise of jurisdiction by the NLRB since both the Wagner Act and Taft-Hartley law give jurisdiction where the dispute is one "affecting commerce." It is difficult to conceive of a situation where, under recent Supreme Court rulings, the case does not affect commerce in some way.

(b) Present indications are that there will be some clarification of this problem of NLRB jurisdiction.

JOINT COMMITTEE ON LABOR-MANAGEMENT RELATIONS

As long as the Wagner Act remained in effect, its supporters looked upon it as an untouchable document. However, Taft-Hartley established the Joint Study Committee whose duty it is to survey and study the entire field of labor-management relations—including the operation of the Taft-Hartley law. This committee is continuing that study and will make recommendations for whatever additions or modifications experience shows are needed in the Taft-Hartley law. As presently set up, these recommendations will be presented to the Eighty-first Congress in the final committee report of January 2, 1949, and will be based on an up-to-date evaluation of all provisions of the Taft-Hartley law to that date.

Mr. ELLENDER. Mr. President, it is not my purpose to cite further examples in the labor field, although there are many more that could be mentioned, but I would like to mention briefly another way by which some of the bureaucrats in Washington, those in charge of our Government, have been trying to usurp States' rights. I refer to the so-called civil rights proposals. I am not going to discuss the poll-tax issue, but that was a glowing example of the Federal Government trying to regulate matters which should be left to the States. We have had agitation ever since I have been in the Senate regarding the question of poll taxes; we have had agitation regarding the question of antilynching, which is just another effort on the part of bureaucracy to invade the rights of the States, to centralize authority in the

National Government rather than relegate those duties to the States, where they belong and where they have always been.

Mr. President, I wish to ask the indulgence of Senators for just a few minutes longer. As I indicated a while ago, the legal aspects of State ownership of submerged lands within their boundaries have been well covered by many able Senators. All that I wish to do at this time is to more or less emphasize salient points in the wealth of valuable information presented by my colleagues since the discussion was begun. As was pointed out by the distinguished junior Senator from Florida, at no time before the Supreme Court's decision in the case of the United States against California in 1947 did any of the Administrators of Government agencies—either Army, Navy, Interior Department or others concerned—take the position that the Federal Government owned any of the submerged lands within the coastal States, either offshore or in rivers, bays, harbors, or arms of the sea. Every time, an effort was made to obtain lands from the States by cession—for the building of a lighthouse, or some other Federal purpose—application was made to the authority in the States concerned. I am not going into detail, listing every instance whereby Federal agencies asked the States for authority to use these lands, but I ask to have printed at this point in the RECORD, a few of the outstanding examples of instances where the Federal Government requested State cession of certain lands for various purposes, in the States of Louisiana, Mississippi, Florida, Alabama, Georgia, South Carolina, and Texas.

THE PRESIDING OFFICER. Is there objection?

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

EXAMPLES OF FEDERAL GOVERNMENT REQUESTING STATE CESSION OF CERTAIN LANDS FOR VARIOUS PURPOSES

LOUISIANA

Act of legislature of 1921 set aside lands belonging to Louisiana in the Mississippi River in its mouth, and extending to deep water in the Gulf of Mexico, for maintenance of navigation. They were withdrawn from sale, and the legislature's action came from a request from the Chief of Engineers. In fact, the act states:

"Whereas the United States Government, through its War Department, Chief of Engineers, has requested cooperation of the State of Louisiana in maintaining the navigability of the channels of and at the mouth of the Mississippi River, etc."

Act of the legislature, 1930, Louisiana donated and granted to the United States a large area of the beds of streams, lakes, bayous, and all lagoons lying in Bossier Parish for the building of an airport and military purposes. The act stated, in part:

"Whereas the State of Louisiana owns lands which were formerly the beds of certain navigable bodies of water and of other streams in Bossier Parish, Louisiana, which are within a tract to be donated by the city of Shreveport to the United States of America for an airport, and, the United States of America will not accept said tract of land without the inclusion of this property within said tract belonging to the State of Louisiana."

MISSISSIPPI

In 1855 the Mississippi Legislature made a grant and cession to the United States relating to Ship Island lying off the Mississippi coast in the Gulf of Mexico of a strip of submerged lands 1,760 yards wide surrounding this island. In 1940 a supplemental enactment was passed by the Mississippi Legislature relating to this 1,760-yard grant. This area "lies in the open sea." This action followed a request by the Federal Government that the State cede these lands.

FLORIDA

In 1929, confirmed in 1938, Florida conveyed approximately 450 acres of submerged lands extending about 2 miles into the Atlantic Ocean at the mouth of St. Johns River, to the United States. On the map now in Federal files, which shows the extent of this transaction, are the words "acquired by the United States by deed from the State of Florida."

ALABAMA

The United States requested the State of Alabama to grant an 80-acre tract of land, both tideland and submerged, in and around Sand Island in Mobile Bay for a quarantine station. This was done in 1925, and the legislative act reads in part:

"Whereas the Congress of the United States by its act of February 19, 1925, has authorized the construction of a quarantine station on said Sand Island or on site on said island to be granted by the State of Alabama to the United States Government."

In a report to Congress by the United States Department of the Navy dated during the tenure of the second session of the Sixty-fourth Congress, the Navy refers to areas off the coast of Alabama as being the property of the State:

"The Sand Islands, formed by Government operations, were the property of the State, but that should the Government decide upon this location (for naval use), there would be no difficulty in obtaining them from the State."

With reference to these same islands, which had been formed by dredging operations off the coast of Alabama, the Navy report said: "Having been formed by dredging operations, they are the property of the State of Alabama, which in turn gave the city of Mobile right to enter upon and use them for any indefinite period."

GEORGIA

In 1874 Georgia granted to the United States tracts of land containing not more than 5 acres as selected by the United States for the purpose of erecting lighthouses, beacons, and other structures. In part, the act states:

"That whenever a tract of land, containing not more than 5 acres, shall be selected by an authorized officer or agent of the United States for the bona fide purpose of erecting thereon a lighthouse, beacon, or buildings connected therewith, and the title to the said land shall be held by the State, then, on application by the said officer or agent to the Governor of this State, the said Executive is hereby authorized to transfer to the United States the title to, and jurisdiction over, said land."

In 1939 the Georgia Legislature authorized the Governor to grant to the United States perpetual rights and easements over any and all lands—

"Including submerged lands, composing a part of the channel rights-of-way anchorage areas, and turning basins as may be required at any time for construction and maintenance of the aforesaid Intracoastal Waterway."

The authorization to make said grants was specified in an act to be in furtherance of the intracoastal waterway, authorized by act of Congress approved June 20, 1938.

SOUTH CAROLINA

In 1899 South Carolina granted to the United States submerged lands lying in the Atlantic Ocean at the entrance to a bay extending out 500 feet into the Atlantic Ocean beyond the line of high-water mark, for the construction of jetties by the United States.

In 1896 South Carolina granted to the United States portions of submerged lands in front of the town of Moultrieville, lying around Fort Moultrie military reservation. These lands extended a distance of 100 yards into the sea below low-water mark.

In 1900 South Carolina gave an extended grant of lands in this same general area to the United States, which lands extended out 100 yards into the Atlantic Ocean.

TEXAS

At the request of the United States on November 26, 1930, Texas executed and delivered its deed to the United States conveying a parcel of land approximately 82 acres in area, which lands were situated about 25 miles east of Galveston and which included substantial areas of submerged lands in and about East Galveston Bay.

At the request of the United States, Texas in 1880 conveyed to the United States a parcel of some 10 acres of submerged lands in the harbor of Galveston, now being covered to a depth of 4 to 5 feet of water at mean low tide.

In 1887, at the request of the United States, Texas conveyed a 10-acre tract of submerged lands lying between Padre Island and Brazos Island in the Gulf of Mexico to the United States.

In 1945 a lease was entered into, at the request of the United States, between the State of Texas and the United States of America, the former as lessor, and the latter as lessee, leasing a circular area having a 2,000-foot diameter covering submerged lands in Aransas Bay to be used by the lessee exclusively as a site for the location of a stationary antisubmarine bombing target.

In 1917, in a report to Congress, the Department of the Navy, reporting on certain sites under consideration for a navy yard in the vicinity of Galveston, made these comments:

"Site No. 10: This is located on West Bay Point, Galveston, Island. It consists of about 2 square miles, a little more than half of which is submerged. There is water frontage on the proposed extension of Galveston Channel at about 11,000 feet. The channel project at present only provides for extending the channel as far as the eastern boundary of the property. The land is owned by the State, and by Mr. Maco Stewart and Mr. J. J. King. Mr. King owns 113½ acres, and states that he will sell to the Government for \$60,000. The Maco Stewart holding consists of about 150 acres on the eastern side of the site for which no price was obtained. The remainder of the land is owned by the State.

"Site No. 1: This property has a frontage of about 11,000 feet on the proposed extension of Galveston Channel. It is owned partly by individuals and partly by the State. A large portion of it is submerged land."

In addition, reference was made to a 7-mile section between the turning basin and the foot of Main Street in Galveston, with a frontage of some 4 miles. The Navy reported: "The navigation district owns Clinton, Irish Bend and Alexander Islands, and about 9,000 acres of submerged lands and bays which are available for future developments."

Mr. ELLENDER. Mr. President, in addition to these examples, I should like to also have inserted in the RECORD a letter from the late Secretary of the Interior, Harold L. Ickes, written in 1933, in which Mr. Ickes denies the application of an

oil operator for a lease under the Federal Leasing Act of tracts off the shore of California, and states that the title to the land in question is in the State of California. I might say at this point that it was Mr. Ickes who constituted the guiding hand behind the Government's attempt to grab these valuable off-shore resources, and there we have a paradox, for, in 1933, when this letter was written, there was no doubt whatsoever in Mr. Ickes' mind that the submerged lands off the coast of California were definitely the property of the State. Yet, as the years went by and more and more applications trickled into the Interior Department, as more and more New Deal pressure was exerted on the Secretary, as Mr. Ickes began to absorb by osmosis and contact this all-embracing doctrine of centralized Federal power, the attitude of the Secretary of the Interior changed, and, I might add, the attitude of the Supreme Court changed. The only thing that did not change were the submerged lands—they stayed just as they were, except that they began to produce oil. They were still owned by the coastal States, just as they are today, but our Federal bureaucrats could not sit by and watch the States gain a little additional revenue from lands that had been theirs since creation. So the court suits began, and the fateful decisions followed, and the rights of individual States in our Federal Union were crushed down by the weight of New Dealism and bureaucrats thirsting for power.

Mr. President, I ask unanimous consent that the letter I have just referred to be placed in the RECORD at this point.

The PRESIDING OFFICER. Is there objection?

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

DEPARTMENT OF THE INTERIOR,
Washington, December 22, 1933.

Mr. OLIN S. PROCTOR,
Long Beach, Calif.

MY DEAR MR. PROCTOR: I have received, by reference from the Department of State, copies of your letters of October 15 and November 22.

As to the jurisdiction of the Federal Government over lands bordering on tidewater, the Supreme Court of the United States has held in the case of *Hardin v. Jordan* (140 U. S. 371), as follows:

"With regard to grants of the Government for lands bordering on tidewater, it has been distinctly settled that they only extend to high-water mark, and that the title to the shore and lands under water in front of lands so granted inures to the State within which they are situated, if a State has been organized and established there. Such title to the shore and lands under water is regarded as incidental to the sovereignty of the State—a portion of the royalties belonging thereto and held in trust for the public purposes of navigation and fishing and cannot be retained or granted out to individuals by the United States."

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 (41 Stat. 437), or under any other public-land law to the bed of the Pacific Ocean either within or without the 3-mile limit. Title to the soil under the ocean within the 3-mile limit is in the State of California, and the land may not be appropriated except by authority of the State.

A permit would be necessary to be obtained from the War Department as a prerequisite to the maintenance of structures in the navigable waters of the United States, but such a permit would not confer any rights to the ocean bed.

I find no authority of law under which any right can be granted to you to establish your proposed structures in the ocean outside the 3-mile limit of the jurisdiction of the State of California, nor am I advised that any other branch of the Federal Government has such authority.

Sincerely yours,

HAROLD L. ICKES,
Secretary of the Interior.

Mr. ELLENDER. Mr. President, I should now like to refer to an old decision of the United States Supreme Court, handed down in 1836—that of the *City of New Orleans v. The United States*, reported in 10 Peters 661, a Louisiana case. In that case the United States Supreme Court had occasion to review the provisions of the French Treaty of Cession by which the United States acquired the Louisiana Territory, and particularly the laws applicable to the ownership of the rivers, the seas and their shores within the boundaries of the Louisiana Territory and of the State of Louisiana after its admission into the Union in 1812. The Court reviewed the old Spanish and French laws which controlled the rights of property in the Louisiana Territory before the French Treaty of Cession, and the Court observed that under the old Spanish and French laws the Crown or the government of those countries could not alienate that type of property which was public by nature, the rivers, the seas and their shores, because this type of public property was held in trust by the nation's government for the common use of its people.

As to these, the rivers, the seas and their shores within the boundaries of the State of Louisiana as fixed in the act of Congress in 1812 admitting Louisiana as a State on an equal footing with the other States, the Supreme Court of the United States held that the United States had acquired only title in trust for the States later to be created from the Louisiana Territory.

True, in that case it was the shore of the river or public quay which was at issue, but the principle upon which the United States Supreme Court handed down its decision was the broad principle involving the ownership of the rivers, the seas and their shores.

In that case the Court concluded with its decree that in their opinion, neither the fee of the land in controversy nor the right to regulate the use was vested in the Federal Government. At this point I wish to quote from the Court's decision, found in 10 Peters 661:

The State of Louisiana was admitted into the Union, on the same footing as the Original States. Her rights of sovereignty are the same, and by consequence, no jurisdiction of the Federal Government, either for purposes of police or otherwise, can be exercised over this public ground, which is not common to the United States. It belongs to the local authority to enforce the truth, and prevent what they shall deem a violation of it by the city authorities. All powers which properly appertain to sovereignty, which have not been delegated to

the Federal Government, belong to the States and the people.

It is enough for this Court, in deciding the matter before them, to say, that in their opinion, neither the fee of the land in controversy, nor the right to regulate the use; is vested in the Federal Government; and consequently, that the decree of the district court must be reversed, and the cause remanded with directions to dismiss the bill.

That decision handed down in 1836, should have set at rest for all time the right of title in the State of Louisiana to all its submerged lands and their resources—to be used for the benefit of the people of the State.

To the same effect the Supreme Court of the United States has held many, many times since, under varied circumstances, that the original States owned the tidelands and waters and resources within them; that originally there was no territory within the United States that was claimed in any other right than that of some one of the confederated States, and that there could be no acquisition of territory by the United States distinct from or independent of some one of the States.

That very same doctrine was held in the case of *Harcourt v. Gaillard* (12 Wheat. 523), in 1827. In that case the United States Supreme Court, through Justice Johnson, held that the original States "had acquired their original title by grants from the Crown, the limit of their claims was asserted by the States in the Declaration of Independence, and the right to it was established by the most solemn of all international acts, the Treaty of Peace—the treaty by which the Thirteen Original Colonies gained their independence from the British Crown in 1783 following the successful war of the Revolution.

Mr. President, I should like to read at this point some of the provisions of this definitive treaty of peace between the United States and His Britannic Majesty, signed September 3, 1783, which ended the War of the Revolution and made this Nation independent. It contains several important and pertinent factors. In sequence, they are these:

In article I the original colonies are dealt with separately, by virtue of the following:

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.

With reference to seaward boundaries, article II, which defines the limits of the newly formed United States, makes this provision:

East by a line to be drawn along the middle of the River St. Croix, from its mouth in the Bay of Fundy to its source, and from its source directly north to the aforesaid Highlands which divide the rivers that fall into the Atlantic Ocean, from those which fall into the River St. Lawrence; comprehending all islands within twenty leagues of any part of the shores of the United States.

I was reading from the treaty between England and the Thirteen Original States.

Mr. LONG. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. LONG. I think it is found in the treaty that the King spelled out each individual State separately and stated that he recognized them as free and independent States.

Mr. ELLENDER. That is correct.

Mr. LONG. Both free and independent. In the Articles of Confederation under which the States were being governed at that time it was also provided that each State retained its sovereignty and its independence, was it not?

Mr. ELLENDER. Yes. Following that, every State of the Union was admitted into the Union on an equal footing, so that what was true in the case of the Thirteen Original Colonies was carried down and made applicable to every State afterward admitted to the Union.

Mr. President, I previously made reference to the case of *Harcourt v. Gaillard* (12 Wheat. 523), decided in 1827. I ask unanimous consent to have printed in the RECORD at this point in my remarks a brief résumé of that case.

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

HARCOURT V. GAILLARD (12 WHEAT. 523
(1827))

Plaintiff claimed a parcel of land lying in what now constitutes lands within the boundaries of Alabama, Mississippi, and Georgia, under a British grant issued in 1777. This land had been successively claimed by Georgia, South Carolina, and the United States. South Carolina relinquished her claim to Georgia, and the United States settled her claim by taking a cession from Georgia of the land in controversy.

In ruling against the plaintiff, the court, through Justice Johnson, made these pertinent comments.

"There was no territory within the United States that was claimed in any other right than that of some one of the confederated States; therefore, there could be no acquisition of territory made by the United States, distinct from, or independent of, some one of the States.

"And although the instrument by which Georgia claimed an extension of her limits to the northern boundary of that territory, was of no more authority or solemnity than that by which it was supposed to have been taken from her, it was otherwise with South Carolina. Her territory had been extended to that limit by a solemn grant from the crown to the lords proprietors, from whom, in fact, she had wrested it by a revolution, even before the rights of the proprietors had been bought out by the crown.

"But this is not the material fact in the case; it is this, that this limit was claimed and asserted by both those States in the Declaration of Independence, and the right to it was established by the most solemn of all international acts, the treaty of peace. It has never been admitted by the United States that they acquired anything by way of cession from Great Britain by that treaty. It has been viewed only as a recognition of preexisting rights, and on that principle, the soil and sovereignty within their acknowledged limits were as much theirs, at the Declaration of Independence, as at this hour."

Mr. ELLENDER. Mr. President, still further back, in 1823, the United States Supreme Court held in the case of *Johnson v. McIntosh* (8 Wheat. 543), that by the terms of the treaty which concluded the War of the Revolution, Great Britain relinquished to the Original Thirteen States all claim, not only to Government, but to the proprietary and territorial rights to soil which had previously been in Great Britain.

This case did not involve title to submerged lands, but it is important from one particular standpoint of relative significance.

The plaintiff claimed land under a conveyance from the Indians in 1773. Defendants claimed under a grant from the United States. The lands in controversy were situated within the chartered limits of Virginia, and were ceded with the whole country northwest of the river Ohio by the Act of Cession from Virginia to the United States, on conditions expressed in the deed of cession.

In the course of its opinion, the court said:

By the treaty which concluded the war of our revolution, Great Britain relinquished all claim, not only to the Government, but to the property and territorial rights of the United States whose boundaries were fixed in the second article. By this treaty, the powers of government, and the right to soil, which had previously been in Great Britain, passed definitely to these states.

An absolute title to lands cannot exist, at the same time, in different persons or in different governments. An absolute must be an exclusive title, or at least a title which excludes all others, not compatible with it.

In scores of other cases since the first decision of this kind in 1823, the Supreme Court of the United States has decided time and again that when the Revolution took place, the people of each State themselves became sovereign, and in that character held absolute right to all their navigable waters and the soils under them for their own common use—*Martin v. Waddell* (41 U. S. 367).

It was held further that the right which the people of the State thus acquired comes not from their citizenship alone, but from their citizenship and property combined, and that it is in fact a property right in the people of each State that they own the tidelands, the waters, and the resources within them. That was held in the case of *McCready v. Virginia* (94 U. S. 391), decided in 1876.

The same United States Supreme Court, in many cases since its decision in the Louisiana case in 1836, held to the same effect, that all States since admitted on an equal footing with the original States own the navigable waters within their boundaries and the soils under them, and that these were not granted by the Constitution to the United States. This was held to be applicable to Alabama in 1845, in the case of *Pollard v. Hagen* (3 How. 212).

Mr. President, I have excerpts from many of the decisions holding the doctrine to which I have just referred. I ask unanimous consent that the excerpts may be placed in the RECORD at this point in my remarks.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

POLLARD V. HAGEN (3 HOW. 212 (1845))

Plaintiffs claimed a lot of ground below both high- and low-water mark in Mobile Bay, under United States patent, issued before Alabama was admitted to statehood. The defendant claimed under grant from the State.

The Court said that this was the first time it had been called upon to draw the line that separates the sovereignty and jurisdiction of the Government of the Union and the State governments, over the subject in controversy, although many of the principles which entered into the question had been settled by previous decisions of the Court.

The Court held that when Alabama was admitted into the Union on an equal footing with the original States, it succeeded to all of the rights of sovereignty and jurisdiction which Georgia possessed, except so far as such right was diminished by the public lands remaining in the possession and under the control of the United States and that if an express stipulation had been inserted in the agreement for the admission of Alabama as a State, granting the municipal right of sovereignty to the United States, such stipulation would have been void and inoperative, "because the United States have no constitutional capacity to exercise municipal jurisdiction, sovereignty, or eminent domain, within the limits of a State or elsewhere, except in the cases in which it is expressly granted."

The Court said further that the surrender made by the States of their waste and unappropriated lands, public lands, to the United States under resolution of the old Congress, of September 8, 1780, to aid in paying the public debt of the Revolution, ended as soon as such purposes could be accomplished, and then the power of the United States over such lands was to cease. To exercise rights not granted, the Court characterized as repugnant to the Constitution and inconsistent with the deeds of cession.

"Then to Alabama," the Court said, "belong the navigable waters, and soils under them * * * subject to the rights surrendered by the Constitution to the United States" and that "no compact that might be made between her (Alabama) and the United States could diminish or enlarge these rights.

"For, although the territorial limits of Alabama," the Court added, "have extended all her sovereign power into the sea; it is there, as on the shore, but municipal power, subject to the Constitution of the United States, and the laws which shall be made in pursuance thereof."

This landmark case follows the prior jurisprudence and is important all the more for the enunciation therein made that the new States have the same rights, sovereignty, and jurisdiction as to navigable waters and the subsoils thereof as the Original Thirteen States.

MARTIN V. WADDELL (16 PET. 367)

One claimant based his right to take oysters from the bed of Raritan Bay, an arm of the sea, in New Jersey waters, upon a royal grant from the British Crown, in 1674. The other contestant predicated his claim upon a license or grant from the State of New Jersey.

Title to the bed of the bay was at issue, and State ownership was upheld. The two following statements were made in the Court's opinion:

"For when the Revolution took place, the people of each State became themselves sovereign; and in that character hold the ab-

solite right to all their navigable waters and the soils under them for their own common use, subject only to the rights since surrendered by the Constitution to the General Government.

"And when the people of New Jersey took possession of the reins of government, and took into their own hands the powers of sovereignty, the prerogatives and regalities which before belonged either to the Crown or the Parliament, became immediately vested in the State."

McREADY v. VIRGINIA (94 U. S. 391)

The question to be determined in this case was whether the State of Virginia could prohibit the citizens of other States from planting oysters in Ware River, a stream in Virginia governed by the ebb and flow of the tide.

Citing a number of cases, the Court held: "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."

This case is of great importance because in it express reference is made to the paramount right of the Federal Government, and a brief interpretation of such right. It was defined by the Court, not in terms of title or proprietorship, but as a constitutional power—regulation of navigation.

BORAX CONSOLIDATED v. LOS ANGELES (296 U. S. 10)

This action was brought by the city of Los Angeles (defendant in writ) claiming a grant from the State of California, to quiet title to land in San Pedro harbor, the other party claimed under a preemption patent from the United States.

Holding for plaintiff under State grant, the Court held that, among other things, the State ownership of tidelands extends to the mean high-water mark; that such property, acquired by the United States from Mexico, had been held in trust for the State of California.

THE ABBEY DODGE (223 U. S. 166)

The defendant was convicted under a Federal statute prohibiting the landing of sponges taken by means of diving apparatus from waters of the Gulf of Mexico and the State of Florida.

The Court cited *McReady v. Virginia*, *Pollard v. Hagan*, *Smith v. Maryland* and other cases herein briefed, as well as others, in saying that if the statute applied to sponges taken from land under water within the territorial limits of the State of Florida, or other States, the repugnancy of the statute to the Constitution would be plainly established. Referring to the case of *Manchester v. Massachusetts*, the Court pointed out that aquatic life "so far as they are capable of ownership while so running" belong to the States, and are subject to their control, if found within the marginal waters of such States.

SKIRIOTES v. FLORIDA (313 U. S. 69)

A case, in some respects, similar to the *Abbey Dodge*. A Federal statute was under consideration prohibiting the use of diving equipment in the taking of sponges from the Gulf of Mexico and the Florida straits.

The Court sanctioned the right of the State to regulate the taking of sponges from its territorial waters, dismissing the contention that international waters or law were involved.

SHIVELY v. BOWLBY (152 U. S. 1)

The land in controversy, located in Oregon, was submerged in waters beyond the high-

water mark. The plaintiff claimed under a State grant, the defendant under a United States patent. (Oregon tidelands at mouth of Columbia River in contest.)

In rendering judgment for the plaintiff, the Court held:

"By the common law, both the title and dominion of the sea, and of rivers and arms of the sea, where the tide ebbs and flows, and of all lands below high-water mark, are in the King. . . . The common law of England upon this subject, at the time of the emigration of our ancestors, is the law of this country except as it has been modified, by the charters, constitutions, statutes, or usages of the several Colonies and States, or by the Constitution and laws of the United States."

There was also mentioned in the opinion the rights of new States as being equal to the Original Thirteen.

"Upon the admission of Oregon into the Union, the tidelands became the property of the State, and subject to its jurisdiction and disposal."

MANCHESTER v. MASSACHUSETTS (139 U. S. 240)

In this case, cited often as one of the most important in the history of American jurisprudence, are found statements that the extent of the territorial jurisdiction of the States of the United States over the sea adjacent to its coast "is that of an independent nation" and that "a State can fix its boundaries on the sea, provided it does not exceed the limits that will be recognized by the law of nations."

In this case, an appeal was taken from a conviction for violating a Massachusetts statute prohibiting the use of nets for menhaden fishing in Buzzard's Bay, within the jurisdiction of Massachusetts. Buzzard's Bay is an arm of the sea, and of crucial concern to the Court at the outset was whether or not the alleged fishing took place within the maritime limits of Massachusetts.

Of significance in the Court's ruling are the following excerpts:

"By the definitive treaty of peace of September 3, 1783, between the United States and Great Britain, His Britannic Majesty acknowledged the United States, of which Massachusetts Bay was one, to be free, sovereign, and independent States, and he treated with them as such, and, for himself, his heirs, and successors, relinquished all claims to the government, proprietary, and territorial rights of the same, and every part thereof. Therefore, if Massachusetts had continued to be an independent nation, her boundaries on the sea, as defined by her statutes, would unquestionably be acknowledged by all foreign nations, and her right to control the fisheries within those boundaries would be conceded.

"The title thus held is subject to the paramount rights of navigation, the right of which, in respect to foreign and interstate commerce, has been granted to the United States. However, there has been no such grant over the fisheries. These remain under the exclusive control of the State, which has consequently all the right, in its discretion, to appropriate its tidewaters and their beds to be used by its people as a common for taking and cultivating fish, so far as it may be done without obstructing navigation. Such an appropriation is in effect nothing more than a regulation of the use by the people of their common property."

Mr. ELLENDER. Mr. President, I have placed the excerpts in the RECORD because I do not wish to take up too much of the Senate's time by reading them. However, I wish to comment briefly on the case of *Manchester against Massachusetts*, reported in One Hundred

Thirty-ninth United States Code, page 240. Just a few days ago, during debate, the question arose as to whether a State had the right to define by legislation the extent of its seaward boundary. I should like to read from the decision in the case of *Manchester against Massachusetts*:

It is also contended that the jurisdiction of a State, as between it and the United States, must be confined to the body of counties; that counties must be defined according to the customary English usage at the time of the adoption of the Constitution of the United States; that by this usage counties were bounded by the margin of the open sea; and that, as to bays and arms of the sea extending into the land, only such or such parts were included in counties as were so narrow that objects could be distinctly seen from one shore to the other by the naked eye. But there is no indication that the customary law of England in regard to the boundaries of counties was adopted by the Constitution of the United States as a measure to determine the territorial jurisdiction of the States. The extent of the territorial jurisdiction of Massachusetts over the sea adjacent to its coast is that of an independent nation; and except as so far as any right of control over this territory has been granted to the United States, this control remains with the State. In *United States v. Bevans*, Marshall, C. J., in the opinion, asks the following questions:

"Can the cession of all cases of admiralty and maritime jurisdiction be construed into a cession of the waters on which those cases may arise?"

"As the powers of the respective governments now stand, if two citizens of Massachusetts step into shallow water when the tide flows, and fight a duel, are they not within the jurisdiction, and punishable by the laws, of Massachusetts?"

The statutes of the United States define and punish but a few offenses on the high seas, and unless other offenses when committed in the sea near the coast can be punished by the States, there is a large immunity from punishment for acts which ought to be punishable as criminal. Within what are generally recognized as the territorial limits of States by the law of nations, a State can define its boundaries on the sea, and the boundaries of its counties.

In that connection, I should like to call attention of the Senate to the fact that in 1938 the Louisiana Legislature adopted Act No. 55, Acts of the State of Louisiana, passed at its regular session, entitled "An act to declare the sovereignty of Louisiana along its seacoast and to fix its present seacoast boundary and ownership."

Mr. President, I ask unanimous consent to have a portion of that statute incorporated in the RECORD at this point.

There being no objection, the portion of the statute referred to was ordered to be printed in the RECORD, as follows:

SECTION 1. Be it enacted by the Legislature of Louisiana, that the Gulfward boundary of the State of Louisiana is hereby fixed and declared to be a line located in the Gulf of Mexico parallel to the 3-mile limit as determined according to . . . ancient principles of international law, which Gulfward boundary is located 24 marine miles further out in the Gulf of Mexico than the said 3-mile limit.

Mr. ELLENDER. Mr. President, that is an instance whereby the State of Louisiana has exercised a privilege which is in accord with the decision in the case of Manchester against Massachusetts, a portion of which I previously read.

This action seems to me to have been more than correct. The State of Louisiana exceeded in no way its prerogatives established in the Massachusetts decision, since in 1945, by Executive order, the President extended the boundaries of this country to the edge of the Continental Shelf. It follows logically then, that Louisiana had every right to claim this new boundary, located some 27 miles out in the Gulf of Mexico. The Continental Shelf extends considerably farther than 27 miles off the shore of Louisiana. In effect, the President's proclamation only gave extra weight, and provided extra legality, for the action of the Louisiana Legislature, taken some 7 years before.

As a matter of fact, the United States Supreme Court consistently adhered to principles of law which recognized the ownership of tidelands by the States, both the original States and the States since admitted, until 1933.

Then came the new Court, the New Deal Court, a Court constituted in the main of judges who entertained the same philosophy of government as those who have conceived and carried out this rape of States' rights, and who have changed, or attempted to change, all prior jurisprudence, all laws on the subject—even the very Constitution of the United States—by its holdings in 1947 in the California case, and in 1950 the Louisiana and Texas cases. In those decisions, the Supreme Court adopted a new and astounding theory—that the paramount power and dominion of the United States extends over the States' tidelands, tide-waters, and the soil beneath them, since the Constitution leaves to the Federal Government the responsibility of defending our country's coasts.

Certainly, I submit in all seriousness that this august body cannot subscribe to such a foreign ideology, namely, that the United States should appropriate that which it is its constitutional duty to defend. If we approve such a doctrine, if we subscribe to this all-embracing, potentially all-consuming theory, then we might all sing, "God Help America."

Mr. CARLSON. Mr. President, for the past several weeks the Senate has been debating legislation affecting our tidelands. I have followed the debate with great interest and sincerely hope that we can secure approval of legislation that will settle once and for all this issue.

As a Member of the House of Representatives in the Seventy-ninth Congress I voted for House Joint Resolution 225, which quit-claimed to the coastal States any right, title, or interest that the United States had to those areas, but this measure was vetoed by the President, and his veto was sustained by the House.

As Governor of the State of Kansas, I appeared before a subcommittee of the

Judiciary Committee of the United States Senate on February 23, 1948, and definitely stated my views in regard to this legislation, which can be found in the hearings on S. 1988, beginning on page 57.

In 1949 I had the honor of serving as chairman of the Interstate Oil Compact Commission, and as governor of the State regularly represented our State at these Commission hearings for 4 years.

The Interstate Oil Compact Commission had on several occasions taken a very definite stand on the return of the tidelands to the States.

Presently I am cosponsor of what is known as the Holland bill, and expect to vote for it as a substitute to Senate Joint Resolution 20. There are reports that even though the Congress does approve the Holland bill or similar legislation which provides for quit-claim of these titles, to the States, it will not become law in view of the President's attitude on previous legislation.

I realize that argument is used and can be successfully sustained with a degree of merit in favor of Senate Joint Resolution 20 on the theory that it would get immediate oil production in the tidelands area.

While Senate Joint Resolution 20 does not definitely rule out ultimate jurisdiction over the tidelands properties by the States, it does provide for temporary Federal control, which undoubtedly would tend to set up a prejudice against eventual State control.

It seems to me that one feature of the bill is worthy of serious consideration by every Member of the Senate who is seriously concerned about legal principle of State ownership of all marginal sea lands, submerged, and filled lands in every State in the Nation, and of all lands beneath navigable waters within the boundaries of each of the respective States. These lands would include the land extending for three nautical miles seaward beyond ordinary low water mark of coast lines and those beneath bays, inlets, lakes, and rivers.

The Federal Government today controls 643,750 square miles of continental United States.

If this area, under the control of the Bureau of Land Management and a half dozen other agencies, were superimposed upon the eastern portion of the United States, it would nearly equal the amount of land held by the Thirteen Original Colonies, which was 890,135 square miles.

To give an idea of the extensive control of the Government, it owns land equivalent to the territory now occupied by all the States on the eastern seaboard, including New York, Pennsylvania, West Virginia, Ohio, Kentucky, Tennessee, Alabama, and approximately one-half of the State of Mississippi.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks a table illustrating that the greatest portion of this Federal land is in the 11 Far Western States.

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

State	Percentage of total State land federally owned	Government-owned land
		<i>Acres</i>
Washington.....	34.9	14,998,067
Oregon.....	52.72	32,510,870
California.....	45.74	43,900,157
Idaho.....	64.69	34,285,000
Montana.....	36.54	34,213,875
New Mexico.....	45.62	35,479,713
Nevada.....	84.71	69,526,959
Arizona.....	69.43	50,471,928
Colorado.....	37.35	24,851,005
Wyoming.....	51.61	32,207,086
Utah.....	71.33	37,592,044
Total.....	594.64	400,036,704

Mr. CARLSON. It has been stated on the floor of the Senate during this debate that the stalemate on the production of oil in the tidelands is seriously affecting our national defense efforts.

While I would personally like to see the oil production in these areas resumed at the earliest possible date, I do not believe that the defense effort is hampered under existing conditions.

There is no national or international petroleum shortage as the administration would like to have the public believe. Nor is there likely to be one for the next 100 years.

The National Petroleum Council, an industry advisory committee to the Secretary of Interior, says in its January 29 report on the present and future supplies of oil and gas, that oil production in the next 3 years will match the rate of expansion in the 3 years ended December 1951. The report cites figures to prove this, but adds a big if.

NPC says in pertinent part:

Analysis of the immediate outlook through 1955 indicates still larger supplies of oil provided that several major conditions are realized. These conditions include continuation of reasonable opportunity and economic incentive to develop new oil, a legal and political climate which will not discourage the investment of private capital, and materials and manpower in amounts at least equal to those available in 1951.

In pointing out that there are still huge unexplored areas to be worked with a high probability of great oil production in the future, the Council said significantly:

In these circumstances the size of the prospective oil area is no limitation on the supplies of oil for the foreseeable future of 25 to 50 years.

The rate at which supplies will be developed will depend upon the influence of economic forces on exploration and drilling. For the long pull the industry is scientifically optimistic, and in its latest report noted:

The prospective area in which the industry thinks oil and gas may be found is about 100 times as large as the area of all oil and gas discovered in the United States during the past 92 years of exploration.

* * * Existing conditions and expert opinions indicate that we may continue to

count on ample supplies of oil for a long time. It may well be that other sources of energy, such as solar heat or nuclear fission, will decrease the economic importance and need for petroleum before the industry has time to locate or test all the deposits that exist.

Mr. HOLLAND. Mr. President, will the Senator yield for a question?

Mr. CARLSON. I yield.

Mr. HOLLAND. I ask my distinguished colleague whether, even if there were a shortage of oil, the turning over of the submerged lands and any oil under them to the Federal Government would add one drop to the amount of oil which could be produced from such lands, or speed production in any way, as compared to the production which would be realized under private production under State regulation and supervision.

Mr. CARLSON. I will say to the distinguished Senator from Florida that in my opinion it would not add anything to production. In fact, I believe development by the States and by private industry would accomplish much more than if it were done by the Federal Government.

Mr. HOLLAND. I thank the Senator from Kansas. Will he yield for a further question?

Mr. CARLSON. I yield.

Mr. HOLLAND. Is it not true that a former Secretary of the Interior, Mr. Krug, in commenting upon the job done by the States in connection with the supervision of their oil production, praised them very highly, and spoke of the fact that they had done a magnificent job, for which he wanted to pay them tribute?

Mr. CARLSON. Yes. Those of us who are familiar with the production of oil in the States which have oil, and have followed the subject with some degree of interest in the tidal areas, know that we can produce, and will continue to do so unless we are hampered by court decisions and regulations.

Mr. HOLLAND. Is it not true, as a matter of statistical correctness, that the States have made a much better record, and have shown a much larger production and a much quicker production from the lands over which they have had supervision, than has been true in the case of the Department of the Interior, which has had supervision over the development of Federal lands?

Mr. CARLSON. In my opinion the statement of the distinguished Senator from Florida is absolutely correct. As Governor of my State for 4 years I had the opportunity to observe the operations of State control with respect to certain lands, and the production of oil in the areas over which the State had control. It has been definitely proved that the States can, and private industry will, if given an opportunity, explore and find new oil and bring it into production.

The oil industry is afraid of paramount power. Comparing the proposed expropriation in Senate Joint Resolution 20 to the Government ownership of Socialist Russia, the council said that—

Unreasonable taxes, expropriation or nationalization all constitute serious threat to

future supplies not only in the countries where they occur, but in other countries as well, because of their effect on willingness to risk capital in foreign areas.

Russia has greater potential oil resources than the United States. Yet under Stalinist socialism, Russia's production is only 10 percent of that of the United States. Similarly, oil experts say that the expropriated oil industry in Mexico has failed to keep progress with the developments in the rest of the Western Hemisphere.

There is more to the Government's tidelands oil grab than a fight over title to revenues.

Appropriation without compensation, the accusatory slogan of the States, also describes in a nutshell the myriad of Federal abuses of power in modern times which Congress may begin to check by enacting the substitute by Senator HOLLAND, of Florida, and other Senators, returning to the States their submerged lands.

The State of Kansas cannot be affected by the decision of the United States Supreme Court in the case of United States against California, quite to the extent of the several coastal States because of its inland location and minimum amount of submerged acreage.

I think I should state that Kansas does have approximately 66,773 acres within its State's boundary lying beneath waters—navigable streams.

As we are an oil- and gas-producing State, over 5,000 acres of this area is now under oil and gas lease.

We are also taking out large quantities of sand from the area known as submerged lands.

Further oil and gas development is expected in the future and increased sand production is available and probable. In addition to that, we have very valuable and substantial resources of lead, zinc, coal, and salt, the production of which may be extended to submerged lands if development increases.

Our State receives considerable revenue from the oil and gas leases and the sand royalties.

Kansas is firmly in accord with the concept that the rights and powers over such submerged lands now under development and possible future development belong to and are vested in the States.

Mr. President, I ask unanimous consent to have printed in the RECORD as a part of my remarks an excerpt from a statement I made before the Senate Judiciary Committee on February 23, 1948:

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

I will not attempt to discuss the legal aspects of this decision, for I am sure that others will do this adequately. It is sufficient for me to say that this opinion, which asserts paramount powers of the Federal Government over billions of investment by individuals, cities, and States, over land gained by titles coming from States, whose unquestioned ownership had been acknowledged for more than a century, is completely contradictory to 298 former Supreme Court, Federal, and State decisions, 49 Attorney General opinions, and 31 Department of Interior opinions. It is an opinion which

cites no cases at law to support it, nor any constitutional authority. It is simply an arbitrary pronouncement of confiscation by a court formed for the purpose of supporting Executive decree, and for establishing the Executive as a supreme power of the land. It is a decision which rebuffs the majority of our last Congress, which passed a Federal quitclaim deed to all these lands, which the Chief Executive chose to veto.

There now seems to be particular significance in the reason given then for his veto. In his veto message, the President said:

"The Attorney General advises me that the issue now before the Supreme Court has not been heretofore determined. It thus presents a legal question of great importance to the Nation, and one which should be decided by the Court. The Congress is not an appropriate forum to determine the legal issue now before the Court. The jurisdiction of the Supreme Court should not be interfered with while it is arriving at its decision in the pending case."

Could there have been some secret satisfaction in vetoing of that bill, and the relying upon the action to be taken by the Supreme Court?

Significant paragraphs of this opinion are: "The Federal Government rather than the States 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."

And again:

"The United States here asserts rights in two capacities transcending those of a mere property owner."

And again:

"The Government, which holds its interest here as elsewhere in trust for all the people, is not to be deprived of those interests by the ordinary court rules designed particularly for private disputes over individually owned pieces of property."

Thus rears the head of the ominous dominant state, bound by no precedent, bound by no law, limited by no constitution.

Until our executive branch of the Government grew bold with power, all ideas of national ownership of these lands were rejected, even by Cabinet officers. Secretary Ickes rejected an application for title, quoting to the applicant thus:

"Title to the soil under the ocean within the 3-mile limit is in the State of California, and the land may not be appropriated except by authority of the State. I find no authority at law under which any right can be granted to you to establish your proposed structures in the ocean outside the 3-mile limit of the jurisdiction of the State of California. Nor am I advised that any other branch of the Federal Government has such authority."

Later, before your Senate Judiciary Committee, this same Secretary said:

"Applicants and their lawyers continued to insist that the United States does own the land and the oil, and that the Department does have the power to grant them oil and gas leases, so we began to have doubts. Consequently, since 1937, action on all of these applications, of which there are about 200, has been suspended, pending a judicial determination."

It is thus that Secretary Ickes, too, decided that settled law of more than a century might be changed by judicial determination of the Supreme Court such as we have now.

There has been some assurance from Federal officials that no attempt would be made by the Federal Government to assert paramount rights over inland waters and bays. The instance just cited, of Ickes' shift of policy, is indicative of what may be expected from any Federal bureaucrat in the future as to inland waters.

We have inland waters in my State. In fact, the Arkansas River traverses, in our State, the largest gas field yet discovered. The State has, in the past, leased the river bed for operation by private industry. This has been the custom in my State, and adjoining States, in the development of mineral resources, including oil and gas fields in navigable rivers, or rivers the ownership of the bed of which is retained by the State. But since California has been rudely robbed of her oil lands, we will exert every effort possible toward adequate legislation to forestall any further paramount rights action into the inland waters of Kansas.

In this connection I would like to quote a paragraph from a speech by one of your committee members, Senator McCARRAN, made in my neighboring State of Colorado, on the seventh of this month:

"As a matter of fact, Department of Justice officials have stated to representatives of the Senate Committee on the Judiciary that the Department interprets the decision of the Supreme Court as probably being applicable to all the marginal seas of all the States having ocean frontage, regardless of any peculiar conditions under which such States came into the Union. Because of this interpretation, these officials say, they believe it is incumbent upon the Department to proceed with the filing of suits against all of the remaining tidewater States within the near future. The reason this policy has not yet been carried into effect is, presumably, that the Congress is again considering legislation with respect to these submerged lands, and the Department has been notified that hearings will begin on February 23, and has been asked to present its recommendations at that time."

And as to the future action to be expected from any Federal bureaucrat, I would like to quote another paragraph by Senator McCARRAN from the same speech:

"As a last expression, let me express the thought that there is no form of totalitarian government that can be more ruthless in its dealings with the individual than that form of administrative hierarchy which we know as bureaucracy. A true dictator, being a one-man government, might change his mind, might yield to his heart or his conscience; but the bureau has no heart, and it has but an assembled conscience. A monarch, however bound by tradition, has a mind of his own, and may think. The bureau never thinks; it follows the formula. The individual cannot always pass the buck and escape responsibility, but the bureau can always resort to that method."

Thus, we have an Executive, and a bureau responsible to him, set up by the Supreme Court with power to take without pay, and without regard to ownership, as some point out, the minerals from underneath any of our lands, the grain and agricultural products from our fields, or any material possessions, public or private, of States or individuals. The Executive and bureau may, it is said by some, at any time take these over in the name of national security for the purpose of conducting international relations. Under this last category the wheat of our Midwestern States, some think, might be appropriated on an international relations basis for the feeding of Europe.

We are facing an issue: Congress is facing an issue. It is an issue which was acted upon by the last Congress but the action was nullified by the President, according to his own words "pending action by the Supreme Court." The Supreme Court has acted, but its action merely increases the confusion.

Action by Congress is necessary before the oil in these lands may be made available for public use. Should the action of Congress in striking down this arbitrary decision of the Supreme Court not be upon a veto-overriding basis, the confusion will be

continued. Many islands within the disputed area come under the police protection of the adjoining States, and under the jurisdiction of their laws. Thousands of acres of man-made land covered by billions of dollars' worth of improvements exist upon what was once tidelands.

Under this decision, the dividing line between State and National ownership with respect to inland waterways and bays would breed bitter contention and strife. No precedent exists for determining the high- or low-water marks to cover a case of this character. What shall become of the docks and terminals, harbors, and petty installations, causeways, and so forth, within this area? What of the rights of the present owners under State grants? What is the situation with respect to royalties for oil already extracted from these lands? These are some of the questions which create this confusion which now exists, and which can be settled only by congressional action.

National safety can best be served by development of oil lands under State ownership. This will dispel the uncertainties and delays which now exist, and which always exist under Federal control, and will hasten the full development of these lands for our sorely needed oil. For years the Interstate Oil Compact Commission, of which my State is a member, has fostered the production of oil under retarded rates of flow in order to take full advantage of the natural expulsion forces of the reservoir. We increased the rate in our State to meet the requirements of the last war. In a national emergency we could do so again.

To develop the tideland oil and shut it in would be false security. No area would be more vulnerable to enemy attack in case of war. Stockpiling of foreign oil within our own borders is our only sure protection for war needs. The cost of storage will be great, no doubt, but not greater than the waste of taxpayers' funds which always occurs and will occur when the Government attempts industrial development. The survey made by the PAW at the close of the last World War showed the plan to be feasible.

I have attempted to trace the accomplishments of free enterprise fostered by our Government as heretofore administered. It is our country's major asset. Because of it we have twice been called upon to save the world. We are now called upon to feed the world. The California tidelands Supreme Court decision lets down the bars to bureaucracy to throttle and displace free enterprise, to make this Government likened to those who call upon us for protection when under attack, and who are now calling upon us for food and sustenance.

Unless Congress performs its duty in a way that cannot be overcome by the other two branches of our Government, we will enter the ranks of the socialistic and totalitarian states. Let us remember that there will be no nation then to turn to for aid in time of attack, or sustenance when hunger is rampant.

Let us take heed to the story of Rome, which had its place in the sun. It was the center of agriculture, industry, and art in its day, but its power became concentrated in the City of the Seven Hills, its taxes increased, its arbitrary autocracy moved on in seemingly sublime triumph. Then came the days of disillusionment, and the Rome of that time was no more.

Let us not make the mistakes of Italy and Germany, whose leaders gathered all powers of state to themselves and led their nations to defeat and near extinction. Let us stop this march to power from those branches of the Government which use it to defy or ignore our Congress. Let us deny the insistent calls that continue to come from the executive branch for more and more power over industry and free enterprise, which has always been and ever will be the lifeblood

of a paramount nation. Let us pass S. 1988 with a majority that will thwart a veto as the veto of the joint resolution on tidelands in the Seventy-ninth Congress thwarted us. For such an action, my State pledges you its fullest support.

Mr. Chairman, I would like to have permission to place in the record a statement by our attorney general, Edward F. Arn, supporting this legislation and giving some of the legal citations, as well as presenting specific items of its effect on our State mineral resources and the leasing of oil lands and royalties in our States.

Mr. KNOWLAND. Mr. President, as has been stated repeatedly during the discussion of the pending legislation, the United States Supreme Court has virtually invited the Congress to take action which will bring about a just and equitable solution of the existing problem, which relates to the ownership and control of submerged coastal lands within their boundaries. It has also been called to the attention of this body that even though the Supreme Court had held that the Federal Government owns these submerged lands—which it did not do, but rather set up an unprecedented, strange and dangerous doctrine of so-called paramount rights—the Supreme Court in one place in its decision in the California case specifically stated that the Congress has "constitutional control of Government property," and in another place in its decision it quoted from article IV, section 3, clause 2, of the United States Constitution, stating that this "vests in Congress power to dispose of and make all needful rules and regulations respecting the Territory or other property belonging to the United States." With reference to this constitutional provision the Court said further:

We have said that the constitutional power of Congress in this respect is without limitation.

In view of the foregoing, there can therefore be no question whatever but that the Congress is acting wholly within its recognized province and authority and, further, that it is expected to act in such a way as to do justice to "States, their subdivisions, or persons acting pursuant to their permission."

The issue clearly before us is simply this: Is it just and equitable to enact legislation which will authorize and implement a department of the Federal Government, which has not been determined to be the owner of these coastal submerged lands within the boundaries of States nor to have title thereto, to take over and exercise all the powers of ownership and to enjoy all the muniments of title under the guise of a doctrine of so-called paramount rights; or, is it not manifestly fair and equitable, indeed does not simple justice require, that the Congress restore to and firmly establish in the States the ownership of submerged lands beneath navigable waters within their boundaries, which was recognized by every department, agency and officer of the Federal Government for over a century of time in many States and for but a few years lacking a century in California, as being vested in their sole and exclusive ownership? Action is sought by Senate joint resolu-

tion 20 in the effort to establish the first alternative; action to restore to the States these rights, which is the second alternative, will be achieved by the adoption of the so-called Holland substitute which was introduced by 31 Senators, or H. R. 4484—the so-called water bill—which passed the House by a vote of 265 to 109. It should be noted, parenthetically, that this is accomplished by titles I and II of H. R. 4484—title III of the bill treating of a different subject, that of the Continental Shelf outside the original boundaries of the States.

Highly important to a consideration of this entire subject is the result which would occur if the Congress were to ignore all the equities of the States and accept an application of the so-called doctrine of paramount rights so as to wrest from the States every vestige of ownership and control right up to the last drop of water at ordinary low water mark along the shores of the mainland. This result, shocking as it is with relation to the shore line of the mainland, becomes vastly more shocking where there are islands offshore which lie within the constitutional boundaries of a State.

In California there are such areas, the traditional characteristics of which, supported by use and occupancy as well as by physical and geographical characteristics, are directly challenged. I invite your attention to one important area of this kind along the coast of southern California. In the area extending from Point Conception, which lies westerly from the city of Santa Barbara, and extending to Point Loma, which lies westerly from the city of San Diego, there lie eight offshore islands, not to mention various rocks, reefs, and shoals or banks. These islands are included within the constitutional boundaries of the State of California. California was admitted to statehood on September 9, 1850. The California Constitution of 1849 provides that "all the islands, harbors, and bays along and adjacent to the coast" shall be included within the boundaries of the State—article XII, section 1.

It is significant that the act admitting California to the Union recited that this California Constitution "was submitted to Congress by the President of the United States" and that it was accepted by the Congress. There can be no question but that these islands constitute an integral part of the State of California. As a conclusive illustration of this, I cite to you the fact that on April 10, 1867, a map of Santa Catalina Island, which lies offshore from San Pedro some 21 miles and which contains 45,802 acres, was approved by H. S. Nelson, Commissioner of the General Land Office of the United States Government. This map delineates the township and range lines projected from the mainland, and designates the townships into which this land is divided. This map bears the following inscription:

Plat of Santa Catalina Island finally confirmed to Jose Maria Cobarrubias, United States surveyor general; C. C. Tracy, deputy surveyor, containing 45,802 acres. The field notes of the survey of the Island of Santa Catalina from which this plat has been made have been approved and are filed in this

office. United States Surveyor General's Office, October 16, 1866.

L. UPSON,
United States Surveyor General, California.

Approved April 10, 1867:

H. S. NELSON,
Commissioner of the General Land Office.

This is proof positive of Catalina's integrality as a part of the State of California. However, as further denomination of its status as an integral part of the State, Catalina has a school district in the county of Los Angeles. It likewise has a voting precinct where the electorate exercises its franchise to vote in the county of Los Angeles.

The importance of all of this lies in the fact that in the case of United Kingdom against Norway, familiarly known as the Anglo-Norwegian case, which was decided by the International Court of Justice at The Hague on December 18, 1951, it was held that what really constitutes the Norwegian coast line is the outermost line of the "skjaergaard"—which, translated, means "rock rampart"—and consists of many rocks and islands lying offshore of over 500 miles of Norway's coast line, and that the claim that all waters shoreward of this line along the outermost seaward rocks and islands constitutes "internal" or "inland" waters is not in conflict with any rule or principle of international law. A copy of the judgment of the International Court of Justice in this case was included in the RECORD at my request on March 7, and is to be found on pages 1988-1994. I ask this question: Is it not timely and advantageous for the Congress of this Nation to benefit by this recent and authoritative decision of the International Court of Justice? There is little question but that other nations will seek to benefit by this decision through an assertion of their claims.

I shall not here undertake to argue the intricate legal questions which are now pending in the proceeding being conducted by a special master with relation to references made to him by the Supreme Court, supplementary to the decision in the California case. What I do state is that it is entirely proper for the Congress to recognize and establish the validity of California's claim to the waters, as "inland waters," in the area which I have mentioned—extending from Point Conception, on the west, and along the outermost limits of the outermost islands in this area, to Point Loma, on the east—without any infraction of any rules or regulations of international law. Unless they are a part of the State of California, it stands to reason that they are not a part of this Nation.

For the Congress to ignore the status of these islands and the areas shoreward which they encompass, and to isolate these islands by the drawing of arbitrary lines hugging the last drop of water at low tide on the shore of the mainland, would not only be lacking in foresight, but might well result in consequences fraught with danger.

The passage of Senate bill 940, or the Holland substitute, or the passage of House bill 4484, or at least of titles I and II of the latter bill, would stabilize and protect what was formerly regarded and

recognized to be the proper province of the States. For the Senate to pass Senate Joint Resolution 20 in the form in which it was reported to this body would be for it to toy with the situation, under the guise of temporary treatment within not only is not temporary, but is nothing more than a mere palliative, and certainly would do nothing to clarify the present confusion and uncertainty.

TRAINING OF RESERVE OFFICERS ASSIGNED TO COMBAT DUTY

Mr. BENNETT. Mr. President, I desire to take only a few minutes to inform the Senate of a situation which has come to my attention, and which in my opinion is of sufficient significance to prompt me to bring it to the attention of all Senators, who I am sure will be surprised to learn that some of our young officers leading front-line combat units in Korea are going into battle completely unprepared for the task assigned them. I am certain that the Department of the Army and the Senate will want to insure that immediate corrective action is taken to guarantee that the young men going into battle are adequately trained; and particularly that the leaders of these young men, the men who make the daily decisions which determine the success of our operations and in great part determine the number and extent of our casualties, are adequately prepared for their important assignments.

Mr. President, I have received a letter from a young infantry lieutenant in Korea, disclosing that he has been sent to the front, in command of a combat platoon, without having any of the qualifications which we normally consider a platoon leader should possess. He does not have those qualifications, not because he is not a fine and capable young man, but because, despite his efforts to obtain training for the job of leading a combat platoon, he has not had adequate instruction and background dealing with a combat platoon or company.

In his letter this young man says:

I've delayed writing this letter so you wouldn't think I was yellow and didn't want to fight. I'm here but those coming after must not be sent over the same way.

The biggest eight-ball in the company knows more than I. I just learned there are nine men in the infantry squad instead of 12 during World War II. They have a weapons platoon. They have a recoilless rifle I've never seen, let alone fired. If I were called on to clean this .45 they gave me I wouldn't know how, if it jammed I could not fire it. If the AR machine gun did not work I'd be helpless. This could go on and on. Even the carbine, etc.

Mr. President, I ask unanimous consent that a copy of the letter which I have received be printed at this point in the body of the RECORD as part of my remarks.

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

MARCH 22, 1952.

Senator WALLACE BENNETT,
Senate Office Building,
Washington, D. C.

DEAR SIR: I've been planning on writing you a letter for some time then I thought

messages which have come to me stressing the need for action on Senate Joint Resolution 27, to complete the Great Lakes-St. Lawrence seaway.

At this time I have in my hand messages from the mayor of the city of Detroit, Mich., the city manager of Watertown, Wis., and a resolution from the Common Council of the City of South Milwaukee, Wis., all endorsing the seaway.

I ask unanimous consent that the text of these messages and resolution be printed in the body of the RECORD at this point.

There being no objection, the letters and resolution were ordered to be printed in the RECORD, as follows:

CITY OF DETROIT,
March 20, 1952.

HON. ALEXANDER WILEY,
Senate Office Building,
Washington, D. C.

DEAR SENATOR WILEY: You now have pending before the Foreign Relations Committee, of which you are a member, legislation authorizing the United States to join Canada in jointly constructing the St. Lawrence waterway and power project.

On behalf of the industrial, business, and civic community of this area, I wish to strongly urge you to give this legislation your most serious consideration and to favorably report on the seaway and power legislation as soon as possible.

We ask that you support this proposal because it is progress, progress that will rebound to the benefit of all, not just a few vested interests. It is a project that will not, in the final analysis, cost the American taxpayers a single penny. And yet, it will shower its blessings, once constructed on every sector of the United States economy—even on those now most vigorously opposing the seaway.

Some opponents of the project have questioned not only the cost but the desirability of engaging in such a project at a time of international crisis such as we are facing today. We would like to draw your attention to recent stories concerning the American financial assistance being rendered to seaway and power projects in Europe of far greater cost and scope and of less desirability than the St. Lawrence waterway project. If these projects are important to defense in Europe and are feasible at this time, then certainly no one can question the advantages of the St. Lawrence seaway.

This is America's last chance to join our neighbor, Canada, in the development of a project of tremendous importance to both countries. Failure to act at this time may lose forever this great opportunity for the American people.

Therefore, we respectfully urge immediate action in favorably reporting on the St. Lawrence waterway and power project legislation.

Sincerely,

ALBERT E. COBO, Mayor.

CITY OF WATERTOWN, WIS.,
March 22, 1952.

HON. ALEXANDER WILEY,
United States Senate,
Washington, D. C.

DEAR SENATOR WILEY: This is in reference to the St. Lawrence seaway. I have taken a straw poll of the city council members and find that as individuals they are unanimously favorable to our country's participation in the project.

They feel that in light of the great potential for development of natural resources it is imperative that we take immediate steps to put the United States on an equal status with our northern neighbor.

I have the conviction, and the council is in agreement, that a vast majority of our people would heartily endorse the St. Lawrence project.

We sincerely hope that you will find it possible to lend active support to this measure.

Sincerely yours,

DEAN VAN NESS,
City Manager.

RESOLUTION URGING THE CONGRESS OF THE UNITED STATES TO TAKE APPROPRIATE ACTION TO BRING ABOUT THE COMPLETION OF THE PROPOSED ST. LAWRENCE SEAWAY AND POWER PROJECT

Whereas the proposed St. Lawrence seaway and power project is being widely discussed today and Canada has indicated it will alone construct at least a portion of the project if the United States declines to go ahead with it; and

Whereas it is of great importance to the welfare of the entire country and particularly to the national defense program that the project become a reality: Now, therefore, be it

Resolved, That the Common Council of the City of South Milwaukee go on record as favoring the passage of appropriate legislation to authorize this country to proceed with the immediate construction of the proposed St. Lawrence seaway and power project; be it further

Resolved, That certified copies of this resolution be sent to our congressional representatives, to appropriate congressional committees considering this project, and to Mayor Frank P. Zeidler, who has requested an expression of our opinion on this subject. Adopted March 18, 1952.

LOUIS J. MOSAKOWSKI,
City Clerk.

Approved March 19, 1952.
CHARLES PLOTZ, Mayor.

MINERAL LEASES ON CERTAIN SUBMERGED LANDS

The Senate resumed the consideration of the joint resolution (S. J. Res. 20), to provide for the continuation of operations under certain mineral leases issued by the respective States covering submerged lands of the Continental Shelf, to encourage the continued development of such leases, to provide for the protection of the interests of the United States in the oil and gas deposits of said lands, and for other purposes.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Alabama [Mr. HILL] for himself and other Senators.

Mr. JOHNSON of Texas. Mr. President, I make the point that a quorum is not present.

The VICE PRESIDENT. The Secretary will call the roll. It is understood that the time will not be charged to either side.

The Chief Clerk proceeded to call the roll.

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

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. HILL. Mr. President, I yield 5 minutes to the Senator from New York [Mr. LEHMAN].

Mr. LEHMAN. Mr. President, I rise to support the Hill amendment, of which I am very proud to be a cosponsor.

All States of the Union are, of course, deeply interested in education. It has long been realized by most peoples that the strength of a country, both economically and spiritually, lies in the broad education of its citizens. The desire for education is, I believe, strong in every area of the country; but unfortunately standards of education vary very greatly between States because of the economic differences and limitations. However, every section of the country is vitally interested and affected, since our people no longer live within narrow geographical compartments, but live with, mingle with, and do business with the people of other areas of the Nation.

New York is just as much interested in seeing that a child in Mississippi or Arizona or Idaho is well educated as in providing good education for its own citizens, since, broadly speaking, the interests of all areas are closely interwoven, and there is a constant flow of population from one part of the country to other parts. Frequently that flow is of a permanent nature.

Mr. President, the cost of education has vastly increased during the past 10 or 15 years. It is four or five times as great as it was 15 years ago. At the same time, the number of students has increased by leaps and bounds. It is estimated that this year there are 1,000,000 more students than last year in the public schools of the country. It is also estimated that in 1953 there will be an increase of more than one and one-half million in the enrollment in our schools and colleges.

Mr. President, unless some appropriate action is taken, education will not only fail to advance, but may actually greatly regress.

I can say that with greater confidence because of the hearing which I attended 2 or 3 weeks ago, at which the Commissioner of Education, Dr. McGrath, testified regarding the situation existing among the children of migrant workers. He made the statement that, in his opinion, the children of migrant workers today are less well educated than were their parents and their grandparents 15, 25, or even 50 years ago, because they moved to areas which were not in a position to supply adequate education for all those who resided within their boundaries.

Mr. President, the proceeds from the submerged oil lands which, under the Supreme Court decision, belong to the Federal Government, will go a long way toward increasing the educational opportunities of our people in every section of the country. Unless some affirmative action is taken we shall take a step backward, which may affect the happiness and welfare—nay, even the health—of the people of the United States.

To paraphrase a sentiment expressed in a very fine editorial which was published in the Washington Post a day or two ago, I say, with all the strength and conviction at my command, that I believe the Hill amendment offers this gen-

eration an opportunity to give future generations a far better chance in life.

Mr. President, I hope very much that the amendment which has been sponsored by one of the greatest proponents of education in this country—and there is no greater proponent than he, and no one has done more for education than our colleague the senior Senator from Alabama [Mr. HILL]—and which has been cosponsored by 25 or 30 other Senators will be adopted by the Senate.

Mr. HOLLAND. Mr. President, I yield myself 8 minutes.

The VICE PRESIDENT. Does the Senator yield to himself some of the time allotted to the Senator from Wyoming?

Mr. O'MAHONEY. Mr. President, I am not opposed to the Hill amendment.

The VICE PRESIDENT. Under the unanimous-consent agreement entered into, the time in opposition is controlled by the minority leader or any Senator designated by him.

Mr. O'MAHONEY. The Senator from Florida rises in opposition to the Hill amendment. I am not in opposition to the amendment. Therefore, I have no desire to control the time.

The VICE PRESIDENT. The Senator from Florida is not in control of any time.

Mr. HOLLAND. I ask unanimous consent that the time may be controlled by the senior Senator from California [Mr. KNOWLAND].

The VICE PRESIDENT. It is already controlled by him. Does the Senator from California yield time to the Senator from Florida?

Mr. KNOWLAND. Mr. President, I yield 8 minutes to the Senator from Florida.

Mr. HOLLAND. Mr. President, I vigorously oppose the passage of the Hill amendment to Senate Joint Resolution 20 on various grounds which I shall state briefly.

First. Considering the Hill amendment on its own merits, as a proposal to set up Federal aid for education, I strongly oppose it because it includes no guaranty whatever that the States will be protected and safeguarded in their own complete jurisdiction and control, under State laws, of their public school systems. I regard it as fundamental to the cause of public education in our several States that the only sound control of public schools must be retained by the States themselves and their local communities and must be jealously safeguarded so that the control of the public schools will always be vested in the people who are directly served by the schools. The Hill amendment from my point of view is fatally defective in its complete failure to protect in any way State control of the State public schools. In a colloquy during the debate I discussed this point with the senior Senator from Alabama who assured me that I could feel pretty sure that the principle of State control of their schools would be set up and safeguarded in subsequent legislation. I think that such a weak assurance is completely inadequate, particularly when I note among the sponsors of the Hill amendment a considerable number of the same Sena-

tors who have heretofore made it clear on the floor of the Senate that they desire to take away from the States, as a condition to the extension of Federal aid, the control of their public schools systems in various vital ways.

Furthermore, I am deeply concerned with that portion of the Hill program which would set up the schools-assistance fund ahead of the time that provisions prescribing the conditions for its expenditure would be enacted into law. With the melon already in existence and ripe for the cutting, I feel strongly that it would be a much more difficult task to enact legislation at that time that would completely protect the sanctity of State control of the public schools than it would be to assure continued State control by including the appropriate requirements at the very time the fund is created.

I speak as one who has twice voted for and strongly supported Federal-aid-to-education measures which have passed the Senate. These measures were for definite and immediate assistance from Federal funds to the State schools. The Hill amendment is neither definite in amount nor immediate in its assistance. Above all, the measures which I supported contained definite provisions which safeguarded the States in their own complete control, under State law, of their public school systems, whereas the Hill amendment is completely silent on that vital point. I do not see how those Senators who believe in safeguarding their public schools from Federal interference, regulation, and control can possibly vote for the Hill amendment.

Second. I oppose the Hill amendment because it has no proper place in the so-called tidelands discussion, and I regard it as primarily a defensive measure growing out of the desperate effort to prevent the restoration to the States of their own control over their submerged coastal lands, which State control had continued without interruption or serious question since the founding of our Nation until the present controversy had its beginnings about 1937. One of the introducers and principal advocates of the so-called interim bill, the junior Senator from New Mexico [Mr. ANDERSON], stated definitely in the hearings that he was against the effort to attach Federal aid to education to the so-called tidelands legislation because he regarded it as a completely distinct question. He also clearly called attention to the fact that the principle followed in the Hill amendment would invite disastrous changes in the present Federal laws affecting reclamation, which changes might be most hurtful to the reclamation States. I quote in full a question asked of a distinguished Colorado educator by the Senator from New Mexico. Referring to the present revenue from oil and gas produced from Federal public land in Colorado, the junior Senator from New Mexico said:

At the present time 37½ percent goes back to the State, and part of it must go to your institution; 52½ percent goes to the reclamation fund. You are proposing in here that none of this should go to reclamation or for these other purposes. How would your reclamation people in Colorado feel if

we proposed in Colorado, on public lands, that the State get 37½ percent and the rest of it be distributed around the country?

I agree implicitly with the positions then taken by the distinguished Senator from New Mexico, that the Hill amendment has no proper place in the tidelands legislation, and that its adoption, if followed by the passage of Senate Joint Resolution 20, as amended, would pose a dangerous threat against the preservation of that important part of the reclamation program which assures the expenditure of nine-tenths of reclamation revenues, either by the reclamation States themselves or on additional reclamation projects within the reclamation States.

Third. I oppose the Hill amendment because I believe that its adoption as a part of Senate Joint Resolution 20 would make it more possible for that measure to pass and much less likely that the present ruling of the Supreme Court would ever be reversed or that the pending legislation, if enacted, would ever be repealed. The objective of public schools is so intensely appealing to all Senators and to all of the public that those who wish to tie the public schools to this legislation are hoping to sugar-coat the pill and make their pending proposal more tasty by making it look and taste like a school measure, when we all know that in deed and in fact, and primarily, it is a measure to enlarge and aggrandize the already too-large Federal Government at the expense of the States and to the hurt of soundly democratic administration of the many values in the submerged lands which are so completely linked with local prosperity and growth and the solution of local and State problems. The junior Senator from Arkansas, during his argument in behalf of the Hill amendment, frankly stated that in his opinion the incorporation of the Federal aid for schools objective in Senate Joint Resolution 20 would practically guarantee that the question would be permanently settled, without hope of reversal by the Court of its present decisions or repeal of the legislation by a later Congress.

Mr. President, that is exactly what those who believe in the protection of the rights of the States in this matter do not want. We strongly believe that it would be only a little while before the power-hungry Federal bureaus would take over the administration of all the other matters, beyond the oil and gas question, which are covered by the present Court rulings.

Mr. President, these local questions involve the control of all living things, such as fish, sponges, oysters, shrimp, shellfish in general, kelp, and all other animal and vegetable life in our coastal waters. There is included also the use of all minerals, such as sand, shell, gravel, and even rare metals. Also included are values which are necessary for local growth and for protective purposes along our shores. These local questions and problems involve piers and jetties, which are extremely important and absolutely necessary for the protection of submerged lands along the Gulf, Atlantic, and Pacific coasts.

The VICE PRESIDENT. The time of the Senator from Florida has expired.

Mr. HOLLAND. Mr. President, will the Senator from California yield an additional half minute or so to me?

Mr. KNOWLAND. I yield an additional minute to the Senator from Florida.

Mr. HOLLAND. I thank the Senator from California.

The VICE PRESIDENT. The Senator from Florida is recognized for 1 minute more.

Mr. HOLLAND. Mr. President, another question, one of even greater importance, is involved in this matter. That question relates to the protection and extension of the shore lines along the coast of our State by the building of bulkheads, breakwaters, jetties, the construction of fills, using both shells and sand, and the construction of groins to prevent the erosion and washing away of the shore line. The importance of this matter is indicated when we realize that on both the existing land which is protected in that way and on the land which is created by means of fills and extensions, many huge, valuable buildings are constructed, such as the numerous hotels at Miami Beach and other places along the coast, many of which are built on constructed land or filled land. Many of those hotels are the equals of any to be found anywhere in the Nation. Some of the finest hotels are also found at other places along the coast, such as at Atlantic City. That land is further improved by the building and maintenance of cabanas and fine beaches and swimming pools. In other words, Mr. President, by means of such developments of the lands both on the mainland and on the islands lying along the coast, such as the islands which extend for 200 miles from the southeast portion of Florida, the people of my State have greatly enhanced and added to the value of their coastal lands.

Those developments have been undertaken and completed and maintained by private enterprise, by the initiative, resourcefulness, and industry of the people of Florida. All those developments have occurred under their own direction. So it is that they do not wish to entrust the future developments of those areas, as well as the maintenance of the areas already developed, to a Federal Government bureau which is not located in that area, is not in intimate touch with the wishes and needs of the residents of that area, and is, in fact, unrelated to the interests and desires of the people of our State. To entrust the development of those lands and the maintenance of the existing developments to such a Federal Government bureau would, in our opinion, be a most tragic and gross mistake.

The VICE PRESIDENT. The time of the Senator from Florida has expired.

Mr. HILL. Mr. President, I now yield 5 minutes to the Senator from New Hampshire [Mr. TOBEY].

The VICE PRESIDENT. The Senator from New Hampshire is recognized for 5 minutes.

Mr. TOBEY. Mr. President, I speak as one of the sponsors of the oil-for-education amendment which has been so

ably explained by the senior Senator from Alabama [Mr. HILL].

Make no mistake, Mr. President; the people of the United States every day are becoming more aware of tidelands oil. In the last few days, many technical arguments, pro and con, some clear and some obscure, have been heard on this floor, but the people of the United States understand that the issue is a very simple one, namely, does this oil belong to the United States or does it not? They know that the Supreme Court of the United States has declared that it does belong to the United States, and no amount of argument will ever convince them that the oil can rightfully be taken away from them.

Time and again the senior Senator from Alabama has explained the crisis which American education is facing. This is a crisis which I can assure the Senate is much better understood in every small town and hamlet and farm and city of the United States than it appears to be in the National Capital. Every parent knows both the direct and the hidden costs of modern education. If the parents feel that their burden can be lightened by the use of royalties from oil which they have learned belongs to them under three decisions of the Supreme Court of the United States, they want this done.

That is the central, cardinal fact. I do not believe it can be obscured by arguments about who will profit unduly from the exploitation of this oil. Sir Francis Drake and his English pirates scuttled the Spanish gold galleons for much less than this bonanza. There is nothing surprising about the fact that flies have gathered about this sugar. Of course they have. They always do. There are some who have gathered around the State leases. There are others who have gathered about the Federal leases. And there are some rather large flies with a voracious appetite for sugar, such as the Ed Pauleys, of California, who have made sure that they are on both piles of sugar. The important thing is that none of these flies should get one speck. Even more important is that whatever benefits accrue from this oil must go to the children of the United States.

It is my hope that my colleagues will see the simplicity of this issue as I do. I had hoped over the past few months that the businessmen who deal in oil would have seen and, having seen, would have grasped this splendid opportunity to become business statesmen.

I recall that when I was a small boy growing up in New Hampshire, there was one name that was anathema among the plain people of the United States. That name was Rockefeller—John D. Rockefeller, the oil king. Wherever men reviled great wealth, his name led all the rest. As the oil wells every day pumped new money into his vast spreading fortune, the name of Rockefeller was hated throughout the length and breadth of this land. It was hated by labor, by the small-business man, by the middle-sized financier, by the shopkeeper, by the merchant, and by the farmer. Rockefeller was the symbol of

everything that was wrong about the exploitation for private gain of America's great natural resources.

What does the name Rockefeller mean today? In every laboratory of the Nation, on every college campus, in the medical schools of the world, in the jungles of South America, and on the deserts of Africa, the name is a token of respect. The plain people know, just as well as the scientists and the scholars and the medical technicians, what the Rockefeller Foundation has accomplished for the good of mankind. It has been the beacon light of progress during the past few decades, against which no rock is ever thrown. The Rockefeller Foundation has intelligently and ably devoted its money and research to a multitude of causes. Most of them have been successful far beyond the dreams of the most optimistic members of its staff. Millions of dollars have flowed into our great universities. If there is any great liberal arts college or any scientific school in the United States which has not benefited greatly from Rockefeller money, I do not know its name.

This did not just happen. However the Rockefeller money was made, the second generation of Rockefellers made certain that it would be spent for the highest ideals of mankind. And it has been so spent—carefully and intelligently, and the benefits to all the peoples of the world are known to everyone. The vast fortune from oil has been deliberately plowed back into education.

To me one of the most interesting by-products of this process has been the fact that the name of Rockefeller, once spoken as a curse, now is universally referred to as a blessing.

This oil-for-the-lamps-of-learning amendment is a Heaven-sent opportunity, in my opinion, for the oil men of this generation to reap the benefits of the Rockefeller experience and at the same time to escape the misery of his early mistakes.

The huge oil companies which dominate the industry are, I assume, led in most cases by men of imagination and vision. They must be aware—how could they help be otherwise—that the name "oil" has always aroused political passions and deep emotions. They need look no further than their own country. Remember Teapot Dome of a generation ago which brought a Cabinet tumbling to the depths.

They have but to look abroad to realize the hatreds, that can no longer be controlled by reason, which are springing up in the Middle East because of oil. A few months ago a fainting fanatic held the peace of the world in his trembling fingers. The peoples of the world shuddered as England and this Premier of Iran locked horns over oil. There stood then, and there stands today, in that little country of the Middle East a man with whom reason holds no sway. Yet everyone knows of his power. One compelling reason why he has such power is because of the fanatical, emotional backing of his illiterate and unhappy and starved people, who understand only that oil has brought riches to others while their poverty and misery have increased. Iran is still the powder keg of today.

It may blow all of us back into medieval barbarism.

But even if we escape this cataclysm of the Middle East, oil, which is the sinews and lifeblood of modern warfare, will often again rise to plague the rule of reason. It can even happen here. In a black depression, with thousands on the bread lines and thousands of others hungry and out of work, it would not be overly difficult for a demagogue to thunder against Big Oil. Given severe economic circumstances, what occurred a decade ago in Mexico could take place here if Big Oil were a sufficiently unpopular victim. All over the world expropriation is in the air. We do not live on an island.

Nor does Big Oil live on an economic island of its own. Like the rest of us, it, too, needs friends. The Rockefeller name today has friends because of the Rockefeller Foundation and the other great contributions the family have made to education.

Today, in this oil-for-education amendment, the leaders of Big Oil can buy themselves an insurance policy. The premiums on that policy make it the best investment in the world because the price of insurance would merely be the support of the business statesmen of this industry for our proposal. Here is a heaven-sent opportunity for them to range themselves on the side of the greatest good to the greatest number.

There is one thing the American people hold dearer than anything else on earth—and that is their children. All parents want security, comfort, and happiness for their children. But, above all these things, that which they want first is an education for their children. From the beginnings of this Republic, that has been the American dream. It is my hope that Big Oil will show enough vision in its own enlightened support to support that dream by supporting this amendment.

The people await their decision with interest.

The VICE PRESIDENT. The time of the Senator from New Hampshire has expired.

Mr. TOBEY. Mr. President, I ask the Senator from Alabama whether he will yield an additional 30 seconds to me.

Mr. HILL. I yield 30 seconds more to the Senator from New Hampshire.

The VICE PRESIDENT. The Senator from New Hampshire is recognized for half a minute more.

Mr. TOBEY. I thank my colleague.

Mr. President, I may say that my State of New Hampshire is full of natural beauty—hills and lowlands, towering mountains, beautiful vistas. We have only 18 miles of seacoast. If we had 500 miles of seacoast and if we had great oil deposits lying under the submerged lands adjoining the seacoast, I would be speaking here as I do today, in favor of the Hill amendment.

I remind my colleagues of the old maxim that the whole is greater than any of its parts. In that connection, we must remember that the oil underneath the submerged lands belongs to all the

people of the United States and to their generations yet unborn.

The VICE PRESIDENT. The time of the Senator from New Hampshire has again expired.

Mr. HILL. Mr. President, I yield one-half minute to the Senator from New Mexico [Mr. CHAVEZ].

The VICE PRESIDENT. The Senator from New Mexico is recognized for one-half minute.

Mr. CHAVEZ. Mr. President, I am associated with the Senator from Alabama in support of this amendment. I wish I had an hour to discuss it.

If I were sure that the Congress would vote to turn over to the State of New Mexico and the other Western States the lands within their borders the Federal Government controls or owns, I would possibly be in agreement with other Members of the Senate who are opposed to the Hill amendment. However, today the people of the United States as a whole are receiving the benefits of the public lands in my State, including forest lands. Sixty-three percent of the entire State belongs to the Federal Government. Since those conditions exist, I believe that this amendment is proper.

The VICE PRESIDENT. The time of the Senator from New Mexico has expired.

Mr. CHAVEZ. I ask unanimous consent that the remainder of my statement may be printed in the RECORD at this point.

The VICE PRESIDENT. Is there objection?

There being no objection, the remainder of the statement of Mr. CHAVEZ was ordered to be printed in the RECORD, as follows:

To me, education is the most valuable asset an American citizen has. Education provides him with the necessary skills for living a full, creative, and respected life. This much is expected of each of our citizens. A study of history will confirm that a high priority has been given education by the men who founded this democracy and by those who have shared in its perpetuation throughout the years.

As a native New Mexican, I am exceptionally proud to say that from the early days of the Franciscan Friars, who accompanied the Spanish colonizers, to the present State superintendent of instruction, Tom Wiley, the leaders of New Mexico have recognized the importance of education. Let me quote from a statement made by my namesake, J. Francisco Chaves, Territorial superintendent of public instruction, in his report to the Territorial Governor of New Mexico in 1901:

"The indispensableness of education to worldly prosperity has also been demonstrated. An ignorant people not only is, but must be, a poor people. They must be destitute of sagacity and providence and, of course, of competence and comfort. The proof of this does not depend upon the lessons of history, but on the constitution of nature. No richness of climate, no spontaneous productiveness of soil, no facilities for commerce, no stores of the precious and useful metals garnered in the treasure chambers of the earth can confer even wordly prosperity upon an uneducated people. Such a people cannot in this day and generation create wealth of themselves, and whatever riches may be showered upon them will run

to waste. Let whoever will sow the seed or gather the fruit, intelligence will consume the banquet.

"We in New Mexico have for years past more than liberally taxed ourselves for common-school purposes, and yet we need to utilize every possible resource to carry on the work now so auspiciously under way, and to that end I would suggest that no further time be lost in placing our just demands properly before Congress."

New Mexico is a typical example of a low-income State that has accomplished wonders in the field of education on a cooperative basis with the Federal Government.

I remember the time—and it hasn't been too long ago—yes, 40 years ago when we were given statehood—that we had only a small number of public schools in all of New Mexico—the fourth largest State (in area) of the United States.

Much of the land of New Mexico is owned by governmental agencies, only 37 percent of the area of the State is privately owned. The balance, some 45,000,000 acres, is owned by the Government. Of this tremendous extent of land, the Federal Government holds 32,000,000 acres, largely in national forests, Indian reservations, and unappropriated public lands, and the State holds some 13,000,000 acres. The acreage subject to taxation by the State is less than 37 percent of the area of the State. (P. 60, Sanchez, Forgotten People, University of New Mexico Press, Albuquerque, N. Mex., 1940.)

Today New Mexico, the thirteenth State from the bottom in per capita income, has a national reputation among the educators from all over the country for its herculean effort to spend more than the national average in expenditure per pupil for public education from State and local resources.

New Mexico spends \$183 per pupil while the national average is \$176. Our teachers are paid more than the average teacher in the United States and the percent of teachers with four or more years of college preparation is above the average of the Nation as a whole.

New Mexico's educational accomplishments were realized by taxing to the limit the local community, the county, and the State. Quoting from the report of the New Mexico Educational Survey Board conducted by the Division of Surveys and Field Services, George Peabody College for Teachers, Nashville, Tenn.:

"To provide more bonding power for local school districts either the present tax value must be raised or the 6-percent constitutional limitation increased or both. Although some steps have been taken toward increasing tax values, it is the judgment of the survey staff that these steps in and of themselves are not going to solve the immediate building problem.

"As evidence of the lack of bonding power to meet present school building needs table 28 showing the comparison of the bonding capacity and school building needs as estimated by counties in New Mexico as of April 1948, has been prepared. It has been pointed out that the estimated cost of school building needs as shown in table 28 is much too low. A more realistic figure probably is between forty and fifty million dollars. However, even at the figure shown in this table it will be seen that if every county in the State issued bonds up to its constitutional limitation, about \$12,000,000 would be needed."

In spite of these tremendous efforts and notable accomplishments by the people of New Mexico, there are numerous aspects of this problem which have serious implications for our national security and the future well-being of our citizens. For example, the present trend correctly so, to integrate our American Indians into local

school systems is one which poses a particularly difficult problem to our already overtaxed and overcrowded school districts. One must realize that New Mexico's Indian population is the second largest in the country.

A second particularly urgent problem to the school system of New Mexico is that posed by migration. Migration in New Mexico is attributable to, first, Federal causes, and secondly, to the peculiar demands of our agricultural development. Letters such as the one from our Espanola municipal schools system are numerous. I quote:

"We have between four and five hundred students in our schools from families who have moved to this community so that one or both of the parents might work at Los Alamos. This has brought about many serious problems in our school system."

Another superintendent writes:

"I can frankly say that I believe our school has been affected as much, if not more, than any of the schools in the State as a result of military installations."

Another superintendent writes that:

"Migrant labor, of all kinds, employed by the Federal Government on the various Federal projects in New Mexico is one of the big problems. The other is the children of military personnel that move from Army post to Army post. They are causing quite a problem in our educational system."

A fourth superintendent has indicated:

"We have more than 200 children who came to our system and then left our system last year. These children are primarily children of military personnel or scientific personnel who work on the air base."

The second phase of this problem, that of the migrant agricultural or industrial worker and his family, is equally critical. The condition of migrancy for whatever cause is a part of the broad national problem of education. This problem must be met and solved by the States. It is, however, an area which provides an opportunity to implement the individual States with national resources to tackle this very urgent need.

The report of the President's Commission on Migrant Labor and other studies have clearly indicated the very desperate situation in which the children of migrant families throughout the country are forced to live. They are the least educated of any of our national groups. They have less opportunity to attend school under present conditions than other groups. They are the least properly cared for medically, nutritionally and socially. The parents of these children are of the lowest educational and socio-economic levels. It has been recently reported—Dr. Howard Dawson—that the children of these migrant parents are getting less education—the tools for citizenship—than their parents received.

The suggestion that Congress assist individual States in meeting problems which prevent the attainment of the American norm in education, health, social, and economic well-being, is a long-standing principle with our Congress. When such problems arise, through no fault of the State or community, certain emergency aid for education, or whatever need, has been forthcoming. To illustrate, I refer to areas where military camps, war plants, and air fields have had to be built and to agricultural sections of the country where production goals for defense purposes have been undertaken.

The proposal before this distinguished body to earmark a portion of the revenue derived from royalties from the oil and gas leases of offshore oil deposits for educational purposes is, in my judgment, one of the greatest steps to strengthen our democracy. It is fair and reasonable. New Mexico has, as I have previously indicated, 32,000,000 acres in Federal lands. States have derived financial benefits from these Federal lands through the scrip system. Yet the efforts to meet the educational standards estab-

lished by our Government for its citizens have nowhere exceeded those of the semi-arid, inland, and sovereign State of New Mexico.

I don't think New Mexico's enlightened educational program should come to an abrupt standstill because it has exhausted its own funds. New Mexico holds an enviable record in the percentage of fighting men and manpower it has contributed for defense industry and agriculture. Money spent by the Federal Government on education in New Mexico and elsewhere would erase the shameful high percentage of registrants who were rejected during World War II due to educational deficiencies.

Let us not forget that the real strength of a nation is measured by the education of its citizens.

Mr. KNOWLAND. Mr. President, I yield 5 minutes to my colleague, the junior Senator from California.

The VICE PRESIDENT. The junior Senator from California is recognized for 5 minutes.

Mr. NIXON. Mr. President, I am sure that we have all been impressed by the very persuasive and eloquent arguments which have been made by the proponents of the Hill amendment. It has been quite apparent that one thought has run through all those arguments, and that is, that the vote on this amendment will be on the issue of whether we are for or against aiding education. I submit to the Members of this body that that is an extraneous issue and not the real issue which is involved in the consideration of this amendment.

The question of whether the Federal Government should aid education is an important one. It is one concerning which there may be found possibly a considerable amount of disagreement among the Members of this body. But the question involved in the vote on the Hill amendment is not whether we are for or against aiding education; the question involved is whether we should, in our desire to aid education, adopt the method which is presented by the Hill amendment, now under consideration.

I have a letter which I received from the president of Occidental College in California. Dr. Coons, president of Occidental College, is one of the leading educators of the country. He has served on several governmental commissions, including the Japanese Reparations Commission, to which he was appointed by President Truman. In this letter, I think he very tersely puts the issue exactly as we should consider it. He says:

Upon the merits of Federal versus State ownership of the tidelands oil royalties there may be reasonable difference of opinion among presidents and institutions. Upon whether or not there should be Federal aid to education at one level or another, or at all levels, there may be difference of opinion; and if Federal aid, what form it should take.

It seems to me very unfortunate to link a given and major source of Federal revenue primarily to education or to any special present or proposed object of Federal expenditures. Furthermore, although conceivably highly motivated, Senator HILL's proposal may have the indirect effect of gathering political strength behind the Federal tidelands royalties ownership when that issue should be debated and decided on its own merits. I say all this, mindful of the finan-

cial problems of the independent colleges which might receive some minor portion (hardly a major portion considering all the claimants) and therefore in some measure against the interests of this institution.

That, Mr. President, seems to me to put the issue squarely before us. The question is not whether we are for or against aiding education. What we must bear in mind is that the method of obtaining funds does not become right, simply because the purpose for which they are to be devoted happens to be good. In this instance, no one would question that the purpose for which the funds are to be used, namely, aiding education, is good, but there is question as to the method of obtaining the funds. In this instance the method employed is, in effect, to take from the States tidelands properties title to which those of us who are supporting the Holland substitute think should be vested in the States. If that method is wrong, it does not become right simply by proposing a good purpose for the use of the funds.

I intend to discuss, as other Members of this body will, the major issue as to whether the Federal Government rather than the State governments should have the royalties and the incomes from these properties. But in any event we should not confuse that issue with the one which is involved in the amendment which is now before the Senate.

The VICE PRESIDENT. The time of the junior Senator from California has expired.

Mr. HILL. Mr. President, does the opposition have any speakers who desire to speak at this time?

Mr. KNOWLAND. I should like to have alternate speakers, if we could, for obvious reasons.

Mr. HILL. We have already had four speakers, I think.

Mr. KNOWLAND. I think we have. Without taking it out of the time of either side, Mr. President, could the Chair give us an accounting of the time which has expired?

The VICE PRESIDENT. Each side has 16 minutes remaining.

Mr. KNOWLAND. I yield 5 minutes to the Senator from Louisiana.

The VICE PRESIDENT. The Senator from Louisiana is recognized for 5 minutes.

Mr. LONG. Mr. President, it seems to me that the pending amendment is cruelly deceptive to those who favor Federal aid to education. In the first place, I believe Senators should know that from the submerged lands the current revenues derived from the production of oil and gas, accruing to the States or to the Federal Government, whichever the case may be, is presently only \$23,000,000 a year. The lowest estimate of the requirement by the Federal Government for aid to education is \$300,000,000 a year, or approximately 13 times as much as is currently available as revenues from submerged lands. It should be borne in mind that when the California case has been decided, many of the submerged lands will be declared to be inland waters, because the Federal Government in many instances has claimed land which its agencies are even ashamed to

assert belongs to the Federal Government, because it underlies inland waters.

If we make that allowance and realize that 37½ percent of the revenue derived would go to the States, there would, under this amendment, be only about \$16,000,000 available for Federal aid to education based on current production. Mr. President, \$16,000,000 a year divided among 25,000,000 school children would be about 60 cents per child a year.

There has been talk about \$40,000,000,000 worth of oil underlying the Continental Shelf. That is a very ridiculous distortion of the actual picture. It is my understanding that this figure was arrived at by estimating that as much oil could be recovered by going 100 miles south into the Gulf of Mexico, as could be recovered by going 100 miles north from the shore line of the Gulf of Mexico. What is overlooked is that it costs about 10 or 15 times as much to drill an oil well in 30 to 100 feet of water in the open sea as it does to drill a well on dry land. Consequently, the best estimate which could be hoped for would be that, over a period of many years, there might possibly be \$120,000,000 a year of available revenue, which in any event would not be sufficient to begin to finance Federal aid to education, the lowest estimate of the amount required for Federal aid to education being about \$300,000,000.

Senators who favor Federal aid to education should realize that this proposal would not hasten Federal aid to education but rather would retard any effort to obtain it. For one thing, Federal aid to education has always been defeated in the House of Representatives, although it has received there very substantial support from the Texas, California, and Louisiana delegations. If an effort is made to confuse the aid-to-education issue, which has been before Congress for many years, with the tidelands issue, which has also been before the Congress for many years, thus incurring the enmity and the wrath of the coastal States, the result will be that both will be merely tied up indefinitely, and we will never be able to pass any measure to provide effectively for Federal aid to education.

I say, Mr. President, that those who favor the proposal should be willing to recognize that the best hope of obtaining Federal aid to education is to have a bill for that purpose stand on its own merits as a justified proposition. In that event Senators and Representatives who support this proposal would be willing, no doubt, to vote adequate appropriations for that purpose.

Mr. HILL. Mr. President, I yield 10 minutes to the Senator from Illinois. [Mr. DOUGLAS].

The VICE PRESIDENT. The Senator from Illinois is recognized for 10 minutes.

THE ISSUE IS NOT TIDELANDS BUT OFFSHORE OIL

Mr. DOUGLAS. Mr. President, it is well at the opening of this final debate, which will involve not only the Hill amendment but also the so-called McClellan amendment, that we understand very clearly exactly what is and what is not at issue. The real question is in whom should the rights to the submerged land seaward from the low-

water mark and out to the 3-mile and to the edge of the Continental Shelf belong. The Supreme Court, in three decisions, in the California, Louisiana, and Texas cases, has ruled that the submerged land seaward from the low-water mark belongs to all the people of the 48 States, namely, to the United States of America. The O'Mahoney resolution, Senate Joint Resolution 20, which is now before the Senate, and which the proponents of the Hill amendment are also supporting, confirms and strengthens this ownership by enabling the Federal Government to administer its rights through the granting of mineral leases in the submerged lands.

The advocates of the so-called quitclaim amendment would have Congress give the submerged land to the States which abut upon the sea. In practice, so far as oil is concerned, this would mean lodging title to the offshore oil in the three States of California, Louisiana, and Texas.

Huge sums of money and enormous natural resources are at stake in this issue.

TREMENDOUS RESOURCES UNDER THE MARGINAL SEA

The oil resources of the submerged lands are presently estimated at 15,000,000,000 barrels which, at present prices, would be worth \$40,000,000,000. Royalties at a minimum of one-eighth would amount to \$5,000,000,000. With active development, the sums involved may well prove to be greater. These valuable properties belong, by the law of the land, as laid down by the highest court in the land, to the 154,000,000 people of the 48 States.

EFFORTS HAVE BEEN MADE TO CONFUSE THE ISSUE

The advocates of the so-called quitclaim amendment, or what I would call the give-away amendment, which will shortly be presented, would turn the property back to some 21,000,000 people in 3 States. That is the major issue which is before the Senate today.

An effort is now being made, as it has been made over a period of years, to confuse the real issue. It is said that unless we enact the quitclaim or the give-away amendment, the National Government will take over not merely the offshore oil but the lands beneath inland waters, the lands beneath coastal waters, and the tidelands proper, or the lands between the low-water mark and the high-water mark. Therefore, the coastal States, and particularly the three States mentioned, have made desperate efforts to get the inland States on their side by telling them that unless they side with the three separate States, the land beneath the inland waters will be taken from them. I hold in my hand a batch of pamphlets which have been issued on this very point and which have been sent to Senators' offices within the past few days.

INLAND WATERS BELONG TO THE STATES

I wish to emphasize that the courts, in an unbroken chain of opinions, have ruled that the land beneath the inland waters, lakes, rivers, and the tidelands properly belong to the States. The issue

before the Senate is not a tidelands issue at all; it is an offshore oil issue. The issue of the tidelands proper has been decided by the courts again and again in favor of State ownership, not only of the tidelands but of all the inland navigable waters.

In order to make assurance of the courts double secure, the Senator from Wyoming [Mr. O'MAHONEY] and most of us who are supporting the Hill amendment sponsored another amendment lodging in the States by statute law title to the land between the low-water mark and the high-water mark, and the land under inland navigable waters.

As I have stated, the issue is not tidelands but offshore oil.

The O'Mahoney amendment is most generous to the abutting States. It provides that they shall receive 37½ percent of the royalties on oil produced out to the 3-mile limit. Beyond the 3-mile limit the Federal Government is to get all.

OIL-FOR-EDUCATION AMENDMENT MERELY CONTINUES A HISTORIC NATIONAL POLICY

The Hill amendment deals with the disposition of Federal funds derived from the oil under the submerged lands. It provides that during a period of national emergency the funds shall be used for national defense—a perfectly proper use—but that when the national emergency is over, the funds shall be used for purposes of education.

This is in conformity with a long-established historical precedent starting with the Ordinance of 1787 under which public lands in the Northwest Territory were to be used for educational purposes. That principle was further developed by the Morrill Act, passed during the Civil War, by which the revenues from 30,000 acres of public land in each State were to be used for the establishment and maintenance of colleges of agriculture and the mechanical arts. Our great system of State universities has largely been built up through the Morrill Act. It has been the nucleus around which they have been developed.

The Senator from Alabama is simply proposing to carry on in this modern day the precedent of using the country's natural resources for the development of the human resources of the Nation.

We know something of the plight of the schools. The birth rate rose rapidly in the 1920's. The new groups of students entering schools are much larger than those who entered years ago. The number of pupils in the public schools will increase from 26,000,000 to 33,000,000 in the next decade. Many of the school districts are in great difficulty. Teachers are underpaid. Buildings are lacking.

Our proposal is to use the resources for the benefit of education in the Nation as a whole. Any plan which is ultimately adopted will have to be approved by Congress. We are not committed to any specific plan. We are not tying the hands of future Congresses. We are merely saying that these resources should be used for human betterment, for the benefit of the children

of the Nation as a whole, not merely for the benefit of the people of a few States. Those persons in the few States will receive not only their share of the royalties out to the 3-mile limit, but they will share with the entire Nation the total resources which are at stake.

Mr. President, I very much hope that the amendment will be adopted.

Mr. KNOWLAND. Mr. President, I yield 3 minutes to the distinguished junior Senator from Georgia [Mr. RUSSELL].

The VICE PRESIDENT. The Senator from Georgia is recognized for 3 minutes.

Mr. RUSSELL. Mr. President, in view of the fact that I voted against the so-called tidelands bill when it was before the Senate on another occasion, and likewise voted to sustain the veto of the President when he disapproved the action of the Congress in passing the bill, I feel that in justice to myself I should make a brief statement to explain why I shall take a contrary position today.

At the time this measure was last presented to the Senate this issue was before the Supreme Court of the United States for judicial decision. As a strong adherent of the separation of powers theory of our Government, I did not think it was proper for the legislative branch to pass upon the issues involved at a time when these issues were under consideration by the judicial branch of our Government. I fully recognize that in a matter of this kind the power of the legislative branch of the Government is, in the last analysis, supreme. But I thought then—and think now—that where such a question is before the courts for a decision the legislative branch should withhold any action which would tend in any way to prevent the judiciary from fully expressing its views on the constitutional issues involved. Such a decision by the courts can be helpful to the Congress in its determination of the issue.

It is my considered opinion that the decision of the Supreme Court in the tidelands cases is not justified under our constitutional system. The original States were invested with sovereign powers before the Union was formed by the adoption by the sovereign States of the Constitution and the first 10 amendments thereto. In my opinion, the powers reserved to the States in our national charter includes the title to the off-shore lands belonging to the States before they ratified the Constitution. Nothing has transpired since the ratification of the Constitution which, in my opinion, justifies the contention that the States have been divested of the title to the off-shore lands they undoubtedly owned prior to ratification.

The title of Texas to her off-shore lands does not depend solely on the reserved rights of the States. A study of the history of the agreement between the Republic of Texas and the United States at the time of the admission of Texas to the Union leads me to the conclusion that even if the several States had no reserved titles Texas has, in equity and common justice, full and complete title to all off-shore lands which she owned at the time of her admission.

The VICE PRESIDENT. The time of the Senator from Georgia has expired.

Mr. RUSSELL. Mr. President, will the Senator from California yield me about 1½ minutes?

Mr. KNOWLAND. I yield 1½ minutes.

Mr. RUSSELL. The dissenting opinion of Mr. Justice Frankfurter in the Texas case is unanswerable. I have never understood why the logic of his dissenting opinion was not accepted as being much sounder law than the strained attempts at reasoning in the majority opinion.

The substitute presented and so eloquently advocated by the Senator from Alabama [Mr. HILL] and a number of other Senators, is most appealing. I wish that I could in good conscience support it. As a consistent advocate of preserving the rights of the several States against unwarranted encroachments by the Federal power, I cannot do so. I cannot be for States' rights every day of the week except Wednesday, however attractive the proposed invasion of these rights may appear to be. I should like to see increased funds for all of our educational activities, but under my construction of the Constitution I could not justify a vote in favor of the Hill amendment any more than I could support a proposal that the Federal Government expropriate any surpluses which the several States may have in their treasuries and then by Federal enactment vote these funds—clearly the property of the States—to a desirable use.

Holding the conviction that the rights of the States under our constitutional system completely justify the claim of title of the States to their offshore lands. I shall vote for the substitute offered by the Senator from Florida.

Mr. HILL. Mr. President, we have only one speaker remaining.

Mr. KNOWLAND. Mr. President, we, too, have only one speaker remaining. As I understand, we have now exhausted about 21 minutes of our time.

Mr. HILL. I yield 1 minute to the Senator from Michigan.

The PRESIDING OFFICER (Mr. GEORGE in the chair). The Senator from Michigan is recognized for 1 minute.

Mr. MOODY. Mr. President, under our system of government, the ultimate authority in determining ownership of all rights to property is the Supreme Court of the United States. We all know there has been great controversy as to whether the States or all the American people have ownership of offshore oil. That issue has now been decided by the Supreme Court. This great resource is the property of the people.

If today the Senate votes to relinquish to the States the rights of the Federal Government to the oil of the submerged lands, it will be giving away an asset whose value may amount to more than \$50,000,000,000. I think that would be generosity many times multiplied.

The joint resolution reported by the Committee on Interior and Insular Affairs under the chairmanship of the Senator from Wyoming [Mr. O'MAHONEY], deals generously with the States. It applies the same standard which is applied to all other public lands, according to which 37½ percent of the revenue derived is given to the States.

The PRESIDING OFFICER. The time of the Senator from Michigan has expired.

Mr. MOODY. May I have an additional 30 seconds?

Mr. HILL. I yield an additional 30 seconds to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 30 seconds more.

Mr. MOODY. Mr. President, our schools are facing a crisis. We have an opportunity here to do something about it without burdening our taxpayers. If there is any better purpose to which the revenue from this great offshore resource could be devoted than to the education of our children, I fail to know what it possibly could be.

I hope the amendment of the Senator from Alabama will be adopted.

Mr. KNOWLAND. Mr. President, I yield myself 4 minutes.

The PRESIDING OFFICER. The Senator from California is recognized for 4 minutes.

Mr. KNOWLAND. In discussing the pending amendment this afternoon, my able colleague [Mr. NIXON] pointed out that there would be very little dispute regarding, or objection to the general objective of, the amendment, insofar as providing some aid to education is concerned, because, as I think we all know, in the States there is need for additional aid to education. However, there is certainly a very honest difference of opinion as to whether such aid should be Federal in character; and there is certainly a very great difference of opinion as to what the sources of such aid should be.

It has been pointed out by some speakers in opposition to the amendment that it is not a wise public policy to tie funds for any particular Government purpose to one particular source. I think this is generally recognized by educational authorities themselves.

I have before me a resolution which was adopted by the California State Board of Education a short time ago, which came to me under date of March 14. The California State Board of Education in its resolution had this to say:

Resolved by the California State Board of Education, That—

1. It opposes and condemns any oil for educational amendment to Senate Joint Resolution 20 and urges its defeat.
2. It believes that the question of the ownership of submerged lands should be decided honestly and on its own merits.
3. This resolution shall be printed in California schools and copies of the resolution shall be sent to all local school boards in California and to the National Education Association in Washington, D. C., and to all other State boards of education.

Mr. President, I also have a number of letters which I have received from various school boards in the State of California. I shall read one as being typical. It is from the San Luis Obispo city schools, and reads:

SAN LUIS OBISPO CITY SCHOOLS,
San Luis Obispo, Calif., March 20, 1952.
Senator WILLIAM F. KNOWLAND,
United States Senate,
Washington, D. C.

DEAR SENATOR KNOWLAND: I have been requested by the board of education of the San Luis Obispo City Schools to send you a copy of a resolution which was passed at a

meeting of the board on Tuesday, March 18. The resolution is as follows:

"Whereas there are pending in the Congress of the United States resolutions designated respectively as House Resolution 4484 and Senate Resolution 940 that recognize the rights of the States of the Union to the ownership of submerged lands and provide for the quitclaiming of those lands to the States respectively entitled thereto; and

"Whereas the passage of such legislation is seriously endangered by the introduction of an amendment to Senate Joint Resolution 20, popularly referred to as the oil-for-education amendment which would provide for the application of a portion of the royalties derived by the Federal Government from these lands to grants-in-aid to the States for public education; and

"Whereas the question of Federal aid to education has no proper relationship to the question of the title to submerged lands, and it is not proper to offer any part of the royalties derived from such lands in order to obtain support for or opposition to legislation relating to the title to lands; and

"Whereas the State of California and others contend that the Federal Government is not the rightful owner of these lands and therefore that it has no right, legal or moral, to receive royalties from their use or to offer those royalties to education or otherwise: It is hereby

Resolved by the Board of Education of the San Luis Obispo City Schools, That—

"1. It opposes and condemns any oil-for-education amendment to Senate Joint Resolution 20 and urges its defeat.

"2. It believes that the question of the ownership of submerged lands should be decided honestly and on its own merits."

Sincerely yours,

J. N. REGIER,
Superintendent, San Luis Obispo
City Schools.

The PRESIDING OFFICER. The time of the Senator from California has expired.

Mr. KNOWLAND. I yield myself an additional one-half minute.

The PRESIDING OFFICER. The Senator from California is recognized for an additional half minute.

Mr. KNOWLAND. I think educational authorities themselves understand that the pending proposal has no place in submerged-lands legislation.

Mr. LONG. Mr. President, will the Senator yield so that I may place a statement in the Record?

Mr. KNOWLAND. I yield to the Senator from Louisiana.

Mr. LONG. I ask unanimous consent to have printed in the body of the Record a statement I have prepared on the subject embraced in the amendment now pending.

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

STATEMENT BY SENATOR LONG

It is completely improper that the aid-to-education issue should become immeshed with our effort to settle the tidelands controversy. If the States are entitled to have their submerged lands restored to them, as I believe they are, then it is completely wrong and inexcusable to deprive the States of the property within their boundaries—no matter how laudable the purpose.

It is not proper that the Senate of the United States should attempt to play Robin Hood, taking property that should belong to some to give it to others. If Federal aid to education is justified, then it should stand on its own merits and it should be faced on its own merits. It should not be used as

a ruse or a device to prevent the States from recovering the submerged lands within their borders.

The theory that the end justifies the means is not natural to American democracy. As a matter of fact, it is a Communist theory that is shared by some of our ultraliberal friends. If the means are wrong, they should not be resorted to, no matter how laudable the ultimate purpose might be.

I do not believe any Senator in good conscience subscribe to the proposition that the States have been inexcusably deprived of their submerged lands on the one hand and vote to dedicate the revenues from those lands to any Federal purpose on the other. The Federal aid-to-education controversy has been before Congress for more than one dozen years. So has the tidelands controversy. Any attempt to tie one onto the other would not hasten the settlement of either issue, but only hopelessly delay any final settlement. Senators know that Federal aid to education has been passed by the Senate on two occasions and that it failed passage in the House of Representatives, although it was supported in large measure by the rather large delegations from Texas and California as well as the delegation from Louisiana. Certainly the weight of the Texas, California, and Louisiana delegations will be against any passage of the aid-to-education provision that would prejudice the rights of the States to their submerged lands.

If anyone is proposing to accomplish Federal aid to education by tying it to the tidelands controversy, he is cruelly deluding himself and those who follow him. This is merely a device to prevent any tidelands legislation from being passed in this Congress.

As a matter of fact, the aid-to-education group had just about given up any hope of getting such legislation through this Congress. They did not even ask for hearings before the proper committee, when the measure was introduced. Therefore, when the so-called liberal Senators who opposed the States' right position on tidelands dragged the aid-to-education amendment into this controversy, I am certain in my own mind that it was simply a matter of confusing this issue in order to prevent passage of tidelands legislation.

In addition, the revenues available from submerged lands could not begin to furnish adequate revenues to support a Federal aid-to-education program. There is only about \$23,000,000 of revenue annually available to the States or Federal Government from oil and gas production in submerged lands. Thus divided among 25,000,000 children of the public schools of the Nation, this would amount to only about 92 cents per pupil per year. Senators will see that this revenue is completely inadequate for the purpose and even then much of this revenue will be found to be coming from lands that must be decided to be inland waters of the State of California.

For example, one of the most productive fields in the submerged lands underlies the very harbor of Long Beach, Calif., where the Federal Government concedes to the city of Long Beach less than one-half of the submerged lands within the very harbor itself. The O'Mahoney bill proposed that 37½ percent of all production within the 3-mile limit should go to the State. This would reduce the amount available for Federal aid to education to approximately 60 cents per child per year.

Now, there have been great figures used to attempt to mislead us on this issue. Someone speaks of \$40,000,000,000 worth of oil underlying the Continental Shelf. It is my understanding that this estimate was arrived at by estimating the amount of oil reserved starting at the shore line of the Gulf of Mexico and going 100 miles north, and presuming that the same relative amount of oil

would be found proceeding 100 miles south into the Gulf of Mexico. Here the ridiculousness of the estimate is exposed, because on dry land in Louisiana and Texas, a shallow well can be drilled for perhaps \$10,000 or \$15,000 and the well will be commercially profitable if it produces as much as 10 barrels per day, which is the average production for an oil well located in the United States of America. The same oil deposit located in 30 to 100 feet of water in the Gulf of Mexico would cost perhaps a half million dollars for the platform alone and it would not be a profitable operation unless it was productive of many times the amount of oil that is produced from the ordinary well on the uplands. Thus if we assume that there is as much oil 100 miles south of the shore line in the Gulf of Mexico as there is 100 miles north of the shore line, any person who knows something about the oil business would have to advise you that the average oil deposit could not be economically produced and that only the better fields would justify the methods that are used on dry land to squeeze out the production of small marginal wells.

In addition, the cost of producing oil cannot go much higher without coming into competition with the shale of Colorado, which is capable of producing enormous quantities of oil and the processes to produce liquid fuel from coal.

The best estimate of the potential revenue from submerged lands, therefore, is what I regard as a somewhat optimistic estimate of the Secretary of the Interior that over a period of time and after full development, the property might produce as much as \$100,000,000 per year. For the purpose of aid to education this would be totally inadequate.

Senators must also recognize that there is a big difference between saying \$40,000,000,000 worth of oil underlies the Continental Shelf of the United States and saying that \$40,000,000,000 worth of revenue could be derived for the Government. Under the present Federal Leasing Act the Federal Government cannot ask or receive more than one-eighth of the revenues produced from structures that are not known to contain mineral deposits even if we estimate that one-sixth of all revenues might be derived for the Government and even if we should conclude that all the oil underlying the Continental Shelf could be recovered, there would be only about \$7,000,000,000 involved, rather than \$40,000,000,000. However, the second assumption would be entirely erroneous and ridiculously optimistic.

The bill which the Senate passed for aid to education in the Eighty-first Congress authorized an appropriation of \$300,000,000 per year. Other aid-to-education bills have asked as much as \$500,000,000. Senators might as well prepare themselves for a budget request for as high as \$1,000,000,000 a year over a period of time if Federal aid to education is authorized. The best they can hope for from production of oil from the Continental Shelf would be approximately 10 percent of the ultimate cost of the program.

Therefore, Mr. President, it is obvious that by directing the education lobby into conflict with the rights of the States of California, Texas, and Louisiana, who are seeking to recover their rightful interest in the submerged lands, those who favor Federal aid to education do not gain support for their cause, they lose support. They do not hasten Federal aid to education, they retard it. They have no hope of thus obtaining funds sufficient for that purpose, their only hope is to obtain a small fraction of the cost of the program while incurring resentment, opposition, and wrath from substantial numbers of Congressmen and Senators, who had hitherto been their friends. Their best hope is to seek to obtain the passage of their program on its own merits. I am confident Senators and Congressmen who favor Federal aid to education will be willing to vote

for adequate appropriations for that purpose when the legislation authorizing this type of enactment has passed Congress.

Mr. CASE. Mr. President, I desire to offer an amendment to the Hill amendment.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. CASE. I offer an amendment to the Hill amendment, to strike, on page 2, the paragraph numbered (3), and then to renumber the succeeding paragraph (4) as "(3)."

The PRESIDING OFFICER. The clerk will state the amendment.

The LEGISLATIVE CLERK. On page 2, beginning with line 7, it is proposed to strike out all of subdivision (3).

Mr. CASE. Mr. President, the amendment as offered would leave intact the Hill amendment, so far as the purposes described in section 2, are concerned; it would merely eliminate the advisory council proposed to be established. It seeks to remove the fears of some that such a council might open the door to Federal direction in education.

In conference, some Members of the Senate have indicated doubt about the wisdom of setting up such a council to recommend a formula for distributing the anticipated revenues. No one knows what such a council might report, and while presumably Congress would still have power to pass on the report, the council's recommendations would have the strength of having been created by this act.

My amendment would not interfere with the use of money for purposes of education, but would clearly reserve to Congress the right to prescribe the method under which money would be distributed to the States, without any prejudice to a future decision on that score. Of course, personally the junior Senator from South Dakota thinks the distribution should be to the States on a simple per capita basis; that is on the basis of an annual census of the children of school age.

I have suggested an amendment which would do just that, but I find some Senators think the method or principle of distribution should not be fixed at this time; they feel the only decision at this time should be the dedication of these submerged lands to education. Hence my suggestion at this time for the modification of the Hill amendment.

I may say that I have discussed this matter with the able Senator from Alabama, and I am hopeful that at the proper time he will indicate it is not objectionable to him.

Mr. President, I should like to address myself to the point which has just been raised by the able Senator from California [Mr. KNOWLAND]. If we were to accept the position that no funds should be dedicated to educational purposes, we would go against the entire history of endowment lands. At the time many States were admitted to the Union, lands were dedicated for educational purposes, and the income from such lands has been set aside for those purposes. That was true in my own State, and it was true in most of the States of the Northwest. In the States of Washington, Mon-

tana, Idaho, North Dakota, and South Dakota very substantial acreages of land in the public domain were dedicated to education at the time the States were admitted to the Union. The income from those lands can be used for no other purpose. The Beadle statue in Statuary Hall, as I mentioned earlier during this debate, placed there by the State of South Dakota, is to the memory of a man who was responsible for the provision in the enabling act for Idaho, Washington, Montana, North Dakota, and South Dakota that no part of the dedicated lands in those States could be sold for less than \$10 an acre. The inscription on the memorial to General Beadle sets forth that he saved the school lands of those States because he made it impossible for them to be sold for less than \$10 an acre. The result is that today the school lands in these States have yielded a continuing income if not sold and at least \$10 an acre, or more, when the principal of the endowment has been sold. It has restrained the disposition of such lands and today many of those lands have yielded, from oil leases or royalties, more than \$10 an acre while the lands themselves remain in the ownership of the States for the schools.

If we are to accept the position suggested in documents presented by the Senator from California [Mr. KNOWLAND] that revenues should not be set aside or dedicated to education, or that endowments should not be created, or that income from certain lands should not be preserved for education, we shall fly in the face of the whole story of endowment lands, which runs back at least to the Morrill Act of 1862.

So, Mr. President, I trust that before anyone accepts the argument advanced by the people of California in this instance—even by the educators there—he will see the inconsistency of opposition to the use of endowment lands in any degree whatsoever for education.

I should now like to ask the distinguished Senator from Alabama if he would consider accepting the amendment striking out paragraph (3) so that the decision on the method of division may be left without prejudice and make the issue here the simple dedication of these submerged lands to the purposes of education.

Mr. HILL. I have no objection to the change suggested by the Senator from South Dakota. I should be very happy to see the Senate adopt the amendment in that form.

Mr. CASE. I hope such an amendment may be accepted, and that we will then proceed to the consideration of the Hill amendment with that paragraph eliminated which would have created an advisory council.

The PRESIDING OFFICER. The amendment is modified accordingly.

The question is on agreeing to the so-called Hill amendment, as modified.

Mr. HILL. Mr. President, how much time is left?

The PRESIDING OFFICER. The Senator from Alabama has 7 minutes remaining. The opposition has 4 minutes.

Mr. HILL. We have only one speaker. I wonder if the Senator from California intends to use his time.

Mr. KNOWLAND. We have 4 minutes left.

The PRESIDING OFFICER. That is what the Chair is advised by the clerk.

Mr. KNOWLAND. I yield myself 3 minutes of that time.

Mr. President, I think the situation now is considerably different from what it was at the time the Morrill Act was placed on the statute books. At that time the country was in the position of distributing public lands. I have stated it as my belief that, as a matter of policy, it is not wise now to tie into specific sources of revenue the support of various institutions of the Federal Government or of the local governments.

I happen to come from a State which has done a great deal for its public schools. I served as a member of the Legislature of California at the time we revamped the entire tax structure of the State so that adequate support would be provided for its public schools. As a matter of fact, in California, as in some of the other States, we have so-called constitutional guarantees for the public schools, so that the first claim on the funds in the Treasury is for the support of the public schools. I strongly believe in adequate support for our public-school system. But that is a charge on all the revenues in the Treasury and certain revenues are not pigeonholed for use only for school purposes. That is the general principle to which I refer.

Mr. CASE. Mr. President—

Mr. KNOWLAND. I have not the time to yield, I am sorry to say to the Senator.

The time may come when, as a matter of public policy, the Congress of the United States will provide funds to the States for education. I do not believe it is wise to select one particular industry or one particular source of revenue and say that the funds shall come from that source. I think it not the best public policy to do so.

Mr. President, I have before me another letter from the president of a board of education. This letter is from the president of the board of education of Anaheim school district. The letter is as follows:

ANAHEIM SCHOOL DISTRICT,
Anaheim, Calif., March 14, 1952.
The Honorable WILLIAM F. KNOWLAND,
United States Senator,
Tribune Tower, Oakland, Calif.

DEAR SENATOR KNOWLAND: The board of education of the Anaheim city school district wishes to commend to you a resolution adopted by the California State Board of Education on February 28, 1952, opposing the enactment of the United States Senate Joint Resolution 20, popularly known as "Oil for Education."

The members of our board feel that the sentiment expressed in this resolution should be supported by all of our California citizens.

Sincerely yours,

H. H. STABBERT,
President, Board of Education, Anaheim City School District.

As I pointed out previously, the Hill amendment has no place in the submerged-lands legislation. If these lands belong to the States—and for more than 100 years they were recognized as belonging to the States—then the Congress of the United States has no business ap-

portioning the funds which come from oil royalties. If they belong to the Federal Government, that is a different situation. That is the basic issue which we are confronting here today.

The PRESIDING OFFICER. The time of the Senator from California has expired.

Mr. HILL. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HILL. How does the time stand?

The PRESIDING OFFICER. The Senator from Alabama has 7 minutes. One minute remains on the other side.

Mr. HILL. I understand that the proponents have the right to close. We have only one speaker.

The PRESIDING OFFICER. The Chair will say that there is no rule in that regard. If the Senator from Alabama wishes to be heard now, he may be heard.

Mr. HILL. Mr. President, with the adoption of the amendment of the Senator from South Dakota [Mr. CASE], and the modification of my amendment accordingly, the provision establishing an advisory council has been stricken from the amendment. With the deletion of that provision, all in the world the amendment would do would be to dedicate to education the revenues derived from oil in the submerged lands. Then it would be the business of the Congress to enact legislation prescribing the means and methods for the disposition of the revenues. There would be no report from any commission, and no recommendation. Congress would have full authority in the matter in any event.

The entire history of Federal aid to education, from the very beginning down to date, is that the Federal Government has not attempted in any way to interfere with the administration or control of our schools, or the administration or control of any educational institution deriving benefits from Federal aid.

Going back to the ordinances of 1780 and 1787, many acts have been enacted by Congress throughout the years to provide Federal aid for education, including the Morrill Act, as well as the Act for Federal Aid for Vocational Education. In every instance Congress has left the administration and control of education entirely in the hands of the States and their agencies. That is exactly what the proponents of this amendment propose. They propose that there shall be no Federal interference, and no Federal control in any way, shape, or form.

I understand that the distinguished Senator from Arkansas [Mr. McCLELLAN] has an amendment which embodies the declaration of policy which he prepared and offered as an amendment to the general Federal aid to education bill, which declaration of policy was written into the general Federal aid to education bill both times that bill passed the Senate. I would have no objection to such an amendment, because it carries out what has been the established policy throughout the years, and what we propose and intend shall continue to be the policy, namely, local and State administration and control.

Mr. ANDERSON. Mr. President, will the Senator yield?

Mr. HILL. I yield to my friend from New Mexico.

Mr. ANDERSON. As the Hill amendment now stands, with the modification suggested by the Senator from South Dakota [Mr. CASE], what it really provides is that in the areas where oil is developed, instead of the additional revenue being placed in the reclamation fund, it will be placed in the education fund.

Mr. HILL. The Senator is exactly correct.

Mr. ANDERSON. It probably is fairer to do that, since, if the revenues belong to all the people of the country, they should not be used exclusively for the benefit of certain States.

Mr. HILL. The amendment provides that the revenues from the oil which the Supreme Court of the United States has declared belongs to all the people shall go to all the people. Under this amendment the people, the educational institutions, and the children in all 48 States would share in the revenues from the oil.

Mr. President, if there ever was a time when we needed to dedicate a great national resource to the development of our greatest national resource, the youth of the country—Mr. President, your children and my children—this is the time.

As we know, we have conditions in our schools today that constitute a scandal, a scandal of public neglect, public confusion, and public fear. We must recognize that life does not stop while we build the Nation's military strength. In spite of all we are doing in that respect we cannot forget that the fundamental and basic strength of America lies in her citizens and the American citizens of tomorrow are the boys and girls of today. Children are born, they grow up, and they go to school and to college. There is no way of putting a generation into educational cold storage, and then at some future time taking them out and putting them into an educational hothouse. In other words, we must prepare now and we must make ready now by adequately and properly training the boys and girls of today, who will be the American citizens of tomorrow.

The situation confronting the schools today cries out for remedy. There are too few classrooms to house our children adequately, and there are too few teachers. Many of them are overworked; indeed, many of them are overloaded with work. They teach in overflowing classrooms. The distinguished Senator from Arkansas [Mr. FULBRIGHT], a former president of the University of Arkansas, knows that a teacher can effectively and adequately teach only a certain number of children and that in proportion as the number increases the education of every child in the classroom is impaired.

Mr. President, many teachers today have not been properly trained. More than half of the persons who have had good training and preparation for teaching have been forced to abandon the teaching profession because on a teacher's salary they cannot maintain

a living for themselves and their families.

Mr. President, as my time expires permit me to paraphrase Daniel Webster and say that although the children of the Nation cannot speak for themselves there are those who love them.

Mr. HILL subsequently said: Mr. President, I ask unanimous consent to have printed in the body of the RECORD, immediately following the remarks made by me earlier today, a letter addressed to me by the Senator from Tennessee [Mr. KEFAUVER].

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

UNITED STATES SENATE,
COMMITTEE ON THE JUDICIARY,
April 2, 1952.

Senator LISTER HILL,
Senate Office Building,
Washington, D. C.

DEAR LISTER: I want to wish you good luck today in your fight to save the funds from this Nation's vital oil resources to kindle the lamps of learning. I had planned to be in Washington today to support and vote for your proposal which I had joined in sponsoring. However, I found that I could do so just as effectively in this manner:

I met Senator BUTLER (Republican, Nebraska) who holds an opposite view and would vote for the quitclaim bill and against your amendment. Both of us were in Nebraska in connection with the election. He had planned to return for the vote and so had I. However, we agreed to pair our votes and thus effectively balance off each other.

Senator BUTLER favors quitclaiming the submerged lands to the coastal States under terms of the Holland bill. I favor the O'Mahoney bill which, without prejudicing the rights of the States to final settlement of ownership, provides for immediate development of the oil resources underneath those lands in which the Supreme Court says the Federal Government has paramount interest. I favor your proposal for the disposition of the revenues derived by the Federal Government from these lands and have joined with you in sponsoring the amendment designed to effect this.

The O'Mahoney interim bill, with the Hill amendment, is, in my opinion, just and fair to all. It breaks a deadlock between the United States and the three coastal States of Texas, Louisiana, and California. It recognizes the particular interest of the coastal States in the submerged lands within their seaward boundaries, as well as the equities of the oil companies who have made leases in good faith. At the same time it serves the national interest in all respects. The revenue derived by the Federal Government from these oil leases would be for the present earmarked for national defense, but thereafter would be dedicated to developing educational opportunities for the youth of our country, our greatest natural resource.

No argument is needed from me to emphasize how vital it is that the oil and gas resources be developed now, not sometime in the future, and that the revenues from this development be devoted now to our national defense. When our defense needs have been met, then, under terms of your amendment, these revenues would be dedicated to our educational system for the benefit of the growing boys and girls of this country, upon whose development, skill, knowledge, and training depends the future security of our great Nation.

Every good American must be immediately concerned about such startling facts as these. During World War II, some 700,000 able-bodied men were rejected for military service because of illiteracy and other educational deficiencies. Over 300,000 able-bodied

men have been rejected for similar reasons since Korea. Illiteracy and want of education not only weaken us militarily, they constitute a tremendous economic and industrial loss—a loss that is within our power to repair.

It is time for every State to take thought about what this illiteracy and related ills mean to its own general welfare, and to the welfare and security of the country as a whole.

In my opinion, we will do well, and the name of this generation will be blessed if we create, without the painful necessity of raising taxes, an educational endowment fund that will assure increasingly greater opportunities for our sons and daughters—and their sons and daughters, for generations.

We must go on making the promise of American life more real for all our people, of every race, creed, and color, in every part of the country.

With kind regards,
Sincerely,

ESTES KEFAUVER.

The PRESIDING OFFICER. The time of the Senator from Alabama has expired. The Senator from California [Mr. KNOWLAND] has 1 minute remaining.

Mr. KNOWLAND. Mr. President, I yield 1 minute to the Senator from Florida.

Mr. HOLLAND. Mr. President, as a rule I do not favor the use of a motion to lay on the table. However, in this case two distinguished Senators have amendments which they wish to propose to the Hill amendment in the event the Hill amendment is not laid on the table. Therefore, since the easiest way to meet the issue at this time is by making such a motion, I move to lay on the table the amendment offered by the distinguished senior Senator from Alabama [Mr. HILL] in behalf of himself and other Senators.

Mr. HILL. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HOLLAND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The roll was called, and the following Senators answered to their names:

Aiken	Hendrickson	Moody
Anderson	Hennings	Morse
Bennett	Hickenlooper	Mundt
Benton	Hill	Murray
Bricker	Hoey	Neely
Bridges	Holland	Nixon
Butler, Md.	Humphrey	O'Connor
Cain	Ives	O'Mahoney
Capehart	Johnson, Colo.	Pastore
Carlson	Johnson, Tex.	Robertson
Case	Johnston, S. C.	Russell
Chavez	Kilgore	Saltonstall
Clements	Knowland	Schoeppel
Connally	Langer	Seaton
Cordon	Lehman	Smathers
Douglas	Long	Smith, Maine
Dworshak	Magnuson	Smith, N. J.
Eastland	Malone	Smith, N. C.
Ecton	Martin	Sparkman
Ellender	Maybank	Stennis
Ferguson	McCarran	Taft
Flanders	McCarty	Tobey
Frear	McClellan	Underwood
Fulbright	McFarland	Watkins
George	McKellar	Welker
Gillette	McMahon	Wiley
Green	Millikin	Williams
Hayden	Monroney	Young

Mr. JOHNSON of Texas. I announce that the Senator from Virginia [Mr. BYRD], the Senator from Wyoming [Mr. HUNT], the Senator from Tennessee [Mr. KEFAUVER], and the Senator from Oklahoma [Mr. KERR] are absent on official business.

Mr. SALTONSTALL. I announce that the Senator from Maine [Mr. BREWSTER] and the Senator from Illinois [Mr. DIRKSEN] are absent on official business.

The Senator from Nebraska [Mr. BUTLER], the Senator from Indiana [Mr. JENNER], and the Senator from Massachusetts [Mr. LODGE] are necessarily absent.

The Senator from Pennsylvania [Mr. DUFF] is detained on official business.

The Senator from Missouri [Mr. KEM] and the Senator from Minnesota [Mr. THYE] are absent by leave of the Senate.

The PRESIDING OFFICER. A quorum is present. The question is on agreeing to the motion of the Senator from Florida [Mr. HOLLAND] to lay on the table the Hill amendment, as modified. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. McFARLAND (when his name was called). On this vote I have a pair with the senior Senator from Minnesota [Mr. THYE]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

The roll call was concluded.

Mr. JOHNSON of Texas. I announce that the Senator from Virginia [Mr. BYRD], the Senator from Wyoming [Mr. HUNT], the Senator from Tennessee [Mr. KEFAUVER], and the Senator from Oklahoma [Mr. KERR] are absent on official business.

The Senator from Virginia [Mr. BYRD] is paired on this vote with the Senator from Maine [Mr. BREWSTER]. If present and voting, the Senator from Virginia would vote "yea" and the Senator from Maine would vote "nay."

The Senator from Tennessee [Mr. KEFAUVER] is paired on this vote with the Senator from Nebraska [Mr. BUTLER]. If present and voting, the Senator from Tennessee would vote "nay" and the Senator from Nebraska would vote "yea."

Mr. SALTONSTALL. I announce that the Senator from Maine [Mr. BREWSTER] and the Senator from Illinois [Mr. DIRKSEN] are absent on official business.

The Senator from Nebraska [Mr. BUTLER], the Senator from Indiana [Mr. JENNER], and the Senator from Massachusetts [Mr. LODGE] are necessarily absent.

The Senator from Missouri [Mr. KEM] is absent by leave of the Senate.

The Senator from Pennsylvania [Mr. DUFF] is detained on official business.

The Senator from Minnesota [Mr. THYE] is absent by leave of the Senate, and his pair with the Senator from Arizona [Mr. McFARLAND] has previously been announced.

If present and voting, the Senator from Massachusetts [Mr. LODGE] would vote "yea."

On this vote the Senator from Nebraska [Mr. BUTLER] is paired with the Senator from Tennessee [Mr. KEFAUVER]. If present and voting, the Senator from Nebraska would vote "yea" and the Senator from Tennessee would vote "nay."

On this vote the Senator from Maine [Mr. BREWSTER] is paired with the Sen-

ator from Virginia [Mr. BYRD]. If present and voting, the Senator from Maine would vote "nay" and the Senator from Virginia would vote "yea."

The result was announced—yeas 47, nays 36, as follows:

YEAS—47

Bennett	George	Millikin
Bricker	Hendrickson	Mundt
Bridges	Hickenlooper	Nixon
Butler, Md.	Hoey	Robertson
Cain	Holland	Russell
Capehart	Johnson, Colo.	Saltonstall
Carlson	Johnson, Tex.	Schoeppel
Connally	Johnston, S. C.	Smathers
Cordon	Knowland	Smith, N. J.
Dworshak	Long	Smith, N. C.
Eastland	Martin	Stennis
Ecton	Maybank	Taft
Ellender	McCarran	Watkins
Ferguson	McCarty	Welker
Flanders	McClellan	Williams
Frear	McKellar	

NAYS—36

Aiken	Hill	Murray
Anderson	Humphrey	Neely
Benton	Ives	O'Connor
Case	Kilgore	O'Mahoney
Chavez	Langer	Pastore
Clements	Lehman	Seaton
Douglas	Magnuson	Smith, Maine
Fulbright	Malone	Sparkman
Gillette	McMahon	Tobey
Green	Monroney	Underwood
Hayden	Moody	Wiley
Hennings	Morse	Young

NOT VOTING—13

Brewster	Hunt	Lodge
Butler, Nebr.	Jenner	McFarland
Byrd	Kefauver	Thye
Dirksen	Kem	
Duff	Kerr	

So the motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. FREAR in the chair). The joint resolution is before the Senate and is open to amendment.

Mr. CONNALLY. Mr. President, I desire to call up the amendment to Senate Joint Resolution 20 which I offered on behalf of myself and my colleague, the junior Senator from Texas [Mr. JOHNSON].

In substance, the amendment is the House bill which has already been passed by the House of Representatives. However, approximately 1 year ago, namely, on February 21, 1951, the legislative day of January 29, my colleague and myself joined in sponsoring a bill introduced by the Senator from Florida [Mr. HOLLAND] with regard to this question. That bill is particularly in line with the amendment we offered to the joint resolution with the exception that the House bill covers the Continental Shelf, whereas the bill introduced by the Senator from Florida [Mr. HOLLAND], which was joined in by myself and my colleague, the junior Senator from Texas [Mr. JOHNSON], does not relate at all to the Continental Shelf.

I have conferred with those who are interested in the quitclaim proposal, and I have found a number of Senators who are willing to vote for the Holland substitute, which I understand the Senator from Florida will offer. The Holland substitute in substance is Senate bill 940, which we introduced on February 21, 1951, with the exception that the substitute of the Senator from Florida, which he will soon submit, takes from the House bill that which is represented in the proposal of the junior Senator

from Texas and the senior Senator from Texas. Is that correct?

Mr. HOLLAND. The Senator is correct.

Mr. CONNALLY. Mr. President, I have conferred with a number of Senators, and I find that quite a number of them are willing to vote for the Holland substitute but are not willing to vote for the substitute offered by the junior and senior Senators from Texas, because of the inclusion in that amendment and in the House bill of provisions relating to the Continental Shelf. I want to advocate the best bill we can get, which will get more votes, and which will pass this body.

Mr. LONG. Mr. President, will the Senator yield?

Mr. CONNALLY. In a moment, I will yield. I feel that the Holland amendment in the nature of a substitute will secure more votes on the floor of the Senate. Both the junior and senior Senators from Texas are on record as having favored similar legislation in 1951, as well as now.

Mr. JOHNSON of Texas. Mr. President, will my colleague yield?

Mr. CONNALLY. I yield.

Mr. JOHNSON of Texas. I heartily concur in everything said by the Senator from Texas [Mr. CONNALLY], and I think the statement he has made is a very proper one. I think the action he suggests is very wise.

Mr. CONNALLY. I thank the junior Senator from Texas. I think, Mr. President, we want the strongest measure possible. The substitute amendments are identical, except with respect to the Continental Shelf, and certain Senators say they will not vote for a quitclaim bill which affects the Continental Shelf.

Mr. LONG. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield to the Senator from Louisiana.

Mr. LONG. Mr. President, I concur in the position taken by the Senator from Texas in this matter. I have urged that rather than become involved with questions concerning the Continental Shelf, which after all is 95 percent of the acreage of submerged lands, the Congress should first attempt to clear up the status of the 3-mile boundary around all States, and that since the States' case is so indisputably correct insofar as the other aspect of this problem is concerned, those who would protect the rights of the States should seek the adoption of the Holland substitute, and not become involved at this time with the question of what to do with all royalties from oil produced on the Continental Shelf.

I notice that the position taken at this moment by the Senator from Texas is shared by the attorney general of that State. I ask unanimous consent to incorporate in the RECORD at this point a telegram received by me from Price Daniel, attorney general of the State of Texas.

The PRESIDING OFFICER. Does the Senator from Texas yield for the purpose of the unanimous-consent request?

Mr. CONNALLY. I yield.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Louisiana?

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

AUSTIN, TEX., March 24, 1952.

Senator RUSSELL LONG,

Senate Office Building:

I fully agree with your letter of March 20 that as a matter of strategy in the Senate the State ownership bill which will receive the largest vote should be substituted for the O'Mahoney resolution and that it would hurt our cause if our forces are divided by an attempt to substitute more than one bill. Based upon your report that the Holland bill will receive a much larger vote, I agree with you that it should be centered upon so as to show the greatest strength possible in the Senate. Necessary changes or enlargements can be made in the House or by subsequent action. Best regards.

PRICE DANIEL,

Attorney General of Texas.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield to my colleague, the junior Senator from Texas.

Mr. JOHNSON of Texas. I should like to add that the position taken by the attorney general of Texas in the telegram referred to by the Senator from Louisiana is also the position taken by the Governor of the State and by the Land Commissioner of the State, and, so far as I know, by all the State public officials who have responsibility in connection with the oil industry and with the Texas school fund.

Mr. CONNALLY. Mr. President, I thank my colleague, the junior Senator from Texas, for his observations. I think those who are interested in Texas school lands in connection with this matter have agreed that the Holland amendment in the nature of a substitute is, under the circumstances we now face, the best measure which can be adopted and that it should be supported.

Allow me to ask a question of the Senator from Florida. Under his amendment in the nature of a substitute, which is in substance the bill which was introduced in 1951, he has fixed the Texas limits as 10½ miles, as I understand; am I correct in my understanding?

Mr. HOLLAND. That would be the constitutional limit of the Senator's State.

Mr. CONNALLY. That is correct. So that the Senator's amendment in the nature of a substitute will guarantee that the Texas boundary extends 10½ miles seaward. Is that correct?

Mr. HOLLAND. The Senator is correct.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. O'MAHONEY. I should like to propound a parliamentary inquiry. Judging by the remarks of the Senator from Texas, I assume that he is about to withdraw his amendment. If it is the intention of the Senator to withdraw this amendment now, inasmuch as he has taken up some time in discussing it, would further debate on it be cut off?

The PRESIDING OFFICER. In the opinion of the Chair, if the Senator from Texas withdraws the amendment, it terminates all debate on that amendment.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. O'MAHONEY. Mr. President, may I ask the Senator from Texas whether it is his intention to withdraw the amendment?

Mr. CONNALLY. It is the intention of the Senator from Texas to expedite the consideration of the amendment of the Senator from Florida.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. HOLLAND. It was my understanding with the distinguished Senator from Texas that he intended to offer his amendment, and to state, as he has, that under the practical circumstances confronting the Senate all of those who are supporting the claim of the States would support the so-called Holland amendment, which I would then propose as a substitute to the amendment offered by the distinguished Senator from Texas.

Mr. CONNALLY. Mr. President, if that is the case, and I am sure it is, I want to say that I am strongly in favor of the substitute offered by the junior Senator from Texas and the senior Senator for Texas, for we were both joint authors of Senate bill 940, which was introduced on February 21, 1951, and which is almost identical with the proposal of the Senator from Florida, with the exception of the provision regarding the Continental Shelf. Therefore, I do not care to press my amendment at all, and am in favor of the substitution for my amendment of the amendment in the nature of a substitute offered by the Senator from Florida.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. O'MAHONEY. The Senator from Texas makes his position very clear. I think it is wholly logical and proper from the point of view which he has assumed. I desire merely to obtain a parliamentary ruling regarding the time. It appears that under the unanimous-consent agreement, not to exceed 1½ hours may be consumed in debate on any substitute which may be proposed. At the present moment the Senator from Texas has a substitute. When the Senator from Florida moves to substitute his amendment for the amendment in the nature of a substitute of the Senator from Texas, is that motion subject to a time limitation of 1½ hours, or to 30 minutes?

The PRESIDING OFFICER. It would be subject to a maximum limitation of 1½ hours.

Mr. O'MAHONEY. If the Senator from Texas pursues the course he apparently intends to pursue, then there will be but 1½ hours of debate upon the two amendments in the nature of substitutes. Am I correct?

Mr. CONNALLY. And on all other amendments? What about the other amendments?

Mr. O'MAHONEY. No, 30 minutes are allowed on other amendments. It is my understanding, may I say to the Chair, that when the Senator from Florida makes his motion it will be on the Connally substitute, and, therefore, there will be 1½ hours' debate upon that and

1½ hours' debate on the Holland proposal.

The PRESIDING OFFICER. In the opinion of the Chair, when and if the Senator from Florida offers his substitute, there will be a limit of 1½ hours on that substitute, and the time on the substitute of the senior Senator from Texas would be terminated in the event the Holland substitute is agreed to. The unfinished time would, of course, then be available.

Mr. CONNALLY. Mr. President, I have the floor, have I not?

The PRESIDING OFFICER. Yes, the Senator from Texas has the floor.

Mr. O'MAHOONEY. Mr. President, I should like to ask the Senator from Texas whether in taking the course which he now proposes to take he is abandoning the so-called Walter bill and its claim to 37½ percent in the Continental Shelf beyond the so-called State boundaries.

Mr. CONNALLY. In effect, that is what will happen, because that is the only point in controversy among many Senators, some of whom will not vote for my amendment for that reason, but will vote for the Holland amendment. My opinion is that that is the strongest proposal. Therefore, I am disposed to withdraw my amendment and ask the Senate to adopt the Holland amendment in lieu of my amendment.

Mr. JOHNSON of Texas. Mr. President, if the senior Senator from Texas will indulge me, I should like to make a brief statement.

Mr. CONNALLY. I yield.

Mr. JOHNSON of Texas. Mr. President, before casting my vote on the substitute to be offered by the distinguished Senator from Florida I should like to make a very brief statement to the Senate.

As the Senate has been told, the senior Senator from Texas [Mr. CONNALLY] and I introduced a House bill as a substitute. Personally, I feel that the House bill is better legislation. In addition to settling questions of title on the basis of justice and equity, it contains provisions to govern the leasing of the submerged lands beyond the legitimate boundaries of the States out to the Continental Shelf.

These are provisions that merit the serious consideration of the Senate. I believe that regardless of the fate of this particular legislation, we must eventually come to some decision on the handling of the Federal leases.

Nevertheless, despite my strong convictions on the superiority of the Connally-Johnson substitute, I am going to vote for the Holland bill. I believe it is incumbent upon me to explain the reasons for my decision.

Primarily, the question before us is one of justice—of simple justice to the States which comprise this Nation.

This question has arisen because the Federal Government is attempting to take from the States property which they have held for over a century. To my mind, we should have one purpose and one purpose only—to block this effort to override the spirit of the Constitution.

I would be blind to the legislative realities if I did not recognize the greater voting strength behind the Holland bill. I would be equally blind to the political realities if I did not recognize that it has a better chance of overriding a veto.

Mr. President, I feel that those circumstances are compelling. I believe it is my obligation to the people whom I represent to do everything in my power to obtain a just determination of the tidelands issue.

The Holland bill will accomplish that purpose. It will confirm the title of the States to the property which is rightfully theirs. It will restore the concept of constitutional title to our Federal-State relationships.

Mr. President, I have stated my position on the so-called tidelands issue already and I do not believe there is any need here for a restatement. I am going to vote for the Holland bill, and I urge all my colleagues to do the same.

Mr. CONNALLY. Mr. President, I thank the junior Senator from Texas very heartily. He and I are in complete accord in our general views in regard to this question. I have voted many times in opposition to the Federal Government taking Texas land tidelands. As long ago as 1939 I appeared before committees of the Senate and of the House protesting against bills emanating from the so-called Nye committee which would have authorized and instructed the Attorney General to bring suits against all the States having any property under submerged lands. I have always maintained that position, and I have never in any wise compromised my position. I have always been for the return to the States of title to property which had been unjustly taken from some States by judicial action.

Mr. President, I shall favor the Holland amendment even over my own substitute, and I ask that the Senate adopt the Holland amendment in lieu of my substitute.

I now yield to the Senator from Florida [Mr. HOLLAND].

The PRESIDING OFFICER. Does the Senator from Texas desire to withdraw his amendment?

Mr. CONNALLY. No. I am perfectly willing for the Senate to vote to substitute the Holland amendment for my amendment.

Mr. HOLLAND. Mr. President, at this time I call up as a substitute for the substitute offered by the distinguished Senator from Texas [Mr. CONNALLY], to Senate Joint Resolution 20, the amendment which lies on the table and which is subscribed by some 31 Senators, to which number I wish to add at this time, because they were previously omitted, through oversight only, the names of the two distinguished Senators from Texas [Mr. CONNALLY and Mr. JOHNSON], as cosponsors.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. CONNALLY. Will the Senator kindly state that both the Senators from Texas joined in the original bill in 1950 and 1951?

Mr. HOLLAND. I am happy to state that both the distinguished Senators from Texas were cosponsors of the original bill which was known as Senate bill 940. It was only through oversight that their names were omitted from this amendment. Evidently the draftsman, knowing that the Senators from Texas had introduced a substitute, concluded erroneously that they did not wish to be joined in this amendment. We are happy to have their names as cosponsors. No one has been more diligent or more sturdy in insistence upon the recognition and preservation of the rights of the States and the restoration of those rights than have the Senators from Texas.

The PRESIDING OFFICER. Without objection, the substitute offered by the Senator from Florida will be printed in the RECORD at this point.

The amendment in the nature of a substitute offered by Mr. HOLLAND, for himself and other Senators, is as follows:

Strike out all after the resolving clause and insert in lieu thereof the following:

"That this joint resolution may be cited as the 'Submerged Lands Act.'"

"TITLE I

"DEFINITION

"Sec. 2. When used in this act—

"(a) The term 'lands beneath navigable waters' includes (1) all lands within the boundaries of each of the respective States which were covered by waters navigable under the laws of the United States at the time such State became a member of the Union, and all lands permanently or periodically covered by tidal waters up to but not above the line of mean high tide and seaward to a line three geographical miles distant from the coast line of each such State and to the boundary line of each such State where in any case such boundary as it existed at the time such State became a member of the Union, or as heretofore or hereafter approved by Congress, extends seaward (or into the Great Lakes or Gulf of Mexico) beyond three geographical miles, and (2) all filled in, made, or reclaimed lands which formerly were lands beneath navigable waters, as herein defined; the term 'boundaries' includes the seaward boundaries of a State or its boundaries in the Gulf of Mexico or any of the Great Lakes as they existed at the time such State became a member of the Union, or as heretofore or hereafter approved by the Congress, or as extended or confirmed pursuant to section 4 hereof;

"(b) The term 'coast line' means the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters, which include all estuaries, ports, harbors, bays, channels, straits, historic bays, and sounds, and all other bodies of water which join the open sea;

"(c) The terms 'grantees' and 'lessees' include (without limiting the generality thereof) all political subdivisions, municipalities, public and private corporations, and other persons holding grants or leases from a State, or its predecessor sovereign, to lands beneath navigable waters if such grants or leases were issued in accordance with the constitution, statutes, and decisions of the courts of the State in which such lands are situated, or of its predecessor sovereign: *Provided, however*, That nothing herein shall be construed as conferring upon said grantees or lessees any greater rights or interests other than are described herein and in their respective grants from the State, or its predecessor sovereign;

"(d) The term 'natural resources' shall include, without limiting the generality thereof, fish, shrimp, oysters, clams, crabs, lobsters, sponges, kelp, and other marine animal and plant life but shall not include water power, or the use of water for the production of power, at any site where the United States now owns the water power;

"(e) The term 'lands beneath navigable waters' shall not include the beds of streams in lands now or heretofore constituting a part of the public lands of the United States if such streams were not meandered in connection with the public survey of such lands under the laws of the United States;

"(f) The term 'State' means any State of the Union;

"(g) The term 'person' includes any citizen of the United States, an association of such citizens, a State, a political subdivision of a State, or a private, public, or municipal corporation organized under the laws of the United States or of any State.

"TITLE II

"LANDS BENEATH NAVIGABLE WATERS WITHIN STATE BOUNDARIES

"Sec. 3. Rights of the States: It is hereby determined and declared to be in the public interest that title to and ownership of the lands beneath navigable waters within the boundaries of the respective States, and the natural resources within such lands and waters, and the right and power to control, develop, and use the said natural resources all in accordance with applicable State law be, and they are hereby, subject to the provisions hereof, recognized, confirmed, established, and vested in the respective States or the persons who were on June 5, 1950, entitled thereto under the property law of the respective States in which the land is located, and the respective grantees, lessees, or successors in interest thereof; and the United States hereby releases and relinquishes unto said State and persons aforesaid all right, title, and interest of the United States, if any it has, in and to all said lands, moneys, improvements, and natural resources, and releases and relinquishes all claims of the United States, if any it has, arising out of any operations of said States or persons pursuant to State authority upon or within said lands and navigable waters. The rights, powers, and titles hereby recognized, confirmed, established, and vested in the respective States and their grantees are subject to each lease executed by a State, or its grantee, which was in force and effect on June 5, 1950, in accordance with its terms and provisions and the laws of the State issuing, or whose grantee issued, such lease, and such rights, powers, and titles are further subject to the rights herein now granted to any person holding any such lease to continue to maintain the lease, and to conduct operations thereunder, in accordance with its provisions, for the full term thereof, and any extensions, renewals, or replacements authorized therein, or heretofore authorized by the laws of the State issuing, or whose grantee issued such lease: *Provided, however*, That, if oil or gas was not being produced from such lease on and before December 11, 1950, then for a term from the effective date hereof equal to the term remaining unexpired on December 11, 1950, under the provisions of such lease or any extensions, renewals, or replacements authorized therein, or heretofore authorized by the laws of the State issuing, or whose grantee issued, such lease: *Provided, however*, That all rents, royalties, and other sums payable under such lease and the laws of the State issuing or whose grantee issued such lease between June 5, 1950, and the effective date hereof, which have not been paid to the State or its grantee issuing it or to the Secretary of the Interior of the United States, shall be paid to the State or its grantee

issuing such lease within 90 days from the effective date hereof: *Provided, however*, That nothing in this act shall affect the use, development, improvement, or control by or under the constitutional authority of the United States of said lands and waters for the purposes of navigation or flood control or the production of power at any site where the United States now owns or may hereafter acquire the water power or be construed as the release or relinquishment of any rights of the United States arising under the constitutional authority of Congress to regulate or improve navigation or to provide for flood control or the production of power at any site where the United States now owns water power: *Provided further*, That nothing in this act shall be construed as affecting or intending to affect or in any way interfere with or modify the laws of the States which lie wholly or in part westward of the 98th meridian, relating to the ownership and control of ground and surface waters; and the control, appropriation, use, and distribution of such waters shall continue to be in accordance with the laws of such States.

"Sec. 4. Seaward boundaries: Any State which has not already done so may extend its seaward boundaries to a line three geographical miles distant from its coast line, or in the case of the Great Lakes, to the international boundary of the United States. 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. Nothing in this section is to be construed as questioning or in any manner prejudicing the existence of any State's seaward boundary beyond three geographical miles if it was so provided by its constitution or laws prior to or at the time such State became a member of the Union, or if it has been heretofore or is hereafter approved by Congress.

"Sec. 5. Exceptions from operation of section 3 of this act: There is excepted from the operation of section 3 of this act—

"(a) all specifically described tracts or parcels of land and resources therein or improvements thereon title to which has been lawfully and expressly acquired by the United States from any State or from any person in whom title had vested under the decisions of the courts of such State, or their respective grantees, or successors in interest, by cession, grant, quitclaim, or condemnation, or from any other owner or owners, thereof by conveyance or by condemnation, provided such owner or owners had lawfully acquired the title to such lands and resources in accordance with the statutes or decisions of the courts of the State in which the lands are located; and

"(b) such lands beneath navigable waters within the boundaries of the respective States and such interests therein as are held by the United States in trust for the benefit of any tribe, band, or group of Indians or for individual Indians.

"Sec. 6. Powers retained by the United States: (a) The United States retains all its powers of regulation and control of said lands and navigable waters for the purposes of commerce, navigation, national defense, and international affairs, none of which includes any of the proprietary rights of ownership, or of use, development, and control of the lands and natural resources which are specifically recognized, confirmed, established, and vested in the respective States and others by section 3 of this act.

"(b) In time of war when necessary for national defense, and the Congress or the President shall so prescribe, the United States shall have the right of first refusal to purchase at the prevailing market price, all or any portion of the said natural re-

sources, or to acquire and use any portion of said lands by proceeding in accordance with due process of law and paying just compensation therefor.

"Sec. 7. Nothing in this act shall be deemed to amend, modify, or repeal the acts of July 26, 1866 (14 Stat. 251), July 9, 1870 (16 Stat. 217), March 3, 1877 (19 Stat. 377), June 17, 1902 (32 Stat. 388), and December 22, 1944 (58 Stat. 887), and acts amendatory thereof or supplementary thereto.

"Sec. 8. Nothing in this act shall be deemed to affect in anywise any issues between the United States and the respective States relating to the ownership or control of that portion of the subsoll and sea bed of the Continental Shelf lying seaward and outside of the area of lands beneath navigable waters, described in section 2 hereof.

"Sec. 9. If any provision of this act or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the act and of the application of such provision to other persons and circumstances shall not be affected thereby."

Strike out all of the preamble.

Amend the title so as to read: "Joint resolution 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."

Mr. HOLLAND. Mr. President I yield to myself 5 minutes simply to say that the amendment in the nature of a substitute as now presented is exactly the same as Senate bill 940, with certain minor changes which I shall attempt to describe very briefly.

When the so-called Walter bill was being considered in committee and on the floor of the House there were made certain refinements of language in those titles of that bill which were identical with Senate bill 940.

Upon our final consideration of the matter by those of us who were the original introducers of S. 940 we felt that it would be wise to take advantage of the perfecting language which had been arrived at through House discussion which occurred since we introduced the bill S. 940 in February, 1951.

I may say that the amendment in the nature of a substitute as now offered has been literally lifted from the Walter bill by taking titles I and II from that bill. There are certain minor changes in language in title I simply to remove from title I all references to matters in title III, which title III is eliminated entirely from our substitute. Let me say that title III and the words relating to title III have to do entirely with a question which the authors of the proposed substitute which is now being discussed felt should not be considered at this time and which present a completely different question from that covered by our substitute. That question which we have eliminated has to do with the so-called Continental Shelf, or that great area lying from the State line out to the Continental Shelf, a distance of many miles, sometimes as much as 150 miles. We felt that that presented a different question entirely.

Many of the sponsors of the substitute amendment are not willing at this time to consider that question, and certainly are not willing to vote for any measure which proposes to give away the huge

Continental Shelf to those States which happen to border upon it.

However, we were all distinctly of the feeling that was in the interest of good government and sound public policy to again confirm to the States complete jurisdiction and control of their own waters and the lands lying under those waters, out to the constitutional boundaries of the States, because the States are confronted with the doing of so many things, and the performance of so many duties which relate to that little shoestring of water and land, and because likewise the question of the enjoyment of the use of that strip of land and water relates largely to the development and serving of the local communities and the States which are affected.

So, Mr. President, our amendment in the nature of a substitute, as now offered, is titles I and II of the Walter bill less only the wording in title I which related to title III. Since title III was eliminated, the wording which related to title II also has been eliminated.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. O'MAHONEY. The Senator just said, if I understood him correctly, that the purpose is to grant to the States jurisdiction out to what he called their constitutional boundaries. To what constitution is the Senator referring?

Mr. HOLLAND. I was referring to the constitutions of the various States. The bill as drafted provides that to a minimum of 3 miles each State will have that 3 miles, whether there is now such a provision in its constitution or one may be adopted later by constitution or State statute.

In the case of at least two States which have boundaries that go farther out into the salt water, the amendment applies to all waters and lands within or on the shore side of such constitutional boundaries. Those States are the State of Texas, which along its whole frontage has a three-marine-league limitation, and the State of Florida, which along the west coast has a three-marine-league limitation, both under the provisions of their own constitutions.

Mr. O'MAHONEY. If I understand the Senator correctly, as he has worded his amendment, it provides in section 4 that the acts of certain States, such as Louisiana, California, and Florida, in extending their boundaries unilaterally, are approved.

Mr. HOLLAND. No; the Senator is completely wrong about that. The sponsors of the substitute have taken the position, and strongly maintained it, that under our amendment no State, by the mere passage of a statute, has a right to reach out and grab for itself land and water outside its constitutional limits or beyond the 3-mile limit.

I call the attention of the Senator from Wyoming specifically to the fact that the constitutional limitations of Florida and Texas have been specifically approved by the Congress of the United States, and therefore, of course, are in the nature of a contract or understanding reached between the Congress of the United States and those States at

the time their constitutions were approved.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. HOLLAND. I should like to continue with my statement for a moment.

Of course, the State of Texas has an additional claim for consideration, growing out of the fact that it was an independent republic prior to the time it became a State, and it came into the Union under language which it thought, at least, and which the Senator from Florida thinks, preserves its property rights out to the constitutional boundary of three marine leagues.

I now yield to the Senator from Wyoming.

Mr. O'MAHONEY. On page 7 of the printed amendment offered by the Senator from Florida, in section 4, beginning with line 15, I find this sentence:

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.

How does the Senator construe that sentence?

Mr. HOLLAND. In construing that, in conjunction with other wording in the substitute, I think the States may not, under any condition, go beyond their constitutional limits, unless in the case of those States which have no constitutional limits, and which have extended or may extend their boundaries out to 3 miles, which they have a right to do under the provisions of the bill.

Mr. President, I must decline to yield further, because my time is limited. However, I appreciate the questions asked by the distinguished Senator from Wyoming.

Mr. LONG. Mr. President, will the Senator yield to me for a moment?

Mr. HOLLAND. I will yield in a moment. Let me complete my brief statement. Then I shall be glad to yield time to the Senator from Louisiana.

It seems to me that it is completely right and sound that the claimed rights of the States, as recognized for more than 150 years, as to jurisdiction ownership, use, and control of the lands, so far as they extend out to the constitutional boundaries or to the 3-mile limit, in the event they have no constitutional boundaries, should still be recognized. If there were private parties involved in this whole controversy, the long-time recognition of State control by agents of the Federal Government, such as Cabinet officers, who repeatedly recognized the title of the States out to that limit, would have been conclusive.

Similarly, the long course of dealings under which the Federal Government has repeatedly bought and acquired tracts of land lying within the submerged coastal lands of States or outside the land limits of States, for the purpose of defense or otherwise, for the building of jetties, and for other purposes, clearly demonstrates that the Federal Government itself, for 150 or 160 years, regarded the States as being the sole owner, the sole proprietor and the sole

manager of that shoestring of land and water around their coast lines.

Mr. President, I shall not take long now, because other Senators wish to speak. I simply wish to close by saying that so far as I am concerned, I am vastly more interested in other matters than in oil and gas. We have had frequent but unsuccessful drilling in our State, as there has been in other States, for oil and gas, but we have found that the prosperity, growth, welfare, and development of our State, and the development of many of its industries have depended in large measure upon the utilization of that strip of land and water for such things as use of sand, gravel, and shell; for such things as control and use of fishing, sponges, oysters, shrimp, and shellfish, and all the other things in connection with the use of marine life; for such activities as the building of piers, the extension of lands which were originally on the shore line into very shallow waters, so that great buildings have arisen there, and values have been created, not only for our State, but for the Nation, values running into the millions of dollars because of the initiative and resourcefulness of our people, who have extended the shore line into the shallow waters.

We do not think it is right either to challenge the title of those people now or to discourage similar future development of our coastal areas and of the many island areas under the control of our State, by allowing the discouraging, depressing effect of the Supreme Court decisions to continue as a complete barricade to the full and free development of our coastal communities.

Mr. President, I know the remarks I have made with reference to Florida are applicable to many other States. Particularly, I have talked to the Senators from New Jersey, and I know how vitally their State is affected. I have talked to other Senators whose States are similarly affected. We feel intensely that to place in the Federal Government at Washington the control of all such questions as those I have mentioned, plus many others, such as the building of groins to prevent erosion, the building of waste outlets, whether to control industrial waste or sewage, all of which have to do with peculiarly local questions—to place all those things under the control of a Federal bureau, hungry for power as it is, and to make our people and the people of other coastal States come to Washington, hat in hand, for a solution, would be wrong. It would be unwise and improper to promote that kind of government. We do not think it would be democratic or sound.

I close with one more point. Inasmuch as the Federal attorneys have made it very clear that under the California case they believe the Federal Government may have a good claim to submerged inland waters, we have included in the substitute a quitclaim to the States for their inland waters and submerged lands. We think it is necessary that that be done, because we found that the executive arm of government, without the approval of the Congress, just as it has already moved in the sub-

merged lands cases, could move to bring disaster and grave trouble upon our people and their industries.

Likewise, in the case of the Great Lakes, we noted that the distinguished Solicitor General, Mr. Perlman, in his testimony made it clear that he thought that was a different case from the other inland waters, because the Great Lakes constituted an international boundary. He felt that those areas should not be dealt with in any bill which quitclaimed the inland waters, and he had deliberately kept out the question of the Great Lakes bottoms from a bill which he or those under him prepared, dealing with inland waters in general. So we included that provision also in the bill, just as it has been included heretofore under the terms of the Walter bill.

We hope that the Congress of the United States will speedily lift this depressing, destructive cloud which rests over our coastal States as a result of the Supreme Court decisions, so that our ability to grow and prosper and to settle our own local questions may be again safely fixed as existing at home, with such assurance that the people can invest their millions, as they must when they build huge piers, hotels, apartment houses, or other structures upon built lands which have been extended out into the coastal waters.

I sincerely hope that the substitute offered by the Senator from Florida, for himself and 33 others Senators, will be adopted and enacted into law. I believe that the President of the United States, looking at this substitute bill and recognizing the fact that less than 5 percent of the waters on the Continental Shelf are involved in it, and looking at the fact that there is now a complete handicapping under existing conditions of development in many areas, will, in his wisdom, decide that this is a bill which is good and salutary, and in the public interest and should be approved.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. CONNALLY. As I understand, the Senator's substitute is a substitute for my substitute. The first vote will come on substituting the Senator's amendment for the one which I offered. Then it will have to be voted upon again as a substitute for the bill.

Mr. HOLLAND. That is the parliamentary situation as I understand it.

Mr. President, I yield the floor.

Mr. O'MAHONEY. Mr. President, I yield myself 15 minutes.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 15 minutes.

Mr. O'MAHONEY. First of all, I wish to express my appreciation to the Senator from Florida for the clarity with which he has presented the issues which are now being outlined. I think the Senator has endeavored to make it quite clear to all Members of this body just exactly what the controversy is about. By attempting to eliminate from the bill, as he presents it, the area which is beyond what he calls the "constitutional boundaries" of the several States, he acknowledges, in the first place, that

the National Government has jurisdiction over the Continental Shelf beyond the so-called constitutional boundaries, because his claim is asserted only to the lands within the boundaries of the respective coastal States.

AMBIGUITIES AS TO EXTENT OF STATE BOUNDARIES

It should be pointed out, however, that in spite of this admirable effort on the part of the Senator from Florida to eliminate ambiguity, the record is not altogether clear that, if his amendment were adopted, it would in fact eliminate the ambiguities which are in all of the pending quitclaim measures. I regard the amendment as vastly superior to the Walter bill, because the Walter bill, among many other defects, contains the following provision in section 4, dealing with seaward boundaries:

SEC. 4. Seaward boundaries: Any State which has not already done so may extend its seaward boundaries to a line three geographical miles distant from its coast line, or in the case of the Great Lakes, to the international boundary of the United States.

This is a very important sentence:

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.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. HOLLAND. I am glad that the Senator from Wyoming has raised this question, because I think it may be clarified completely to his satisfaction and that of every other Senator if he will read, in conjunction with the sentence he has just read, the sentence which precedes it, which reads, if I may read it—

Mr. O'MAHONEY. I have just read it.

Mr. HOLLAND. Did the Senator read the preceding sentence as well?

Mr. O'MAHONEY. Yes.

Mr. HOLLAND. It is the clear understanding of the Senator from Florida and his associates that the second sentence in section 4 simply provides that—

Any claim heretofore or hereafter asserted either by constitutional provision, statute, or otherwise, indicating the intent of a State so to extend its boundaries—

That is, out to 3 miles, but no farther—

is hereby approved and confirmed, without prejudice to its claim, if any it has, that its boundaries extend beyond that line.

Mr. O'MAHONEY. The language "without prejudice to its claim, if any it has, that its boundaries extend beyond that line" is, I take it, a declaration by the Senator, and by this amendment, that any of the coastal States may undertake, in any way it may please, to lay claim to a boundary farther out in the ocean.

Mr. HOLLAND. Mr. President, will the Senator further yield?

Mr. O'MAHONEY. I yield.

Mr. HOLLAND. The Senator from Florida and his associates are trying to leave entirely out of this bill the question of the Continental Shelf lying beyond the

3-mile limit or the constitutional limit, if it were beyond 3 miles. We wanted to save to the States their rights, just as we are saving to the Federal Government and saving to the Senator from Wyoming and his associates, the right to give future consideration to that much larger belt lying outside the narrow coastal belt. The greater belt comprises about 95 percent of the total of all the area affected. We do not want to foreclose the States, any more than we are foreclosing the Federal Government, by any provision in this bill.

Mr. O'MAHONEY. So the language which we have just been discussing, which has been lifted, as the Senator expressed it, and adopted in his own amendment, does not cut off the right of any State to lay claim to a greater boundary, provided such boundary is within what he calls the constitutional boundaries.

Mr. HOLLAND. This bill does not propose in any way to preclude the taking by any State of action which it regards as proper, but saves to the Federal Government entirely, completely, and exclusively, the right to decide what shall be done eventually as to the lands lying outside the 3-mile limit, or outside the constitutional boundary, if that be beyond the 3-mile limit.

Let me say that I join the Senator from Wyoming in his feeling, as expressed on the floor today, that as to that great belt and the assets that lie under it, which are completely outside the boundaries of the State, different study and different handling, at another time, should be required. I hope that such consideration may be given later; but I do not want to close the door to the States, any more than I want to close the door on the Federal Government.

Mr. O'MAHONEY. The Senator always makes himself perfectly clear; but I should like to address a question to him on my time, in order to try to make this point even more clear.

Let us assume that a coastal State were admitted to the Union without its seaward boundary having been defined either in its constitution or in the act of admission. What does the Senator believe would constitute the constitutional boundary of such a State?

Mr. HOLLAND. In such a case the Senator from Florida understands that such State would be given the right under this provision to extend its boundary out to 3 miles, but no farther, from the low-water mark.

Mr. O'MAHONEY. In other words, Congress by this amendment, which the Senator from Florida is seeking to have the Senate approve, would be conveying to the States which now have no such boundary the right by their own action to extend their limits seaward 3 miles.

Mr. HOLLAND. The Senator from Wyoming is correct. Of course, there has always been the contention that a 3-mile limit so operated anyway. There has also been the feeling that we should deal as nearly evenly and equitably with all the maritime States as it is possible to do.

Mr. LONG. Mr. President, will the Senator from Wyoming yield?

Mr. O'MAHONEY. I should like to develop this point with the Senator from Florida.

Mr. LONG. My inquiry is in connection with the same subject.

Mr. O'MAHONEY. In a moment I shall be happy to yield to the Senator from Louisiana. As I understand the colloquy, it means clearly that if a State did not have a seaward boundary when it was admitted to the Union, or in its State constitution when it was approved by the Congress, such a State is now being given a new power which it did not have before.

Mr. HOLLAND. If there be such a case, the Senator from Wyoming is correct. Our thinking is that States should be treated as nearly alike as it is possible to do. It is also our thinking that it is sound democracy and justice to have the maritime States clothed with jurisdiction over this narrow belt of land and water which adjoins their upland area.

Mr. O'MAHONEY. The argument I have offered upon the floor throughout this discussion has been that the 3-mile boundary is an attribute of national sovereignty of the United States; that it was not fixed by any single State of the Original Thirteen States; that such a national boundary could not be fixed by any State; and that in the case of the United States it was first proclaimed for the Nation by the Secretary of State, Thomas Jefferson, in the administration of our first President, George Washington, when Thomas Jefferson wrote his official letter to the British representative in which he first asserted the claim of the United States to a sea boundary 3 miles distant from our shores.

CLAIMS OF VARIOUS STATES DIFFER

I am very happy that the Senator from Florida has made the statement, because it gives me an opportunity now to develop in this connection the curious difference between the claims which were made by the various States at the time of their admission.

Mr. HOLLAND. Mr. President, will the Senator from Wyoming yield?

Mr. O'MAHONEY. I yield.

Mr. HOLLAND. Of course the Senator from Florida has listened with a great deal of real and genuine interest to the able arguments made by the Senator from Wyoming throughout this debate. I believe that I understand his philosophy. The Senator from Florida has not felt, however, that the point was established, as the argument was made by the distinguished Senator from Wyoming, that the Federal Government from the beginning, even before the Thirteen Colonies became 13 States, had jurisdiction out to the 3-mile line.

The Senator from Florida has felt, and still feels, very strongly that when the constitutions were drafted by the various States determining their boundaries, and when those constitutions were approved by Congress, such act meant something and that the States have a right to be protected by that act.

Mr. O'MAHONEY. Let us put in the RECORD some specific facts. The State of Louisiana, for example, entered the Federal Union in 1812. Its boundaries

were described as including "all islands within 6 leagues of the coast."

Mr. LONG. I believe it is 3 leagues.

Mr. O'MAHONEY. Yes; 3 leagues. There is a typographical error in my notes here; 3 leagues or 6 miles.

Mr. LONG. Three leagues would be 10½ miles.

Mr. O'MAHONEY. The Senator from Louisiana is correct. It should read "within 3 leagues of the coast."

In that language, which is the only language I find in the constitution of Louisiana or in the act of admission, nothing whatever is said about the open ocean between those islands and the low-water mark on the coast of the mainland.

Mr. LONG. Mr. President, will the Senator from Wyoming yield?

Mr. O'MAHONEY. I yield.

Mr. LONG. It is my understanding that that is the reason why the language which the Senator has questioned was used.

On page 7 of the amendment offered by the Senator from Florida [Mr. HOLLAND] and other Senators appears the following language:

Any claim heretofore or hereafter asserted either by constitutional provision, statute, or otherwise, indicating the intent of a statute 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.

Mr. O'MAHONEY. That language is perfectly clear.

Mr. LONG. That would mean that Louisiana is entitled to a 3-mile belt, without prejudice to its contending that its original boundaries extended 10½ miles into the Gulf of Mexico.

Mr. O'MAHONEY. By the same token, when the Senator from Louisiana supports this proposal with that language in it he is thereby repudiating the act of his own legislature—of course, it was a unilateral act and never has been approved by Congress—which attempted to extend the boundaries of Louisiana into the open seas of the Gulf 24 miles beyond the 3-mile limit.

Mr. LONG. Mr. President, will the Senator from Wyoming yield?

Mr. O'MAHONEY. Louisiana attempted so to extend its boundaries by the act of 1938 of the State legislature.

Mr. LONG. Of course, that is not at all the position the junior Senator from Louisiana feels he is taking by virtue of the language in the Holland substitute which states:

Without prejudice to its—

Which means the State's—

claim, if any it has, that its boundaries extend beyond that line.

Mr. O'MAHONEY. The Senator from Louisiana is taking the position that the language is sufficiently broad to support him and his State in going 24 miles beyond the 3-mile limit.

Mr. LONG. Mr. President, will the Senator from Wyoming yield further?

Mr. O'MAHONEY. I yield.

Mr. LONG. Not at all. The junior Senator from Louisiana is taking the position that the proposed legislation

would confirm the limit of 3 miles without prejudicing the State's right, either in court—

Mr. O'MAHONEY. To lay a claim to 24 miles. Is that correct?

Mr. LONG. It does not destroy the State's right to claim it.

Mr. O'MAHONEY. It allows the State to make such a claim.

Mr. LONG. Yes.

Mr. O'MAHONEY. That is precisely the point I have in mind.

The PRESIDING OFFICER. The Chair advises the Senator from Wyoming that his first 15 minutes have expired.

Mr. O'MAHONEY. Mr. President, I yield myself 10 additional minutes. I shall seek to complete what I have to say without interruption.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for ten additional minutes.

NO LIMITS ON STATES' CLAIMS

Mr. O'MAHONEY. It is very clear what happened in the case of Louisiana. Let us take the case of Texas. Texas entered the Union claiming boundaries, according to the arguments made here, extending three marine leagues from the mouth of the Rio Grande, by virtue of the treaty between the United States of America and Mexico, two national sovereigns.

However, the Texas Legislature, by act of May 16, 1941, attempted to extend its seaward boundaries 27 marine miles seaward of the low-water mark. In 1947 by the act of May 23, the State of Texas attempted to extend her boundaries "to the farthestmost edge of the Continental Shelf from the Gulf shore line."

Consequently we have no indication of the extent to which the coastal States would be permitted by this bill to assert their claims to the Continental Shelf beyond the 3-mile limit, if they so desired.

Mr. LONG. Mr. President, will the Senator from Wyoming yield?

Mr. O'MAHONEY. I must decline to yield at this time, because so much of my time has been taken already. I want to make the point clear without further interruption.

The interesting fact about the boundaries of the State of Texas is that the reference to these three leagues from land appear, so far as I have been able to conduct my research, nowhere except in the treaty between the Government of the United States and the United Mexican States. That is the treaty of 1848, the Treaty of Guadalupe Hidalgo, found in volume 9 of the United States Statutes at Large at page 922.

In article V of this treaty between two sovereign nations it is provided:

The boundary line is between the two Republics—

Meaning the Republic of the United States and the Republic of Mexico—

shall commence in the Gulf of Mexico, 3 leagues from land, opposite the Rio Grande, NATIONAL BOUNDARY ESTABLISHED BY TREATY

It seems to be quite clear, Mr. President, that the instrument upon which Texas relies for her 10½-mile claim did not establish a State boundary at all,

but a national boundary, namely, the boundary between the United States of America and Mexico.

In section 2 of the joint resolution of March 1, 1845, the Congress "consented" that—

the territory properly included within, and rightfully belonging to the Republic of Texas, may be erected into a new State.

That document was distributed throughout the Senate on the day when the Senator from Texas first presented his motion to substitute the Walter bill.

I wish to read into the RECORD section 2 of that joint resolution:

The foregoing consent of the Congress is given upon the following conditions, and with the following guaranties, to wit: First, said State to be formed, subject to the adjustment by this Government—

That is to say, the National Government, the Government of the United States—

of all questions of boundary that may arise with other governments.

DETERMINATION OF BOUNDARIES A NATIONAL PREROGATIVE

In other words, in the joint resolution admitting the State of Texas into the Union, there is a clear declaration that the right to fix the boundaries is a national prerogative, not a matter of the discretion or whim of the new State.

The act of September 9, 1850, found in 9 Statutes 446, recited that Congress was offering a series of propositions to Texas which, when agreed to by the State, should be binding and obligatory upon both the United States and Texas.

The first of those propositions was that the boundary of Texas which should run "to the Rio Bravo del Norte"—that is to say, the Rio Grande—"and thence with the channel of said river to the Gulf of Mexico."

The second proposition was that Texas ceded to the United States all her claim to territory exterior to the limits set forth in the first proposition. Texas accepted the offer of the National Government, and the act became binding by the proclamation of President Fillmore, which is set forth in 9 Statutes 1005.

More important than that, Mr. President, it seems to me, is the fact that in the annexation resolution of March 1, 1845, to which I first alluded, and which was presented here by the Senator from Texas, the declaration is made:

Said State—

Meaning the State of Texas—

when admitted to the Union, after ceding to the United States all public edifices, fortifications, barracks, ports, harbors, navy yards—

And so forth.

TEXAS REQUIRED TO CEDE HER PORTS AND HARBORS TO THE UNITED STATES

So, Mr. President, in the record submitted on behalf of Texas, the joint resolution passed by the Twenty-eighth Congress of the United States called upon the State of Texas to cede to the United States its ports and its harbors. Texas accepted and agreed to the terms of this annexation resolution.

When such a cession was required, and accepted, how can it be claimed that the seaward boundary of Texas is anything except a national prerogative? When the State of Texas agreed to cede to the United States its ports and harbors, how can it be argued that it was reserving to itself control over 10½ miles from the low-water mark?

CALIFORNIA CLAIMS 50 MILES OF OCEAN BED

Mr. President, with respect to California, let me say that by an act of the California Legislature in 1949, California claims that its seaward boundary would extend in some cases 50 or 60 miles over the ocean bed. However, I wish to point out that when the State of California was admitted into the Union, there again it was as a result of the treaty between the United States and the Government of Mexico. Article V of that treaty provides, in part:

And, in order to preclude all difficulty in tracing upon the ground the limit separating upper from Lower California, it is agreed that the said limit shall consist of a straight line drawn from the middle of the Rio Gila, where it unites with the Colorado, to a point on the coast of the Pacific Ocean distant one marine league due south of the southernmost point of the port of San Diego.

No marginal sea boundary was mentioned in the treaty with respect to California.

The commanding general of the United States Army in California, General Riley, allowed the people in California to draw up a proposed State constitution in 1849. The drawing up of such a constitution was not authorized by an act of Congress. However, a constitutional convention was held as it has been in other territories. Article XII of that proposed constitution provided for a westward boundary line "to the Pacific Ocean, and extending therein three English miles."

The 1849 California Constitution was transmitted to Congress by President Taylor on February 13, 1850, without recommendation or comment of any sort. However, by the act of September 9, 1850, found in Ninth Statutes, page 452, the Thirty-first Congress admitted California as a State "on a free and equal footing with the Original States in all respects whatever."

But there was no definition of a boundary.

CALIFORNIA ENTERED UNION WITH NO PUBLIC LANDS

Even more important than that, Mr. President, is the fact that when the State of California was admitted into the Union by the act to which I have called attention, California was granted no public lands whatever. Not an acre of public land was made available to the State of California, and it became necessary thereafter to provide a grant of lands to the State of California. How important that is in understanding the issue before us, will be made clear by reading section 3 of the Act of Admission of the State of California.

The PRESIDING OFFICER. The Chair wishes to inform the Senator from Wyoming that the 10 minutes allotted to him have expired.

Mr. O'MAHONEY. Mr. President, I shall take an additional 5 minutes.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 5 minutes more.

Mr. O'MAHONEY. Mr. President, I read now section 3 of the Act of Admission of the State of California found in 9 Statutes 452:

And be it further enacted, That the said State of California is admitted into the Union upon the express condition that the people of said State, through their legislature or otherwise, shall never interfere with the primary disposal of the public lands within its limits, and shall pass no law and do no act whereby the title of the United States to, and right to dispose of, the same shall be impaired or questioned; and that they shall never lay any tax or assessment of any description whatsoever upon the public domain of the United States.

In other words, Mr. President, the State of California was admitted into the Union without a definition of a "seaward boundary" in the act admitting her, although there was a definition in its constitution. California was admitted without any grant of public lands, and was admitted under a mandatory obligation that it should not in any way, at any time, interfere with the public lands of the United States.

But now the State of California is seeking to extend its boundaries.

NO SEA BOUNDARY IN FLORIDA ACT

Let me say now, quickly, that the same situation exists with respect to the State of Florida. The Constitution of Florida, by which Florida was admitted, was adopted in 1838. It contained no definition of "seaward boundaries." In neither the Act of Admission of the State of Florida nor Florida's first constitution was any claim whatsoever made to any seaward boundary. Later, the constitution of 1868 was adopted, and such a claim was contained in it.

Mr. HOLLAND. Mr. President, will the Senator from Wyoming yield to me?

Mr. O'MAHONEY. Yes, indeed.

Mr. HOLLAND. Does the Senator from Wyoming remember that the Federal Government made it a condition to the resumption of representation in Congress, that each of the Confederate States should adopt a constitution, and that such constitution should be submitted to the Congress and should be passed upon and approved before the seats in the Senate and in the House of Representatives belonging to those States could again be filled? If the Senator from Wyoming does remember that, I should like to say to him that the constitution he has mentioned, namely, the constitution of 1868, is the constitution which the State of Florida drew up and which her people adopted, pursuant to the demand made by the Federal Government, and that constitution was passed upon and approved by the Congress, as a condition to the readmission of Florida into the Union.

Mr. O'MAHONEY. Mr. President, I am frank to say that I had for the moment forgotten the fact that the constitution of 1868 was made under those circumstances.

Nevertheless, it remains, as we view the argument, that delineation of seaward boundaries are an attribute of national sovereignty; and the attempt to pass a bill or joint resolution such as the one now before us would, if successful, be an invasion of Federal sovereignty in the Continental Shelf. The Supreme Court has ruled that this external sovereignty starts beyond the low-water mark and seaward of the outer limits of any port, harbor, inlet, or similar inland navigable water.

Mr. HOLLAND. Mr. President, will the Senator from Wyoming yield further to me?

Mr. O'MAHONEY. Yes, indeed.

Mr. HOLLAND. Then, does the Senator from Wyoming feel that the affirmative act of Congress in approving the Constitution of Florida to which I have just referred, and the similar act of Congress in approving the first Constitution of California, which, as I understand, stated the seaward boundaries of California, were meaningless insofar as concerns the approval of those outside boundaries, which were set forth with great dignity in those State constitutions, which were submitted to the Congress of the United States for approval?

Mr. O'MAHONEY. I think they were meaningless, so far as the ownership and jurisdiction over the mineral resources of the lands submerged by the open ocean are concerned. I think those boundaries granted to the States by the Federal Government were a recognition that national boundaries and the State boundaries were the same for certain purposes. The Federal Government has jurisdiction over the open sea by virtue of its external sovereignty.

The States do not have that jurisdiction under the Constitution. It is a matter of international, external relationship, and for that reason I think the varying claims which are being asserted by the coastal States should not be accorded any Federal recognition. It is notable from the facts I have stated here today that after the discovery of oil in the submerged lands the States made an attempt to extend their seaward boundaries almost limitlessly.

The PRESIDING OFFICER. The time of the Senator from Wyoming has expired.

Mr. LEHMAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. How much time does the Senator from New York desire?

Mr. O'MAHONEY. Mr. President, the Senator from New York desires to propound a parliamentary inquiry.

The PRESIDING OFFICER. Who yields time to the Senator from New York for that purpose?

Mr. O'MAHONEY. I yield the time.

Mr. LEHMAN. Mr. President, I send to the desk an amendment which is of interest to the State of New York. It is in the nature of a perfecting amendment to the original resolution introduced by the Senator from Wyoming [Mr. O'MAHONEY]. My inquiry is whether I may call up this amendment to the original joint resolution at this time, or should that be done at some other time?

The PRESIDING OFFICER. It is the

opinion of the Chair that, since the amendment of the Senator from New York is a perfecting amendment, it takes precedence and is in order.

Mr. HOLLAND. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator from Florida will state it.

Mr. HOLLAND. The Senator from Florida does not so understand the parliamentary situation. He understands that the Senator from New York will have a perfect right to have his amendment received, discussed, and acted upon as a perfecting amendment; but when the time is running upon the question now pending, the Senator from Florida feels that the proponents of the amendment in the nature of a substitute now pending would have precedence, and that under the unanimous-consent agreement, the Senate should continue with it until the discussion is concluded.

The PRESIDING OFFICER. The time allotted on the amendment in the nature of a substitute offered by the Senator from Florida is only interrupted. The remainder of the time of the Senator from Florida and the Senator from Wyoming will, of course, be protected. The perfecting amendment of the Senator from New York, in the opinion of the Chair, has precedence.

Mr. LONG. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. LONG. Are we to understand that a perfecting amendment to the original joint resolution may be called up at any time? It is my understanding, Mr. President, that an amendment may be called up prior to the time that a substitute is offered for the entire joint resolution. I address that inquiry to the Chair.

The PRESIDING OFFICER. The Chair is not so informed, the Chair will say to the Senator from Louisiana.

Mr. O'MAHONEY and Mr. LEHMAN addressed the chair.

The PRESIDING OFFICER. The time of the Senator from Wyoming is running.

Mr. O'MAHONEY. Mr. President, this is in the nature of a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state the inquiry.

Mr. O'MAHONEY. Will it be in order for me now to ask unanimous consent that the Senator from New York may now offer his amendment, but have discussion of it take place after the debate upon the pending question has been concluded, and before the vote?

The PRESIDING OFFICER. It would be in order if the Senator from New York would agree to that procedure.

Mr. LEHMAN. That is entirely satisfactory to me.

The PRESIDING OFFICER. Does the Senator from Wyoming make such unanimous-consent request?

Mr. O'MAHONEY. I do.

Mr. KNOWLAND. Mr. President, a parliamentary inquiry. What is before the Senate?

The PRESIDING OFFICER. Before the Chair recognizes the Senator from California the clerk will state the amendment offered by the Senator from New York.

The LEGISLATIVE CLERK. On page 14, between lines 20 and 21, it is proposed to insert the following new section:

SEC. 10. (a) The United States hereby quitclaims all right, title, and interest in any filled-in, made, or reclaimed land which formerly was land underlying the sea and situated outside the ordinary low-water mark on the coast of the United States and outside the inland waters to the State, subdivision thereof, or person who was on June 5, 1950, entitled thereto under the property law of the State in which such land is located.

(b) The United States hereby quitclaims all right, title, and interest in any land which is underlying the sea and situated outside the ordinary low-water mark on the coast of the United States and outside the inland waters and in the future becomes filled in, made, or reclaimed land as the result of action taken by any State or subdivision thereof for recreation or any other public purpose, to such State or subdivision effective as of the date determined by the Secretary on which such land becomes filled in, made, or reclaimed.

On page 14, line 21, it is proposed to strike out "Sec. 10." and insert in lieu thereof "Sec. 11."

On page 15, line 2, it is proposed to insert after "Continental Shelf" a comma and "except land quitclaimed by the United States under section 10 of this joint resolution."

The PRESIDING OFFICER. Does the Senator from California wish recognition?

Mr. KNOWLAND. Mr. President, I desired to propound a parliamentary inquiry.

The PRESIDING OFFICER. That was the understanding of the Chair. The Chair recognizes the Senator from California for that purpose.

Mr. KNOWLAND. The inquiry is whether the amendment referred to in the unanimous-consent request of the Senator from Wyoming would be taken up and discussed after the debate and vote on the Holland amendment.

Mr. O'MAHONEY. It would be taken up before the vote, so as to comply with the rule regarding perfecting amendments.

Mr. KNOWLAND. Mr. President, I may be in error, but I had understood that the perfecting amendments to the original joint resolution, Senate Joint Resolution 20, would, of course, take precedence over any substitute until the time the substitute was offered, but we have been considering this proposed legislation for 2 weeks. The perfecting amendment could have been offered at any time. It was not offered. The substitute proposed by the Senator from Texas was offered. A substitute to that, in the second degree, has been offered by the Senator from Florida, and it would seem to me that at this stage of the proceedings the parliamentary situation is such that the Holland substitute should first be disposed of and then the Senator from New York, if the Holland substitute were defeated, could offer his amendment to the original joint resolution, Senate Joint Resolution 20, or, if the Holland substitute were agreed to, he would then be in a position to suggest an amendment.

Mr. O'MAHONEY. Mr. President, still pursuing the parliamentary inquiry, I think the Senator from California mis-

understands the request. The Senator from New York came on the floor with a new amendment to Senate Joint Resolution 20, which none of the members of the committee has had an opportunity to examine. Therefore, I am not in a position at the moment to say on behalf of the members of the committee whether the amendment would be acceptable or not. Therefore, in order not to interfere with the discussion by the advocates of the Holland amendment, I merely ask unanimous consent that the amendment of the Senator from New York may be presented when the time has run out on the Holland amendment, when we shall have the opportunity of determining whether the amendment of the Senator from New York shall be accepted.

The parliamentary ruling of the Chair was that a perfecting amendment is in order at this time.

The PRESIDING OFFICER. Under rule XVIII a perfecting amendment of the original text has preference over any substitute or amendment of any substitute.

Mr. O'MAHONEY. Mr. President, is it not a fact that a unanimous-consent agreement can be made without injury to either side?

The PRESIDING OFFICER. That is the understanding of the Chair.

Mr. O'MAHONEY. I ask that unanimous consent be granted.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. O'MAHONEY. In view of the fact that so much of my time was taken up by this parliamentary discussion, I ask unanimous consent that the Senator from Utah [Mr. WATKINS] may have 2 minutes.

The PRESIDING OFFICER. The Senator from Utah is recognized for 2 minutes.

The Chair informs the Senator from Wyoming that he still has 5 minutes remaining.

Mr. WATKINS. Mr. President, I voted against the Hill amendment because I believe it to be contrary to sound financial policy, to earmark Federal income for special purposes or groups. I have heretofore voted for Federal aid to education each time it has been before the Senate.

The adoption of the Hill amendment would complicate an already complex situation without giving any really dependable help to education. The vote on the motion to table the Hill amendment should demonstrate conclusively that there are not a sufficient number of votes in the Senate to override a Presidential veto, which is sure to come in the event of the enactment of the Holland substitute.

That being the case, it seems to me that the only practical thing to do to get oil developed in the tidelands area is to vote for the so-called interim bill.

In view of the critical world situation, it seems to me that everything that can possibly be done to increase our oil supply should be done. The interim bill would permit full development of those resources and leave to the future the

settlement of the problem of final ownership of tidelands oil.

Mr. HOLLAND. Mr. President, I yield 5 minutes to the Senator from California [Mr. KNOWLAND].

The PRESIDING OFFICER. The Senator from California is recognized for 5 minutes.

Mr. KNOWLAND. Mr. President, I do not believe I shall use the entire time yielded to me. I merely wish to reiterate what has been said previously on the floor.

For more than a hundred years certain States of the Union and, in the case of California, for almost a hundred years, have felt and have had reason to believe and have gone on the basis that submerged land to three English miles, or in the case of Texas, to approximately 10 miles, is within the boundaries of those States.

Mr. President, as a matter of fact, on numerous occasions the Federal Government by letter of the same Secretary of the Interior who finally challenged the rights of the States to the tideland areas, clearly recognized that the States did have jurisdiction. In my State and in a number of other States of the Union the cities and other political subdivisions, in cooperation with the Federal Government, have made the submerged areas available to the Federal Government for Federal purposes, and in each of those cases the Federal Government insisted on getting a grant from the State in order to confirm its title and in order to go ahead and expend Federal funds. In my opinion, that is a clear indication that the Federal Government itself recognized that such areas were as much a part of the States as were any of their inland areas.

I want to say again that in the State of California, which I have the honor in part to represent, the people, without regard to partisanship, feel that a great inequity and injustice was done to the State, indeed, they are no more shocked by the action on the part of the Federal Government in seizing an area which had been hers under the constitution of 1849 by which she came into the Union, than if the Government itself had gone into the great inland valleys of the Sacramento and San Joaquin Rivers and seized the land for Federal purposes.

Mr. President, I should like to say to my colleagues on this side of the aisle that in 1948 the Republican National Convention met and adopted a national platform, from which I read the following sentence:

We favor restoration to the States of their historic rights to the tide and submerged lands, tributary waters, lakes, and streams.

Mr. President, I believe that a political party, in placing in its platform the declaration of a policy of that kind, means that more than mere lip service should be given to it. We have joined quite properly with those on the other side of the aisle who have been deeply concerned by the constant encroachment by the Federal Government upon the rights and sovereignties of the States.

As I pointed out a few days ago, the longer I remain here—and I have been privileged for 7 years to represent in

part my State in this Chamber—the more convinced I become of the necessity of preserving the rights of the States, not only from the encroachment of a vast Federal Government but also from the encroachment by the executive branch of the Government upon the legislative branch.

The Supreme Court of the United States, in making its decision in the California case, did not claim title for the Federal Government. It merely divested the State of California of its title and then announced the strange new doctrine of paramount rights. But the Supreme Court itself clearly indicated that the power would rest in the Congress of the United States to make an equitable determination of this issue. That is what we seek here to do.

Mr. President, the statement has been made that this is a give-away bill, as though it were to give public property of the United States to some private interest or to some private group of persons. This is a measure which restores to the States that which was theirs for 100 or 150 years, or less or more, as the case may be. Mr. President, to whom is it given away, if anyone considers it to be that type of grant? It is being given to the same people who constitute the United States of America, who reside in the several States of the Union. The people of California are as patriotic and as interested in preserving that which belongs to the public as are the people of any other State of the Union.

The PRESIDING OFFICER. The time of the Senator from California has expired.

Mr. HOLLAND. Mr. President, I yield one additional minute to the Senator from California.

Mr. KNOWLAND. The issue involved is a very vital one. It is an issue in connection with which Republicans and Democrats alike support the position which I am now enunciating. The California Legislature in both its senate and assembly have supported it. Democrats and Republicans alike have supported the return of submerged lands to the State. The Democratic attorney general and the Republican Governor of California, and both United States Senators, who happen to be Republicans, support it; and when there was one Democratic Senator and one Republican Senator from California, they supported it. We ask only to have restored to us and to other States that which has been recognized as theirs for more than 100 years.

Mr. HOLLAND. Mr. President, I yield 5 minutes to the Senator from Louisiana [Mr. ELLENDER].

The PRESIDING OFFICER. The senior Senator from Louisiana is recognized for 5 minutes.

Mr. ELLENDER. Mr. President, the Senate is charged today with a momentous decision, one which, unless it is weighed carefully, thoughtfully, and without prejudice, could undo the work of our founding fathers and destroy that which our forebears won at the cost of much blood and untold suffering.

When the Senate votes on the Holland amendment, it will be voting on more

than the mere disposition of oil beneath the submerged lands. The question involves the question, "Will this country remain a real federation of sovereign States, or will we remove the source of power from the grass roots of freedom, concentrate it in the hands of a chosen few, and march down the evil road of statism?"

Mr. President, the Holland amendment is nothing radical. It does not give one particle, one iota, of land to the coastal States which is not rightfully theirs. This amendment, cosponsored by some 30 Senators, only reaffirms for all time a simple principle of property law, namely, that the States own the tidelands within their own boundaries.

This principle of property ownership, held sacred by our courts for some 170 years, is today in danger of becoming the victim of a vicious, bureaucratic conspiracy. When the Supreme Court of the United States rendered its decisions in the California, Louisiana, and Texas cases, it struck down the judicial principle of ownership of property and substituted for it the potentially dangerous theory of paramount rights of the Federal Government.

Mr. President, under the paramount-rights doctrine as enunciated by our Supreme Court in the tidelands decisions, the Federal Government, in its role as defender of this country, could extend its dominion over every piece of coal, every ounce of iron ore, every tree in every forest in every State of the Union, coastal or otherwise. This is the pernicious, socialistic principle which the Senate of the United States must stop before it eats away the very foundations of our democracy.

The legal, historical, and political aspects of this Federal grab for power have been covered thoroughly since this debate began. I do not intend to repeat that which is already a matter of record. But, Mr. President, now is no time for the Senate of the United States to stand before the world, preaching democracy and freedom out of one side of its mouth, while the other side condones the liquidation of the very core of our free way of life, the sanctity of property ownership.

Mr. President, I ask where did the Federal Government obtain this prerogative to exercise a power subject to no check save only bureaucratic whim or fancy? Did the Federal Government exist before the Thirteen Original States? A simple examination of historical fact indicates that the Federal Government was created by the States. The Thirteen Original Colonies, seeking greater security, delegated a specific amount of power to be used by a Central Government for the good of all.

The Constitution states that in very simple terms. It lists these powers, cites chapter and verse, so to speak, and specifically declares that all powers not so delegated are reserved to the States, or to the people.

I realize that mutual benefit is a vague term. It comprises many things, but never, never can it be construed, by any stretch of the imagination, to include the power of the Federal Government to

confiscate those lands it is charged with defending.

The courts have ruled often, at length, and I believe with clarity, on the issues being discussed in the Senate today. I cited to the Senate yesterday a landmark decision rendered by the United States Supreme Court in 1836, in the case of the *City of New Orleans v. United States* (10 Pet. 661). In holding that the United States Government was vested with neither the fee of the land nor the right to regulate the use of a public quay at New Orleans, the Court stated in clear and unmistakable language that title to the rivers, the seas, and their shores within the territorial boundaries of the State of Louisiana was not vested in the Federal Government. The Court further said:

The State of Louisiana was admitted into the Union, on the same footing as the original States. Her rights of sovereignty are the same. * * * All powers which properly appertain to sovereignty, which have not been delegated to the Federal Government, belong to the States and the people.

Mr. President, that same principle, has been affirmed time and again by our supreme tribunal.

The courts which made those decisions were not "packed" tribunals. Many of the decisions were written by men who had either taken part in, or had lived during, the debates in the Convention in Philadelphia framing the Constitution of the United States in the year 1787. The principle at stake was clear to them, and their opinions served as the groundstone for all which followed, until the Supreme Court in 1947 and 1950 departed from the well-marked judicial path in quest of a bureaucratic will-o'-the-wisp.

Mr. President, we who hold the Constitution to be a sacred and inviolable document cannot do much more than we have done so far. All that is left now is to ask the Senate to weigh the problem fairly and consider the precedents of the past and the dangers of the future. I ask all Senators who believe in our constitutional system of government to join with the sponsors of the pending amendment to check this all-embracing bureaucratic march.

The PRESIDING OFFICER. The time of the Senator from Louisiana has expired.

Mr. HOLLAND. Mr. President, I yield an additional minute to the Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 1 minute.

Mr. ELLENDER. Mr. President, this amendment does not give the States one thing which is not already theirs. But the defeat of this amendment would remove from the hands of our people that solemn right which is unquestionably theirs—the privilege of democratic government. The life of the United States of America, as conceived by our forebears, and born in the blood of the Revolution, is at stake today.

Mr. HOLLAND. Mr. President, I yield 5 minutes to the distinguished Senator from Oregon [Mr. CORDON].

Mr. CORDON. Mr. President, on the pending matter I stand today where I stood when this question first came before the United States Senate. I shall vote to support the so-called Holland substitute, on which my name appears as a sponsor. I shall do so because, to my mind, it is an act of simple equity and justice.

I appeared before the Senate Committee on the Judiciary at its first hearing on this subject a number of years ago, and there discussed the legal phases involved. I shall not go into those questions in the short time I have on the floor today.

Mr. President, as I see it, all we are now seeking to do is to correct what, in the light of a recent series of Supreme Court decisions, was held to be a mistake, although the principle ruled against by the Court was of long standing. It had its genesis in the days of the Colonies, and belief in it has been shared by courts, administrative officers, legislators, and others, for 150 years.

The Supreme Court, indulging in a new concept of the philosophy of sovereignty, reached a conclusion that we were all in error. However, while I accept the Court's conclusion that I was in error, I believe that the principle and doctrine I thought existed should exist. Therefore, I now seek to make it exist by my vote.

What I hope we shall do is what heretofore we have done many times. I have before me the record of action taken by Congress in 1948, the purpose of which was to correct a mistake, and again it was a mistake which was found to exist by virtue of a Supreme Court decision. The case happened to be one which arose in the State of Wyoming, and affected public lands which were valuable because in them there was oil.

The same type of error in thinking prevailed in that case as that which has prevailed in the case of submerged lands. After the Supreme Court had rendered a decision adverse to the State of Wyoming, those who represented the State in the Senate and in the House of Representatives asked that title to the lands involved be released and conveyed to the State of Wyoming. At that time, as in this case, the Department of the Interior and the Department of Justice objected, but Congress passed appropriate legislation, and title to the land was confirmed in the State of Wyoming.

We have done such things many times with respect to many situations in which we felt that equity would be promoted. That is all that will be done here.

Mr. President, I shall support the amendment of the Senator from Florida.

Mr. HOLLAND. Mr. President, I yield 5 minutes to the Senator from Ohio [Mr. TAFT].

Mr. TAFT. Mr. President, I rise to support the amendment offered by the Senator from Florida, of which I also am a sponsor. I have always felt that the sovereignty of the individual States to the fullest possible extent is one of the vital elements of our Constitution, to be modified only under provisions of the Constitution itself clearly transferring

certain powers or rights to the Federal Government.

Therefore, I admit that I am prejudiced against any doctrine that seems to deprive the States of sovereignty, and against this new doctrine of the Supreme Court particularly as I see not the slightest basis either in the Supreme Court opinion, or in any provision of the Constitution, in any natural law, or in any other principle, which justifies transfer from the States of their property right in land within the 3-mile limit. This property right has long been acknowledged by many opinions of the Supreme Court, and certainly existed when those States were independent States or independent Colonies.

It seems clear to me that States which came into the Union afterward have exactly the same rights in the 3-mile limit which the Original Thirteen States had. In the case of Texas it has perhaps even more rights, because of the special agreement under which Texas came in. In any event, it is clear that those States have always had the property right to the land within the 3-mile limit. I could never understand the opinion of the Supreme Court either in the California case, the Louisiana case, or the Texas case, holding that in some way the property in those lands became transferred to the Federal Government. Certainly no other land in those States was transferred to the Federal Government. I see no difference between State ownership of dry land and State ownership of land under the 3-mile limit. It was the same before the Constitution was enacted. I cannot see any possible justification for saying that there was anything in the Constitution which transferred to the Federal Government property under the 3-mile limit.

What seems clear is that when we adopted the Constitution we gave the Federal Government power over all interstate and foreign commerce. Therefore it has the right to control navigation on waters within the 3-mile limit, just as it has the right to control navigation on many rivers in the interior of the country.

We also transferred to the Federal Government the power of defense. Of course, it can use those waters for defense. But that does not, in any way I can see, require change of ownership in the land.

I think the clearest statement of the answer to the Supreme Court's argument is in an article by Roscoe Pound, who was dean of the Harvard Law School when I was there, and for whose opinion I have great respect. He cites the opinion of the Supreme Court in the Louisiana case, and says:

In the Louisiana case Mr. Justice Douglas says:

"The marginal sea is a national not a state concern. National interests, national responsibilities, national concerns are involved. The problems of commerce, national defense, relations with other powers, war and peace, focus there. National rights must therefore be paramount there."

Pound answers by saying:

But as to such things as are specified, namely, commerce with foreign states and

conduct of war, are not the rights or powers of the United States paramount also over the whole land?

That is, over the dry land.

Such rights, incidents of external sovereignty, are not incompatible with ownership as distinct from sovereignty. For example, the power of eminent domain of the Federal Government, extends for Federal purposes over the whole land. Private land may be used for national defense throughout the whole land. It is not for that reason excluded from private ownership. Private land may be used for national defense throughout the country and is none the less private property because of this.

That seems to me to be a complete answer. I do not see that there is anything in the rights given the Federal Government which requires transfer of ownership of the land within the 3-mile limit to the Federal Government itself.

The PRESIDING OFFICER. The time of the Senator from Ohio has expired.

Mr. TAFT. I have only one sentence left to finish.

Mr. HOLLAND. I yield an additional minute to the Senator from Ohio.

Mr. TAFT. I see no basis for the Supreme Court's opinion. There has been no transfer of land. Congress ought to recognize the facts, and, in effect, reverse the Supreme Court's opinion. So far as I am concerned, I think the Supreme Court was wrong, and, therefore, I believe we should grant to the States the rights which I think they have always had, but which the Supreme Court's opinion has at least placed in doubt.

Mr. LONG. Mr. President, will the Senator yield for a question?

Mr. TAFT. I yield.

Mr. LONG. Even if the Supreme Court were right in its opinion, there would nevertheless be the question, if the Federal Government had power over this land, as to what disposition should be made of the property.

Mr. TAFT. Yes. We have to recognize the Supreme Court's opinion as law until we change it; but we have a perfect right to change it, and to carry out what we think should have been the situation if the Supreme Court had not acted.

Mr. LONG. I thank the Senator. I agree with his interpretation that all power in the Federal Government is derived from the Constitution, and not from some other source.

Mr. HOLLAND. Mr. President, I yield 4 minutes to the junior Senator from California [Mr. Nixon].

Mr. NIXON. Mr. President, in every debate on a controversial measure, there are real issues at stake, and also what we might term phony issues. This debate presents no exception in that respect.

One of the phony issues which has been raised is that we are giving away something belonging to the people of the United States. My colleague [Mr. KNOWLAND] has, I think, answered that contention very effectively. As he has pointed out, what we are doing is not giving away something, but giving back to the people of the States what was theirs, and what should be theirs in equity and of right today.

There is another phony issue which has been raised, not so much on the floor

of the Senate as in the editorial criticism which has been directed toward those of us who support the Holland substitute. It is claimed that certain sinister interests, so-called vested interests—in this case the oil interests—are on the side of those who favor the Holland substitute, and against those who favor Senate Joint Resolution 20.

I think we can all agree that the fact, in itself, that an oil company or oil companies happen to be on one side or the other of an issue should not in itself be controlling so far as the merits of the case are concerned. But if this type of demagoguery is to be engaged in, let us make the most of it.

So far as this debate is concerned, we should bear in mind that the oil companies are on the side of those who favor Senate Joint Resolution 20, and against those who are attempting to substitute the Holland amendment for Senate Joint Resolution 20. I think anyone who has discussed this legislation with the oil company representatives will bear out what I say.

Why do the oil companies favor Senate Joint Resolution 20? Because they are not concerned with whether the Federal Government or the State government controls these lands, so long as their leases are confirmed.

Consequently in the light of these facts, we must bear in mind that the only real issue involved in this debate is whether the Federal Government or the State governments, in equity and in law, should control the tidelands.

There is one final point which I wish to make. Much has been made of the claim that if the State governments controlled the tidelands the people would get less in royalties from the oil companies than they would get if the Federal Government controlled the leasing.

I should like to point out a fact which completely destroys this specious argument. At the present time the people of the State of California, through the operation of the contracts which the State has made with the oil companies, are getting an average of 26.19 percent royalties. On the other hand, the Federal Government is receiving a royalty of only 11 percent from its oil leases on federally owned lands in California.

I also suggest that not only are the royalties larger under State ownership, but the brokerage which the Federal Government would take out, particularly the way the Federal Government is operating today, in handling whatever royalty income which would be involved, would be far greater than the brokerage which the State of California, the State of Louisiana, or the State of Texas would take out, with the very good management which those States have.

I submit that when we get down to the real issues and away from the phony issues and demagogery, there is only one answer so far as this debate is concerned, and that is to vest title in these oil lands in the people of the States.

Mr. HOLLAND. Mr. President, I yield the remaining time.

Mr. O'MAHONEY. Mr. President, I have been discussing this question with

the Senator from Florida [Mr. HOLLAND]. I have 5 minutes remaining; but inasmuch as the Holland amendment is so vastly superior to the Walter bill, for which it is presented as a substitute, I would certainly have no objection to its being substituted. I therefore have suggested to the Senator from Florida that I would have no objection to his substitute being agreed to by a voice vote. Particularly is this so since the Senator from Texas [Mr. CONNALLY], in opening the discussion, stated that he was quite willing that the Holland substitute should be adopted. That would permit us to proceed immediately with further discussion on the merits.

Mr. HOLLAND. Mr. President, I am in complete accord with the suggestion made by the Senator from Wyoming. I suggest that the issue be determined on that basis.

The PRESIDING OFFICER (Mr. SMITH of North Carolina in the chair). The question is on agreeing to the amendment in the nature of a substitute offered by the Senator from Florida [Mr. HOLLAND] to the amendment in the nature of a substitute offered by the Senator from Texas [Mr. CONNALLY].

The amendment to the amendment was agreed to.

Mr. O'MAHONEY. Mr. President, I now yield to the Senator from New York [Mr. LEHMAN] to offer an amendment which he submitted a short time ago. Having had an opportunity to read the amendment I now state that I shall be very glad to accept it.

Mr. LEHMAN. Mr. President, I merely wish to say that the amendment is submitted on my behalf and on behalf of the senior Senator from New York [Mr. IVES]. In order to conserve the time of the Senate I shall not read my remarks. I ask unanimous consent that a statement which I have prepared in connection with this amendment be inserted in the body of the RECORD at this point.

The PRESIDING OFFICER. Is there objection?

Mr. IVES. Mr. President, will the junior Senator from New York yield?

Mr. LEHMAN. Gladly.

Mr. IVES. I should like to ask my colleague if it is not correct to say that if the so-called Holland amendment is adopted and substituted finally for Senate Joint Resolution 20, the amendment now being offered by my colleague and myself will be unnecessary?

Mr. LEHMAN. I cannot answer that question categorically. I am not sufficiently acquainted in detail with all the provisions of the Holland amendment. I wanted the amendment to be accepted as a perfecting amendment to the O'Mahoney amendment affecting inland waters to Senate Joint Resolution 20.

Mr. IVES. I am all for it, but I should like to have the question cleared up. I wonder whether the Senator from Florida would be willing to answer my question.

Mr. HOLLAND. Mr. President, will the junior Senator from New York yield for that purpose?

Mr. LEHMAN. I am glad to yield.

Mr. HOLLAND. I thank the junior Senator from New York. The question of

the senior Senator from New York [Mr. IVES] would have to be answered in the affirmative. The so-called Holland substitute would fully cover what is covered by the proposed amendment of the Senators from New York to Senate Joint Resolution 20, and a great deal more.

However, I am glad to approve the adoption of the amendment, which does take care of fillings of public lands which would be built and extended into the Atlantic Ocean from now on, as well as those which have been built in the past. In part, the amendment covers what I believe is more fully and better covered in our substitute amendment.

Mr. LEHMAN. Mr. President, the reason why I was eager to have the perfecting amendment adopted was that the amendment submitted some days ago by the Senator from Wyoming covered the surface rights to certain lands which are used for public purposes, but did not cover and safeguard land that may be reclaimed or filled in at a later date. The amendment which I have offered takes care of the situation.

Mr. KNOWLAND. Mr. President, I wonder whether the junior Senator from New York would yield for a question?

Mr. HOLLAND. Mr. President, will the junior Senator from New York yield further?

Mr. LEHMAN. I yield further to the Senator from Florida.

Mr. HOLLAND. I call attention to the fact that the amendment bears out a portion of the argument which has been made so long and so frequently in the course of this debate by various Senators who are supporting the cause of the States. The question of filled lands, both up to this date and in the future, is one of great importance which cannot be ignored. The Senator from Florida is happy to know that the great State of New York is now coming in line at last in support of confirming titles to public reclaimed land from this time forward, and the Senator from Florida has no objection to the adoption of the amendment.

Mr. LEHMAN. I thank my distinguished colleague from Florida. While it is perfectly clear that the State of New York follows the principle of States' rights with regard to reclaiming filled-in lands, which after all are of a limited character, my part of the State of New York does not accept the general principle which is covered by the substitute amendments that have been offered.

Mr. LONG. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Louisiana will state it.

Mr. LONG. Who controls the time in opposition to the amendment?

Mr. IVES. I do not believe that any Senator is opposed to the amendment.

Mr. LONG. Mr. President, I should like to speak for 3 minutes.

The PRESIDING OFFICER. The junior Senator from New York has the floor.

Mr. O'MAHONEY rose.

Mr. LONG. Mr. President, will the Senator from New York yield me 3 minutes?

Mr. LEHMAN. I yield first to the Senator from Wyoming.

Mr. O'MAHONEY. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Wyoming will state it.

Mr. O'MAHONEY. The discussion which is now taking place is not within the time which has been allotted under the unanimous consent agreement for debate on either the Connally substitute or the Holland substitute, but is within the time which is allotted to a perfecting amendment. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. O'MAHONEY. Any Senator who wishes to oppose the amendment would be in control of such time as might be used against it. Am I correct in that statement?

The PRESIDING OFFICER. The Chair understands that the junior Senator from New York [Mr. LEHMAN] is in control of the time on his amendment. If the Senator from Wyoming is opposed to the amendment, he is in control of the time in opposition.

Mr. O'MAHONEY. The Senator from Wyoming has accepted the amendment offered by the Senator from New York.

Mr. HOLLAND. The Senator from Florida has already accepted the amendment.

Mr. O'MAHONEY. Therefore there is no debate on the amendment.

The PRESIDING OFFICER. The Chair understands, since the Senator from Wyoming is favorable to the amendment, the minority leader, or any Senator designated by him, is in control of the time in opposition to the amendment.

Mr. IVES. Mr. President, may I take a minute to oppose the amendment temporarily?

Mr. LEHMAN. Mr. President, I may say that when I offered the perfecting amendment it was accepted by the Senator from Wyoming [Mr. O'MAHONEY] and the Senator from Florida [Mr. HOLLAND]. In order to conserve time, which I felt we were all eager to do, I refrained from reading my argument in support of the amendment. If we are to have debate on the amendment, I of course wish to have the right to read the statement and to make such other arguments as I may desire to make. However, in the interest of conserving time, I am willing to forego that privilege.

Mr. IVES. Mr. President, may I have the privilege of opposing the amendment temporarily?

The PRESIDING OFFICER. Whoever is acting for the minority leader has the right to allot time in opposition.

Mr. WELKER. Mr. President, as acting minority leader, I yield 5 minutes to the senior Senator from New York.

Mr. IVES. Mr. President, I should like to read into the RECORD the text of a letter which was written by Mr. Impelleri, mayor of the city of New York, to the President of the United States under date of February 1, 1950. The letter contains the information which I was seeking when I inquired as to whether the so-called Holland substitute amendment is adequate to cover the situation which the amendment offered by

my colleague and myself is intended to cover. I read the letter:

DEAR MR. PRESIDENT: The above resolution, H. R. 4484, has been passed by the House of Representatives and resolution S. 940 is still pending before the Senate Committee on Interior and Insular Affairs. I strongly urge your support of resolution S. 940—

Which was the original Holland bill, as I understand. The present Holland amendment is a refined version of S. 940.

The purpose of the resolutions is to reaffirm that title to lands under tidewaters and navigable waters has always been vested in the States and their grantees, such as the city of New York.

The city of New York has a vital interest in retaining title to its water front and harbor lands and lands under water. This city's water front and harbor, developed and maintained under municipal control, is an invaluable asset not only to the people of New York, but to the entire Nation. The city's title to its foreshore and lands under water, as granted to it by ancient charters and by the State of New York, has never been challenged.

It is of paramount importance to the development of this city that New York retain full and complete control over these lands and improvements. Recent assertions of title to lands under water by the Government of the United States are contrary to all historical precedents and to judicial determinations. Such claims might becloud the city's title to one of its most valuable assets and cause serious repercussions in maintaining and continuing the constant development and improvement of New York harbor.

I firmly believe that the city's title is beyond question, but the resolutions would constitute a final recognition of that title and a disclaimer by the United States that it ever had any title to these lands.

In referring to the "resolutions," the mayor of New York City has in mind the bills which I mentioned in reading the earlier portion of the RECORD.

I wished to place that letter in the RECORD because it states completely the city's position with regard to the so-called Holland substitute.

At the same time I reaffirm my support of the amendment offered by my colleague, the junior Senator from New York [Mr. LEHMAN], and myself to Senate Joint Resolution 20, which I firmly support; and I trust that that amendment will continue to repose, as it now is reposing, as a part of Senate Joint Resolution 20.

Mr. President, I withdraw my opposition, unless my colleague wishes to continue it.

Mr. LEHMAN. Mr. President—

Mr. WELKER. Mr. President—

The PRESIDING OFFICER. The junior Senator from New York is recognized.

Mr. WELKER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Idaho will state it.

Mr. WELKER. I understood that the opposition controlled the time in regard to the perfecting amendment.

The PRESIDING OFFICER. That is correct.

Mr. WELKER. And I asked to be recognized.

The PRESIDING OFFICER. But the Chair recognized the junior Senator from New York.

Mr. WELKER. I understood there would be no debate by the proponents of the perfecting amendment.

The PRESIDING OFFICER. The Chair did not understand that to be a commitment on the part of the proponents.

Mr. WELKER. Mr. President, let me inquire how much time the proponents have remaining.

The PRESIDING OFFICER. They have 7 minutes remaining.

The Senator from New York has been recognized.

Mr. LEHMAN. Mr. President, since there has been discussion, although I had hoped, in the desire to save time, to avoid it, I wish to ask unanimous consent to have printed in the RECORD an exchange of letters between the mayor of the city of New York and myself. I ask that unanimous consent at this time.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

CITY OF NEW YORK,
OFFICE OF THE MAYOR,
New York, N. Y., February 1, 1952.

HON. HERBERT H. LEHMAN.

The Senate, Washington, D. C.

DEAR SENATOR LEHMAN: The above resolution, H. R. 4484, has been passed by the House of Representatives and resolution S. 940 is still pending before the Senate Committee on Interior and Insular Affairs. I strongly urge your support of resolution S. 940.

The purpose of the resolutions is to reaffirm that title to lands under tidewaters and navigable waters has always been vested in the States and their grantees, such as the city of New York.

The city of New York has a vital interest in retaining title to its water front and harbor lands and lands under water. This city's water front and harbor, developed and maintained under municipal control, is an invaluable asset not only to the people of New York, but to the entire Nation. The city's title to its foreshore and lands under water, as granted to it by ancient charters and by the State of New York, has never been challenged. It is of paramount importance to the development of this city that New York retain full and complete control over these lands and improvements. Recent assertions of title to lands under water by the Government of the United States are contrary to all historical precedents and to judicial determinations. Such claims might becloud the city's title to one of its most valuable assets and cause serious repercussions in maintaining and continuing the constant development and improvement of New York Harbor.

I firmly believe that the city's title is beyond question, but the resolutions would constitute a final recognition of that title and a disclaimer by the United States that it ever had any title to these lands.

Very truly yours,

VINCENT R. IMPELLITTERI,

Mayor.

FEBRUARY 15, 1952.

HON. VINCENT R. IMPELLITTERI,

Mayor, City of New York,

New York, N. Y.

DEAR MAYOR IMPELLITTERI: Thank you for your letter. As you know, the Senate Committee on Interior and Insular Affairs, of which I am a member, after considering the tideland matter, voted to report favorably

the interim bill, Senate Joint Resolution 20, which, without deciding the fundamental issue of State versus Federal control over the lands beneath the open ocean, would permit immediate resumption of exploration and development work on the oil-bearing lands off Texas and Louisiana.

The Federal Government has never claimed, and does not now claim, any rights in the lands beneath navigable waters including true harbors and bays. You will note that Senate Joint Resolution 20, a copy of which is enclosed, refers only to the submerged lands of the Continental Shelf.

In the course of the hearings, the question of whether this legislation in any way affected inland waters was asked in specific reference to New York City's water front and harbor lands. The committee was assured by the Department of Justice and the Department of the Interior that inland waters and New York's water front and harbors are in no way affected by Senate Joint Resolution 20. In fact, they are specifically excluded.

As I am sure you appreciate, I would be among the first to oppose this legislation, or any legislation which dealt unfairly with New York's interests, or which sought to deprive New York State of equities which properly belong to us. In the case of tidelands oil, the situation is quite the reverse.

By agreeing to S. 940, we in New York State would be ceding our interest in one of our Nation's most valuable assets. In these underocean lands are oil deposits which can bring to the Federal Treasury vast amounts of revenue which can help relieve New York of heavy tax burdens which we might otherwise bear. Our State, as you know, bears a heavy share of the tax burden of the Nation. If the revenue from these oil deposits were given to the States which now unfairly claim these rights, it would place an unjustifiable burden upon our own State.

The allegation made to you that the Federal Government seeks title to lands under the bay and in New York Harbor are an example of the confusion which is being intentionally introduced into this situation with the purpose of beclouding the real issues and the real intent of those seeking the rights referred to above.

The Supreme Court has ruled that these rights are vested in all the people in all the States. We in New York should certainly not lend ourselves to an abandonment of these rights which mean so much to us.

I certainly thank you for writing to me and giving me the opportunity of setting forth my views on this very important matter. I would be glad to hear from you further after you have had an opportunity to study the views I have expressed.

With kind personal regards.

Very sincerely yours,

HERBERT H. LEHMAN,

United States Senator.

Mr. LEHMAN. Mr. President, I also wish to read the remarks I have prepared in connection with this amendment, as follows:

I am introducing this amendment at the request and at the strong urging of the officials of the city of New York who have been very concerned because of their fear that under the pending joint resolution, as well as under the decisions of the Supreme Court on the various tidelands cases, the title of the city of New York to certain park lands and structures appurtenant thereto is placed in jeopardy. New York City has built several of its parks and beaches on the ocean fronts by filling in the ocean.

Unless it is made clear by quitclaim to these very limited and special lands, the city's title to the lands in question is jeopardized.

It is for this reason that officials of the city of New York had at one time indicated their support of Senate bill 940, the quitclaim bill. They are aware that the quitclaim bill goes much further than the interests of New York require and, in fact, is harmful to the interests of New York in ceding to the States the rich oil rights to tidelands which are, and properly should be, the possession of all the people of the United States.

The officials of the city of New York would be content if they could get a quitclaim to the areas that have been filled in and also to the areas that in the future might be filled in for recreational or other public purposes. That, of course, is as far as I would go; and the officials of New York have indicated that they will be completely satisfied with such an amendment.

My amendment has been hurriedly drafted. It might need to be perfected in conference. I would want to make the intent perfectly clear. The intent is to grant to the States and to the municipalities and to individuals unquestioned title to areas which in the past have been filled in. The intent is also to grant to the States and to municipalities unquestioned title to lands which might be filled in in the future for recreational or other public purposes. The purpose of the amendment is to assure to New York City and other public entities in a similar position the unquestioned title to park lands they have built by fill-in. I might mention, as examples, Jones Beach, Rockaway Beach, and Staten Island Marine Park, all of which are on the Atlantic Ocean. The purpose is also to assure that such areas that might be filled in in the future for the uses specified should also have unclouded title as far as States and municipalities are concerned. It should be borne in mind that before a fill-in can be made, or before any structure can be built into the ocean, the permission of the Chief of Engineers must be obtained under section 40, title 33, of the United States Code. Hence, there is no possibility that fill-ins would be indiscriminately made to neutralize the preponderant right which the Federal Government has in the tidelands under the Supreme Court decisions. The way my amendment would work—or at least I have so intended it—would be to have the mean tidal level measured with respect to the fill-in, rather than in respect to any original shore line. In the main, my amendment is designed to clarify a moot point, rather than to establish any new principles.

I am aware that Senate Joint Resolution 20 already contains an amendment designed to assure title to fill-ins already made, but this amendment refers only to the surface, and not to subsurface deposits. The officials of New York point out that it would be most distressing to have the Federal Government claim oil or mineral rights on land that is in the middle of a public beach.

I hope the chairman of the committee will accept this amendment and will take it to conference, to be ironed out as to detail.

Mr. WELKER. Mr. President, the minority yields back any further time remaining to it.

Mr. HOLLAND. Mr. President, will the Senator from Idaho yield 20 seconds to me?

Mr. WELKER. I yield that time to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. HOLLAND. I merely wish to ask unanimous consent to have printed at this point in the RECORD a resolution adopted by the Senate and Assembly of the State of New York on February 22, 1950, opposing all pending or proposed

measures tending to create Federal ownership or control of any of the lands, fish, or water embraced in the subject matter of the pending debate. I ask for that unanimous consent at this time, Mr. President.

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

Whereas since its inception the State of New York, a free and independent sovereignty and one of the Original Thirteen States, has claimed and exercised ownership, dominion, and jurisdiction over the lands under the ocean seaward for a distance of 3 miles and the lands under all tidal and navigable waters within its boundaries; and

Whereas the State's title to these lands, in common with all unappropriated lands, was and is based upon the sovereign character of the people of the State of New York as successors to the sovereign rights of the Crown of England; and

Whereas, as sovereign, the people of the State of New York own approximately 5,600 square miles of submerged lands in the Atlantic Ocean and in New York Harbor, Long Island Sound, the Hudson River, and the Mohawk River, including vital stretches of the State Barge Canal, the Niagara River, the St. Lawrence River, the Great Lakes, and other inland streams and waters; and

Whereas all of the private improvements on the New York side of New York Harbor, with the exception of the lower end of Manhattan Island and others elsewhere, have been built on what was formerly State-owned lands, and all these improvements were built and have been enjoyed by their owners in reliance upon their source of title in the State of New York, and no disquieting claims against that source should be made, no matter how baseless or trivial, by any agency of the United States Government; and

Whereas as a result of these improvements there has been an incalculable increase in assessed valuation of these lands, upon which municipalities and the State rely as a basis of taxation and great revenue; and

Whereas the title of the people of the State of New York to these lands and the title of those holding the lands by grant from the people of the State of New York has been upheld by numerous decisions of the New York courts and the Supreme Court of the United States, as well as by the assertion and actions of the Federal Government, its various departments and divisions: Now, therefore, be it

Resolved (if the senate concur), That the Legislature of the State of New York favors continued State ownership and control, subject only to the Federal powers over navigation, interstate commerce and national defense, of lands and resources within and beneath navigable waters within the boundaries of the respective States, and requests Congress to pass suitable legislation to that end; and be it further

Resolved (if the senate concur), That the members of the Congress are hereby requested to give their active support to legislation which would recognize and confirm State ownership of such property; and be it further

Resolved (if the senate concur), That the members of the Congress are hereby requested to give their active opposition to all pending and proposed measures which would create Federal ownership or control of lands, fish or other resources beneath navigable waters within State boundaries; and be it further

Resolved (if the senate concur), That copies of this resolution be sent to the President of the United States, the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United

States and to each member of the Congress of the United States.

In senate, February 28, 1950.

Concurred in without amendment by order of the senate.

WILLIAM S. KING,
Secretary.

By order of the assembly.

ANSLEY B. BORKOWSKI,
Clerk.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the junior Senator from New York. [Putting the question.]

The amendment was agreed to.

The PRESIDING OFFICER. The question now is on agreeing to the so-called Connally substitute, as amended by the substitute amendments of the Senator from Florida [Mr. HOLLAND].

Mr. O'MAHONEY. Mr. President, I yield 20 minutes to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon [Mr. MORSE] is recognized for 20 minutes.

Mr. MORSE. Mr. President, before beginning my speech, I wish to ask unanimous consent to have printed in the RECORD, as I proceed, the various quotations from court decisions that time will not permit me to read into the RECORD, but which I should like to have included as a part of my remarks, in the interest of continuity.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORSE. Mr. President, several weeks ago I stated that my position on the present issue of rights to the marginal sea and submerged lands would be based upon my findings, independently arrived at, as to which governmental unit as a matter of law is entitled to control over the property and resources at issue. It appears to me to be unsound for anyone to allege in effect that the Supreme Court is not the place of last resort to the legal and equitable rights of those lands as between the border States and the Nation as a whole. Nevertheless, so much emotion and pressure-inspired dogma have been aired on the proposition that the Supreme Court did not know what it was talking about, as to justify a résumé of the three cases involving California, Louisiana, and Texas, in stating my position on Senate Joint Resolution 20.

It is true that some persons whose opinion on legal matters I respect have stated that they believe the Supreme Court's ruling is incorrect, and that the Congress should act to reverse the ruling. It is only because of these opinions that I deem it necessary to review the cases, in establishing my position on the proposed legislation now pending before the Congress. It is with extreme reluctance that I do so, because, under our constitutional system, the fact that the Supreme Court has ruled on a matter such as this one finally decides the legal issues, I believe. As a decided legal matter, we are without question dealing with property in which, for the purposes of the proposed legislation before us, the Federal Government has paramount interests, and in reference to which the rulings of the Supreme Court are now still in issue only because of a widespread

campaign to diffuse facts—a campaign which has been materially aided by a few legal authorities who have allowed irrelevant factors to influence their judgment. I am not, of course, referring to the dissenting opinions on the three cases, but, rather, to documents subsequently issued by various groups—opinions so obviously nonjudicial in character. Thus, although we should have been considering legislative policy, we have been retrying the legal issues.

In connection with the California, Louisiana, and Texas cases, the old case of *Pollard's Lessee v. Hagen* (3 How. 212 (1845)) has received a good deal of attention, and is, therefore, pertinent here. It is, of course, the case generally accepted as the one which decided that the individual States own their inland navigable waters, as against the United States. The land at issue in that case was in Alabama and was, at the time when Alabama was admitted as a State, between the high-water and the low-water marks of the Mobile River. The plaintiffs claimed the land under grants from the United States. The defendants based their case on the theory that Alabama, not the United States, was the owner of the land after 1819, the date of Alabama's admittance into the Union. The Supreme Court ruled for the defendants, who claimed by virtue of Alabama's original ownership.

What were the arguments in that case? On what theories did the States receive the ownership of the inland waters and the lands thereunder? First, let me quote some of the arguments which the Supreme Court at that time acted against.

From the brief of the plaintiffs, I read the following:

But, it is contended, that the right to the shore is a sovereign and a political, not a proprietary right. In what the distinction exists, so far as it is applicable to this controversy, has not been explained. * * * How can a political power be said to exist without a proprietary right over marshes where no one can live?" (p. 217).

From the dissenting opinion, which argued for Federal ownership of the inland water, I read the following:

The question before us is made to turn by a majority of my brethren exclusively on political jurisdiction; the right of property is a mere incident. In such a case, where there is doubt, and a conflict suggested, the political departments, State and Federal, should settle the matter by legislation (p. 232).

That the majority of the Supreme Court in the Pollard case did so decide who should have the lands on the basis of which political unit it believed had the predominating sovereignty under the Constitution, is clearly indicated by the following quotations from the majority opinion:

This right of eminent domain over the shores and the soils under the navigable waters, for all municipal purposes, belongs exclusively to the States within their respective territorial jurisdictions, and they, and they only, have the constitutional power to exercise it. * * * For, although the territorial limits of Alabama have extended all her sovereign power into the sea, it is there, as on the shore, but municipal power, sub-

ject to the Constitution of the United States, "and the laws which shall be made in pursuance thereof" (p. 230).

And on page 221:

We think that a proper examination of this subject will show, that the United States never held any municipal sovereignty, jurisdiction, or right of soil in and to the territory, of which Alabama or any of the new States were formed; except for temporary purposes.

And on page 220:

Although this is the first time we have been called upon to draw the line that separates the sovereignty and jurisdiction of the Government of the Union, and the State governments, over the subject in controversy, * * * etc.

And on page 223:

And, if an express stipulation had been inserted in the agreement [between the United States and Georgia regarding the cession of the territory which subsequently became Alabama] such stipulation would have been void and inoperative; because the United States have no constitutional capacity to exercise municipal jurisdiction, sovereignty, or eminent domain, within the limits of a State or elsewhere, except in the cases in which it is expressly granted.

In short, the Court ruled in the Pollard case that the effective control over the land in question evolved to the State as an element of municipal sovereignty; which under the Constitution, only it could exercise. In this connection it is especially interesting to note that the Court did not anywhere in the Pollard case draw a line of succession of property or proprietary rights in the land in question. Rather, the transmission of Alabama's rights in the land from Georgia occurred through the United States holding the municipal sovereignty in trust until Alabama became a State, capable of exercising such "sovereignty, jurisdiction, or eminent domain." That is what the court made clear, Mr. President, and it has been lost sight of in the discussion of the Pollard case throughout this debate in the Senate. It is also important, at this stage, to identify exactly the scope of the sovereignty about which the Court was then speaking. In every important instance the Court specifically spoke of municipal sovereignty, jurisdiction, or eminent domain. Of the three definitions of municipal contained in Webster's International Dictionary, only the following is pertinent:

Of, or pertaining to the internal or governmental affairs of a state, kingdom, or nation; used chiefly to designate, or denote relation to, the law prescribed or enforced by a state in the regulation of the rights, and in the government, of those subject to its jurisdiction; that is, the national law, as distinguished from international law. (Webster's New International Dictionary (1927), p. 1422.)

It is true that this use of the term "municipal" is not the practice now, and has not been for many years. But that was the practice at the time of the Pollard case, and it is only fair to interpret the Pollard case in the terms of the then accepted legal meanings of the concepts used within the decision. But, even under the more modern use of the term in

the sense of describing state functions, it is still utilized to distinguish international law from other classes of law. The definition is certainly for all practical purposes the one that the Supreme Court had in mind in 1845.

Thus, the inland waters of this Nation, and the soil underneath, passed to the States as an incident of the sovereignty or jurisdiction which each State has over its internal affairs. The rationale is clear and indisputable, and has been affirmed many times since the Pollard case.

Now, are the Supreme Court decisions in the cases of U. S. against California, U. S. against Louisiana, and U. S. against Texas in any way contrary to these earlier decisions starting with the Pollard case? What did the Supreme Court actually rule in these cases at issue?

In all three cases, the land involved is that beyond the tidelands of the ocean; that is, all of the land involved beyond the mean low-water mark of the ocean. It is not the land over which the tides wash but rather the lands covered by the sea beyond that tide area with which the California, Louisiana, and Texas cases deal. No responsible authority has alleged that this distinction between the land covered by the inland waters, of which the tidelands are a part and the lands covered by the marginal sea has not existed as a legal fact for over a hundred years, that it did not exist at the time the Pollard case was decided. If, however, this needs support, reference can be made to the statements of Thomas Jefferson in 1793, when he, as the Supreme Court pointed out in the California case, "put forth the first official American claim for a 3-mile zone" in a note to the British minister. Inherent in this claim was the dividing line between the inland waters, controlled by the States, and the marginal sea, claimed by the United States, even as early as Jefferson's time.

In the case of *U. S. v. California* (332 U. S. 19), the Supreme Court declared that, as to these lands submerged by the marginal sea, it has never before ruled on the respective rights of the individual border States and the Federal Government therein. In this connection the Court specifically distinguished three previous decisions, the language of which, in the Court's words, "probably lends more weight to [the argument that the issue had previously been decided] than any other." These three cases were *Manchester v. Massachusetts* (139 U. S. 240); *Louisiana v. Mississippi* (202 U. S. 1); and *The Abbey Dodge* (233 U. S. 166), and they can be very clearly distinguished as follows:

In reference to the case of *Manchester* against Massachusetts, the Court pointed out that—

That case involved only the power of Massachusetts to regulate fishing. Moreover, the illegal fishing charged was in Buzzards Bay found to be within Massachusetts territory, and no question whatever was raised or decided as to title or paramount rights in the open sea. And the Court specifically laid to one side any question as to the rights of the Federal Government to regulate fishing there.

In reference to the case of Louisiana against Mississippi, the Court stated:

That was a case involving the boundary between Louisiana and Mississippi. It did not involve any dispute between the Federal and State Governments. And the Court there specifically laid aside questions concerning, "the breadth of the maritime belt or the extent of the sway of the riparian States."

The case of the Abbey Dodge involved an action against a ship landing sponges at a Florida port in violation of an act of Congress which made it unlawful to land sponges taken under certain conditions from the waters of the Gulf of Mexico. In distinguishing this case the court pointed out in effect that the Abbey Dodge decision related solely to the police power of the State of Florida, and substantiated that point by quoting the majority opinion rendered by Chief Justice Hughes in the subsequent case of *Skiriotes v. Florida* (313 U. S. 69), where it was stated:

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.

There is nothing new in this process whereby preceding cases are distinguished on the facts from the case at hand. It is a normal and well-understood procedure. As a matter of fact, in the Pollard case to which I have previously referred, which gave the States the inland waters and the lands thereunder, the Court had to make what was perhaps even a more minute distinction. In that case, the specific and primary issue was an instruction by the lower court. In the argument, the plaintiff's counsel pointed out that in at least two previous cases before the Court, "the land in question was situated just [like the land in the Pollard case] and [that] the title was confirmed." In answer the Court stated:

This question has been heretofore raised, before this Court, in cases from the same State, but they went off upon other points. As now presented, it is the only question necessary to the decision of the case before us, and must, therefore be decided.

Undoubtedly in the Pollard case the Court's ground of distinction was correct. The distinction made by the Supreme Court in the California case is in every logical sense, at least, equally sound, if not more so. Prior to this latter case, the issue as to the marginal sea just had not been presented to the Court. The Supreme Court made that clear in the following language in the California decision:

The question of who owned the bed of the sea only became of great potential importance at the beginning of this century when oil was discovered [in California]. As a consequence of this discovery, California passed an act in 1921 authorizing the granting of permits to California residents to prospect for oil and gas on blocks of land off its coast under the ocean. . . . This State statute and others which followed it, together with the leasing practices under them, have precipitated this extremely important controversy for the first time.

With the question before it for the first time, how did the Supreme Court decide the issue on the merits? In the California case it said:

The 3-mile rule is but a recognition of the necessity that a government next to the sea must be able to protect itself from dangers incident to its location. It must have powers of dominion and regulation in the interest of its revenues, its health, and the security of its people from wars raged on or too near its coasts, and insofar as the Nation asserts its rights under international law, whatever of value may be discovered in the seas next to its shores and within its protective belt will most naturally be appropriated for its use. But 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 international obligations.

Mr. President, I digress for a moment to say that, of course, the States cannot enter into treaty obligations, and thus we come right up against the problem of paramount Federal rights in light of the clear inherent powers of the Federal Government under the Constitution itself.

Returning to the decision of the Court, the Court said:

The very oil about which the State and Nation here contend might well become the subject of international dispute and settlement.

In the Louisiana case, the Court expressed its view as follows:

The claim to our 3-mile belt was first asserted by the national Government. Protection and control of the area are indeed functions of national external sovereignty. . . . The marginal sea is a national, not a State concern. National interests, national responsibilities, national concerns are involved. The problems of commerce, national defense, relations with other powers, war and peace focus there. National rights must therefore be paramount in that area.

And, finally, in the Texas case:

It is said . . . that the sovereignty of the sea can be complete and unimpaired no matter if Texas owns the oil underlying it. Yet, as pointed out in *United States v. California* once low-water mark is passed, the international domain is reached. Property rights must then be so subordinated to political rights as in substance to coalesce and unite in the national sovereign. Tomorrow it may be over some other substance or mineral or perhaps the bed of the ocean itself. If the property, whatever it may be, lies seaward of low-water mark, its use, disposition, management, and control involve national interests and national responsibilities. That is the source of national rights in it.

There is no question, and I fully agree with the allegations made in this regard by those now attacking the Supreme Court, that the three decisions relating to the marginal sea are based on findings as to sovereignty or political jurisdiction rather than on findings concerned with the usual legal principles of real property. What I most heartily disagree with is the further claim made by these same persons to the effect that the Supreme

Court has thereby been inconsistent with the Pollard case, that the Court has for the first time enunciated new doctrine. Nothing, I submit, could be further from fact.

Let me refer again to the case of Pollard's Lessee against Hagen. In that case the land involved had been a part of the tidelands of Alabama, above the mean low-water mark. In the case of United States against California the land involved is submerged beyond the mean low-water mark.

That fundamental and vital difference in fact must be kept in mind as we compare the Pollard case with the California case, and when we take into account that fact we find the same principle laid down in the Pollard case and in the California case. In both cases, the Supreme Court weighed the elements of sovereignty and ruled in favor of the governmental unit which, under our Constitution, had the predominant sovereign interest.

In the one case the State has jurisdiction over land within the low-water mark, and in the other case the Federal Government has jurisdiction of land beyond the low-water mark. That principle is an identical principle of sovereignty in both cases, but applied to different facts. It does not make the two cases inconsistent if the Court is applying the same principle of sovereignty, but applying it to two different sets of facts.

In the Pollard case, therefore, the Court ruled, quite properly in my estimation, that the States had such a predominant sovereign interest in the area then in question as to require that each State should have effective control and dominion of its inland waters and the lands thereunder, including the tidelands. In the California case, the Court ruled, equally properly in my estimation, that the Nation, rather than the individual border States, had such a predominant sovereign interest in the area in question there as to require effective control and dominion of the marginal sea and the lands thereunder in the Federal Government.

It is also true that the Court, in following a rationale based on the incidents of sovereignty had to, in effect, overrule arguments which would, in ordinary real property cases between private parties, appear somewhat valid. But in this regard too, I submit both the Pollard case which ruled in favor of the States as to one class of water and lands, and the California case which ruled in favor of the Nation as to quite another class of water and lands, stand or fall together.

The principle of sovereignty is identical in the two cases, although throughout the debate one would think that the Pollard case was completely irreconcilable with the Court's decision in the California case. I submit that as a matter of legal argument and principle, there is no inconsistency.

To illustrate, in ordinary real property cases, the doctrines of adverse possession, laches, or estoppel are sometimes applicable in determining which party has rights to land. In connection with the California case, therefore, the claim was made by the State of California that

the Federal Government, by its failure to claim the marginal sea sooner, as well as by the conduct of certain of its officials, had given up its rights to the marginal sea off California. In answer to this, the Supreme Court pointed out that:

The Government, which holds its interest here as elsewhere in trust for all the people, is not to be deprived of those interests by the ordinary court rules designed particularly for private disputes over individually owned pieces of property; and officers who have no authority at all to dispose of Government property cannot by their conduct cause the Government to lose its valuable rights by their acquiescence, laches, or failure to act.

Mr. President, that is a well-known doctrine applicable in favor of the Government, a doctrine quite different from that which is applied in a dispute between private persons, but as to the Government it is well established. Of course, an official of the Government cannot destroy the rights of all the people of the country because of some failure on his part to take some action.

The PRESIDING OFFICER. The time of the Senator from Oregon has expired.

Mr. MORSE. Mr. President, may I ask for two more minutes?

Mr. O'MAHONEY. I yield two more minutes to the Senator from Oregon.

Mr. MORSE. So, in the California case, Mr. President, the Court ruled that the ordinary rules as to the doctrines of laches, estoppel, or adverse possession did not apply where sovereignty was the gist of the matter. In the Pollard case, the Court in effect made exactly the same basic decision. Compare this following statement from the dissenting opinion in the Pollard case with the contemporary allegations against the Supreme Court:

An assumption that mud flats and swamps once flowed, but long since reclaimed, had passed to the new States, on the theory of sovereign rights, did, at the first, strike my mind as a startling novelty; nor have I been enabled to relieve myself from the impression, owing to the fact in some degree, it is admitted, that for 30 years neither Congress, nor any State legislature, has called in question the power of the United States to grant the flowed lands, more than others: the origin of title, and its continuance, as to either class, being deemed the same. A right so obscure, and which has lain dormant, and even unsuspected, for so many years, and the assertion of which will strip so much city property, and so many estates of all title, should as I think be concluded by long acquiescence, and especially in courts of justice.

Here is a claim made in the Pollard case on behalf of the United States which is identical to the claim made in the California case on behalf of the State. In both cases the Court necessarily disregarded the allegation that such a claim was applicable.

Another and possibly even more persuasive comparison relates to the clause in the compact between Texas and the United States at the time of Texas' entry into the Union. In the case *United States v. Texas*, (339 U. S. 707) it was pointed out that Texas, under the Resolution of Annexation should retain all "the vacant and unappropriated lands lying within its limits." This clause was

urged by Justices Reed and Minton in their dissenting opinion as requiring a finding on whether the submerged lands off Texas were actually such vacant and unappropriated lands, and others have since made the point. However, in the Pollard case, there was also such a clause, running that time, however, in favor of the United States. There, the convention of Alabama had adopted an ordinance declaring the following:

That this convention, for and on behalf of the people inhabiting this State, do ordain, agree, and declare that they forever disclaim all rights and title to the waste or unappropriated lands lying within this State; and that the same shall be and remain at the sole and entire disposition of the United States.

In commenting on the fact that the Supreme Court in the Pollard case disregarded this clause Justice Cantrou, dissenting, commented:

That the lands in contest, and granted by the acts of 1824 and 1836, were of the description of "waste or unappropriated" and subject to the disposition of the United States, when the act of Congress of the 2d of March 1819, was passed, is not open to controversy, as already stated; nor has it ever been controverted that whilst the Territorial Government existed, any restrictions to give private titles were imposed on the Federal Government; and this in regard to any lands that could be granted. And I had supposed that this right was clearly reserved by the recited compacts as well as on the general principle that the United States did not part with the right of soil by enabling a State to assume political jurisdiction. That the disclaimer of Alabama to all right and title in the waste lands, or in the unappropriated lands lying within the State, excludes her from any interest in the soil, is too manifest for debate, aside from all inference founded on general principles. It follows, if the United States cannot grant these lands, neither can Alabama; and no individual title to them can ever exist. And to this conclusion, as I understand the reasoning of the principal opinion, the doctrine of a majority of my brethren mainly tends. The assumption is, that flowed lands, including mudflats, extending to navigable waters, are part of such waters, and clothed with a sovereign political right in the State; not as property, but as a sovereign incident to navigation, which belongs to the political jurisdiction; and being part of State sovereignty, the United States could not withhold it from Alabama.

How there could be greater consistency is beyond me. Far from applying any new doctrine in the California, Louisiana, and Texas cases, the Supreme Court quite obviously applied in toto the doctrine of the Pollard case. On the points which I have cited, and on other collateral points, the similarity is striking to the extent, I submit, that the Pollard case must stand or fall from a legal standpoint with the California, Louisiana, and Texas cases.

In this connection, I firmly believe that the doctrine of the Pollard case, as well as the doctrine of those succeeding it in line, is eminently sound in its result; to the effect that the inland waters of this country, and the lands thereunder, including the tidelands, are primarily under the control of the States, as an incident of the municipal or internal sovereignty of those States. I think that it is also equally sound to have

ruled, as the Supreme Court did in the California and succeeding cases, that the marginal sea and the submerged lands are primarily under the control of the National Government, as an incident of national or external sovereignty.

In closing, I would like to discuss one other point over which there has been much discussion. This relates to the term "paramount," which the Supreme Court used to describe the nature of the rights which the Federal Government has in the marginal sea area. It is clear that in one sense the Court used the word "paramount" in describing the weight of sovereign interest as between the States and the Federal Government as to the marginal sea area. In this sense, it was used interchangeably with the term "predominant." For instance, in the California case the Court referred to the "local interest . . . so predominant as constitutionally to require State dominion over lands under its landlocked navigable water." Soon thereafter the Court referred to the paramount responsibilities of the Nation as to the marginal sea and the submerged lands. In both these instances the terms are obviously used to describe the weight of interest to the area in question.

The Supreme Court also used the term "paramount," as did the pleadings, in connection with the rights which it held accrue to the Federal Government in the marginal sea area, as follows:

Now that the question is here, we decide for the reasons we have stated that California is not the owner of the 3-mile marginal belt along its coast, and that 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 (*U. S. v. California*).

It is evidently this use of the term "paramount," accompanied by the elimination of any reference to strict proprietorship from the decree proposed by the United States in the California case, which has caused some concern in some quarters. After long and serious study, I cannot see any reason at all why this use of the term "paramount," and the lack of a decree as to strict proprietorship should disturb anyone. It is traditional that, where two parties are contesting rights in land in the nature of ejectment or trespass, title is not the only ground of decision. Rights to possession are sometimes adjudicated instead, with the issue of title never arising. In this connection the term "paramount" is often utilized to designate the prevailing rights. In this connection I quote the case of *Board of Com'rs of Big Horn County v. Bench Canal Drainage Dist., Wyo.* (108 P. 2d 590, 594).

By the term "paramount" is meant superior, preeminent, of the highest rank or nature. The lien to which another lien yields and is inferior is the "paramount lien," and where one is paramount, the other cannot be held of equal rank.

Fortunately for the States and for our political system the majority of the court in the Pollard case ruled in 1845 against the same kind of arguments that we now hear in 1952. In the Pollard

case the court was ruling as to inland waters and the land thereunder dealing with the sovereign rights of the individual States, and in the California, Louisiana, and Texas cases, the court was passing on rights in the marginal sea, beyond the low-water mark, dealing with the sovereign rights of all the people of the United States.

I close, Mr. President, by saying that the Pollard case and the California, Louisiana, and Texas cases are not different in underlying principle. On the contrary, they are identical in underlying principle, the principle that the interests of sovereignty as allotted by our Constitution determine jurisdiction over our waters and the lands thereunder.

Therefore, Mr. President, I shall vote to protect the interests of the people of the United States in those lands situated beyond the low-water mark of the open ocean.

Mr. McCARRAN. Mr. President, will the Senator from Wyoming yield me a minute or probably less?

Mr. O'MAHONEY. I yield to the Senator from Nevada.

The PRESIDING OFFICER. The Senator from Nevada is recognized for 1 minute.

Mr. McCARRAN. Mr. President, in the Seventy-ninth Congress the senior Senator from Nevada was the author of the first quitclaim bill with respect to tidelands which was dealt with by Congress. I am vain enough to believe that the report on that bill, which was Report No. 1260 of the Seventy-ninth Congress, Calendar No. 1284, was one of the outstanding reports on this subject. Therefore, I ask unanimous consent that I may insert the report on that particular bill which was submitted to the Senate by my committee, through the senior Senator from Nevada, and that it may become a part of my remarks in the body of the RECORD.

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

Your committee, having under consideration the joint resolution (H. J. Res. 225) to quiet the title of the States, and others, to lands beneath tidewaters and lands beneath navigable waters within the boundaries of such States and to prevent further clouding of such titles, report favorably thereupon, without amendment, and recommend that the joint resolution do pass.

Hearings on this joint resolution, and on Senate Joint Resolution 48 introduced by the chairman of the committee, Senator McCARRAN, were held on February 5, 6, and 7, 1946, as supplemental to the joint House and Senate hearings held on June 18, 19, and 20, 1945.

1. RESUMÉ OF THE RESOLUTION

The resolution constitutes a quitclaim to lands underlying the navigable waters of the United States, reclaimed or unfiled, within the boundaries of the respective States. It does not, in the opinion of the committee, give away anything to which the United States has any justifiable claim, but merely removes a cloud from the judicially established title of the States and their grantees, caused by the assertion of claim by certain Federal administrative officials.

It preserves the title of the United States to such lands where they have been law-

fully acquired by donation, purchase, or otherwise.

The resolution does not affect the right of the United States to acquire such lands lawfully in the future for any Federal purpose; nor does it, of course, abridge any constitutional power to regulate and control commerce and navigation.

2. THE HISTORY MOTIVATING THE RESOLUTION

For more than 100 years the States and their grantees, public and private, have expended vast sums in the development and construction of improvements on the lands affected by the resolution in reliance upon an unbroken line of decisions of the Supreme Court of the United States holding that States have title to such lands.

As recently as 1933 the then Secretary of the Interior denied an application by a private person for an oil-drilling permit on lands off the California coast, quoting a decision of the Supreme Court holding the title to these lands was vested in the States, the Secretary calling this "the settled law."

Four years later, in 1937, resolutions were introduced in the Congress for the first time asserting Federal ownership of these lands. These resolutions failed of passage. Their mere introduction, nevertheless, created a cloud upon the title to these lands.

Since that time there has been continuous agitation by private applicants for Federal oil leases on such of these lands as are known to contain petroleum deposits. It is therefore clear that the chief connection of oil with this resolution is that applications by private interests for oil-drilling permits furnished the first occasion in the history of the Nation for a claim that the States did not own lands under navigable waters.

Further aggravating the cloud on these titles, the then Secretary of the Interior reversed himself and, in the early spring of 1945, publicly announced that he intended to grant such applications of private interests on the theory that these lands were owned by the United States.

Immediately thereupon, a series of resolutions, of which House Joint Resolution 225 is the composite, were introduced in the Senate and the House of Representatives.

3. RESOLUTION AFFECTS HARBORS, OIL, PARKS, SHRIMP, OYSTERS, COAL, GRAVEL, AND OTHER INDUSTRIES

The testimony before the committee indicates that there are petroleum deposits in lands under navigable waters in quite a number of States; these include Texas, Louisiana, California, Mississippi, Ohio, Indiana, Pennsylvania, and others. The testimony likewise shows that there has been invested billions of dollars in harbor facilities, industrial, business, and residential improvements by public authorities and private interests in and upon these lands, which include the facilities of every port and harbor of the Nation. Many cities have parks and recreation areas, highways, and other public developments on such lands. These developments, public and private, alone far exceed many times over the value of the petroleum deposits.

In addition, the testimony revealed many other diverse interests which are conducted on lands affected by this legislation. These include, for example: coal, brine wells, gravel beds, oyster beds, mussel shells, shrimp fisheries, diamonds, crab fishing, sulfur, muskrats, marine fisheries, salt-water fish, and other industries producing millions in income in practically every State in the Nation.

In the opinion of the committee, no distinction can be made between the claim of ownership of any of these lands upon which such improvements have been constructed or from which such natural resources are produced or obtained.

4. FIFTY-FOUR UNITED STATES SUPREME COURT DECISIONS SUPPORT THE RESOLUTION

In 54 decisions, over a period of 100 years, the Supreme Court of the United States has held that the ownership of lands beneath navigable waters lies in the States and in those to whom the States have granted them.

There is no decision to the contrary by any court in the Nation.

As early as 1845, the Supreme Court, in *Pollard's Lessee v. Hagan* (3 How. (44 U. S.) 212), held that the title to the lands under the navigable waters of Mobile Bay was not vested in the United States Government, but that the ownership of such lands was held by the State of Alabama and could not be conveyed away by the Federal Government.

This doctrine applies likewise to lands underlying inland navigable waters. In *Illinois Central R. R. v. Illinois* (146 U. S. 387 at p. 435), it is said:

"The same doctrine is in this country held to be applicable to lands covered by fresh water * * * and there is no reason or principle for the assertion of dominion and sovereignty over and ownership by the State of lands covered by tidewaters that is not equally applicable to its ownership of and dominion and sovereignty over lands covered by the fresh waters of these lakes."

This same rule applies to lands under rivers. (See *Shively v. Bowlby*, 152 U. S. 1; *United States v. Utah*, 283 U. S. 64.)

And, likewise, it has been decided that lands underlying the bordering oceans within the 3-mile limit belong to the States within their respective boundaries (*Martin v. Waddell*, 41 U. S. 366, 410).

Thus, it would seem, the title to all classes of lands underlying navigable waters has been confirmed to the States by the Supreme Court, and any modification of these decisions would constitute a change in a rule of property which has existed since the founding of the Nation.

It has been argued that Federal power over commerce (which includes navigation) and to maintain a Navy requires oil and that therefore the Federal Government may take oil from beneath lands under navigable waters. But the Supreme Court long ago answered that question when it was contended that the taking of oysters from lands under navigable waters was incidental to commerce over such waters, saying "commerce has nothing to do with land while producing, but only with the product after it has become the subject of trade" (*McCready v. Virginia* (94 U. S. 391, 396)). (See also House hearings, 1939, p. 42). Moreover, it must be evident that, if the commerce or naval power includes the right to take property in lands under navigable waters without compensation for whatever may be useful in the exercise of such powers, then there are no private rights of property in such lands since every type of usufruct may be used in the Navy or for commerce. The theory is simply a disguised method of eliminating rights of property in such lands in favor of a theory of grace.

5. PENDING LITIGATION SHOULD NOT ABATE THE RESOLUTION

1. It has been suggested that Congress should not act because there is litigation pending in the Supreme Court involving the subject matter of the legislation. This is untenable because of the fact that the present resolution was passed by the House of Representatives on September 20, 1945, and this pending suit was filed subsequently in October 1945. True, there had been a proceeding filed in the Federal District Court of California prior thereto, but likewise that followed: (a) by 60 days the introduction of these resolutions, and (b) the setting of the resolutions for hearings. It is the opinion of the committee that the Congress should not permit itself to be embarrassed in its consideration of legislation by the sub-

sequent institution of judicial proceedings by another branch of the Federal Government.

2. An examination of 26 cases in which the Supreme Court of the United States has taken original jurisdiction reveals that it took that Court an average of over 9 years to decide those cases. The Attorney General has included in his Supreme Court petition all lands bordering on the sea in the State of California for that State's entire 1,000-mile coast line. It is not reasonable to assume that the Supreme Court will decide this, one of the most complicated of all cases of original jurisdiction, within its average period of 9 years. Also, if all a Federal official needs to do to stop Congress from acting is to file a lawsuit, such suits will be filed every time the Congress takes up legislation which is not favored by any one of the Federal Government's hundreds of agencies. The Supreme Court, in the cases referred to above, has on many occasions held that changes by Congress in particular legislation has divested it of jurisdiction and no question of impropriety was ever raised. Chief Justice Marshall stated the rule now followed by the Supreme Court many years ago when he said:

"If, subsequent to the judgment (in the lower court) and before the decision of the appellate court a law intervenes and positively changes the rule which governs, the law must be obeyed" (*United States v. Schooner Peggy* (5 U. S. 103)).

It is certainly unjust to allow the title to all lands under navigable waters to remain clouded for many years while the Supreme Court is deciding the fifty-fifth case of a series on this subject when the Congress can, and in good equity should, end all clouds by adopting this resolution. Tremendous postwar developments involving millions of dollars are being delayed until this matter is settled.

3. Another decision by the courts would not be any more effective in preventing later attacks on the States' titles than have been the others. In 54 cases the Supreme Court of the United States has upheld the ownership of these lands in the States or their grantees. There is no reason to believe one more decision (the fifty-fifth of this series) will prevent some other official from trying to reopen the question in some other State with respect to some other land.

4. If the Supreme Court of the United States should reverse itself, unending litigation would result for probably half a century, for it would mean that the boundary of every parcel of land fronting on navigable waters in the whole Nation would necessarily require judicial determination.

5. It has been suggested that there is a difference in title as to lands in harbors and bays and those lands fronting on the open sea. There is no case which countenances the distinction. Assuming this distinction should be made in the pending Supreme Court case, it would be up to the courts to determine in continuous litigation what lands lie beneath the open sea and what lands lie within bays and harbors.

6. In the opinion of the committee, should the Supreme Court reverse itself, the result would be so catastrophic to the economy of the country resulting from the overthrow of long-established rules of property, that the Congress would as a matter of equity be forced to enact legislation having an object similar to that of House Joint Resolution 225.

6. SUPPORT FOR AND OPPOSITION TO RESOLUTION

Forty-eight State and local public officials, representing among them 47 States, 417 cities located in all 48 States, 50 public port authorities, and other public agencies, appeared in support of the resolution. Two private persons (the attorney for one of these) and one public official appeared in opposition to the resolution.

7. CONCLUSION

The committee concludes that as a matter of sound legislative policy this resolution should pass, as its adoption is the only way to set at rest permanently a controversy which involves titles to property in every State of the Nation.

Mr. MAGNUSON. Mr. President, will the Senator from Wyoming yield 5 minutes to me?

Mr. O'MAHONEY. I yield 5 minutes to the Senator from Washington.

Mr. MAGNUSON. Mr. President, before the vote is taken on the joint resolution and amendments, I wish to state my position on the issues involved, particularly as they relate to my own State of Washington.

Unfortunately the question, "Who owns the submerged lands lying oceanward between low tide and the 3-mile limit?" has become both a legal and a political question. Personally, I regret very much that some have seen fit to make a political football out of an issue which is legal in its essence, particularly as it applies to the State of Washington. For example, the governor of my own State has sought to make political capital out of this legal question.

In my opinion, the record on the matter, strangely enough, seems to be extremely weak. Belatedly, and only after receiving a letter from the Secretary of the Interior—which, of course, I thought was a little premature and ill-advised at the time, and so told the Senate—did the governor apparently awaken to the fact that ownership of the 3-mile belt, running from a midpoint in the Strait of Juan de Fuca to a midpoint in the Columbia River, was in question.

As chief executive of the State, the governor has an affirmative and constitutional responsibility to protect whatever rights the people of the State of Washington have in this or any other controversy contesting domain. The people of the State have a right to ask, "What has been done, if anything, since June 1950 to protect any State rights we may have to our submerged coastal lands?" Because in June of that year the Supreme Court of the United States handed down decisions in the Texas and Louisiana cases. In those cases the Supreme Court decided that the two States never had title to the submerged lands. In an earlier decision involving submerged lands off the coast of California, the Supreme Court decided the issue in a similar manner. The date of the earlier decision was June 1947.

Mr. President, under our constitutional system, the Supreme Court has jurisdiction over disputes between the States and the Federal Government. Decisions of the Court represent the highest law of the land. Whether one agrees with a decision is beside the point. Once the decision is made, it must be accepted, by any person who thinks in constitutional terms, as the final word on matters of this kind.

Therefore, the chief executive of a State, unless he denies the validity of the Supreme Court's action, should certainly have known since June 1950, at least, that there is serious question as to what rights the people of a State have

to the 3-mile belt lying oceanward from low tide.

Mr. President, what could a chief executive have done about it? He could have instituted a court action to protect the rights of the people of a State. He could seek to ascertain, through the legal, constitutional judicial process, who rightfully owns these submerged lands. But when a chief executive does nothing except issue a statement at the eleventh hour that he will fight to protect the State's rights to these submerged lands it may be too late. Mr. President, I, too, wish to protect whatever rights the people of my State may have in the submerged lands lying oceanward from low tide. That is why I am supporting the joint resolution before the Senate. For instance, if enacted, this resolution will give the State of Washington another 5 years in which to prosecute their claim in the courts of the United States of America, which under our Constitution have been provided precisely for this purpose.

Therefore, I urge our governor, our attorney general, who has been diligent, and our State land board, to initiate suit immediately to determine whether the claim of the State of Washington to these lands is sound in fact and in law. The Governor of Washington asserts that our case is different; that our claims to submerged lands is stronger than the claims made by California, Louisiana, and Texas. Mr. President, there is a very simple process by which this assertion may be tested, namely, to institute a friendly suit in a United States District Court or in the Supreme Court. This should have been done in 1950. If Senate Joint Resolution 20 or some of its amendments or substitutes become law, there will be time even now to do so. In the meantime exploration of our submerged lands can go forward, and all existing rights will be protected.

If Senate Joint Resolution 20 or any substitute does not become law, companies interested in exploring for oil will be operating in a legal no-man's land. They will not know whether a lease granted by the State has validity. They will not know whether to deal with the State officials or the Federal officials. Nor will they know positively whether the calculations are correct upon which they decide to make their investment.

If the pending joint resolution, with certain selected amendments, does not pass the Senate, or if it is not signed by the President, we will be sitting here a year from now listening to the same arguments we have heard for the last 3 weeks, and in the meantime exploration for oil and production of oil in submerged lands will be at a standstill.

The Governor of the State of Washington has not been diligent in protecting the rights of the people of the State of Washington. He has not used the constitutional process available to him, namely, court action. In consequence, it now becomes the duty of the Congress to protect the people of the State of Washington from the Governor's sins of omission. Mr. President, for the next few minutes, I wish to high light for the Senate the legal basis for asserting that

the people of the State of Washington own the submerged lands in the 3-mile belt, lying oceanward from low tide.

The State of Washington was a part of the old Northwest Territory. We all well recall the early controversies between Great Britain and the United States over ownership. Under the international doctrine of exploration and settlement, the dispute was resolved in favor of the United States, and our northerly boundary was set at the forty-ninth parallel.

Also, in accordance with international doctrine and practice, the oceanward boundary of the territory was set at one marine league seaward from low tide. Therefore, from the earliest days of the Northwest Territory the boundary of the expanse which is now the State of Washington was the usual 3-mile limit.

That part of the Northwest Territory which is now the State of Washington came into the Union under the provisions of the Enabling Act of February 22, 1889.

Section 18 of the Enabling Act contains the statement:

All mineral lands shall be exempted from the grants made by this act.

This language, out of context, can certainly be construed to mean that any minerals lying beneath submerged lands, including oil, were to be reserved for the people of the United States. However, no single provision should be read out of context, and only the courts of the United States are qualified to state precisely what the effect of this reservation is beyond the ownership of the 3-mile belt.

Pursuant to provisions of the Enabling Act of 1889, a constitutional convention was held in Washington Territory. A constitution was prepared and duly signed in August of 1889. That constitution was ratified by the people of the Territory at an election held on October 1, 1889, and on November 11, 1889, the President of the United States proclaimed the admission of the State of Washington into the Union.

The PRESIDING OFFICER. The time of the Senator from Washington has expired.

Mr. HOLLAND. Mr. President, I yield additional time to the Senator.

The PRESIDING OFFICER. The Senator from Washington may proceed. Mr. MAGNUSON. Mr. President, there are two provisions in the State constitution to which I wish to direct the Senate's attention.

Article 17 of that document is entitled "Tidelands" and reads as follows:

The State of Washington asserts its ownership to the beds and shores of all navigable waters in the State up to and including the land of ordinary high tide in the waters where the tide ebbs and flows.

It will be noted, Mr. President, that the State in its constitution positively and unequivocally asserts "ownership of navigable waters, including the land of ordinary high tide in waters where the tide ebbs and flows."

So far as I have been able to ascertain, the practice of the State of Washington in handling its ocean shorelands has been in conformity with this assertion of

ownership. Our State supreme court has ruled and the State land board has followed a policy for the last 30 or 40 years consistent with the assertion of ownership contained in article 17. In leasing or selling shorelands to the upland owner, the supreme court has ruled that the depth of the platted and non-platted shorelands shall be that distance from the shoreland out to that point where the body of water becomes navigable—the point at which the body of water becomes navigable has always been interpreted as the minimum distance from the shore that a person could row a boat.

In the management and administration of its own shorelands, as related to transactions with upland owners, therefore, the State has followed a practice—the State has adopted a policy in conformity with the constitutional assertion of outright ownership.

The point to remember is that State practice and policy involving the assertion of ownership has extended offshore only to the minimum point at which a man could row a boat. I mention this to demonstrate to the people of our State that there is a serious legal question as to the validity of ownership beyond that point.

Again I state that the meaning of article 17 of our constitution, as related to the present controversy, can only be determined by a court of competent jurisdiction.

I turn now, Mr. President, to another article of the State constitution, article 24, entitled "Boundaries." I shall read only that part of article 24 pertinent to the present discussion. Article 24 starts by tracing the boundary between Oregon and Washington; then between Washington and Idaho; then between Canada and the State on the north; then through the international waters adjacent to Puget Sound; thence from a point in the Pacific Ocean equidistant between Bonilla Point on Vancouver Island and Tatoosh Island lighthouse; thence running in a southerly course and parallel with the coast land, keeping one marine league offshore, to place of beginning.

Mr. President, there is an interesting legal point involved in the difference between the language used in article 17 on tidelands and the language used in article 24 dealing with boundaries.

As I have already indicated, in article 17, the State of Washington specifically and positively asserts ownership to the tidelands. In article 24 on boundaries, however, there is no mention whatsoever of ownership. The question, therefore, arises: Did the people of the State of Washington, when they ratified the constitution, themselves recognize a difference between the word "boundary" and ownership of lands within that boundary? If not, why did they specifically assert ownership to tidelands but not assert ownership to the submerged lands lying within one marine league offshore?

This, too, Mr. President, is a question which a court of competent jurisdiction should decide. If the people of the State of Washington through ratification of their constitution actually own

these submerged lands, they are entitled to them and to all the revenues those lands may produce. If the people of the State of Washington own these lands, there is no reason whatever why they should share the revenues of those lands with other States of the Union. The revenues from those lands, in the event they produce gas and oil, should be used to reduce the tax burden on the people of the State.

If, however, all mineral rights beneath these submerged lands were reserved for the people of the United States—as was stated in the enabling act—we have an entirely different question before us. The question would then be, "Shall the Congress of the United States give title to the people of the State of Washington?"

Mr. President, I want to know, as a matter of law, what rights my people have to these lands before I vote to quit-claim all coastal lands surrounding the United States to the 18 States involved. The claim of each State should stand on its merits. The way to determine the legal status of these claims should have been through the regular judicial process.

I regret the State of Washington did not institute suit to clarify its rights as far back as 1950. Again I urge the Governor, the attorney general, and the State land board to take advantage of the opportunity which Congress will give them by the passage of this joint resolution. I urge them to go to court to protect whatever rights the citizens of the State of Washington may have to the submerged lands lying 3 miles oceanward from low tide.

Let me add a postscript, Mr. President. There has been some doubt in my State as to just what the joint resolution provides regarding inland bays and waters. That question was amply clarified by the distinguished chairman of the committee one day last week. Again I say that the resolution before us clearly states what has been the fact anyway, namely, that Puget Sound and all inland bays, harbors, and waterways are the property of the State. It further authorizes the State to manage and administer all the fisheries resources contained in the waters within the 3-mile limit. Furthermore, the resolution as amended will confirm all rights to filled-in and reclaimed tidelands or submerged lands.

Mr. O'MAHONEY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Douglas	Hill
Anderson	Dworshak	Hoey
Bennett	Eastland	Holland
Benton	Ecton	Humphrey
Bricker	Ellender	Hunt
Bridges	Ferguson	Ives
Butler, Md.	Flanders	Johnson, Colo.
Byrd	Frear	Johnson, Tex.
Cain	Fulbright	Johnston, S. C.
Capehart	George	Knowland
Carlson	Gillette	Langer
Case	Green	Lehman
Chavez	Hayden	Long
Clements	Hendrickson	Magnuson
Connally	Hennings	Malone
Cordon	Hickenlooper	Martin

Maybank	Murray	Smith, Maine
McCarran	Neely	Smith, N. C.
McCarthy	Nixon	Sparkman
McClellan	O'Connor	Stennis
McFarland	O'Mahoney	Taft
McKellar	Pastore	Tobey
McMahon	Robertson	Underwood
Millikin	Russell	Watkins
Monroney	Saltonstall	Welker
Moody	Schoeppel	Wiley
Morse	Seaton	Williams
Mundt	Smathers	Young

The PRESIDING OFFICER. A quorum is present.

The question is on agreeing to the Connally amendment, in the nature of a substitute, as amended.

Mr. O'MAHONEY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. O'MAHONEY. As I understand, the question now is on the Connally substitute as amended by the Holland substitute.

The PRESIDING OFFICER. The Senator from Wyoming is correct.

Mr. O'MAHONEY. A vote in favor of the amendment would be a vote against the joint resolution as reported by the Committee on Interior and Insular Affairs, and it would be a vote in favor of a quitclaim measure.

The PRESIDING OFFICER. That would be the effect of it.

Mr. KNOWLAND. Mr. President, I request the yeas and nays.

The yeas and nays were ordered.

Mr. O'MAHONEY. Mr. President, I have consulted with the Senator from Florida [Mr. HOLLAND] and I understand that he does not desire any more time for debate.

Mr. HOLLAND. The distinguished senior Senator from Louisiana had a prepared speech which he told me he would like to insert in the RECORD at this point.

Mr. ELLENDER. I desired some time on the final passage of the bill.

Mr. HOLLAND. I misunderstood the Senator from Louisiana.

The PRESIDING OFFICER. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. JOHNSON of Texas. I announce that the Senator from Tennessee [Mr. KEFAUVER], the Senator from Oklahoma [Mr. KERR], and the Senator from West Virginia [Mr. KILGORE] are absent on official business.

The Senator from Tennessee [Mr. KEFAUVER] is paired on this vote with the Senator from Nebraska [Mr. BUTLER]. If present and voting, the Senator from Tennessee would vote "nay," and the Senator from Nebraska would vote "yea."

Mr. SALTONSTALL. I announce that the Senator from Maine [Mr. BREWSTER] and the Senator from Illinois [Mr. DIRKSEN] are absent on official business.

The Senator from Nebraska [Mr. BUTLER], the Senator from Indiana [Mr. JENNER], and the Senator from Massachusetts [Mr. LODGE] are necessarily absent.

The Senator from Missouri [Mr. KEM] and the Senator from Minnesota [Mr. THYE] are absent by leave of the Senate.

The Senator from Pennsylvania [Mr. DUFF] and the Senator from New Jersey [Mr. SMITH] are detained on official business.

If present and voting, the Senator from Pennsylvania [Mr. DUFF], the Senator from Maine [Mr. BREWSTER], the Senator from Massachusetts [Mr. LODGE], the Senator from Illinois [Mr. DIRKSEN], the Senator from New Jersey [Mr. SMITH], and the Senator from Minnesota [Mr. THYE] would each vote "yea."

On this vote, the Senator from Nebraska [Mr. BUTLER] is paired with the Senator from Tennessee [Mr. KEFAUVER]. If present and voting, the Senator from Nebraska would vote "yea," and the Senator from Tennessee would vote "nay."

The result was announced—yeas 50, nays 34, as follows:

YEAS—50

Bennett	Hendrickson	Mundt
Bricker	Hickenlooper	Nixon
Bridges	Hoey	O'Connor
Butler, Md.	Holland	Robertson
Byrd	Hunt	Russell
Cain	Ives	Saltonstall
Capehart	Johnson, Tex.	Schoeppel
Carlson	Johnson, S. C.	Smathers
Clements	Knowland	Smith, Maine
Connally	Long	Smith, N. C.
Cordon	Martin	Stennis
Dworschak	Maybank	Taft
Eastland	McCarran	Underwood
Ellender	McCarthy	Welker
Flanders	McClellan	Williams
Frear	McKellar	Young
George	Millikin	

NAYS—34

Aiken	Hennings	Morse
Anderson	Hill	Murray
Benton	Humphrey	Neely
Case	Johnson, Colo.	O'Mahoney
Chavez	Langer	Pastore
Douglas	Lehman	Seaton
Ecton	Magnuson	Sparkman
Ferguson	Malone	Tobey
Fulbright	McFarland	Watkins
Gillette	McMahon	Wiley
Green	Monroney	
Hayden	Moody	

NOT VOTING—13

Brewster	Jenner	Kilgore
Butler, Nebr.	Kefauver	Lodge
Dirksen	Kem	Smith, N. J.
Duff	Kerr	Thye

So the amendment, in the nature of a substitute, as amended, by the so-called Holland substitute, offered by Mr. CONNALLY on behalf of himself and other Senators, was agreed to.

The PRESIDING OFFICER. The question is on the third reading of the joint resolution, as amended.

The joint resolution, as amended, was ordered to a third reading, and was read the third time.

The PRESIDING OFFICER. The joint resolution, as amended, having been read the third time, the question is shall it pass?

Mr. DOUGLAS. Mr. President, on this question I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll; and Mr. AIKEN voted in the negative when his name was called.

Mr. HOLLAND. Mr. President—

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. HOLLAND. I yield to the Senator from Alabama [Mr. HILL] to permit him to submit several matters to be printed in the RECORD.

Mr. HILL. Mr. President, I ask unanimous consent to have printed at this point in the RECORD two editorials and one article in regard to the issue now be-

fore the Senate, and in particular reference to the oil-for-the-lamps-of-learning amendment.

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

[From the New York Times of March 27, 1952]

COASTAL OIL FUNDS ASKED FOR SCHOOLS—NINETEEN SENATORS SUPPORT MOVE TO EARMARK UNITED STATES ROYALTIES—FIFTY BILLION REVENUE SEEN.

WASHINGTON, March 26.—Nineteen Members opened a drive to provide what they called oil for the lamps of learning, today, as the Senate approached the voting stage on a bill dealing with leases to submerged oil lands off the coasts of the United States. Federal revenues from the offshore fields would be set aside for ultimate use in an aid-to-education program under terms of an amendment called up by Senator LISTER HILL, Democrat of Alabama, for himself and eighteen other Senators. Decisions on this and possibly other amendments are expected by the end of the week.

Under the amendment offered by Senator HILL, Federal royalties from the oil could be used for national defense during the present emergency. When no longer required for that purpose, the money would go into a fund that ultimately would be distributed among the States for educational purposes. In the meantime, a national council of twelve educators would devise detailed recommendations for an aid-to-education program for Congress to consider.

HILL MAKES PLEA FOR PROVISION

Mr. HILL estimated that \$50,000,000,000 could thus be earmarked for education before the offshore oil resources were exhausted. "Let us not fall now," he said. "We have rubbed the lamp, and the genie is before us, saying, 'Masters, I will build your school-houses. I will give your teachers a living wage. Masters, I will save your colleges.'"

Senator ERNEST W. MCFARLAND of Arizona, the majority leader, served notice meanwhile that no lobbyist would again be admitted to the Senate floor during business hours so long as he was there to stop it.

His remarks were prompted by the Senate's lifting its rules yesterday to permit Walter R. Johnson, registered lobbyist for the National Association of Attorneys General, to occupy a chair in the chamber during a speech by Senator SPESARD L. HOLLAND, Democrat, of Florida.

Mr. MCFARLAND, who was not present when Senator HOLLAND obtained unanimous consent to suspend the rules, said he would be "compelled to object" to any such request in the future.

The majority leader emphasized his belief that Mr. HOLLAND "would not do anything improper" but complained:

"There just wouldn't be any limit on how many people we could have on the floor."

Senator HOLLAND defended Mr. Johnson's presence as "a wholly proper exception to the ordinary rule." He said the sole purpose was to avail himself to the technical and professional advice on "cinokuated" details of the offshore oil problem during his speech.

He said Mr. Johnson registered as a lobbyist "as an excessive precaution" but actually was an employee of an organization supported by public funds and "a leading figure" in the fight for State control of offshore oil lands.

Senator RUSSELL B. LONG, Democrat, of Louisiana, called the criticism another attempt to "smear" advocates of State ownership.

The bill under consideration would authorize the Federal Government to lease the submerged oil fields for development by

private interests. It would also validate "good faith" leases now held by the States. Mr. HOLLAND and 30 other Senators are sponsoring a substitute that would surrender Federal claims to the lands.

[From the New York Times of March 28, 1952]

BATTLE OVER OIL

The Senate will have the opportunity next week to take a progressive step in resolving sensibly the 14-year-old battle between some States and the Federal Government over the control of oil lands beneath the marginal seas. It can take this step by approving Senator O'MAHONEY's interim resolution (S. J. Res. 20) which would permit development of this great natural resource under Federal auspices but with important concessions to the claims of the States.

Or the Senate can move backward by accepting the counterproposal to make a free gift of the lands to the States, despite repeated Supreme Court decisions that the Federal Government has paramount rights to the oil areas in dispute. The argument is anything but theoretical. It involves an estimated \$40,000,000,000 worth of oil reserves, which shall be used either for the benefit of all the people of the United States or for the benefit of the people of the three principal coastal States, California, Texas, and Louisiana, off whose shore the oil happens to lie.

As Senator PAUL DOUGLAS said: "When you strip away all the legal gobbledygook the off-shore oil issue comes down to this: Will the Congress take away \$40,000,000,000 of resources which belong to the 48 States and give them to three States?" The House last year passed a measure giving the States everything out to the 3-mile limit; and if the Senate follows suit the bill will almost certainly be vetoed, as it should be. On the other hand, if the Senate adopts Mr. O'MAHONEY's compromise proposal the States will profit greatly, while the Federal Government will retain the ultimate control of the land which the Supreme Court says it rightly has.

Broadly speaking the O'Mahoney bill recognized leases already issued by the States; authorizes Federal issuance of new leases but for the next 5 years, only with consent of the States if the lease is within the 3-mile limit, and grants the States three-eighths of the total revenue from operations within the area during that period. Development of the oil lands has been seriously hampered by legal complications since the Supreme Court decisions, and this measure would facilitate resumption of full-scale activity. Actual exploitation of the undersea lands would, of course, continue to be carried on by private enterprise, while ultimate control would rest with the Federal Government where it belongs.

An amendment to the O'Mahoney bill, offered by 19 Senators, provides that the royalties accruing to the Federal Government from the oil operations be eventually distributed among all the States for educational purposes. There is a great deal to be said for the idea, as in this way there would be clear and direct benefit to the people of all the States.

[From the Christian Science Monitor of March 29, 1952]

COMPROMISE MAY SOLVE UNDERSEA OIL DILEMMA

(By George Ericson)

The tidelands oil controversy between the Federal Government and the States may be resolved next week. This could settle what has been described as a \$40,000,000,000 case which has faced the legislators for 14 years. To whom does the oil belong which is found under the marginal seas of our coasts, more particularly those lying off California, Texas,

and Louisiana? Five years ago the Supreme Court ruled that the United States had "paramount rights and interests" in the underwater land off the California coast. Then in 1950 the Court gave a similar ruling with reference to Texas and Louisiana submerged lands.

The high-court rulings did not end the battle, since the decisions did not in legal language uphold the Federal Government's claim to actual title to the lands. Involved in the case are the millions of dollars impounded, first by the State of California since the 1947 ruling, and later by the United States after 1950, amounting in all to between \$45,000,000 and \$50,000,000. The 30 or more oil concerns which had spent about \$500,000,000 on leases, operations, and equipment found themselves in the unenviable position of not knowing who was the legal owner, but charged with trespassing on Federal property.

OIL FIRMS QUIT AWAITING NEW LAW

The result of the impasse is that the petroleum companies have ceased trying to really exploit the underwater wealth until Congress makes up its mind about the ultimate ownership. The 20,000-barrels-a-day output now obtained there is merely an earnest of the higher rate possible from the 10,000,000-barrel or more undersea reservoir estimated by geologists.

When the Iran trouble threatened a world shortage, pressure developed in Congress for some solution that would make the offshore oil available for defense. Considerable jockeying between the States' righters and Federal Government proponents took place, the approximate division being along the lines of the oil-producing States against the oil-consuming areas. In the interim no clear-cut victory for either side is claimed in the Senate where a handful of votes one way or the other may decide the battle.

It is an issue which should claim the interest of every citizen, for upon it hinges ownership of billions of dollars of undersea oil deposits in which the Federal Government has, according to Supreme Court dictum, a paramount interest. It is not a tidelands issue, since Congress has already made clear, and the administration has agreed, that land lying between low tide and high tide is not involved. What is at stake is the ocean bottom and what's under it beyond the shoreline. This area extends in different places for 3 miles, sometimes for 60 and even 100 miles out.

SOLUTION MAY BE BASED ON NATION'S SAFETY

Except for clarifying the position of the oil companies in the imbroglio, there is not the urgent need now for a hard and fast decision as there was when everyone was afraid of a world oil shortage. That fear has largely disappeared as a result of huge new reserves, particularly in the Western Hemisphere, and also because producers overseas easily made up the loss of Iranian output.

Nevertheless, a solution is certainly preferable soon, if only to reaffirm that vital natural resources should not be dissipated in the pursuit of quick gain. This is not to say that the individual States cannot lay claim to certain rights which inhere in geographical position. But until the world becomes a safe place to live in, law and logic should combine to insure that critical and irreplaceable materials be conserved in the interest of the whole people.

It is to the interest of the subsea oil-producing States to claim all the benefits from oil obtained within the 3-mile limit. It is to the interest of the National Government to claim these benefits for the Nation. The latter claim will stand until Congress passes a new law which can be upheld over a Presidential veto, or until the Supreme Court reverses itself.

The issue has the additional complication that the United States and Texas entered an

agreement in 1845 which specified that all unsold lands within the boundaries of the Republic of Texas—and these were held to extend 10½ miles beyond the shoreline—were retained by the State of Texas. This agreement was bypassed by the high Court in ruling that property rights must yield to political needs. Many prominent lawyers have disagreed strongly with the ruling of the four Justices who constituted a minority of the Supreme Court.

COMPROMISE BILL SEEN LOGICAL

In such a controversial situation then, a compromise suggests itself, which is exactly what one of the three bills before Congress proposes. Two of the bills are strictly pro-State solutions. One, the Walter bill, passed in the House by a big majority, would give the land and its revenues from the low-tide mark to the 3-mile limit to the coastal States, together with three-eighths of the revenues from the 3-mile limit to the Continental Shelf.

The other, the Holland bill, would give the States the revenues from the submerged lands within the 3-mile limit, with the Federal Government control beyond that limit. Either of these, if passed, would probably be vetoed by President Truman.

The third, the O'Mahoney bill, is an attempt to furnish a temporary solution of the impasse. It would give the States three-eighths of the oil revenues from within the 3-mile limit, with all other revenues to go to the National Government; it would recognize all leases already issued by the States, but new leases would be issued by the Federal Government with the States having a veto power on such leases for 5 years.

The oil companies favor this bill since under it they could begin to use their big investment. The States might accept if they could get amendments giving them the right to issue leases and allowing them three-eighths of all revenues within and beyond the 3-mile limit. A further amendment, backed by 19 Senators, would apportion all the Federal oil revenues to the 48 States for educational purposes. This amendment may win considerable support.

The passage of the O'Mahoney bill would not preclude either side from seeking more favorable legislation later. Logic, therefore, suggests that a compromise bill be given the right of way.

Mr. O'MAHONEY. Mr. President, will the Senator from Florida yield to me?

Mr. HOLLAND. I yield to the Senator from Wyoming.

Mr. BRIDGES. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from New Hampshire will state it.

Mr. BRIDGES. The yeas and nays were ordered, and the call of the roll began, and one Senator voted.

The PRESIDING OFFICER. However, the Senator from Florida had addressed the Chair before the roll call began.

Mr. BRIDGES. Mr. President, I do not wish to press the matter, but the fact remains that prior to that time the roll call had begun, and the Senator from Vermont [Mr. ARKEN] had voted when his name was called.

Mr. HOLLAND. Mr. President, I yield all remaining time.

Mr. O'MAHONEY. Mr. President, apparently more Senators are present at this time than when the vote was taken a few minutes ago. That may not be a fact, but I should like to call attention now in the time allotted—

Mr. BRIDGES. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from New Hampshire will state it.

Mr. BRIDGES. I do not wish to be technical regarding this matter, but the Senate must have some rules and must live by them.

The roll call had begun, and the Senator from Vermont [Mr. AIKEN] had voted. So I do not see how we can proceed with other matters at this time.

The PRESIDING OFFICER. The universal custom of the Senate has been that when a Senator is addressing the Chair when the roll call begins he is recognized.

Mr. BRIDGES. Even after a Senator has voted? Is that the universal custom?

The PRESIDING OFFICER. The Chair is advised by the Parliamentarian that if a Senator addresses the Chair before the vote is taken, such Senator always is recognized.

The Senator from Florida was on his feet, addressing the Chair, prior to the time when the clerk began to call the roll.

Mr. BRIDGES. Mr. President, I am not going to appeal from the ruling of the Chair; but I point out that a precedent has been established in connection with this matter, and it may be anticipated that in the future Senators may wish to avail themselves of this precedent.

QUITCLAIM BILL CANNOT PASS OVER VETO

Mr. O'MAHONEY. Mr. President, it had not been my intention to take any time now. However, inasmuch as several Senators were recognized after the yeas and nays were ordered and after the roll call began, I wish to point out that the vote now to be taken is on the adoption of the quitclaim bill. A vote "yea" is a vote to grant to a few coastal States the mineral wealth of ocean-submerged lands, which the Supreme Court has found in three cases to be within the jurisdiction of the Federal Government. Therefore, Senators who desire to register their vote against giving away the interests of all the people of all the States in these areas of national sovereignty should vote "nay."

Let me also say that the vote which has just been taken clearly demonstrates that at this time a vote "yea"—that is to say, a vote for the quitclaim bill—will be a vote for a measure which cannot possibly pass over the veto this quitclaim bill is certain to receive. That is one of the reasons why Senate Joint Resolution 20 was introduced, namely, it was realized that proposed legislation quitclaiming these areas of national sovereignty to a few coastal States could not become law.

Meanwhile, according to responsible leaders of the oil industry and of the Government, the United States gravely needs additional domestic sources of petroleum. Such domestic sources can be obtained through renewed exploration and development of the Continental Shelf, now at a standstill.

Therefore, Mr. President, a vote "nay" on this question will be a vote in the public interest—in the interest of all the people of all of the States of the United States.

Mr. HOLLAND. Mr. President, I had not intended to say anything at all at

this time. However, I think I should make a brief statement.

The PRESIDING OFFICER. Does either the Senator from New Hampshire or the Senator from Wyoming yield time to the Senator from Florida? The time is in the control of the Senator from New Hampshire and the Senator from Wyoming.

Mr. HOLLAND. Mr. President, I thought I controlled the time at this point. If I am in error, I should like to have 3 minutes yielded to me.

The PRESIDING OFFICER. The Chair is certain that the time is in control of the Senator from New Hampshire and the Senator from Wyoming.

Mr. BRIDGES. Mr. President, I am willing to yield to the Senator from Florida. How much time is left to me?

The PRESIDING OFFICER. Thirty minutes.

Mr. BRIDGES. Inasmuch as Senators are engaging in debate now, after the Senate began to vote, I shall be generous and shall yield to the Senator from Florida whatever time he needs.

Mr. HOLLAND. Three minutes will be sufficient.

Mr. BRIDGES. Very well; I yield 3 minutes to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized for 3 minutes.

Mr. CHAVEZ. Mr. President, a parliamentary inquiry: How can we deprive any Senator of the right to make a statement at this time? Inasmuch as the Senator from Vermont [Mr. AIKEN] has voted, what is the situation now, after the roll call has begun?

The PRESIDING OFFICER. The Chair will be glad to have the precedents read. However, it is obvious that at any time the Chair could very easily prevent any Senator from speaking, by refusing to recognize him and by having the roll call begun.

Therefore, it has always been the custom in the Senate that whenever a Senator is addressing the Chair at the time when a roll call begins, the roll call is voided, and the Senator who was addressing the Chair is recognized.

Mr. AIKEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Vermont will state it.

Mr. AIKEN. Although I frequently vote twice on a good many questions in situations such as this, my vote is counted only once. As a matter of fact, I think the Senator from Florida was on his feet when I voted "nay."

The PRESIDING OFFICER. The Chair so understood.

Mr. KILGORE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Florida has been recognized. Does he yield for the purpose of a parliamentary inquiry?

Mr. HOLLAND. I yield.

Mr. KILGORE. I was in my office when the last yea-and-nay vote was taken, but the bell did not ring, and for that reason I had no opportunity to participate in that vote. I wish to move to reconsider, because I desire to have an opportunity to vote on the last question which was voted on.

Can I make such a motion today or tomorrow?

Mr. HOLLAND. Mr. President, I do not yield for that purpose.

Mr. KILGORE. Mr. President, I am propounding a parliamentary inquiry. I ask whether I may make such a motion either today or tomorrow.

The PRESIDING OFFICER. The Senator has 2 days in which to make such a motion.

The Senator from Florida is recognized.

Mr. HOLLAND. Mr. President—
Mr. ELLENDER. Mr. President, will the Senator from Florida yield to me, to permit me to speak briefly at this time?

Mr. HOLLAND. I yield.

Mr. ELLENDER. Mr. President, when Napoleon Bonaparte was at the height of his power, he is quoted as saying that "An army marches on its stomach."

Today, along with food, oil constitutes a most necessary and important ingredient for a successful military campaign.

Senate Joint Resolution 20, which cloaks itself as an interim measure to allow the immediate resumption of oil activities in offshore fields, has ostensibly found its origin in this country's almost unquenchable thirst for oil for its defense machinery.

What a paradox we have here, Mr. President. The Federal Government, realizing its mistake in retarding offshore exploration and development by virtue of the Supreme Court decisions in 1947 and 1950, in the California, Texas, and Louisiana cases, now seeks to bring this source up to par by offering the States a sop, namely, 37½ percent of revenues which are rightfully 100 percent theirs.

This is no compromise measure. It is not interim legislation. This is a legalized confiscation, with a delayed-action fuse. For 5 years it would allow the States to assert more-or-less of a veto power over leasing operations; but at the end of that time, Uncle Sam would step in and run the whole show.

However, Mr. President, the States do get something under the joint resolution as reported by the committee, namely 37½ percent of their own oil revenues.

Can this measure by any stretch of the imagination be called fair?

Mr. President, I hesitate to offer an opinion as to the stage the development of these offshore oil resources would have reached today if the Federal Government had not stepped into the picture. But I can say that the United States of America would be in much better shape, as far as oil is concerned. All the Supreme Court has done is to give the bureaucrats the power to strip States of their own lands, and at the same time, to retard the development of a resource that is needed by our armed services and our people.

It appears obvious to me that if the United States needs this offshore oil, the simple thing, the quick thing, and the right thing to do would be to return these State lands to their rightful owners. Let the Coastal States take over the operations they were handling so well before the advocates of a highly centralized Government stepped in.

They are all prepared and ready to go. Let us keep the bureaucrats out of the picture entirely—both for the next 5 years and for all time.

Mr. President, every time representatives of these sprawling, ill-coordinated, duplicating Government agencies appear before the Appropriations Committee for more Federal funds, I personally wonder where this present road is going to lead our people. Now, with this so-called interim measure, we are being asked to approve another bureaucratic arm of Government—this time to lease lands which belong to the States. The picture is clear: More taxes, more \$10,000-a-year men, more Government employees, and less oil.

Every day the American oil industry finds new reserves. Every day the drill-bits and casings and pumps remove more of this precious natural resource. The offshore fields have just been tapped, and they lie ready and waiting to serve this country, to help us maintain our freedom and our standard of living.

The States alone, as I have indicated, are equipped to develop these resources quickly and in an orderly, efficient manner. It goes against the grain, indeed, for the Federal Government to claim otherwise. What power, what kind of mind, gives birth to the thought that the Federal Government can either more efficiently or in less time tap the underwater oil pools that lie off the shores of the Coastal States? Are the citizens of these States or their governments any less interested in the welfare of this country? The answer is obvious. These are State lands; this is State oil; to the States belong 100 percent of the revenues. But the oil itself, removed by private enterprise, will not find its way to Soviet Russia or Red China if the Coastal States are left in charge of the development of these fields. Mr. President, once these lands are returned to the States, once this question of bureaucratic looting of State property is justly settled once and for all, then the trickle of oil from offshore fields will become a flood; and our tanks, airplanes, trucks, and ships will have in abundance the fuel and lubricants they need.

Mr. President, the resources of the sovereign States of this Union lie at the disposal of the whole United States. All we ask is that use shall not constitute ownership, and that the revenues from these resources shall be vested in their rightful proprietors.

The States seek only to own what is rightfully theirs, to develop these properties as is their sovereign right, and to play their individual and traditional rôles in the maintenance of freedom in this country.

Mr. HOLLAND. Mr. President, I shall speak for 2 minutes, instead of 3.

The Senator from Wyoming has stated that we should not pass this measure, as now amended, because it could not be passed over a Presidential veto. I call the attention of the Senate to the fact that Senate Joint Resolution 20, as reported, very evidently could not be passed over a Presidential veto, and could not be passed at all. So the only chance we have to enact legislation on this subject

is to vote in favor of the pending measure, as amended.

I believe this measure can be passed over a Presidential veto. About nine Senators who are away today favor this measure, as I am informed. I believe there are other Senators who, rather than leave this question in the air, unsolved, will in the event of a veto, vote on this measure contrary to the votes they have cast here today.

I feel most seriously that it is not at all in accord with the recognition of their responsibilities for Senators to be told that they should vote thus and so, or else a Presidential veto will prevent the measure from becoming effective.

Mr. President, I hope this measure will be passed.

The question is, Shall the joint resolution pass?

The PRESIDING OFFICER. The yeas and nays having been ordered, the clerk will call the roll.

The Chief Clerk proceeded to call the roll, and Mr. AIKEN voted in the negative when his name was called.

Mr. MALONE. Mr. President—
The PRESIDING OFFICER. The Senator from Nevada was on his feet when the Senator from Vermont voted.

Mr. CASE. Mr. President, I submit that the Senator from Nevada should be recognized, under the precedents of the Senate.

Mr. MALONE. Mr. President, I have been waiting 5 minutes for an opportunity to address the Chair.

The PRESIDING OFFICER. For what purpose does the Senator from Nevada rise?

Mr. MALONE. I rise to offer an amendment to the amended joint resolution.

Mr. HOLLAND. Mr. President, a point of order.

Mr. McFARLAND. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The joint resolution is not now open to amendment. The Senator from Arizona will state his inquiry.

Mr. McFARLAND. I think the Chair must have misunderstood the inquiry of the Senator from West Virginia, when he asked, after the third reading of the joint resolution, as amended, whether he could move to reconsider the vote on the Holland amendment. As I understand, the vote on the amendment could not then be reconsidered.

The PRESIDING OFFICER. The Senate having agreed to the Holland amendment in the nature of a substitute, and the joint resolution as thus amended having been read the third time, there can only be a motion to reconsider the vote on the final passage of the joint resolution, after that vote is taken.

SEVERAL SENATORS. Vote! Vote!

Mr. MALONE. Mr. President, I move to reconsider the vote.

SEVERAL SENATORS. Vote! Vote!

The PRESIDING OFFICER. The motion first would have to be to reconsider the vote by which the joint resolution was engrossed.

Mr. MALONE. I so move.

Mr. KNOWLAND. I move to lay the motion of the Senator from Nevada on the table.

The PRESIDING OFFICER. The question is on the motion of the Senator from California to lay the motion of the Senator from Nevada on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The clerk will resume the call of the roll.

The Chief Clerk resumed and concluded the call of the roll.

Mr. JOHNSON of Texas. I announce that the Senator from Tennessee [Mr. KEFAUVER], and the Senator from Oklahoma [Mr. KERR], are absent on official business.

The Senator from Tennessee [Mr. KEFAUVER] is paired on this vote with the Senator from Nebraska [Mr. BUTLER]. If present and voting, the Senator from Tennessee would vote "nay," and the Senator from Nebraska would vote "yea."

Mr. SALTONSTALL. I announce that the Senator from Maine [Mr. BREWSTER], and the Senator from Illinois [Mr. DIRKSEN], are absent on official business.

The Senator from Nebraska [Mr. BUTLER], the Senator from Indiana [Mr. JENNER], and the Senator from Massachusetts [Mr. LODGE] are necessarily absent.

The Senator from Missouri [Mr. KEM], and the Senator from Minnesota [Mr. THYE], are absent by leave of the Senate.

The Senator from Pennsylvania [Mr. DUFF] and the Senator from New Jersey [Mr. SMITH] are detained on official business.

If present and voting, the Senator from Pennsylvania [Mr. DUFF], the Senator from Maine [Mr. BREWSTER], the Senator from Massachusetts [Mr. LODGE], the Senator from Illinois [Mr. DIRKSEN], the Senator from New Jersey [Mr. SMITH], and the Senator from Minnesota [Mr. THYE] would each vote "yea."

On this vote the Senator from Nebraska [Mr. BUTLER] is paired with the Senator from Tennessee [Mr. KEFAUVER]. If present and voting the Senator from Nebraska would vote "yea" and the Senator from Tennessee would vote "nay."

The result was announced—yeas 50, nays 35, as follows:

YEAS—50

Bennett	Hendrickson	Mundt
Bricker	Hickenlooper	Nixon
Bridges	Hoey	O'Connor
Butler, Md.	Holland	Robertson
Byrd	Hunt	Russell
Cain	Ives	Saltonstall
Capehart	Johnson, Tex.	Schoepfel
Carlson	Johnston, S. C.	Smathers
Clements	Knowland	Smith, Maine
Connally	Long	Smith, N. C.
Cordon	Martin	Stennis
Dworshak	Maybank	Taft
Eastland	McCarran	Underwood
Ellender	McCarthy	Welker
Flanders	McClellan	Williams
Frear	McKellar	Young
George	Millikin	

NAYS—35

Aiken	Hennings	Moody
Anderson	Hill	Morse
Benton	Humphrey	Murray
Case	Johnson, Colo.	Neely
Chavez	Kilgore	O'Mahoney
Douglas	Langer	Pastore
Ecton	Lehman	Seaton
Ferguson	Magnuson	Sparkman
Fulbright	Malone	Tobey
Gillette	McFarland	Watkins
Green	McMahon	Wiley
Hayden	Monroney	

NOT VOTING—11

Brewster	Jenner	Lodge
Butler, Nebr.	Kefauver	Smith, N. J.
Dirksen	Kem	Thye
Duff	Kerr	

So the joint resolution (S. J. Res. 20), as amended, was passed.

Mr. HOLLAND. Mr. President, I move that the Senate reconsider the vote by which the joint resolution was passed.

Mr. KNOWLAND. I move to lay that motion on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from California [Mr. KNOWLAND] to lay on the table the motion to reconsider.

The motion was agreed to.

The PRESIDING OFFICER. The question is now on agreeing to the preamble.

Mr. HOLLAND. I move that the preamble be amended in accordance with the amendment which lies on the desk.

The PRESIDING OFFICER. The preamble as carried on Senate Joint Resolution 20 hardly fits the language substituted by the Senator from Texas and the Senator from Florida.

Mr. HOLLAND. I move that the preamble be stricken.

The motion was agreed to.

The PRESIDING OFFICER. Without objection, the title will be amended so as to read: "Joint resolution 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 such lands and resources."

Mr. HOLLAND. Mr. President, does the joint resolution as passed, with the revised title, make complete legislation?

The PRESIDING OFFICER. It does.

LETTER FROM THE PRESIDENT WITH REFERENCE TO SENATE BILL 940

Mr. LEHMAN. Mr. President, during the course of the debate this afternoon, I placed in the RECORD a letter addressed by the mayor of the city of New York to the President of the United States. I now ask unanimous consent to have printed in the body of the RECORD as a part of my remarks on the amendment which I offered, and which was adopted by the Senate, a copy of a letter from the President of the United States to the mayor of New York City in reply to the mayor's communication.

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

FEBRUARY 14, 1952.

HON. VINCENT R. IMPELLITTERI,
The Mayor,
The City of New York,
New York, N. Y.

DEAR MR. MAYOR: I have your letter of February 1, in which you urge me to support S. 940, now pending in the Senate of the United States. You say that the purpose of the resolution, and of H. R. 4484, already passed by the House of Representatives, is to reaffirm that title to lands under tidewaters and navigable waters has always been vested in the State and grantees, such as the city of New York.

Apparently, you have been completely misinformed as to the purpose and effect of

H. R. 4484 and of S. 940. Under the guise of reaffirming titles which do not really need reaffirming, this proposed legislation would nullify the decisions of the Supreme Court of the United States in the California, Louisiana, and Texas cases, and would transfer all rights in the marginal sea, especially to its vast mineral resources, including oil, from the United States to the adjacent States.

The United States has no claim, by reason of national external sovereignty, to any inland waters, including rivers, bays, and harbors. It has no claim, and never has made any, to any property or rights belonging to the city of New York in its harbor to which you refer in your letter. The theory that such rights are in controversy has been advanced to becloud the vital issues at stake in the efforts of certain States to continue to exploit for themselves the vast oil resources in the sea which belong to all the people of the Nation.

The fact that inland waters and the beds of such waters are not involved has been repeatedly stated by me—and by other representatives of the executive branch before committees of the Senate and House and before the Supreme Court of the United States.

In addition to the repeated disclaimers made with respect to lands beneath inland navigable waters before committees of Congress and before the Supreme Court, the executive branch has, drafted a bill which would remove all possible doubt as to State ownership of such lands. This measure was originally introduced in the Eightieth Congress, and is now before the Eighty-second Congress as S. 1540. A copy of S. 1540 is enclosed for your information. The enactment of this measure would provide any assurance anyone could desire that no claim could ever be made in respect to the city's harbor and waterfront properties.

S. 940, to which you refer, has been acted upon adversely by the Senate Committee on Interior and Insular Affairs, and that committee has reported favorably the joint resolution (S. J. Res. 20) to provide for interim development of oil deposits in offshore lands until permanent legislation is adopted. Copies of the committee report and of the joint resolution, as reported, are also enclosed.

I believe you will find that Senator LEHMAN, as a member of the Committee on Interior and Insular Affairs, has attended the hearings and the meetings at which the subject was considered, and is convinced that the interests of the people of New York will be advanced and not impaired in any way by the rejection of H. R. 4484 and S. 940, and by the prompt passage of S. J. Res. 20.

I trust that you will give renewed consideration to the matter, in the light of this letter.

Sincerely yours,

HARRY S. TRUMAN.

MESSAGE FROM THE HOUSE— ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills:

- S. 430. An act for the relief of Mark G. Rushmann;
- S. 554. An act for the relief of Boutros Mouallem;
- S. 588. An act for the relief of Juan Sustarsic;
- S. 590. An act for the relief of Francesco Gaber;
- S. 715. An act for the relief of Ana Cobo Alonso;
- S. 858. An act for the relief of Mrs. Pauline J. Gourdeaux;

S. 931. An act for the relief of Bernard Kenji Tachibana;

S. 970. An act for the relief of Esther V. Worley;

S. 985. An act for the relief of Agnes Anderson;

S. 1052. An act for the relief of Maria Rhee;

S. 1226. An act for the relief of Emelle Simha;

S. 1368. An act to amend subsection (A) of section 1107 of the District of Columbia Code of 1901, as amended by section 2 of the Act of December 20, 1944 (D. C. Code, sec. 15-403 (a)), and to amend section 467 of the District of Columbia Code of 1901 (D. C. Code, sec. 16-323);

S. 1415. An act to amend sections 6 and 7 of the War Claims Act of 1948;

S. 1426. An act for the relief of Yoshiyuki Mayeshiro;

S. 1428. An act for the relief of John Tzavararis;

S. 1458. An act for the relief of Joe W. Wimberly;

S. 1469. An act for the relief of Julie Bettelheim and Evelyn Lang Hirsch;

S. 1604. An act for the relief of Truman W. McCullough;

S. 1668. An act for the relief of Pansy E. Fendergrass;

S. 1682. An act for the relief of Daniel J. Crowley;

S. 1749. An act for the relief of Gordon E. Smith;

S. 1949. An act for the relief of Hattie Truax Graham, formerly Hattie Truax;

S. 998. An act for the relief of J. Hibbs Buchman and A. Raymond Raff, Jr., executors of the estate of A. Raymond Raff, deceased;

S. 2004. An act for the relief of Mr. and Mrs. David F. Perkins;

S. 2005. An act for the relief of Harriet F. Bradshaw;

S. 2100. An act for the relief of Robert Joseph Vetter;

S. 2113. An act for the relief of Martha Brak Foxwell;

S. 2150. An act for the relief of Joachim Nemitz;

S. 2418. An act for the relief of Britt-Marie Eriksson and others;

S. 2440. An act for the relief of Hanne Lore Hart; and

S. 2667. An act to authorize the Board of Commissioners of the District of Columbia to establish daylight-saving time in the District.

THOMAS A. TRULOVE, POSTMASTER, AND NOLEN J. SALYARDS, ASSISTANT POSTMASTER—CONFERENCE REPORT

Mr. MAGNUSON. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 745) for the relief of Thomas A. Trulove, postmaster, and Nolen J. Salyards, assistant postmaster, at Inglewood, Calif. I ask unanimous consent for its present consideration.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 745) for the relief of Thomas A. Trulove, postmaster, and Nolen J. Salyards, assistant postmaster, at Inglewood, Calif., having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1 and 2.

of the chair, the distinguished Senator from South Dakota [Mr. CASE]. I have known GEORGE SCHWABE for a number of years. It was a pleasure to serve with him in the Seventy-ninth, Eightieth, and Eighty-second Congresses. Mr. SCHWABE was a hard-working, conscientious public servant, the type of official one likes to meet and with whom one is proud to be associated. His passing is a loss to his country, to his State, and to the district which he so ably served in Congress. My sympathy goes to his family in their great loss.

Mr. SCHOEPEL. Mr. President, I wish to express my concurrence in the remarks of the distinguished Senator from Oklahoma [Mr. MONRONEY], the present occupant of the Chair [Mr. CASE], and our minority leader [Mr. BRIDGES].

I recall that when I was Governor of my State of Kansas, on a number of occasions legislative matters and other matters of importance not only to the State of Oklahoma, but to my State of Kansas, came up for consideration. I recall most vividly the earnest consideration and the solicitude exhibited toward our section of the country by Representative SCHWABE. It was my good fortune on a number of occasions to associate myself with other individuals who called upon Representative SCHWABE in connection with matters entirely outside the State of Oklahoma. I found him always kindly and industrious. He gave us the utmost consideration. On a number of occasions he went entirely outside his own field of operations to be helpful.

At this time I wish to express to the members of his family and to his associates my deep regret at his passing.

Mr. MCFARLAND. Mr. President, I wish to join in the tributes of appreciation and respect which have been paid by other Senators to the memory of GEORGE SCHWABE. I am sure that it was his service to his country which shortened his life. His family have my deepest sympathy.

The PRESIDING OFFICER. The question is on agreeing to the resolution submitted by the Senator from Oklahoma [Mr. MONRONEY].

The resolution was unanimously agreed to.

Under the second resolving clause the Presiding Officer appointed Mr. KERR and Mr. MONRONEY as the committee on the part of the Senate to attend the funeral of the deceased Representative.

Mr. MONRONEY. Mr. President, as a further mark of respect to the memory of the deceased Representative, I move that the Senate stand in recess until 12 o'clock noon tomorrow.

The motion was unanimously agreed to; and (at 5 o'clock and 13 minutes p. m.) the Senate took a recess until tomorrow, Friday, April 4, 1952, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate April 3 (legislative day of April 2), 1952:

IN THE NAVY

Vice Adm. Thomas L. Sprague, United States Navy, when retired, to be placed on the retired list with the rank of vice admiral.

The following-named officers of the Navy for permanent appointment to the grade of rear admiral:

REAR ADMIRAL, LINE

Robert L. Dennison	Clarence L. C. Atkeson
Marion E. Murphy	Harry Sanders
Howard E. Orem	William B. Ammon
Sherman R. Clark	Roland N. Smoot

REAR ADMIRAL, SUPPLY CORPS

Charles H. Gillilan

REAR ADMIRAL, DENTAL CORPS

Herman P. Riebe

The following-named (civilian college graduates) to the grades indicated in the Dental Corps of the Navy:

LIEUTENANT

Henry T. Mumme, Jr.

LIEUTENANTS (JUNIOR GRADE)

Paul M. Leyden

Joseph P. Skellchock

The following-named to be ensigns in the Nurse Corps of the Navy:

Mary F. Allyn	Beatrice M. Currier
June M. Armaly	Noreen E. Dwyer
Emily J. Chalker	Frances E. Jost
Elnora J. Cowden	Rose A. Nevers

The following-named officers to be lieutenants (junior grade) in the Nurse Corps of the Navy in lieu of lieutenants as previously nominated and confirmed:

Marian H. Connor

Marie Y. LeClair

HOUSE OF REPRESENTATIVES

THURSDAY, APRIL 3, 1952

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D. D., offered the following prayer:

O Thou great God of all mankind, may this day be rich and glorious in the revelation and realization of Thy presence, peace, and power to strengthen and sustain us in our many unforeseen and unknown experiences.

May our whole life be a quest and pursuit of the things that are noble and true and a conquest and victory over everything that would undermine our character and corrupt our souls.

Inspire us with faith and hope as we encounter difficult domestic and foreign problems. May our vision of the ultimate triumph of truth and righteousness be so clear and commanding that we shall never yield to cynicism and despair.

We thank Thee for the character and ministry of Thy servant who walked and worked with us and whose spirit Thou hast called to that more abundant life, free from the cares and fatigues of earth. Grant unto the members of his bereaved family the consolation of Thy grace.

Hear us in Christ's name. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Landers, its enrolling clerk, announced that the Senate had passed a bill and joint resolution of the following titles, in which the concurrence of the House is requested:

S. 2728. An act to amend the act of July 12, 1950 (Public Law 609, 81st Cong.), as amended, so as to extend free mailing privileges to members of the armed forces of foreign nations serving under the United Nations command in Korea on a reciprocal basis, and for other purposes; and

S. J. Res. 20. Joint resolution 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.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 745) entitled "An act for the relief of Thomas A. Trulove, postmaster, and Nolen J. Salyards, assistant postmaster, at Inglewood, Calif."

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2728. An act to amend the act of July 12, 1950 (Public Law 609, 81st Cong.), as amended, so as to extend free mailing privileges to members of the armed forces of foreign nations serving under the United Nations command in Korea on a reciprocal basis, and for other purposes; to the Committee on Post Office and Civil Service.

COMMITTEE ON APPROPRIATIONS

Mr. CANNON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a report.

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

There was no objection.

Mr. TABER. Mr. Speaker, I reserve all points of order on the bill.

SUBMERGED LANDS ACT

Mr. WALTER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (S. J. Res. 20) 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.

The Clerk read the title of the joint resolution.

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

low-cost power, readily available by harnessing the St. Lawrence River, at a time when such low-cost power is so necessary and vital in the interests of the general economy of the nation, and the armed preparedness program which is affecting the production of so many of our war industries.

RICE LAKE JUNIOR CHAMBER
OF COMMERCE,

Rice Lake, Wis., April 1, 1952.

Senator ALEXANDER WILEY,
Washington, D. C.

DEAR SENATOR WILEY: We of the Rice Lake Junior Chamber of Commerce have gone on record as being 100 percent in favor of the St. Lawrence seaway project. Our 74 members definitely feel that this is a necessary project for the betterment of our country as a whole and not sectional favoritism.

We want you to do all you can to push this project through Congress, as we know you are doing at the present time. You may use this letter to show any doubters that the people are behind this project very strongly.

We will be watching the progress through Congress of this legislation and also you and your fight for this project. We must win this fight, as such a history-making decision can have a great effect on our country's future.

Thank you for your loyal support.

Sincerely,

RIENHART JOHNSON,
Secretary.

BUSINESS MEN'S COMMITTEE
OF THE DOUSMAN COMMUNITY CLUB,
Dousman, Wis., March 31, 1952.

Hon. ALEXANDER WILEY,
Senate Office Building,
Washington, D. C.

DEAR SIR: This association went on record at the last meeting as favoring the St. Lawrence waterway. Anything you can do to promote it will be appreciated.

Yours very truly,

H. D. BAKER,
Secretary.

VILLAGE OF ROTHSCHILD,
Rothschild, Wis., April 2, 1952.

Hon. ALEXANDER WILEY,
United States Senate,
Washington, D. C.

YOUR HONOR: The constituents represented by the Village Board of the Village of Rothschild, Wis., are interested in the development of the St. Lawrence seaway and power project.

As all the principal candidates for the Presidential nomination are on record in favor of the project and that Canada has completed parliamentary action to proceed alone with both the power and navigation phases unless our Government soon ratifies the 1941 agreement concerning the project, therefore the village board urge you to do everything in your power to bring about this great project.

Thanking you, I remain,
Sincerely yours,

A. P. MARTIN,
Clerk.

FREDERIC, Wis., March 11, 1952.

The Honorable ALEXANDER WILEY,
Senator From Wisconsin,
Washington, D. C.:

The St. Lawrence seaway project is vital to our community and we therefore strongly urge that all possible be done by you to see that this bill is passed.

THE FREDERIC ASSOCIATION OF
COMMERCE,
HERBERT LUNDBERG, President.

VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
RED ARROW POST, No. 9867,
Milwaukee, Wis.

The Honorable ALEXANDER WILEY,
Washington, D. C.

DEAR SIR: At the last meeting of our post, we went on record as favoring the St. Lawrence seaway project and we would be obliged if you would give us your support in the matter as we think that it would help our community very much.

Thanking you, I remain,
Sincerely yours,

CLIFF BARRETT,
Post Adjutant.

APRIL 2, 1952.

Senator ALEXANDER WILEY,
Senate Office Building,
Washington, D. C.

DEAR SENATOR: The membership of the Aluminum Workers Union, No. 19649, of Two Rivers, Wis., urges your continued support of the bill providing for the construction of the St. Lawrence seaway and power project jointly with Canada. We feel that the construction of this project will greatly benefit the entire country.

ALUMINUM WORKERS UNION,
No. 19649,
ADELBERT J. HETUE,
Legislative Representative.

MINERAL LEASES ON CERTAIN
SUBMERGED LANDS

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the joint resolution (S. J. Res. 20) 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, which was, to strike out all after the resolving clause and insert:

That this act may be cited as the "Submerged Lands Act."

TITLE I
DEFINITION

Sec. 2. When used in this act—

(a) The term "lands beneath navigable waters" includes (1) all lands within the boundaries of each of the respective States which were covered by waters navigable under the laws of the United States at the time such State became a member of the Union, and all lands permanently or periodically covered by tidal waters up to but not above the line of mean high tide and seaward to a line three geographical miles distant from the coast line of each such State and to the boundary line of each such State where in any case such boundary as it existed at the time such State became a member of the Union, or as heretofore or hereafter approved by Congress, extends seaward (or into the Great Lakes or Gulf of Mexico) beyond three geographical miles, and (2) all filled in, made, or reclaimed lands which formerly were lands beneath navigable water, as herein defined; the term "boundaries" includes the seaward boundaries of a State or its boundaries in the Gulf of Mexico or any of the Great Lakes as they existed at the time such State became a member of the Union, or as heretofore or hereafter approved by the Congress, or as extended or confirmed pursuant to section 4 hereof;

(b) The term "coast line" means the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters, which include all estuaries, ports, harbors, bays, channels,

straits, historic bays, and sounds, and all other bodies of water which join the open sea;

(c) The terms "grantees" and "lessees" include (without limiting the generality thereof) all political subdivisions, municipalities, public and private corporations, and other persons holding grants or leases from a State, or its predecessor sovereign, to lands beneath navigable waters if such grants or leases were issued in accordance with the constitution, statutes, and decisions of the courts of the State in which such lands are situated, or of its predecessor sovereign: *Provided, however, That nothing herein shall be construed as conferring upon said grantees or lessees any greater rights or interests other than are described herein and in their respective grants from the State, or its predecessor sovereign;*

(d) The term "natural resources" shall include, without limiting the generality thereof, fish, shrimp, oysters, clams, crabs, lobsters, sponges, kelp, and other marine animal and plant life but shall not include water power or the use of water for the production of power at any site where the United States now owns the water power;

(e) The term "lands beneath navigable waters" shall not include the beds of streams in lands now or heretofore constituting a part of the public lands of the United States if such streams were not meandered in connection with the public survey of such lands under the laws of the United States;

(f) The term "Continental Shelf" means all submerged lands (1) which lie outside and seaward beneath navigable waters as defined hereinabove in section 2 (a), and (2) of which the subsoll and natural resources appertain to the United States and are subject to its jurisdiction and control;

(g) The term "Secretary" means the Secretary of the Interior;

(h) The term "State" means any State of the Union;

(i) The term "Coastal States" shall mean those States, any portion of which borders upon the Atlantic Ocean, the Gulf of Mexico, or the Pacific Ocean;

(j) The term "person" includes any citizen of the United States, an association of such citizens, a State, a political subdivision of a State, or a private, public, or municipal corporation organized under the laws of the United States or of any State;

(k) The term "lease" whenever used with reference to action by a State or its political subdivision or grantee prior to January 1, 1949, shall be regarded as including any form of authorization for the use, development, or production of lands beneath navigable waters and the natural resources therein and thereunder, and the term "lessee" whenever used in such connection, shall be regarded as including any person having the right to develop or produce natural resources and any person having the right to use or develop lands beneath navigable waters under any such form of authorization;

(l) The term "Mineral Leasing Act" shall mean the act of February 25, 1920 (41 Stat. 437; 30 U. S. C., sec. 181 and the following), and all acts heretofore enacted which are amendatory thereof or supplementary thereto.

TITLE II
LANDS BENEATH NAVIGABLE WATERS WITHIN
STATE BOUNDARIES

SEC. 3. Rights of the States: It is hereby determined and declared to be in the public interest that title to and ownership of the lands beneath navigable waters within the boundaries of the respective States, and the natural resources within such lands and waters, and the right and power to control, develop, and use the said natural resources all in accordance with applicable State law

be, and they are hereby, subject to the provisions hereof, recognized, confirmed, established, and vested in the respective States or the persons who were on June 5, 1950, entitled thereto under the property law of the respective States in which the land is located, and the respective grantees, lessees, or successors in interest thereof; and the United States hereby releases and relinquishes unto said States and persons aforesaid all right, title, and interest of the United States, if any it has, in and to all said lands, moneys, improvements, and natural resources, and releases and relinquishes all claims of the United States, if any it has, arising out of any operations of said States or persons pursuant to State authority upon or within said lands and navigable waters. The rights, powers, and titles hereby recognized, confirmed, established, and vested in the respective States and their grantees are subject to each lease executed by a State, or its grantee, which was in force and effect on June 5, 1950, in accordance with its terms and provisions and the laws of the State issuing, or whose grantee issued, such lease, and such rights, powers, and titles are further subject to the rights herein now granted to any person holding any such lease to continue to maintain the lease, and to conduct operations thereunder, in accordance with its provisions, for the full term thereof, and any extensions, renewals, or replacements authorized therein, or heretofore authorized by the laws of the State issuing, or whose grantee issued such lease: *Provided, however,* That, if oil or gas was not being produced from such lease on and before December 11, 1950, then for a term from the effective date hereof equal to the term remaining unexpired on December 11, 1950, under the provisions of such lease or any extensions, renewals, or replacements authorized therein, or heretofore authorized by the laws of the State issuing, or whose grantee issued, such lease: *Provided, however,* That all rents, royalties, and other sums payable under such lease and the laws of the State issuing or whose grantee issued such lease between June 5, 1950, and the effective date hereof, which have not been paid to the State or its grantee issuing it or to the Secretary of the Interior of the United States, shall be paid to the State or its grantee issuing such lease within 90 days from the effective date hereof: *Provided, however,* That nothing in this act shall affect the use, development, improvement, or control by or under the constitutional authority of the United States of said lands and waters for the purposes of navigation or flood control or the production of power at any site where the United States now owns or may hereafter acquire the water power or be construed as the release or relinquishment of any rights of the United States arising under the constitutional authority of Congress to regulate or improve navigation or to provide for flood control or the production of power at any site where the United States now owns the water power: *Provided further,* That nothing in this act shall be construed as affecting or intending to affect or in any way interfere with or modify the laws of the States which lie wholly or in part westward of the ninety-eighth meridian, relating to the ownership and control of ground and surface waters; and the control, appropriation, use, and distribution of such waters shall continue to be in accordance with the laws of such States.

Sec. 4. Seaward boundaries: Any State which has not already done so may extend its seaward boundaries to a line three geographical miles distant from its coast line, or in the case of the Great Lakes, to the international boundary of the United States. 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. Nothing in this section is to be construed as questioning or in any manner prejudicing the existence of any State's seaward boundary beyond three geographical miles if it was so provided by its Constitution or laws prior to or at the time such State became a member of the Union, or if it has been heretofore or is hereafter approved by Congress.

Sec. 5. Exceptions from operation of section 3 of this act: There is excepted from the operation of section 3 of this act—

(a) all specifically described tracts or parcels of land and resources therein or improvements thereon title to which has been lawfully and expressly acquired by the United States from any State or from any person in whom title had vested under the decisions of the courts of such State, or their respective grantees, or successors in interest, by cession, grant, quitclaim, or condemnation, or from any other owner or owners thereof by conveyance or by condemnation, provided such owner or owners had lawfully acquired the title to such lands and resources in accordance with the statutes or decisions of the courts of the State in which the lands are located; and

(b) such lands beneath navigable waters within the boundaries of the respective States and such interests therein as are held by the United States in trust for the benefit of any tribe, band, or group of Indians or for individual Indians.

Sec. 6. Powers retained by the United States: (a) The United States retains all its powers of regulation and control of said lands and navigable waters for the purposes of commerce, navigation, national defense, and international affairs, none of which includes any of the proprietary rights of ownership, or of use, development, and control of the lands and natural resources which are specifically recognized, confirmed, established, and vested in the respective States and others by section 3 of this act.

(b) In time of war when necessary for national defense, and the Congress or the President shall so prescribe, the United States shall have the right of first refusal to purchase, at the prevailing market price, all or any portion of the said natural resources, or to acquire and use any portion of said lands by proceeding in accordance with due process of law and paying just compensation therefor.

Sec. 7. Nothing in this act shall be deemed to amend, modify, or repeal the acts of July 26, 1866 (14 Stat. 251), July 9, 1870 (16 Stat. 217), March 3, 1877 (19 Stat. 377), June 17, 1902 (32 Stat. 388), and December 22, 1944 (58 Stat. 887), and acts amendatory thereof or supplementary thereto.

TITLE III

CONTINENTAL SHELF OUTSIDE STATE BOUNDARIES

Sec. 8. Jurisdiction over Continental Shelf: (a) It is hereby declared to be the policy of the United States that the natural resources of the subsoil and sea bed of the Continental Shelf appertain to the United States and are subject to its jurisdiction, control, and power of disposition as provided in this act. Except to the extent that it is exercised in a manner inconsistent with applicable Federal laws, the police power of each coastal State may extend to that portion of the Continental Shelf which would be within the boundaries of such State if extended seaward to the outer margin of the Continental Shelf. The police power includes, but is not limited to, the power of taxation, conservation, and control, of the manner of conducting geophysical explorations. This act shall be construed in such manner that the character as high seas of the waters above the Continental Shelf and the right to their free and unimproved navigation shall not be affected.

(b) Oil and gas deposits in the Continental Shelf shall be subject to control and disposal only in accordance with the provisions of this act and no rights in or claims to such depos-

its, whether based upon applications filed or other action taken heretofore or hereafter, shall be recognized except in accordance with the provisions of this act.

Sec. 9. Provisions for leasing of Continental Shelf: (a) When requested by any responsible and qualified person interested in purchasing oil and gas leases on any area of the Continental Shelf not then under lease issued by the abutting State or the Federal Government, or when in the Secretary's opinion there is a demand for the purchase of such leases, the Secretary shall offer for sale, on competitive sealed bidding, oil and gas leases on such area. Subject to the other terms and provisions hereof, sales of leases shall be made to the responsible and qualified bidder bidding the highest cash bonus per leasing unit. Notice of sale of oil and gas leases shall be published at least 30 days before the date of sale in accordance with rules and regulations promulgated by the Secretary, which publication shall contain (i) a description of the tracts into which the area to be leased has been subdivided by the Secretary for leasing purposes, such tracts being herein called leasing units; (ii) the minimum bonus per acre which will be accepted by the Secretary on each leasing unit; (iii) the amount of royalty as specified hereinafter in section 9 (d); (iv) the amount of rental per acre per annum on each leasing unit as specified hereinafter in section 9 (d); and (v) the time and place at which all bids shall be opened in public.

(b) The leasing units shall be in reasonably compact form of such area and dimensions as may be determined by the Secretary, but shall not be less than 640 acres nor more than 2,560 acres if within the known geologic structure of a producing oil or gas field and shall not be less than 2,560 acres nor more than 7,680 acres if not within any known geologic structure of a producing oil or gas field.

(c) Oil and gas leases sold under the provisions of this section shall be for the primary term of 5 years and shall continue so long thereafter as oil or gas is produced therefrom in paying quantities. Each lease shall contain provisions requiring the exercise of reasonable diligence, skill, and care in the operation of the lease, and requiring the lessee to conduct his operation thereon in accordance with sound and efficient oil-field practices to prevent waste of oil or gas discovered under said lease or the entrance of water through wells drilled by him to the oil or gas sands or oil and gas bearing strata or the injury or destruction of the oil and gas deposits.

(d) Each lease shall provide that, on or after the discovery of oil or gas, the lessee shall pay a royalty of not less than 12½ percent in amount or value of the production saved, removed, or sold from the leasing unit and, in any event, not less than \$1 per acre per annum in lieu of rental for each lease year commencing after discovery. If after discovery of oil or gas the production thereof should cease from any cause, the lease shall not terminate, if lessee commences additional drilling or reworking operations within 90 days thereafter or, if it be within the primary term, commences or resumes the payment or tender of rentals or commences operations for drilling or reworking on or before the rental paying date next ensuing after the expiration of 90 days from date of cessation of production. All leases issued hereunder shall be conditioned upon the payment by the lessee of a rental of \$1 per acre per annum for the second and every lease year thereafter during the primary term and in lieu of drilling operations on or production from the leasing unit, all such rentals to be payable on or before the beginning of each lease year.

(e) If, at the expiration of the primary term of any lease, oil or gas is not being produced in paying quantities on a leasing unit, but drilling operations are commenced

not less than 180 days prior to the end of the primary term and such drilling operations or other drilling operations have been and are being diligently prosecuted and the lessee has otherwise performed his obligations under the lease, the lease shall remain in force so long as drilling operations are prosecuted with reasonable diligence and in a good and workmanlike manner, and if they result in the production of oil or gas so long thereafter as oil or gas is produced therefrom in paying quantities.

(f) Should a lessee in a lease issued under the provisions of title III of this act fail to comply with any of the provisions of this act or of the lease, such lease may, upon proper showing, be canceled in an appropriate court proceeding because of such failure; but before the institution of such a court proceeding the Secretary shall allow the lessee 20 days in which to show cause in writing why the proceeding should not be instituted, and any submission made by the lessee during that period shall be given consideration by the Secretary in determining whether to recommend to the Attorney General that a court proceeding be instituted against the lessee. If a lease or any interest therein is owned or controlled, directly or indirectly, in violation of any of the provisions of this act, the lease may be canceled, or the interest so owned or controlled may be forfeited or the person so owning or controlling the interest may be compelled to dispose of the interest in an appropriate court proceeding.

(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.

(h) Each lease shall contain such other terms and provisions consistent with the provisions of this act as may be prescribed by the Secretary. The Secretary may delegate his authority under this act to officers or employees of the Department of the Interior and may authorize subdelegation to the extent that he may deem proper.

(i) Citizens of another country, the laws, customs, or regulations of which deny similar or like privileges to citizens or corporations of this country, shall not directly or by stock ownership, stock holding, stock control, trusteeship, or otherwise, own or control any interest in any lease acquired under the provisions of this section. Any ownership or interest forbidden in this section which may be acquired by descent, will, judgment, or decree may be held for 2 years and not longer after its acquisition. No lands leased under the provisions of this section shall be subleased, trusted, possessed, or controlled by any device or in any manner whatsoever so that they form a part of or are in anywise controlled by any combination in the form of an unlawful trust, with the consent of the lessee, or form the subject in whole or in part of any contract, agreement, understanding, or conspiracy, entered into by the lessee, to restrain trade or commerce in the production or sale of oil or gas or to control the price of oil or gas.

(j) Any lease obtained through the exercise of fraud or misrepresentation, or which is not performed in accordance with its terms or with this law, may by appropriate court action be invalidated.

Sec. 10. Exchange of existing State leases in Continental Shelf for Federal leases: (a) The Secretary is authorized and directed to issue a lease to any person in exchange for a lease covering lands in the Continental Shelf which (1) was issued by any State or its grantee prior to January 1, 1949, and which was in force and effect on June 5, 1950, in accordance with its terms and provisions and the laws of the State issuing, or whose grantee issued, such lease, or (11) was issued with the approval of the Secretary subse-

quent to January 1, 1949, and prior to the effective date of this act and which on the effective date hereof was in force and effect in accordance with its terms and provisions and the laws of the State issuing, or whose grantee issued, such lease. Any lease issued pursuant to this section shall be for a term from the effective date hereof equal to the unexpired term of the old lease, or any extensions, renewals, or replacements authorized therein, or heretofore authorized by the laws of the State issuing, or whose grantee issued, the same: *Provided, however*, That, if oil or gas was not being produced from such old lease on and before December 11, 1950, then any such new lease shall be for a term from the effective date hereof equal to the term remaining unexpired on December 11, 1950, under the provisions of the old lease or any extensions, renewals or replacements authorized therein or heretofore authorized by the laws of the State issuing or whose grantee issued such lease, shall cover the same natural resources and the same portion of the Continental Shelf as the old lease, shall provide for payment to the United States of the same rentals, royalties, and other payments as are provided for in the old lease, and shall include such other terms and provisions, consistent with the provisions of this act, as may be prescribed by the Secretary. Operations under such old lease may be conducted as therein provided until the issuance of an exchange lease hereunder or until it is determined that no such exchange lease shall be issued. No lease which has been determined by appropriate court action to have been obtained by fraud or misrepresentation shall be accepted for exchange under this section.

(b) No such exchange lease shall be issued unless, (i) an application therefor, accompanied by a copy of the lease from the State or its political subdivision or grantee offered in exchange, is filed with the Secretary within 6 months from the effective date of this act, or within such further period as provided in section 18 hereof, or as may be fixed from time to time by the Secretary; (ii) the applicant states in his application that the lease applied for shall be subject to the same overriding royalty obligations as the lease issued by the State or its political subdivision or grantee; (iii) the applicant pays to the United States all rentals, royalties, and other sums due to the lessor under the old lease which have or may become payable after December 11, 1950, and which have not been paid to the lessor under the old lease; (iv) the applicant furnishes such surety bond, if any, as the Secretary may require and complies with such other reasonable requirements as the Secretary may deem necessary to protect the interests of the United States; and (v) the applicant files with the Secretary a certificate issued by the State official or agency having jurisdiction showing that the old lease was in force and effect in accordance with its terms and provisions and the laws of the State issuing it on the applicable date provided for in paragraph (a) of this section; or, in the absence of such certificate, evidence in the form of affidavit, receipts, canceled checks, and other documents showing such facts.

(c) All rents, royalties, and other sums payable under any such lease after December 11, 1950, and before the issuance of an exchange lease as herein provided, may be paid to the United States, subject, however, to accounting to the State which issued such lease or under whose authority the same was issued, in accordance with the provisions of section 12 hereof.

(d) In the event any lease covers lands of the Continental Shelf as well as other lands, the provisions of this section shall apply to such lease insofar only as it covers lands of the Continental Shelf.

Sec. 11. Actions involving Continental Shelf: Any court proceeding involving the Continental Shelf may be instituted in the

United States district court for the district in which the lessee, or the person owning or controlling the lease interest, may be found or for the district in which the leased property, or some part thereof, is located; or, if no part of the leased property is within any district, for the district nearest to the property involved.

Sec. 12. Division of proceeds from the Continental Shelf: Each coastal State is hereby vested with the right to 37½ percent of all moneys received by the United States, after the effective date of this act, as bonus payments, rents, and royalties with respect to operations for oil, gas, or other minerals in lands in the Continental Shelf which would be within the boundaries of such State, if extended seaward to the outer margin of the Continental Shelf; and the Secretary of Treasury within 90 days after the expiration of each fiscal year shall pay to each such State the moneys to which it is so entitled. All other moneys received by the United States from operations in the Continental Shelf, under the provisions of this act, shall be paid into the Treasury of the United States and applied to the payment of the principal of the national debt. If and whenever the United States shall take and receive in kind all or any part of the royalties referred to in this section, the value of such royalties so taken in kind shall be deemed to be the prevailing market price thereof at the time and place of production, and there shall be paid to the State entitled thereto, as provided in this section, 37½ percent of the value of such royalties.

Sec. 13. Refunds: When it appears to the satisfaction of the Secretary that any person has made a payment to the United States in connection with any lease under this act in excess of the amount he was lawfully required to pay, such excess shall be repaid to such person or his legal representative, if a request for repayment of such excess is filed with the Secretary within 2 years after the issuance of the lease or the making of the payment. The Secretary shall certify the amounts of all such repayments to the Secretary of the Treasury, who is authorized and directed to make such repayments out of any moneys not otherwise appropriated and to issue his warrant in settlement thereof.

Sec. 14. Waiver of liability for past operations: (a) No State, or political subdivision or grantee thereof, shall be liable to or required to account to the United States in any way for entering upon, using, exploring for, developing, producing, or disposing of natural resources from lands covered by title II or title III of this act prior to the effective date of this act.

(b) No lessee under any lease of submerged lands covered by this act and granted by any State or political subdivision or grantee thereof prior to the effective date of this act shall be liable or required to account to the United States for the use of such lands or any natural resources produced, extracted, or removed under such lease or for the value thereof, nor shall any person who has purchased or otherwise acquired such lands or natural resources be liable to account to the United States therefor or for the value thereof.

(c) If it shall be determined by appropriate court action that fraud has been practiced in the obtaining of any lease referred to herein or in the operations thereunder, the waivers provided in this section shall not be effective.

Sec. 15. Powers reserved to the United States: The United States reserves and returns—

(a) in time of war or when necessary for national defense, and when so prescribed by the Congress or the President, the right (1) of first refusal to purchase at the prevailing market price all or any portion of the oil or gas that may be produced from the Continental Shelf; (11) to terminate any lease

issued or authorized pursuant to or validated by title III of this act, in which event the United States shall become the owner of wells, fixtures, and improvements located on the area of such lease and shall be liable to the lessee for just compensation for such leaseholds, wells, fixtures, and improvements, to be determined as in the case of condemnation; (iii) to suspend operations under any lease issued or authorized pursuant to or validated by title III of this act, in which event the United States shall be liable to the lessee for such compensation as is required to be paid under the Constitution of the United States; and payment of rentals, minimum royalty, and royalty prescribed by such lease shall likewise be suspended during any period of suspension of operations, and the term of any suspended lease shall be extended by adding thereto any suspension period;

(b) the right to designate by and through the Secretary of Defense, with the approval of the President, as restricted, those areas of the Continental Shelf needed for navigational purposes or for national defense; and so long as such designation remains in effect no exploration or operations may be conducted on any part of the surface of such area except with the concurrence of the Secretary of Defense; and if operations or production under and lease theretofore issued on lands within any such restricted area shall be suspended, any payment of rents, minimum royalty, and royalty prescribed by such lease likewise shall be suspended during such period of suspension of operation and production, and the term of such lease shall be extended by adding thereto any such suspension period, and the United States shall be liable to the lessee for such compensation as is required to be paid under the Constitution of the United States;

(c) the ownership of and the right to extract helium from all gas produced from the Continental Shelf, subject to any lease issued pursuant to or validated by this act under such general rules and regulations as shall be prescribed by the Secretary, but in the extraction of helium from such gas it shall be so extracted as to cause no substantial delay in the delivery of gas produced to the purchaser of such gas.

Sec. 16. Geological and geophysical explorations: The right of any person, subject to applicable provisions of law, and of any agency of the United States to conduct geological and geophysical explorations in the Continental Shelf, which do not interfere with or endanger actual operations under any lease issued pursuant to this act, is hereby recognized.

Sec. 17. Rights of States not prejudiced: Nothing contained in this act shall operate to the prejudice of any State or of the United States in the determination by appropriate court action of any claim or claims of ownership or right of management, use, and disposition of the lands, minerals, or natural resources therein or thereunder within the Continental Shelf as these claims or rights may have existed prior to the passage of this act. Any State which is found by appropriate court action to have owned or possessed, prior to the passage of this act, the rights of management, use, or disposition of the lands, minerals, or other natural resources within any part of the Continental Shelf shall not by this act be deprived of any such rights and powers.

Sec. 18. Interpleader and interim arrangements: (a) Notwithstanding the other provisions of this act, if any lessee under any lease of submerged lands granted by any State, its political subdivisions, or grantees, prior to the effective date of this act, shall file with the Secretary a certificate executed by such lessee under oath and stating that doubt exists (1) as to whether an area covered by such lease lies within the Continental

Shelf, or (ii) as to whom the rents, royalties, or other sums payable under such lease are lawfully payable, or (iii) as to the validity of the claims of the State which issued, or whose political subdivision or grantee issued, such lease to the area covered by the lease and that such claims have not been determined by a final judgment of a court of competent jurisdiction—

(1) the lessee may interplead the United States and, with their consent, the State or States concerned, in an action filed in the United States district court having jurisdiction of any part of the area, and, in the event of State consent to be interpleaded, deposit with the clerk of that court all rents, royalties, and other sums payable under such lease after filing of such certificate, and such deposit shall be full performance of the lessee's obligation under such lease to make such payments; or

(2) the lessee may continue to pay all rents, royalties, and other sums payable under such lease to the State, its political subdivisions, or grantees, as in the lease provided, until it is determined by final judgment of a court of competent jurisdiction that such rents, royalties, and other sums should be paid otherwise, and thereafter such rents, royalties, and other sums shall be paid by said lessee in accordance with the determination of such final judgment. In the event it shall be determined by such final judgment that the United States is entitled to any moneys theretofore paid to any State or political subdivision or grantee thereof, such State, its political subdivision, or grantee, as the case may be, shall promptly account to the United States therefore; or

(3) the lessee of any such lease may file application for an exchange lease under section 10 hereof at any time prior to the expiration of 6 months after it is determined by final judgment of a court of competent jurisdiction that the claims of the State which issued, or whose political subdivision or grantee issued, such lease to the area covered by the lease are invalid as against the United States and that the lands covered by such lease are within the Continental Shelf.

(b) If any area of the Continental Shelf or other lands covered by this act included in any lease issued by a State or its political subdivision or grantee is involved in litigation between the United States and such State, its political subdivision, or grantee, the lessee in such lease shall have the right to intervene in such action and deposit with the clerk of the court in which such case is pending any rents, royalties, and other sums payable under the lease subsequent to the effective date of this act, and such deposit shall be full discharge and acquittance of the lessee for any payment so made.

Sec. 19. If any provision of this act or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the act and of the application of such provision to other persons and circumstances shall not be affected thereby.

Mr. O'MAHONEY. Mr. President, I move that the Senate disagree to the amendment of the House, request a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. O'MAHONEY, Mr. MURRAY, Mr. McFARLAND, Mr. BUTLER of Nebraska, and Mr. CORDON conferees on the part of the Senate.

Mr. LONG subsequently said: Mr. President, earlier today, on the motion of the Senator from Wyoming [Mr. O'MAHONEY], the Senate disagreed to the amendment of the House on Senate

Joint Resolution 20, requested a conference with the House on the disagreeing votes of the two Houses thereon, and the Chair appointed the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Montana [Mr. MURRAY], the Senator from Arizona [Mr. McFARLAND], the Senator from Nebraska [Mr. BUTLER], and the Senator from Oregon [Mr. CORDON] conferees on the part of the Senate.

The junior Senator from Louisiana has discussed the matter with the chairman of the Committee on Interior and Insular Affairs, the Senator from Wyoming [Mr. O'MAHONEY], because the conferees appointed by the Chair do not in the main represent the views of those who opposed Senate Joint Resolution 20 as originally reported. The RECORD will show that the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Montana [Mr. MURRAY], and the Senator from Arizona [Mr. McFARLAND] voted against the so-called Holland-Connally substitute to Senate Joint Resolution 20. Therefore the majority of the conferees were opposed to the joint resolution as it was passed by the Senate.

On referring to the Senate Manual at pages 286 and 287, setting forth Cleaves' Manual of the Law and Practice in regard to Conferences and Conference Reports, I find the following language in paragraph 17:

They—

Referring to conferees—

are usually three in number, but on important measures the number is sometimes increased. In the selection of the managers the two large political parties are usually represented, and, also, care is taken that there shall be a representation of the two opinions which almost always exist on subjects of importance. Of course the majority party and the prevailing opinion have the majority of the managers.

Mr. President, in this instance the appointment of the conferees would be a violation of that provision, because the majority of the conferees would be those who had opposed the adoption of the substitute to Senate Joint Resolution 20.

I have discussed the subject with the chairman of the Committee on Interior and Insular Affairs and also with other members of the majority side of the committee, including the Senator from Arizona [Mr. McFARLAND], the Senator from New Mexico [Mr. ANDERSON], and the Senator from New York [Mr. LEHMAN], and I believe we have reached general agreement that the appointment of the conferees should be modified in order that the majority of the conferees may represent the majority view of the Senate on Senate Joint Resolution 20, as passed by the Senate.

Having discussed the subject with the chairman of the committee, and having agreed with him that the measure should be returned to the Senate for action, I enter a motion that the Senate reconsider its action by which the conferees on Senate Joint Resolution 20 were appointed, and I move that the House be requested to return the papers to the Senate.

The PRESIDING OFFICER (Mr. BENTON in the chair). The motion to reconsider will be entered.

The question is on agreeing to the motion of the Senator from Louisiana to request the House to return the papers to the Senate.

The motion was agreed to.

REGULATION OF LOW-FLYING AIRCRAFT

Mr. IVES. Mr. President, I ask unanimous consent that I may be permitted to speak for 2 minutes.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Senator from New York is recognized for 2 minutes.

Mr. IVES. Mr. President, the senior Senator from Colorado [Mr. JOHNSON] is to be complimented for the alacrity with which he ordered investigators to the scene of the latest air tragedy in the New York-New Jersey metropolitan area. I understand that he dispatched investigators to Jamaica early yesterday and that they have already returned with a report for the Subcommittee on Aviation of the Interstate and Foreign Commerce Committee.

It would be salutary if the same type of alertness were general in all Federal departments where aviation, and especially air safety, are involved.

From preliminary reports, it appears that Saturday's air tragedy on Long Island was due to weather conditions and not to a violation of common rules of air safety. However, it seems equally apparent that this newest addition to a too-long list of air tragedies is plain evidence of the dangers of low flying over congested residential areas.

Residents of the communities in the vicinity of LaGuardia, Idlewild, and other busy airports are worried, even terrified, over the possibility of future air catastrophes. Their apprehension is natural and reasonable.

However, if the local communities were to enact and enforce aviation regulations of their own, we should face a hodge-podge of conflicting air laws which could hamper seriously the further development of American aviation. Already Cedarhurst, Long Island, has passed ordinances which would regulate the height at which airplanes may fly over the community. This is a plain augury of what may be repeated in many other local areas.

The possibility of having many air regulations, conflicting and even contradictory, is a real one. If we do not want prolonged litigation over the question of who regulates the airways, there must be a reevaluation of present safety regulations on the Federal level.

The investigations into recent air crashes must be painstaking and exhaustive. There must be thorough probes into the question of whether any single air safety factor was overlooked in these accidents, and it should be ascertained if the best possible aviation practices were being followed by the flyers.

However, it seems clear at this time that there must be tighter and better enforced regulations about low flying everywhere in the country, wherever busy airports are located in or near highly populated areas.

We cannot demand the removal of airports away from the cities to uninhabited or sparsely inhabited areas, lest the functions and conveniences of air travel be lost to air travelers. Aviation is here to stay, but in the light of recent tragic events, it appears certain that there is much to be done to bring it up to essential standards of safety.

Mr. SCHOEPEL. Mr. President, will the Senator yield?

Mr. IVES. I yield.

Mr. SCHOEPEL. I should like to ask the distinguished Senator from New York, whom I commend for making the statement with reference to the investigation which is being conducted into the latest air tragedy in New York, if he does not think that there should be some representation on such investigating boards on the part of the pilots of the planes. Frequently we find reports of pilot failures, with no pilot representation on the investigating boards, which would give the general public the benefit of the experience of the pilots in relation to the regulations which have been established. I am curious to know if the Senator from New York feels the same way the Senator from Kansas feels about that question.

Mr. IVES. I certainly do, and I wish to congratulate the Senator from Kansas for pointing out that very important factor. I hope some action will be taken to correct the situation to which he refers.

Mr. SCHOEPEL. I may say to the distinguished Senator from New York that it is my purpose to move in that direction.

Mr. HENDRICKSON. Mr. President, will the Senator yield?

Mr. IVES. I yield.

Mr. HENDRICKSON. The junior Senator from New Jersey merely wishes to join the distinguished senior Senator from New York in his tribute to the Senator from Colorado [Mr. JOHNSON]. He is rendering in connection with this tragedy the same distinguished service to the Senate and to the people of the country that he rendered previously to the people of New Jersey on three tragic occasions. The Senator from Colorado is to be commended. Senators should feel proud that there is in the Senate a Member so alert and so efficient in the treatment of his committee's problems.

AMENDMENT OF ELECTION LAW OF THE STATE OF NEW YORK

Mr. IVES. Mr. President, I ask unanimous consent that there be printed in the body of the Record at the end of my remarks a memorandum of approval by Gov. Thomas E. Dewey, dated April 3, 1952, filed with Senate bill, introductory No. 2611, print No. 3229, entitled, "An act to amend the election law, in relation to voting by members of the Armed Forces and making an appropriation therefor."

This year's legislation makes a notable addition to earlier provisions of the law. In conformance with the constitutional amendment approved by the people last November, it extends the same simple voting procedure heretofore used for the serviceman, to include the spouse, par-

ents, and children who may be with him. The law will be applicable in time of peace, as well as war.

There being no objection, the memorandum was ordered to be printed in the Record, as follows:

STATE OF NEW YORK,
EXECUTIVE CHAMBER,
Albany, April 3, 1952.

MEMORANDUM FILED WITH SENATE BILL, INTRODUCTORY No. 2611, PRINT No. 3229, ENTITLED "AN ACT TO AMEND THE ELECTION LAW, IN RELATION TO VOTING BY MEMBERS OF THE ARMED FORCES, AND MAKING AN APPROPRIATION THEREFOR"

This bill continues the provisions for voting for members of the Armed Forces that have been part of New York's election laws since World War II. Under its terms every member of the Armed Forces is enabled to vote a full ballot through a simple and expeditious procedure. The voter need only sign his name, residence and service address on a printed post card provided by the Division for Servicemen's Voting or distributed by the Armed Forces and deposit it in the mail box. Every effort is made to achieve widest distribution; postcards distributed under Federal law are acceptable and if a post card application form is not available, a written request sent to the secretary of State requesting the ballot will suffice. The military voter receives a complete ballot with the name of every candidate for every office printed on it and both the application and the ballot are carried by air mail, postage free.

Authorization is provided for fullest cooperation with Federal agencies in the distribution and collection of ballots and the bill conforms to the advisory recommendations contained in Federal statutes.

In 1944 the ratio of military ballots cast in the State of New York to the number of eligible military voters was the highest in the Nation—422,698 war ballots were received in this State. The figures demonstrate most clearly that the statement of principles contained in the preamble to the bill have, in fact, been accomplished and that the ruthless distortions by critics of the bill were totally unfounded. It is notable that the Federal war ballot procedure and the United States War Ballot Commission which was set up to administer it were both terminated in 1946 after the Federal balloting procedure was labeled "excessively complex" by the Secretary of War and accounted for less than 4 percent of all ballots cast by military voters in the 1944 election.

This year's legislation makes a notable addition to earlier provisions of the law. In conformance with the constitutional amendment approved by the people last November, it extends the same simple voting procedure heretofore used for the serviceman, to include the spouse, parents, and children who may be with him. The law will be applicable in time of peace, as well as war.

Enactment of this legislation provides assurance that New York's men and women in uniform and their families will be provided fullest opportunity to exercise their voting rights under an efficient and uncomplicated system which has proven itself through the years.

The bill is approved.

THOMAS E. DEWEY.

EVALUATION OF FISCAL REQUIREMENTS OF EXECUTIVE AGENCIES—AMENDMENT OF LEGISLATIVE REORGANIZATION ACT OF 1946

The VICE PRESIDENT. The Chair lays before the Senate the unfinished business, S. 913.

are military personnel, 661 are Army civilians, and 22,814 are Germans or other Europeans.

According to information provided by the Committee on Appropriations, the average annual cost for a military officer is \$4,260; for an enlisted man, \$1,475; and a civilian in the Military Establishment, \$4,457. I have the cost of employing foreign personnel at \$1,475, the same as for an enlisted man. The figure of \$3,357 for civilian employees of the military is a zone of interior figure and therefore a conservative one, because American civilians overseas undoubtedly entail a higher cost. The average proportion of officers in the military complement is estimated at 10 percent. Applying these annual average cost figures to personnel involved in handling the supply pipeline to the European theater, we get the following:

Military officers.....	\$5, 664, 096
Enlisted men.....	17, 650, 440
American civilians.....	2, 218, 977
European civilians.....	33, 650, 650
Total.....	59, 184, 163

If we assume, and admittedly these calculations are rough, that an equivalent complement of personnel is involved in handling supplies to the far eastern theater, we come out with a total of \$118,368,326 for supply operations in those two theaters.

According to data submitted to the subcommittee, 38 percent of the supplies handled in these operations are common to both the Army and the Air Force. Applying that percentage to the total estimated cost of personnel, we come out with a figure of \$44,979,963, which in my amendment is rounded off to forty-five million.

Mr. Chairman, this is a very modest item in the twenty or more billion dollars we are asked to appropriate for the Air Force, and it is derived from the limited information available. However, I believe the estimate is extremely conservative and merits the approval of the House in order to put a stop to an expenditure of funds for duplicate facilities within a given sector of the Military Establishment.

Mr. Chairman, I would like to point out one other small item, upon which I shall submit an amendment. While we were in Alaska we found out that the Air Force up there used 8½ by 10½ paper in the office. The Army could not use that. They had to use 8 by 10½ paper. As a result of finding out why we had so many stockpile record cards, we came back and followed it with the Bureau of the Budget. We were advised that as of January 1, this year, the Air Force had standardized on paper. As of last week the Army set up a system whereby they could standardize on an 8½ by 10½ sheet of paper.

Do you know just how much money they are going to save next year just by reason of standardizing? They are going to save, according to Army estimates given me this morning, 2,011,336 pounds of paper at 15 cents a pound, or a total of \$765,000. That is a conservative estimate by the Army itself.

Mr. MAHON. Mr. Chairman, there are no further requests for time on this side.

Mr. TABER. We have none on this side. My understanding is that when we get back into the House the gentleman will ask that general debate continue for 1 hour tomorrow, to be equally divided.

Mr. MAHON. The gentleman is correct, and I believe the request will be made to meet at 11 o'clock tomorrow morning.

Mr. TABER. That is all right.

Mr. MAHON. 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. FORAND, 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. 7391) making appropriations for the Department of Defense and related independent agencies for the fiscal year ending June 30, 1953, and for other purposes, had come to no resolution thereon.

GENERAL DEBATE

Mr. MAHON. Mr. Speaker, I ask unanimous consent that general debate on the bill H. R. 7391, the Department of Defense appropriation bill, continue for 1 hour on tomorrow, the time to be equally divided between the gentleman from New York [Mr. TABER] and myself.

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

There was no objection.

GENERAL LEAVE TO EXTEND REMARKS

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members speaking on the bill today may have permission to revise and extend their remarks.

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

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Landers, its enrolling clerk, announced that the Senate had ordered that the Secretary be directed to request the House of Representatives to return to the Senate the joint resolution (S. J. Res. 20) entitled "Joint resolution 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."

SUBMARGINAL LANDS

The SPEAKER laid before the House the following communication from the Senate, which was read:

Ordered, That the Secretary be directed to request the House of Representatives to

return to the Senate the joint resolution (S. J. Res. 20) entitled "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."

The SPEAKER. Without objection, the request will be agreed to.

There was no objection.

HOUR OF MEETING TOMORROW

Mr. PRIEST. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 o'clock tomorrow.

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

There was no objection.

CONSENT CALENDAR

Mr. PRIEST. Mr. Speaker, I ask unanimous consent that the call of the Consent Calendar on Monday, April 21, be dispensed with?

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

There was no objection.

INDUSTRIAL EXPANSION IN THE OHIO VALLEY

Mr. BURNSIDE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

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

There was no objection.

Mr. BURNSIDE. Mr. Speaker, since quite a number of my colleagues have shown interest in the recent talk I made on Sistersville, W. Va., I would like to take this opportunity to tell you about another town in the Ohio Valley. Paden City, W. Va., is another excellent example of the opportunities for industrial expansion in the beautiful Ohio Valley.

Few people know that Tyler County, where Paden City is located, is rich in coal, gas, salt brine, water, and a skilled labor supply, the five handmaidens of chemical expansion.

Perhaps these practical considerations have been overlooked because the breathtaking beauty of the sunset upon the Ohio River and the green mountains surrounding the town do not turn one's thoughts to the workaday world. This is a great mistake, for Paden City affords abundant advantages.

It has both water transportation and excellent train service. It has an advantage over many Ohio River towns in that it is located on unusually high bottom land. In more than a century and a half the highest floods of the Ohio River have never reached the level land on which the town was built.

The town was named for Obidiah Paden, the first white man to settle on the Ohio River between Wheeling and Marietta, Ohio. Here in 1796 Obidiah Paden purchased from Robert Woods 400 acres of land and erected thereon a log

will be the men and women who work in the various steel plants.

Mr. BRICKER. I think the Senator from Pennsylvania is entirely correct.

I should like to suggest, in response to the questions asked by the Senator from Washington and the Senator from Pennsylvania, that in my judgment the workers in the steel industry do not want to strike. I do not think the laborers in the steel plants want to quit; I do not believe they want to go out on strike tonight. If they are out any great length of time, it will be a long, long time before they will be able to make up the personal loss they will sustain. In a strike situation such as this one, every one loses: The Government loses taxes; the production program loses; and the fabricators lose because they cannot get the steel they need. It is impossible to manufacture automobiles, radios, refrigerators, and many other articles which are made of steel, if there is a shortage of steel. Furthermore, the defense production program is bound to suffer. In fact, not only is there suffering in our country, but great encouragement is given to the enemies of freedom, those who are trying to undermine our economy. If there is anything in the world that old Joe Stalin is afraid of today, it is the productive capacity of free enterprise in the United States. I can conceive of no better way to strengthen him and to weaken ourselves than to undermine the American free enterprise system and its great productive capacity. When control of that system is taken out of the hands of labor and management and is placed into the hands of Government, along with such irritants the Government has put into the present situation, the result is bound to undermine that productive capacity.

Mr. MARTIN. Mr. President, the statement the Senator from Ohio is making is a very sound one, and it is unfortunate that it cannot be heard by every American.

Mr. CAIN. Mr. President, will the Senator from Ohio yield to me?

Mr. BRICKER. I yield to the Senator from Washington.

Mr. CAIN. If the present armistice talks in Korea break down, and if that war is enlarged, what is the result likely to be if the steel workers of the United States are out on strike and the steel industry is not producing any steel?

Mr. BRICKER. Of course, the public generally will not tolerate such a situation for very long; we simply cannot afford to do so. Then the full power of government will have to be used in the situation, and the Government will have to obtain an injunction against the strike or take similar action. If the strike is not solved by the efforts of the parties concerned in it, the Government will move very quickly to solve a strike of this kind. It can be solved, and it would have been solved if it had not been for the meddling of the Wage Stabilization Board created by the President, in going into things into which it had no business to go. That is the cause of the strike. The strike would have been settled if the matter had not been taken out of the hands of the management and the workers. However, the action taken by the Board in this case

amounts to an invitation for an adamant stand by one of the parties. That itself is an invitation to the threatened strike; it is a perversion and a distortion of the Defense Production Act, and is contrary to every intent and purpose of the Congress in enacting that measure and in creating a Wage Stabilization Board.

Mr. CAIN. Even at this late hour, is there not some way by which the controversy between management and labor can be resolved, short of Government seizure?

Mr. BRICKER. I think there would be no question about it if the President were willing to act under the Taft-Hartley Act. However, evidently because of political reasons he is not willing to take action under it. If he were to act under that measure, he could enjoin the parties from engaging in a strike, and there then would be 80 days for negotiation.

I say confidently that if management and labor were able to sit down and negotiate this problem, without Government interference, and especially without the report the Wage Stabilization Board has issued, the strike situation would surely soon be settled or possibly would have been settled before now; it could well be solved within the 80-day period, and production would not cease, and the Government would not have to take over the steel industry.

Mr. CAIN. I thank the Senator from Ohio.

Mr. BRICKER. So, Mr. President, as a result of the political manipulation of the wage-and-price and production programs authorized by the Congress, today we are faced with a destructive strike in a basic segment of industry, a strike because of which everyone ultimately will suffer. Labor will suffer; the public will suffer; the steel industry will suffer; the production program will suffer; the consumers will not get the products which otherwise they would get; and if the strike continues for very long, the war program will likewise suffer. Our security is imperiled.

No one wants this strike. I do not think the Government wants it, or that labor wants it, or that management wants it. I know the public does not want a strike at this time. Certainly the Defense Establishment does not want a strike which ultimately will seriously affect both the program for the production of the needed materials of war, and the price of those products to the Government.

So, Mr. President, as the result of political manipulation and interference with free enterprise in the United States and interference with proper negotiation between management and labor, today we are face to face with a very destructive strike. That situation has developed because of the Government's failure to approach this problem properly in the public interest.

The strike should never happen. Every action should be taken to prevent it.

Mr. President, in the next few weeks we shall be confronted with the need for the passage of a new defense production bill. I, for one, believe that if it is to be administered as the Defense Production

Act has been administered up to this time, particularly with regard to the steel industry, a continuance of the wage-and-price-control program will not be in the public interest.

It is a costly program. It has not worked effectively. It has been politically manipulated. It has been a curb on production in many respects, and I do not think it has reduced prices. It has not held down wages. It has not touched the basic causes of inflation, namely, the production of goods and a decrease in purchasing power. Those are the real causes of inflation, and they are matters completely outside the province of this program.

All that the wage and price stabilization program could possibly affect would be the symptoms of inflation; and not very long would they be able to effectuate anything in the public interest in that line, unless the Government itself is willing to curb the expansion of money and credit. But the most effective way to do so would be to balance the budget, so it would not be necessary to have further deficit financing. The Government could encourage the production of industry by taking its hand off the neck of industry. Labor and industry should be free to negotiate properly the things within their province. Greatest encouragement to production would follow a lessened burden of taxes.

So Government interference, and the failure to operate under the price and wage stabilization law in the public interest, have brought us to the brink of a very destructive strike in a basic segment of our industry.

MINERAL LEASES ON CERTAIN SUBMERGED LANDS—CHANGE OF CONFeree

During the delivery of Mr. BRICKER'S speech,

Mr. LONG. Mr. President, will the Senator from Ohio yield for a unanimous-consent request?

Mr. BRICKER. I yield.

Mr. LONG. Mr. President, I ask unanimous consent that there may be laid before the Senate the motion I entered to reconsider the vote by which the Senate appointed conferees yesterday on Senate Joint Resolution 20, the so-called tidelands measure.

The PRESIDING OFFICER (Mr. STENNIS in the chair). Is there objection to the Senator from Ohio yielding to the Senator from Louisiana without losing the floor? The Chair hears none.

Mr. O'MAHOONEY. Mr. President, I trust that the request of the Senator from Louisiana will be granted. When the conferees were appointed yesterday morning on the submerged-lands measure the junior Senator from Arizona [Mr. MCFARLAND], the majority leader, a member of the Committee on Interior and Insular Affairs, was named as one of the conferees. He has since notified me that he would not be available for service on the conference committee, and has asked to be excused. The next two Senators who, in the order of seniority, would be appointed, are the Senator from New Mexico [Mr. ANDERSON] and

the Senator from New York [Mr. LEHMAN]. Both those Senators, like the chairman of the committee, were opposed to the amendment in the nature of a substitute which was added in the Senate to the joint resolution, and both have asked to be excused from service upon the conference committee.

The next Senator in order, therefore, is the junior Senator from Louisiana [Mr. LONG], and I ask that his name may be substituted as a Senate conferee in the place of that of the Senator from Arizona, who asks to be excused.

Mr. HOLLAND. Mr. President, I wish to express my great appreciation for the kind and courteous handling of this matter by the Senator from Wyoming, and also my appreciation of the very proper and wholly fair attitude of the Senator from New Mexico and the Senator from New York.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wyoming? The Chair hears none, and it is so ordered.

The motion to reconsider the vote is withdrawn by the Senator from Louisiana.

Mr. LONG. Mr. President, I believe the motion to reconsider will have to be agreed to in order that the substitution may be made.

Mr. O'MAHONEY. That is correct.

The PRESIDING OFFICER. Unanimous consent was given to the request for a change in the conferees.

Mr. O'MAHONEY. That being the case, the result is the same.

The PRESIDING OFFICER. As the Chair understands, the motion to reconsider is withdrawn.

Mr. O'MAHONEY. Did the Chair appoint the Senator from Louisiana to the conference in the place of the Senator from Arizona?

The PRESIDING OFFICER. The Chair so understood, and it was so announced. The Senator from Arizona was excused by unanimous consent, and the Senator from Louisiana was appointed. By unanimous consent, all these remarks will appear at the end of the address of the Senator from Ohio.

Mr. LONG. Mr. President, I thank the Senator from Ohio, and also the Senator from Wyoming.

EVALUATION OF FISCAL REQUIREMENTS OF EXECUTIVE AGENCIES—AMENDMENT OF LEGISLATIVE REORGANIZATION ACT OF 1946

The Senate resumed the consideration of the bill (S. 913) to amend the Legislative Reorganization Act of 1946 to provide for the more effective evaluation of the fiscal requirements of the executive agencies of the Government of the United States.

Mr. HUMPHREY. Mr. President, I rise to speak in support of the pending bill, Senate bill 913, as reported from the Committee on Government Operations, under the sponsorship of our chairman, the Senator from Arkansas [Mr. McCLELLAN]. Senate bill 913, which has been explained at some length by the distinguished chairman

of the committee and by other members of the committee, proposes to establish a joint budget committee and staff to provide the two Houses of Congress with badly needed improvements in the legislative consideration of the annual fiscal requirements of the executive agencies. I am proud to be a cosponsor of the bill, and I trust that it will be enacted into law within a very short time.

Mr. President, I shall comment only briefly concerning the many and difficult aspects of Federal budgeting. This is a subject which would require an expert, one who had had many years of experience, to discuss fully and adequately the intricate details of the budgeting process. But we all know that we are dealing with problems of fiscal control involving a myriad of far-flung activities of present-day government.

Way back in relatively simple Victorian days, before the turn of the century, Prime Minister Gladstone was already insisting that "national budgets are not merely affairs of arithmetic, but in a thousand ways go to the root of prosperity of individuals, the relation of classes, and the strength of kingdoms." Imagine how much more true that statement is today as a result of the enormously expanded Federal operations of the United States during the past half of a century.

Mr. President, I think it fair to point out that while we in the Congress spend a good portion of our time and energy in discussing the Federal budget, and occasionally making some rather unkind remarks about its size, and then shifting the burden over to the executive branch, the fact still remains as a constitutional obligation and duty, that the appropriations for the operations of the Government, must come from the Congress. What I am saying is that the President of the United States and the Bureau of the Budget may submit to the Congress a budget, but at best it is but a recommendation. It has become in recent years more than a recommendation, not because of the strength of the executive branch, but unfortunately because of the weakness of the fiscal-control processes of the Congress of the United States. I remind my colleagues and the public that the Constitution places the burden for all taxation and all appropriations upon the two Houses of the United States Congress. No matter how much we may want to shift this burden to someone else, it still remains with us, and it must be our responsibility to organize our legislative processes so that we may properly handle this budget.

I shall develop only one or two of many possible arguments in support of Senate bill 913 during the short time during which I shall speak today. As an introduction to those arguments, let me summarize briefly six major features of S. 913 as covered by the Committee on Government Operations in its brief but cogent Senate Report No. 576, dated July 25, 1951:

Major feature No. 1: The bill repeals section 138 of the Legislative Reorganization Act of 1946, which set up the joint committee which has failed repeat-

edly to develop an annual ceiling on total expenditures. Instead, S. 913 sets up a new bipartisan joint budget committee of 18 members—5 each from the 2 Appropriations Committees, and 4 each from the 2 Expenditures Committees of the 2 Houses of Congress.

Major feature No. 2: Under existing law the present joint committee has failed to recommend the maximum total amount to be appropriated annually. Instead, the new joint budget committee is directed (a) to make recommendations to the House and Senate Appropriations Committees which would hold expenditures to the minimum consistent with the requirements of Government operations and national security, (b) to summarize annually the estimated costs of all new legislative authorizations which have been voted by the Congress, (c) to assist standing committees by reporting on actions by executive agencies which violate basic legislative authorizations, and (d) to propose checks or cut-backs which should be made in the legislative authorizations of prior years.

In other words, Mr. President, the proposed joint budget committee would serve not only as a technical and a staff agency for the Appropriations Committees of the Congress but also would perform the function of a watchdog committee, particularly over the authorizations which have been agreed to by the Congress.

Major feature No. 3: The new joint committee is directed to hire an experienced staff, members of which shall be assigned within their areas of special training and assignment to assist the several subcommittees of the House and Senate Appropriations Subcommittees in turn as appropriation bills move from inception to final passage. Then such staff members will return to the control and the direct service of the joint committee. This joint staff of possibly 50 or more well-trained specialists will supplement the small, separate staffs serving the House and Senate Appropriations Committees who cannot now do more than take care of the many clerical duties placed upon them. It is felt that providing such a large new staff for each of the committees would be a wasteful duplication of manpower and conducive to clashing staff opinions which ought to be kept at a minimum. Moreover, a single professional joint staff would be more likely to achieve intimate and valuable working arrangements with the Budget Bureau during its preparation of annual budget recommendations.

Mr. President, this is the key provision of this bill. Instead of having two separate staffs, one for the Senate and one for the House, there will be one joint staff which, at the time of the preparation of the budget and its consideration by the committees of the Congress, will serve these two committees as technical and trained specialists.

If the Congress of the United States will equip itself with sufficient staff and personnel, it can have some control over the budget; but if the Congress of the United States is going to live in the year 1952 but employ the budget methods of the time of Andrew Jackson, it is not going to be able to control the budget.

amended (31 U. S. C. 223b), and for the purpose of section 1 of the act of December 28, 1945 (ch. 597, 59 Stat. 662; 31 U. S. C. 223d), the date of the termination of a time of war and the establishment of peace shall, with respect to accidents or incidents occurring after June 23, 1950, be July 1, 1952, notwithstanding any other termination of war or establishment of peace.

Sec. 2. Authority now conferred upon the Secretary of the Air Force under the statutory provisions cited in this act is hereby extended to the same extent as the authority of the Secretary of the Army thereunder.

Sec. 3. Nothing in this act shall be construed to repeal or modify section 601 of Public Law 155, Eighty-second Congress, first session, relative to coming into agreement with the Committee on Armed Services of the Senate and of the House of Representatives with respect to real-estate actions by or for the use of the military departments or the Federal Civil Defense Administration.

Sec. 4. If any provision of this act, or the application thereof to any person or circumstances, is held invalid, the remaining provisions of this act, or the application of such provision to other persons or circumstances, shall not be affected thereby.

Sec. 5. This act may be cited as the "Emergency Powers Interim Continuation Act."

The joint resolution was ordered to be engrossed and read a third time, was read a third time, and passed, and a motion to reconsider was laid on the table.

SUBMARGINAL LANDS

Mr. WALTER. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the joint resolution (S. J. Res. 20) 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, with an amendment of the House thereto, insist on the House amendment and ask for a conference.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania? [After a pause.] The Chair hears none and appoints the following conferees: MESSRS. CELLER, WALTER, WILSON of Texas, GRAHAM, and CASE.

PERMISSION TO ADDRESS THE HOUSE

Mr. VAN ZANDT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.

[Mr. VAN ZANDT addressed the House. His remarks appear in the Appendix.]

SPECIAL ORDERS GRANTED

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

Mr. BUSBEY asked and was given permission to address the House tomorrow for 15 minutes, following the legislative business of the day and any other special orders heretofore entered.

The SPEAKER. Under previous order of the House the gentleman from New York [Mr. JAVITS] is recognized for 20 minutes.

NATIONAL EMERGENCY SEIZURE ACT OF 1952

Mr. JAVITS. Mr. Speaker, since I first proposed amendments to the Taft-Hartley law in 1947 I have carried on a campaign to urge the Congress to make provision for the kind of ultimate situation which we seem to be facing in the steel industry. I have urged that Congress deal realistically with a situation in which the operation of plants and facilities are so vital to the national security or health that it must be continued. Particularly is this true in a national emergency of defense mobilization like the present.

The Congress has not dealt with the problem and we again face a situation today in which the Government may move with its own interpretation of its powers in this area and with an arduous controversy either publicly or in the courts, or both, to determine the rights of the parties affected and of the Government and without help from Congress on a fundamental national policy which is exactly within the province of Congress.

It is significant that Massachusetts has a law providing for seizure by the governor of privately owned business engaged in the distribution of food, fuel, water, electric light, power, gas, and hospital and medical services threatened by shut-down to the extent necessary to safeguard health and safety.

For this reason, Mr. Speaker, I am raising the subject again today by introducing a bill to establish authority in the President for the seizure, use, and operation of plants essential to the national security and health in which shut-downs of production due to labor-management difficulties are threatened. I believe that the impending steel shut-down with its direct threat to the defense production of the country brings forward again the urgent need for this kind of legislation. Under the present statutory authority contained in the Selective Service Act of 1948—Public Law 759, Eightieth Congress—section 18 and under any general constitutional powers of the President, there are no ground rules for such seizure of plants which are made, as they ought to be, by the Congress. It is my belief that Congress must deal with this problem in respect of the impending situation and any similar situation. At a time of national emergency like the present, I believe that the people of the country would not feel that this administration ought to be entrusted with complete power in a situation like seizure of the steel plants without the Congress having set up the ground rules. Accordingly my bill makes the following major points:

First. That the United States may seize plants where a labor-management dispute has resulted in or imminently threatens a shut-down in an industry, operation of which is essential to the national security or health and where seizure is essential to continued operation;

Second. That the plants are to be operated by the Government only to the minimum extent required by the national security or health—in this way avoiding any implication of strikebreaking;

Third. That employees—those who remain on the job—are to be paid not less than the prevailing wages in the particular industry in the area and that a special wage board is to consider wage rates and other conditions of employment;

Fourth. That the special wage board is to be composed of nine members, three chosen by the President from a panel nominated by the principal national labor organizations to represent labor, three members from a panel nominated by the principal national employer organizations to represent employers, and three members to be appointed by the President and confirmed by the Senate to represent the public;

Fifth. That the Government is to pay only just compensation for its use of the seized property, is to operate it for the account of the United States, and is not to operate it for the account of the employer as if it were a going concern; and

Sixth. That the property is to be restored to its owners within 30 days after the restoration of such labor relations as would permit production required for the national security or health.

I wish to emphasize again that the situation with which my bill proposes to deal is not confined to the steel situation but that it is intended to deal with any national emergency in defense mobilization involving continued necessary production.

Having carried on this effort to establish a national policy for seizure and operation of critical industrial facilities since 1947, I feel that the injunction provisions of the Taft-Hartley Act on this subject have shown themselves to be negative and inadequate to the problem. The provisions of section 18 of the Selective Service Act are so general as to be inadequate. None of these regulates an absolute exercise of power on the part of the Executive which is the responsibility of the Congress.

The SPEAKER pro tempore (Mr. BECKWORTH). Under the previous order of the House, the gentleman from California [Mr. JACKSON] is recognized for 30 minutes.

THE COMMUNISTS AND HOLLYWOOD

Mr. JACKSON of California. Mr. Speaker, Howard Hughes, production manager of RKO Studio in Los Angeles, Calif., has gone on the offensive against some of the Communists and fellow travelers who have infested a great and productive industry for many years. So successful have the Red termites been in their operations within the moving-picture industry that they have succeeded, out of all proportion to their numbers, in convincing many millions of Americans that Hollywood is the seat of the American Kremlin. This activity on the part of Communists and fellow travelers in the entertainment field has created new and additional problems for the makers of pictures, and has brought down upon some of the recent products

or a misdemeanor, it is apparent that until after the sentence of punishment had been imposed and served, the civil rights of the convicted person, in some cases at least, might be indeterminate in the meantime.

Furthermore, there is a real problem presented in reconciling enactment of the proposed amendment to the provision generally obtaining under State laws to the effect that commission of an infamous crime, to which attaches certain disabilities and disqualifications previously mentioned, is determined by the maximum punishment which may be awarded and not by the punishment actually imposed and served.

I submit, therefore, that the bill poses a very substantial question, meriting careful consideration of the Congress. In addition, I wish to explain that I have introduced this bill with some reservations in my own mind regarding the merits of the proposed amendment, which can be resolved only in the light of considerable research; but in view of the fact that the legislation is recommended by the eminent representatives of the judiciary who comprise the Judicial Conference of the United States, I feel it is only proper that the bill be introduced, in order to give it the test it deserves in the legislative process.

Mr. GREEN. Mr. President, will the Senator from Nevada yield?

Mr. McCARRAN. I am glad to yield.

Mr. GREEN. May I ask whether the recommendation of the Judicial Conference was unanimous?

Mr. McCARRAN. So far as I know it was unanimous. It came to me from Mr. Chandler, who is the administrative director of the courts.

Mr. GREEN. I believe it is quite important to know whether the recommendation was unanimous or whether there was a diversity of views as to the recommendation.

Mr. McCARRAN. I shall have to determine that fact. The bill undoubtedly will be referred to the Judiciary Committee. It will be studied by a subcommittee of the Judiciary Committee and by the whole committee. A very vital question is involved, and in view of the fact that the bill came to the chairman of the Judiciary Committee from such an eminent body as the Judicial Conference, it is the chairman's duty to introduce the bill, for action by Congress.

Mr. GREEN. The recommendation might well be the expression of the majority view.

Mr. McCARRAN. It may very well have been. I believe it was; otherwise the bill would not have come to me. I thank the Senator from Rhode Island.

ADDITIONAL EXPENDITURES BY COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

Mr. JOHNSON of Colorado submitted the following resolution (S. Res. 302), which was referred to the Committee on Rules and Administration:

Resolved, That the Committee on Interstate and Foreign Commerce is authorized to expend from the contingent fund of the Senate, during the Eighty-second Congress, for the purposes specified in section 134 (a)

of the Legislative Reorganization Act of 1946, \$10,000 in addition to the amount authorized in such section.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H. J. Res. 426) making temporary appropriations for the fiscal year 1952, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

MINERAL LEASES ON CERTAIN SUBMERGED LANDS—PRINTING OF SENATE JOINT RESOLUTION 20, WITH AMENDMENT OF HOUSE

Mr. O'MAHONEY. Mr. President, several days ago the Senate passed the so-called submerged lands joint resolution (S. J. Res. 20) 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 conferees were appointed on the disagreeing votes of the two Houses on the joint resolution. However, the usual practice of having the joint resolution printed, with the amendment, has not been followed. Therefore, I ask unanimous consent that the joint resolution may be printed, with the amendment of the House.

The VICE PRESIDENT. Without objection, it is so ordered.

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

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

By Mr. MUNDT:

Address delivered by him before the Mississippi Economic Council at Jackson, Miss.

By Mr. CAPEHART:

Address delivered by Senator JENNER before Indiana Republican editorial meeting at Indianapolis, Ind., on April 5, 1952.

Statement by William J. Grede, president of the National Association of Manufacturers, in connection with the Government's seizure of the steel industry.

By Mr. WILEY:

Statement prepared by him relative to Citizens' Crime Commissions.

Article entitled "Spies Against Crime," written by A. E. Hotchner, and published in This Week magazine of April 6, 1952.

By Mr. MONRONEY:

Tribute to Dr. Henry Garland Bennett by John A. Hannah, president of Michigan State College, at the National Conference on International Economic and Social Development, at Washington, D. C., on April 8, 1952.

By Mr. DIRKSEN:

Addresses by citizens of Chicago, Ill., on March 4, 1952, at ceremony placing on sale a stamp commemorating fiftieth anniversary of the American Automobile Association.

Editorial entitled "The Waste of Rent Control," published in the Washington Times-Herald of April 3, 1952.

By Mr. IVES:

Editorial entitled "Want Their Money Back," published in the Utica (N. Y.) Daily Press of April 5, 1952.

By Mr. MARTIN:

Editorial entitled "The Truman Legacy," written by Kermit McFarland and published in the Washington Daily News of April 7, 1952.

By Mr. BRICKER:

Editorial entitled "Seizure," published in the New York Times of April 9, 1952.

Editorial entitled "Better Sift the Motives," published in the Stars and Stripes of April 3, 1952. Article entitled "Congress Gets Legislation Asking Preservation of Rights of People," published in the Stars and Stripes, and relating to treaty rights and a proposed amendment to the constitution.

Article entitled "Butler Denies Maryland GOP Will Back Ike; Pledge By McKeldin False, He Says," published in the Washington Times-Herald of April 8, 1952.

CLAIMS FOR DAMAGE TO PRIVATE PROPERTY ARISING FROM ACTIVITIES OF THE ARMY

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2157) to authorize payment of certain claims for damage to private property arising from activities of the Army, which was, to amend the title so as to read: "An act for the relief of John L. Bauer, Ernest Bohna, and William E. Dollar."

Mr. McCARRAN. Mr. President, this is a private claim bill. The beneficiaries are three individuals who reside, respectively, in New York, Oregon, and Georgia. The total amount involved in the bill is \$198.50.

The House has amended the title of the bill, without disturbing the text of the bill in any way.

I move, Mr. President, that the Senate concur in the amendment of the House. The motion was agreed to.

SUSPENSION OF THE DEPORTATION OF ALIENS

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the concurrent resolution (S. Con. Res. 63) favoring the suspension of deportation of certain aliens, which was, on page 24, after line 14, insert:

A-5780358, Dhoot, Bishan Singh.

A-5899216, Hall, Gwendolyne Elizabeth.

Mr. McCARRAN. Mr. President, this is one of a series of Senate concurrent resolutions dealing with the adjustment of status of aliens. This resolution has been passed by the Senate. In the House of Representatives, two names were added.

The staff of the Senate Judiciary Subcommittee on Immigration and Naturalization has checked these cases; and I can report to the Senate that the individuals whose names have been added appear to be worthy of approval, equally with those whose names already have been approved by the Senate.

I therefore move, Mr. President, that the Senate concur in the amendment of the House to Senate Concurrent Resolution 63.

The motion was agreed to.

ECONOMY IN GOVERNMENT—ARTICLE FROM BALTIMORE (MD.) EVENING SUN

Mr. O'CONNOR. Mr. President, when an outstanding public official has advo-

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.

The message further announced that the House had passed a joint resolution (H. J. Res. 445) authorizing the President of the United States to proclaim the 7-day period beginning May 18, 1952, as Olympic Week, in which it requested the concurrence of the Senate.

TITLE TO CERTAIN SUBMERGED LANDS

Mr. O'MAHONEY. Mr. President, the House of Representatives has just notified the Senate that in today's session it adopted the conference report on Senate Joint Resolution 20 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. I desire to give notice that it will be my purpose to ask the Senate to consider the report tomorrow, as soon as the session convenes, as a privileged matter.

I give this notice so that all Members of the Senate who may desire to be present may be present. I have consulted with the Senator from Florida [Mr. HOLLAND], whose bill is embodied in whole in the conference report, and with the Senator from Louisiana [Mr. LONG] who supported that bill. It meets their convenience that the matter be taken up tomorrow.

May I add, Mr. President, that it will not be my intention to ask for a ye-and-nay vote, inasmuch as the joint resolution, which is reported in the conference report, is the one which the Senate passed by a substantial majority.

Mr. McMAHON. Mr. President, will the Senator from Wyoming yield?

Mr. O'MAHONEY. I yield.

Mr. McMAHON. Do I correctly understand that the Senator is supporting the conference report?

Mr. O'MAHONEY. No. I signed the report because I felt it to be my duty to do so. I think the issue will have to be fought out upon a veto, which I confidently expect. I see no reason for going through false motions to debate the question, inasmuch as the joint resolution passed the Senate by a substantial vote, and I can see no good to come from delaying the Senate's consideration of the immigration bill, which is a very important measure.

Mr. McMAHON. Am I to understand that there is no purpose to debate the joint resolution again, and that any debate which may be had will come after a veto message, if we receive such a message.

Mr. O'MAHONEY. That is correct. I expect to vote to sustain a prospective veto, which I am confident will come.

Mr. LEHMAN. Mr. President, will the Senator from Wyoming yield for a question?

Mr. O'MAHONEY. I yield to the Senator from New York.

Mr. LEHMAN. I understand that under the rules of the Senate a conference report cannot be amended. It has to be either accepted or rejected in toto.

Mr. O'MAHONEY. That is correct.

Mr. LEHMAN. Do I correctly understand that Senators may express themselves with regard to the conference report?

Mr. O'MAHONEY. Yes.

Mr. LEHMAN. I expect again to express my disapproval of the action taken by the two Houses.

Mr. O'MAHONEY. No one will be stopped from so doing. There can be free and open debate on the question, and I understand that some Senators will want to make a remark or two. I am sure, however, that there will be no extended debate.

OLYMPIC WEEK

The PRESIDING OFFICER laid before the Senate the joint resolution (H. J. Res. 445) authorizing the President of the United States to proclaim the 7-day period beginning May 18, 1952, as Olympic Week, which was read twice by its title.

Mr. McCARRAN. Mr. President, I ask unanimous consent that the House joint resolution just messaged to the Senate be taken up for consideration out of order.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the joint resolution (H. J. Res. 445) authorizing the President of the United States to proclaim the 7-day period beginning May 18, 1952, as Olympic Week.

Mr. McCARRAN. Mr. President, last Monday the Committee on the Judiciary, having before it Senate Joint Resolution 152, recommended that it be reported favorably to the Senate. Its provisions are the same as those of the joint resolution which has passed the House and has been sent to the Senate, and is now before the Senate for consideration.

This joint resolution authorizes the President of the United States to proclaim the week beginning May 18, 1952, as Olympic Week. The purpose of the measure and the proclamation it authorizes is to publicize the appeal of the United States Olympic Association for voluntary contributions which will be used to send representatives of the United States to the 1952 Olympic Games, which will be held in Helsinki, Finland, from July 19 through August 3, 1952.

The joint resolution does not authorize the appropriation of any funds by the United States Government.

Mr. President, I hope that the joint resolution will be immediately passed by the Senate.

The PRESIDING OFFICER. The question is on the third reading of the joint resolution.

The joint resolution (H. J. Res. 445) was ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

The PRESIDING OFFICER. Without objection, Senate Joint Resolution 152, Order of Business No. 1443 on the calendar, is indefinitely postponed.

AMERICA'S GREATEST DANGER: DOMESTIC LEGISLATION BY TREATY

Mr. BRICKER. Mr. President, at the beginning of my remarks I wish to introduce, for the purpose of the record, two editorials—one of them from the Columbus (Ohio) Citizen of February 10, 1952, and the other from the Canton Repository of the same date. I ask that they be printed in the RECORD at this point.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Columbus (Ohio) Citizen of February 10, 1952]

BRICKER RAISES AN ISSUE

Senator BRICKER feels that the constitutional rights of Americans may not be as safe as we think. Modern concepts of treaty making and of executive agreements of our President with other nations might nullify our rights.

He has introduced a proposed constitutional amendment to forbid the making of any foreign treaties or executive agreements that would affect those rights.

Senator BRICKER pointed out that "freedom of speech, press, assembly, and religion are protected by means of a prohibition on the power of Congress. The Constitution defines Congress as a Senate and a House of Representatives. The treaty-making agency is not Congress but the President and the Senate."

Therefore, he feels it might be possible for a President and two-thirds of the Senate to make a treaty that would nullify the Constitution.

As Senator BRICKER pointed out, the framers of the Constitution 165 years ago could not guess the complexity and difficulty of international relations today.

He and the Senators who join him in sponsoring the resolution feel that the recent conduct of Presidents and the seeming policy of our State Department are cause for concern for our basic American freedoms.

Many Ohioans will agree.

The resolution raises many complicated questions. But, as Senator BRICKER said in introducing it: "No sponsor claims its language is perfect or in final form. One of the primary objectives * * * is to focus attention on a grave constitutional defect and to stimulate discussion."

Certainly appraisal of the question of our basic freedoms is timely and desirable.

[From the Canton (Ohio) Repository of February 10, 1952]

SENATOR BRICKER'S VIGILANCE

Sponsorship by 54 Senators of Senator BRICKER's proposed constitutional amendment to protect civil rights and United States sovereignty has struck a substantial blow for freedom.

Its immediate effect is to make certain that no treaty can be sneaked past the Senate unless it first has been certified by at least 54 of the Members of the present Senate.

Its long-range effect is to make probable that the same constitutional scrutiny which all domestic laws must undergo will be turned on all treaties.

Senator BRICKER's proposal would bring that about. It would prohibit any treaty or executive agreement affecting the citizenship rights protected by the Constitution. No one under any circumstances could meddle with an American citizen's guaranties of free speech, free religion, a free press, protection from search and seizure, right of trial by jury, protection of private property, etc.

ported by the public, is now making an appeal for the sum of \$850,000, necessary to equip, transport, feed, house, and present in competition over 400 amateur athletes from all classes of our society and all parts of our country to represent the United States in the 1952 Olympic games: Therefore be it

Resolved, etc., That the President of the United States is authorized and requested to issue a proclamation designating the 7-day period beginning May 18, 1952, as Olympic Week and urging all citizens of our country to contribute as generously as possible to insure that the United States will be fully and adequately represented in the XVth Olympic games.

The House joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A BILL AUTHORIZING CANCELING STAMPS ON LETTERS USING WORDS, "REGISTER NOW—THEN VOTE"

Mr. REES of Kansas. 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 Kansas?

There was no objection.

Mr. REES of Kansas. Mr. Speaker, the Junior Chamber of Commerce of Wichita, Kans., recently started a project designed to encourage citizens to register and to vote. They have done a very effective job with respect to publicizing the need for all citizens to exercise their voting franchise.

One of the effective means this organization has suggested is to provide for the use of a special canceling stamp at the Wichita Post Office using the words, "Register now—Then vote," and to be placed on outgoing mail. It appears legislative action is necessary in order that such proposal may be carried out.

In my opinion this is a very worthwhile project and one which should be extended nationally. I am today introducing legislation which will authorize the Postmaster General to grant permission to use special canceling stamps or postmarking dies where the purpose is to urge citizens to register and vote in general elections.

This authority is in addition to present authority for similar authorizations for two other purposes, as follows:

First, where the event to be advertised is for some national purpose for which Congress had made an appropriation; second, where the event to be advertised is of general public interest and importance and is to endure for a definite period of time and is not to be conducted for private gain or profit.

Certainly this proposal is of general public interest and importance.

No cost will be attached to the Post Office Department. The procedure will be invoked only where it has the approval of the Postmaster General and where some public-spirited organization will provide the special canceling stamps or postmarking dies.

In my judgment this use of a special canceling stamp is equally meritorious

along with the other purposes already authorized by law and to which I have just referred.

I think it is conceded we should do everything possible to encourage our citizens to vote. Here is a proposal to do that very thing with no cost to the Government. A large vote at general elections should demonstrate to the world the value which we as freemen place upon the right to express our views on Government policies in this great country of ours.

CALL OF THE HOUSE

The SPEAKER. The Chair suggests the absence of a quorum. Evidently a quorum is not present.

Mr. McCORMACK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 70]

Aandahl	Garmatz	O'Brien, N. Y.
Albert	Gore	O'Toole
Allen, Calif.	Granger	Perkins
Anderson, Calif.	Hall,	Potter
Anfuso	Edwin Arthur Powell	
Bakewell	Hand	Ramsay
Baring	Harden	Redden
Bates, Ky.	Harrison, Va.	Rhodes
Belcher	Harrison, Wyo.	Riley
Bender	Hedrick	Roberts
Blatnik	Heffernan	Robeson
Bolling	Herter	Roosevelt
Bonner	Hoeven	Sabath
Boykin	Hoffman, Mich.	Scott,
Buckley	Hunter	Hugh D., Jr.
Buffett	Jackson, Wash.	Sheehan
Burnside	Jarman	Shelley
Carlyle	Johnson	Sheppard
Carrigg	Jonas	Smith, Miss.
Celler	Jones, Mo.	Stigler
Cole, Kans.	Kelly, N. Y.	Stockman
Coudert	Kennedy	Sutton
Cox	Kerr	Tackett
Crosser	Lanham	Taylor
Davis, Ga.	Lesinski	Van Pelt
Dawson	Lovre	Velde
Dingell	McIntire	Watts
Doyle	Mason	Welch
Durham	Morris	Werdel
Eaton	Morrison	Wheeler
Engle	Morton	Wickersham
Evins	Moulder	Williams, Miss.
Forand	Multer	Wilson, Ind.
Fugate	Mumma	Wood, Ga.
Fulton	Murphy	Woodruff

The SPEAKER. On this roll call 326 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

SPECIAL ORDER GRANTED

Mr. JENSEN (at the request of Mr. H. CARL ANDERSEN) was given permission to address the House for 30 minutes on Tuesday next, following any special orders heretofore entered.

URGENT DEFICIENCIES BILL

Mr. CANNON, from the Committee on Appropriations, reported the bill (H. R. 7860) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1952, and for other purposes (Rept. No. 1929), which was read a first and second time and, together with the accompanying papers, referred to the Com-

mittee of the Whole House on the State of the Union and ordered to be printed.

Mr. TABER reserved all points of order on the bill.

TITLES OF STATES TO LANDS BENEATH NAVIGABLE WATERS

Mr. WALTER. Mr. Speaker, I call up the conference report on the resolution (S. J. Res. 20) 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 ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 1850)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the joint resolution (S. J. Res. 20) 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, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment and the Senate agree to the same.

FRANCIS E. WALTER,
J. FRANK WILSON,
LOUIS E. GRAHAM,
CLIFFORD P. CASE,

Managers on the Part of the House.

JOSEPH C. O'MAHONEY,
RUSSELL B. LONG,
HUGH BUTLER,
GUY CORDON,

Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the joint resolution (S. J. Res. 20) 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, submit the following explanation of the effect of the action agreed upon in conference and recommended in the accompanying conference report:

The House amendment substituted the language of the bill H. R. 4484, as agreed to by the House, for the language of the Senate resolution.

The first title of the House amendment was in substance the same as the corresponding part of the Senate resolution except that the former provided for definitions of such matter relating to the area in the Continental Shelf outside State boundaries. Since title III was deleted by the conference, they are superfluous. Those definitions are contained in title I, section 2, subsections (f), (g), (i), (k), and (l) of the House amendment.

Title II of the House amendment was substantially identical with Title II of the Senate resolution with the exception that in the latter sections 8 and 9 corresponded similarly to sections 17 and 19 of title III of the House amendment. Section 8 of the Senate resolution and its counterpart in the House amendment, section 17, merely provide that the act shall not affect any of the issues between the United States and the States relating to the ownership or control of the subsoll and seabed of the Continental Shelf lying beyond the lands beneath navigable waters as defined in the bill. Section 9 of the Senate resolution and its counterpart, section 19 of the House amendment, provide for the usual separability clause.

The conference agreement provides in title I for the definitions of various terms which are employed in title II.

Title II of the conference agreement is substantially identical with title II in the Senate resolution and the House amendment. Title II recognizes, confirms, vests, and establishes in the States title to the submerged lands beneath navigable waters within their boundaries and of the natural resources within such lands and waters. The areas affected by this title include all the submerged lands seaward from the coast line for a distance of 3 miles or to the original boundary of any State in any case where such boundary at the time the State entered the Union extended more than 3 miles seaward.

Title II does not affect any of the Federal constitutional powers of regulation and control over the submerged lands and navigable waters within State boundaries. These powers, such as those over commerce, navigation, flood control, national defense, and international affairs, are fully protected. Title II also 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 these submerged lands.

The conference report does not affect any of the areas of the Continental Shelf adjacent to the United States which are outside of such State boundaries.

FRANCIS E. WALTER,
J. FRANK WILSON,
LOUIS E. GRAHAM,
CLIFFORD P. CASE,

Managers on the Part of the House.

Mr. WALTER. Mr. Speaker, the conference report contains the exact language that was contained in the bill as it passed the House, with the exception of section 3. Section 3 dealt with the control over the Continental Shelf. During the course of the consideration of the two bills and incidentally, the Senate bill is identical with sections 1 and 2 of the House bill—it became apparent that the questions involved in the Continental Shelf were of such importance that separate legislation was necessary in order to deal properly with the problem presented by the control over that particular part of the submerged lands.

In that connection it is important for the membership to understand that sections 1 and 2 of the conference report, and of the Senate and House bills, confirmed to the States titles to their territory which everyone up to a few years ago believed were in the States.

The third section, as I stated before, has to do with the Continental Shelf in which submerged lands over 90 percent of the development is now taking place.

Under the decision of the Supreme Court until and unless the Congress does something about the control over the

Continental Shelf the entire control of that area of the submerged lands is in the United States.

Mr. Speaker, I now yield 5 minutes to the gentleman from Mississippi [Mr. RANKIN].

TAKING OVER THE TIDELANDS BY JUDICIAL FIAT
ONE OF THE MOST DANGEROUS STEPS EVER
TAKEN

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to extend my remarks and include extraneous matter.

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

There was no objection.

Mr. RANKIN. Mr. Speaker, this is one of the most important questions that has come before this House since I have been a Member of Congress. These so-called tidelands are the lands under the waters along the States which they border, and have always been considered the property of the various States. This insidious movement to take over these tidelands by judicial fiat has dangerous implications for practically every State in this Union, especially the ones that border on the ocean, the Gulf, the Great Lakes, or on our navigable streams.

If the Government can take over this land they can take over the control of the water and tell you whether or not you can go boat riding or fishing there at any time.

Besides, as was pointed out recently in an unanswerable argument published in one of the leading papers of the Middle West—I believe the Kansas City Star—if the Government can take over the oil under these tidelands, it can take over the oil and the coal and other minerals under the lands of every State in the Union. In other words, we have been talking about communism, the taking over of all lands, as was done in Russia, and has been done in Poland, and all the other Communist countries. Here is an attempt to set aside laws the people of the United States have recognized for more than 150 years, by a court decision, and to make it possible to take over not only the tidelands, not only the area along the border of every State that touches navigable water, but also the oil, coal, and other minerals under every State in the Union.

This is merely an insidious movement that has the most dangerous implications. For that reason, I trust that when the roll is called there will not be a dissenting vote.

If we permit the courts to come along and wipe out our constitutional rights, the constitutional rights of the various States, without consulting the Congress, which means the will of the American people, then we are going down a dangerous path that may mean the end of what we know as American independence, American freedom, so far as our own lands and our own properties in the various States are concerned.

To me, it is one of the most dangerous schemes that has ever been promulgated. I trust that when the roll is called there will not be a dissenting vote against this conference report.

Mr. WALTER. Mr. Speaker, I yield such time as he may desire to the gentleman from Indiana [Mr. HALLECK].

Mr. HALLECK. Mr. Speaker, I hope this conference report is adopted. I expect to vote for it.

I want to make this further statement: The day before yesterday we debated the rule for the Puerto Rican Constitution. The concurrent resolution is here providing for approval or disapproval by the Congress under the law enacted by the Eighty-first Congress. Because of that fact, and while my apprehensions, concern, and misgivings about this proposed constitution are not less, but have increased, I do think the rule should be adopted when we consider the matter as contemplated by action of the Eighty-first Congress.

Mr. WALTER. Mr. Speaker, I yield 8 minutes to the gentleman from Ohio [Mr. FEIGHAN].

Mr. FEIGHAN. Mr. Speaker, I think it is very important that we realize exactly what we are doing. It is extremely important that we should not be confused. In the first instance, the report that we are considering today deals with lands underneath the ocean which are seaward from the low water mark. Tidelands are the lands over which the tide ebbs and flows. When the offshore cases were brought to the Supreme Court, there had never been any determination as to who owned the lands underneath the ocean seaward of low tide. The litigation was prompted by the fact that in the last 20 years, oil had been discovered under the bed of the ocean seaward of the low tide, and consequently the question was who owned that land underneath the ocean. The cases which went to the Supreme Court went there under this particular circumstance, namely: That the issue involved in the cases in the United States against Texas and against California and against Louisiana, both in the bill of complaint and in the oral argument by the then Attorney General, Mr. Clark, stated that there is no point at issue with reference to inland navigable waters, bays or lakes. There had been previous decisions, one of them the Illinois Central Railroad, One Hundred and Forty-sixth United States Reports, page 387, which specifically stated that the State of Illinois owns the bed of Lake Michigan in front of the city of Chicago. The United States has not challenged the correctness of this decision.

Mrs. BOLTON. Mr. Speaker, will the gentleman yield?

Mr. FEIGHAN. I yield.

Mrs. BOLTON. What is the extent out from shore in the tideless waters of the Great Lakes?

Mr. FEIGHAN. I will go into the question of the Great Lakes right now, if I have the time. The waters of the Great Lakes are in an entirely different situation. They are considered inland waters. According to international treaty, the Great Lakes are divided in the center of the lakes, and there is no 3-mile belt, and the Supreme Court in that Illinois decision, decided that the States adjoining the Great Lakes owned the land underlying the Lakes.

I think it is important that we realize that there has been confusion, which has been created in the minds of many people, that these Supreme Court decisions would permit the United States to take over any inland waters. That is actually contrary to the arguments in the Supreme Court, and the decisions of the Supreme Court.

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

Mr. FEIGHAN. I yield.

Mr. WALTER. Of course, nobody ever believed that the United States would take the position with respect to the lands immediately adjacent to the States. What the gentleman says is true as of now, but who knows what will happen tomorrow? We are playing safe in the language of this bill by guaranteeing the States their boundaries out into the Great Lakes, as they were at the time the several States became a part of the United States, and that is the same principle underlying the bill which was enacted by the House.

Mr. FEIGHAN. When the original 13 States joined the Union, they gave up their allegiance to the crown and any external sovereignty that they had. They exchanged that external sovereignty for State sovereignty. By the same token, even the State of Texas, which later came into the Union, and which was first an independent Republic, had external sovereignty. By joining the Union, it gave up its external sovereignty, and joined on an equal footing with every other State.

Mr. WALTER. Of course, when the Republic of Texas became a part of the United States, the United States guaranteed the boundaries of that Republic, and those boundaries extended out into the waters, which have now become the matter in this controversy, and when the Attorney General of the United States testified before the Committee on the Judiciary, he was asked about that treaty and his reply was, "That is an unfortunate treaty."

Mr. FEIGHAN. That has not been determined, and the United States recognizes in international affairs only the 3-mile belt.

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

Mr. FEIGHAN. I yield.

Mr. MANSFIELD. Is it not true that the Supreme Court on three different occasions has ruled that the tidelands, as such, are not in question, and that outside of the tidelands it is a matter of Federal jurisdiction?

Mr. FEIGHAN. Absolutely, the tidelands have never been under consideration by the Supreme Court because the tidelands are that body of land underneath the ebb and flow of the tide. That is in the same category as the inland navigable waters, bays, and lakes.

Mr. MANSFIELD. There is no question about State sovereignty over all inland waters.

Mr. FEIGHAN. None whatever.

Mr. MANSFIELD. But the States, for example, have attempted to claim submerged lands. The Legislature of Texas passed a law which said that the sovereignty of Texas was out 67½ miles

into the Gulf. The State of Louisiana passed legislation claiming the State line went out 100 miles. That is getting us into problems that are very grave. As far as looking into the future is concerned, we have got to act on what we are facing now. This is not a good bill.

Mr. FEIGHAN. The United States recognizes the international boundary only 3 miles out from shore.

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

Mr. FEIGHAN. I yield.

Mr. RANKIN. The boundary of the State of Mississippi crosses the Mississippi Sound and takes in Ship Island, Cat Island, and other islands. Would that decision cut the State of Mississippi in two?

Mr. FEIGHAN. No; it would not. It is easy to determine exactly what submerged lands are seaward of inland waters, and that is done in Mississippi as well as in other States. The Mississippi Sound has been held to be inland water. Consequently the 3-mile belt in the Gulf of Mexico runs outside of Ship Island, Cat Island, Horn Island, and the other islands along the Mississippi coast.

Mr. RANKIN. I fear this is just the beginning of an attempt on the part of the United States Government to take over all resources under these lands. If they can take over the oil, then they can take over the coal, the iron ore, and everything else that is under the soil.

Mr. FEIGHAN. The conclusion of the gentleman from Mississippi is based on an entirely false premise, because it was definitely stated by the Supreme Court decision that such could not and would not be the case.

The Congress under article IV of the Constitution has the power to appropriate territory and property. The Supreme Court held that the submerged lands seaward from low tide belonged to the United States; that means to the 48 States.

Under the provisions of this report, three States, California, Texas, and Louisiana, will benefit most. This appropriates or donates for the benefit of those coastal States which have off-shore deposits—some already known and many unknown. We are giving that which belongs to the 48 States to those particular States that border on the ocean.

Mr. RANKIN. This proposition applies to the Great Lakes, too. Do not misunderstand it.

Mr. FEIGHAN. It does not, very definitely. Its language is broad enough, of course, but the lands under the Great Lakes are not involved in the off-shore controversy.

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

Mr. FEIGHAN. I yield.

Mr. MANSFIELD. The gentleman is correct because after all, as far as these lands are concerned, in the case of California that question was settled definitely and there is no question at all as to what sovereignty exists as far as these lands off the coasts of these States are concerned.

Mr. WALTER. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. HINSHAW].

Mr. HINSHAW. Mr. Speaker, I had thought that this matter was debated to a final conclusion some weeks ago and that the House had taken the position not only at that time but at previous times that the boundary of the United States and the boundaries of the several States were indeed coextensive. If the boundaries of the United States are any larger than the boundaries of the States, then I do not know how the United States was formed.

The Original States had boundaries extending seaward in nearly every case, and when they joined together into what is called the United States, the United States was established by the consent of the several States, and certainly the United States could not be any larger than the perimeter of those States of which the United States was composed. Our Constitution then made provision that new States were to be admitted on an equal footing with the Original Thirteen. We now have 48 States—all on an equal footing, the boundaries of the United States today is still the external perimeter of the States—no more and no less.

I hope this conference report will be agreed to, and agreed to promptly and overwhelmingly, in this House of Representatives and thereby settle the issue so far as it can be settled at this time.

Mr. WALTER. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. ROONEY].

Mr. ROONEY. Mr. Speaker, it is my sad duty to announce to the Members of the House the death of one of the most distinguished men who ever served in this body—the late illustrious gentleman from New York, Hon. John Joseph Fitzgerald, who passed away the day before yesterday at the age of 80.

John J. Fitzgerald was born in Brooklyn, N. Y., on March 10, 1872. He attended the public schools and was graduated from Manhattan College in 1891. He studied law at New York Law School and was admitted to the bar in 1893. He was elected to the fifty-sixth and to the nine succeeding Congresses, and served from March 4, 1899, until December 31, 1917, when he resigned to resume the practice of law and form the well known firm of Fitzgerald, Stapleton & Mahon. While in Congress he represented part of the congressional district that I am now privileged to represent and during his long tenure of office here in the House enjoyed the reputation of being a faithful public servant who conscientiously devoted himself to the highest principles of statesmanship. He was an indefatigable worker and rendered valuable service. Judge Fitzgerald made a very profound impression upon the legislative history of our Nation. He was chairman of the full House Committee on Appropriations during World War I.

After resumption of his brilliant legal career and in 1932 John Fitzgerald was elected judge of the county court of Kings County and served on that bench with honor and distinction until his retirement. It was my great privilege to know him intimately. As assistant district attorney of Kings County I represented the people of the State of New

York in over a hundred cases before his court. He was a fine and fair jurist who prescribed a standard of equity and justice applicable to all persons alike. In his court, every defendant was assured of a fair trial.

He was a staunch Democrat throughout his lifetime, was a credit to his party and a delegate to many Democratic National Conventions. At a number of such conventions he served with distinction as parliamentarian.

Through the years of our friendship and association, I learned the kindness of his spirit and the warmth of his heart. He had a keen sense of humor.

John Fitzgerald was a devoted husband, a good father, and a loyal friend. To his widow and family I extend my deepest sympathy in their bereavement. I am sure that God will comfort them in their great sorrow.

Mr. WALTER. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. YORTY].

Mr. YORTY. Mr. Speaker, I want to take just a few minutes to clear up a misconception that exists about the case of United States against California. I hope you will not permit anyone to tell you that the United States is not trying to take over the land underlying the bays along the coast of the State of California. The United States is trying to take over land underlying certain bays along the coast of California by the clever device of defining out of existence bays which have been known as bays ever since they were first discovered and ever since the State of California was founded.

Let me explain the status of the California case. The Supreme Court having decided that the Federal Government is entitled to paramount rights in the land underlying the marginal sea, and having admitted in its decision that the States have what the Court described as a qualified right in lands underlying inland waters, the question arose then as to where the inland waters are; where they end and where the marginal sea begins. This question is still unsettled so nobody knows yet exactly what the Federal Government got by the decision.

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

Mr. YORTY. I yield to the gentleman from Ohio.

Mr. FEIGHAN. Is that not the question that has been under dispute and referred to a special master to determine what bays and other waters along the coast of California constitute inland waters.

Mr. YORTY. That question indicates the uncertainty which exists concerning the situation in the California case. The situation is this: In order to get the lands underlying the waters in certain bays along the coast of California, the Federal Government is contending in the Supreme Court that the Supreme Court instead of this Congress should first define and then decide where the inland waters are. No legislative act now fixes the seaward limits of our inland waters. These limits should be fixed by legislation and not by the judiciary. But the Federal Government is before a special master right now contending, for instance, that Santa Monica Bay along

the coast of southern California is not a bay. That is the way the United States intends to take over the lands underlying our bays; simply by denying that they are legally bays. The Federal Government contends that unless a bay is less than 10 miles wide and conforms to a certain mathematical formula it is not a bay. This is the whole diabolical scheme through which they are endeavoring to take over the lands underlying our bays.

Let me point out in the case of Santa Monica Bay, which, I repeat, the Federal Government now contends is not a bay, that in 1939 the United States attorney for southern California by direction of the Attorney General of the United States intervened in a gambling ship case in the California State courts and contended that Santa Monica Bay was a bay; that, therefore, the gambling ship in question was within the jurisdiction of the State of California; and that California had a right to stop it from operating. The same United States Department of Justice is now contending before the master appointed by the Supreme Court that Santa Monica Bay is not a bay. This seems to prove that the Justice Department is not objectively following the law in the case. They are, on the contrary, following rules of sheer expediency in trying to influence the determination of where inland waters are. They are employing expediency; trying to distort the law in an effort to have it determined that any place there is oil is not inland waters. In this way they are hypocritically attempting to seize lands underlying bays while denying their intent to do so.

Mr. Speaker, I want to compliment the committee for the excellent job it has done and particularly the distinguished chairman of the subcommittee, the gentleman from Pennsylvania [Mr. WALTER], to whom the State of California is very grateful.

Mr. GRAHAM. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. McDONOUGH].

Mr. McDONOUGH. Mr. Speaker, I favor the adoption of this conference report. It is of vital interest to California because much of the revenue of the city of Long Beach and Los Angeles comes from city owned oil lands. The title and ownership of these lands have been clouded by a previous Supreme Court decision and this legislation will confirm and establish the title to California and all other States on the Atlantic, Pacific and Gulf Coast when the original bill on this subject passed the House—H. R. 4484—last July, I made the following statement:

Today California is a focal point in the controversy over the issue of State's rights in which the Federal Government has laid claim upon the tidelands which extend along the coast of California for 1,200 miles.

The tenth amendment to the Constitution provided that "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."

Under this provision for more than a century in California and other States of the Nation, the rights of the States and their people to the ownership and full enjoyment of all lands beneath navigable waters within

their boundaries were recognized by the Federal Government.

By such lands beneath navigable waters is meant the land under every navigable river, stream, and lake throughout the Nation, as well as the waters of all bays, ports, harbors, and channels along their ocean coast lines, out to the limits of the State boundaries. This includes, as well, all natural resources within this area.

The boundary of the State of California, as provided in the State constitution, extends 3 miles into the Pacific Ocean and includes all islands along and adjacent to its coast. Sole ownership of this area by the State has always been recognized by the Federal Government and all of its departments and agencies until a little over a decade ago. As late as September 22, 1933, in answer to a letter addressed to him by an applicant for a leasing permit from the Federal Government, Secretary of the Interior Harold L. Ickes gave the following written reply to the applicant: "Title to the soil under the ocean within the 3-mile limit is in the State of California and the land may not be appropriated except by authority of the State."

About 3 years later, however, Secretary of the Interior Ickes changed his mind and decided to seek to establish ownership and control in the United States over these lands. Efforts were made unsuccessfully to have the Congress declare these lands the property of the Federal Government.

When Congress failed to declare the tidelands the property of the Federal Government, proceedings were instituted in the Supreme Court, and a decision rendered which declined to hold that the United States was the owner of the tidelands, but stated that California was not the owner of these lands.

The title to the tidelands in California and in the other States has remained in controversy to the present with the subsequent confusion.

In California our great harbors are clouded by the Supreme Court decision. Our world-renowned public beaches and shoreline recreational developments are at a standstill until the State's ownership of tidelands is reaffirmed. One city alone, Long Beach, finds many of its important community projects paralyzed until this matter is cleared up.

Thousands of homes and pieces of land owned by thousands of persons are up in the air while the issue of whether or not the Federal Government is to be empowered to take at will, and without compensation, such lands as it needs or wants is still to be decided.

To illustrate what this means to real estate in California, the California tidelands in dispute include the land under San Francisco's ferry building and the land under San Diego's civic center and municipal airport. Half of Los Angeles Harbor and much of Long Beach Harbor are of uncertain status.

In the claims of the Federal Government for title to the tidelands, much has been made of the oil deposits under the tideland area in California and the need for Federal control for the preservation of natural resources. The facts, however, show that oil deposits are actually found under 15 miles of California's coast line, and half of the estimated oil supply in those pools has already been extracted.

The State of California is the guardian of all the rich natural resources so important to our national economy and security, and shares equal concern with the Federal Government for the development and protection of these resources.

The 1,200-mile coast-line tidelands area of California is one of the State's greatest natural resources. Hundreds of millions of dollars have been spent by the State and its citizens on harbors, fisheries, pleasure resorts, and other uses essential to the orderly development of the State. The cities and

counties of California have additional plans for the use of the tidelands. But if the tidelands question is not settled these plans are retarded, and if title should be awarded to the Federal Government, the people of California would be subordinated to the Federal Government in these matters.

I believe that equity calls for the confirmation of the title to these lands to the State, and I have introduced H. R. 1364 which would confirm and establish the titles of the States to lands and resources in and beneath navigable waters within State boundaries and to provide for the use and control of said lands and resources.

This bill along with other bills introduced relating to this subject were recently considered by the House Judiciary Committee which has reported out a bill similar to that which I introduced, H. R. 4484. This bill will shortly be considered by the House and it is my hope that favorable action will be taken by the Congress.

In the report of the committee on H. R. 4484, it states that all agree that only the Congress can resolve the long-standing controversy between the States of the Union and the departments of the Federal Government over the ownership and control of submerged lands. The longer this controversy continues, the more vexatious and confused it becomes. Interminable litigation has arisen between the States and the Federal Government, and others. Much-needed improvements on these lands and the development of strategic natural resources within them has been seriously retarded.

The purposes of H. R. 4484 as reported by the Judiciary Committee are to define tidelands areas, to confirm and establish the rights and claims of the 48 States, asserted and exercised by them throughout our country's history, to the lands beneath navigable waters within State boundaries and the resources within such lands and waters, and to provide for the leasing by the Secretary of the Interior of the areas of the Continental Shelf lying outside of the State boundaries.

With the passage of H. R. 4484, the right of the State of California to the tidelands area would be established and end the controversy which has been blocking development of the tidelands since 1928.

I urge the House to vote favorably on this conference report.

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. RADWAN] be permitted to extend his remarks at this point in the RECORD.

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

There was no objection.

Mr. RADWAN. Mr. Speaker, I voted against this particular legislation when it passed the House last year. I have given this matter further attention and study, and the more attention and study I give it, the more determined I am to continue my opposition to what I consider an attempt for a big oil grab.

The Supreme Court has made a decision on the very question before this House and decided that any resources coming from submerged ocean lands belong to the Federal Government—to all 48 States—and not merely to three or any number of States that have boundaries which may lie near the water line in question. Since that time and in less than 3 years, the Federal Government has collected approximately \$40,000,000 in royalties which went into the Federal treasury instead of into the treasuries of

the three States—Texas, California, and Louisiana. These same \$40,000,000 would have to be made up in taxes by all of the people of the United States were it not for that particular Supreme Court decision.

I sincerely submit that my vote is consistent with my other votes for lower taxes and with my votes for economy. More than that, I am just as eager to cast a vote against a "big oil grab" as I would be against an unwarranted and illegal steel seizure by big government. That, to me, is my guiding principle. I have opposed and will continue to oppose big government when that bigness is to the detriment of the general welfare of all the people of this country.

I appreciate and respect the opinions of those gentlemen who favor this legislation on States' rights principles. There is merit to the argument based upon principle. That same merit existed when these three cases were argued in the Supreme Court. However, in that decision, the merits of the arguments on both sides of the question were resolved and a final decision by the highest court in the land was that this property and the benefits accruing therefrom belong to the Government of the United States of America. This was a final adjudication. Now some special interests have been powerful enough to bring to the Congress this legislation which would destroy and nullify the Supreme Court decision which declared these assets to be the property of all the people. This legislative attempt, to me, in its very essence, seems to be unconstitutional because it violates at least the spirit and the intent of our constitutional division of Government into the three branches—executive, legislative and judicial.

I must admit that the question before the Supreme Court was very close and that perhaps the decision could have gone the other way, but whether we are lawyers or laymen, we, in the legislature, cannot assume the prerogative denied to us by the Constitution of questioning or overriding a final adjudication of our Supreme Court. The question had the benefit of nine legal minds and should be respected by the legislative branch of Government. Since I have been a Member of Congress, I have had occasion to criticize the Chief Executive for not giving full faith to the laws of the land. In harmony with such positions of criticism, I want to make sure that I discharge my responsibility to my oath of office by giving full faith and credit to a final adjudication by the United States Supreme Court. If another Supreme Court at some future date should decide differently, I will likewise respect this different decision.

Mr. GRAHAM. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. VURSELL].

Mr. VURSELL. Mr. Speaker, I hope this House will as unanimously as is possible approve this conference report, for it will prevent the Government by artifice and device from seizing and taking possession of millions of acres of potential oil-bearing lands and other lands regardless of whether or not there is any oil in the consideration thereof. This is an opportunity, in my judgment, for

this House to put up a stopgap and I hope it will be permanent, against the further encroachment of big government.

It is an attempt by the Government to take from the States the tidelands which have been recognized as their property for over 150 years. I hope the House will approve the report of the conference committee before us by a tremendous majority.

Mr. GRAHAM. Mr. Speaker, I yield such time as he may desire to the gentleman from Michigan [Mr. MEADER].

Mr. MEADER. Mr. Speaker, when this bill was before the House as H. R. 4484, I set forth my reasons for voting against the bill. This statement appears in the CONGRESSIONAL RECORD, volume 97, part 7, page 9175.

Briefly summarized, I regarded the question of Federal versus State ownership of the lands beneath coastal waters seaward from the low-water mark as an involved and difficult legal question which had been decided by the Supreme Court of the United States. Without expressing my own opinion on this legal question, and recognizing fully that the Supreme Court has sometimes erred in the past, I argued that there must be a finality to legal controversies; and that under our constitutional system the Supreme Court was the last word in this field. I did not believe the Congress should undertake to set itself up as a supersupreme court to review legal decisions, however erroneous they might be.

If, therefore, the title to the resources in question had been quieted in all the people of the United States, I was unable to justify a grant for the exclusive benefit of the inhabitants of the States adjacent to such areas.

Since casting my vote on H. R. 4484 almost a year ago, it has come to my attention that Federal officials have been seeking to employ the Supreme Court decisions involving the so-called tidelands to extend Federal jurisdiction and encroach upon the rights of the State and local governments in many ways and that other encroachments seem to be planned for the future.

My decision on H. R. 4484 was based upon purely logical grounds, and my understanding of constitutional functions and responsibilities. My decision did not imply that as a matter of policy I favored encroachment by the Federal Government at the expense of the States.

Dual sovereignty is the unique but little appreciated feature of the American Federal system, which, together with other constitutional checks and balances, protects our citizens from tyranny. The vesting of governmental powers in two separate and distinct political entities which operate on the same geographical area and the same human beings is a governmental device which, so far as I know, has no precedent or equivalent in human history. I think it is essential to the freedom and self-government the people of the United States have enjoyed that this system of dual sovereignty be preserved and maintained in full vigor.

I was deeply impressed by the penetrating discussion of this unique feature

of our governmental system provided by the late Justice Cardozo in *Schechter Poultry Corp. v. U. S.* (295 U. S. 495, p. 554). This classic expression of the philosophy of the American constitutional system should not only be read but understood by every American. We Members of the United States Congress should have it continually in our minds. It reads as follows:

There is a view of causation that would obliterate the distinction between what is national and what is local in the activities of commerce. Motion at the outer rim is communicated perceptibly, though minutely, to recording instruments at the center. A society such as ours "is an elastic medium which transmits all tremors throughout its territory; the only question is of their size." Per Learned Hand, J., in the court below. The law is not indifferent to considerations of degree. Activities local in their immediacy do not become interstate and national because of distant repercussions. What is near and what is distant may at times be uncertain. Cf. *Chicago Board of Trade v. Olsen* (262 U. S. 1). There is no penumbra of uncertainty obscuring judgment here. To find immediacy or directness here is to find it almost everywhere. If centripetal forces are to be isolated to the exclusion of the forces that oppose and counteract them, there will be an end to our Federal system.

I did not believe that I should change my vote on the tidelands oil legislation. The reasoning which impelled my original decision is just as cogent today as it was a year ago. But I do wish to serve notice on any ambitious, empire-building bureaucrats that efforts on their part to employ the tidelands decisions of the Supreme Court as a means of breaking down the sovereignty of States for the aggrandizement of the Federal Government will be met with the most effective and relentless resistance of which I am capable.

Although Members of the Congress are officials of the Federal Government, they should consistently and continuously seek to protect State and local governments from the usurpations of the huge and ambitious bureaucratic monster we have permitted to grow so rapidly in our Nation's Capital. I have sometimes been critical of the inactivity and apparent indifference of officials in State and local governments when demands have arisen for new and unusual public services. I have been extremely critical of those who continually turn to Washington for hand-outs when frequently the services they seek could be better performed and at lower cost in their own localities. State and local governments and the people, in my opinion, have not been as jealous as they should have been of the power and authority of the local governments and have not resisted vigorously enough the appealing, sugar-coated blandishments of the Washington Santa Claus.

The equilibrium between the Federal and the State sovereignties must be maintained. As I viewed it, that question was not presented in the bill before the Congress. When it is presented, my vote and my efforts will be directed toward the maintenance of the political system so wisely conceived by our founding fathers.

Mr. GRAHAM. Mr. Speaker, I yield such time as he may desire, to the gentleman from California [Mr. SCUDDER].

Mr. SCUDDER. Mr. Speaker, I believe that the conference committee has done a splendid piece of work in bringing back Senate Joint Resolution 20, a compromise measure for the establishment of States' rights to the tidelands of our country. I believe that the enactment of this legislation will rectify a mistake made by judicial action. If there was ever a time when we should put a stop to Federal encroachment on the rights and property of sovereign States, it is now.

For many years I have been in close contact with this problem. As a member of the California State Legislature, we enacted legislation providing for State royalties on one of the richest oil fields in the State of California, the oil pool at Huntington Beach which extends far out into the waters of the Pacific. Offset drilling was being practiced by companies in order to tap the pool beyond the shoreline.

We took legislative action and established the right to collect royalties from the various slant-well drillers. I believe we set up one of the highest royalties being exacted of drillers anywhere in the United States, which amounts to 32 percent and we made provision for the distribution of royalties so collected.

The California law provides that from the royalties collected each year, \$150,000 is earmarked for veterans' education. Of the remaining balance 30 percent is paid into the general fund of the State, and 70 percent is used for the purchase of beaches and park sites for recreational purposes and for their maintenance. These beaches and park facilities are maintained not only for the citizens of California but the people of the entire country who travel to the West. We have used this money to purchase coast property and establish facilities along the beaches of California that were being bought up by private interests. Can you imagine traveling to the Pacific coast and traversing our highways and not being permitted to go down to the ocean shore? These royalties collected are used for this general park purpose.

When the Supreme Court ruled against the State ownership of our submerged land, the royalties which we had been receiving were forced to be impounded. At the present time some \$40,000,000 is being held and thereby restraining the development of our beaches. Many false and misleading statements have been made to endeavor to prejudice the public against this bill, and are not made in the best interests of the general public. I would like to quote some figures to compare between royalties received by the State of California and royalties received by the Federal Government:

For the period between 1921 through 1950, California collected an average of 19.13 percent royalty. In the year 1950, the average rate of royalty was 24.99 percent. This source of income was collected from the oil companies who pro-

duce from tideland pools. By comparison the Federal Government has collected royalties at the average rate of 11 percent. The latest figures I have are for 1947 when the Government's rate of royalties collected was 11.38 percent. That same year the State of California collected royalties from tidelands production at the rate of 24.91 percent.

I believe that the Supreme Court ruling has been unfair to the affected States, and that this bill will release the impounded money. I am a firm believer in States' rights and feel that the Federal Government should not usurp the same. I believe that we should start to reduce the power of the Federal Government over the sovereign States. Our Constitution was never intended to dominate the States, but to assist them in the problems they could not of themselves solve. I believe the States should be permitted to operate freely for the benefit of their citizens.

The principle involved in this legislation is just good, sound, American constitutional procedure. I trust that this bill will pass by an overwhelming majority, and that the President, while he has twice vetoed bills of this character, decides to sign the same. Otherwise, the responsibility will be ours to endeavor to override such veto should it occur.

I recommend the full support of this resolution.

Mr. WALTER. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. WILSON].

Mr. WILSON of Texas. Mr. Speaker, I think it is extremely important that every Member on the floor who intends to vote on this bill understand exactly what is in this conference report. A Member just said to me, "Is this bill satisfactory to Texas?" This bill is titles 1 and 2 of the Walter bill passed by this House, which quitclaims the historical boundaries to Texas, which is three leagues, and to every other State, with the exception of two, Florida and Louisiana, 3 miles. It does not give them anything. It reaffirms and ratifies their rightful ownership to property they have had all this time. The Federal Government is not giving the States anything. This bill does not deal with the Continental Shelf where the great proportion of the production of oil and gas is now being gotten. For instance, within the three-league belt in Texas there is not one barrel of oil production at this time. All the oil production is outside of the historical boundaries of the State. So this bill deals purely and simply with the 3-mile belt around the coast line of all the States, and with inland waters, as stated by the gentleman from Pennsylvania [Mr. WALTER], and does not deal with the Continental Shelf, State police powers, nor the conservation laws, or anything else.

Mr. Speaker, we are strong for this bill, although we would rather have had the Walter bill, but we could not get the Walter bill in conference. We are strong for this bill because we believe it is right and we believe it should pass this House by an overwhelming majority. It is a State rights bill. It is a bill that

recognizes and confirms the rights of the States when they came into the Union, and we think this bill should be passed by an overwhelming vote.

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

Mr. WILSON of Texas. I yield to the gentleman from Minnesota.

Mr. JUDD. Can the gentleman assure us that if this conference report is adopted, there will not come a day when the Attorney General will stand up in the Supreme Court and argue that because we did not deal in any way in this bill with the Continental Shelf, we were thereby acquiescing in the Federal Government's present claim to that shelf, or recognizing its right to take it at some future time?

Mr. WILSON of Texas. This conference report provides that no question in regard to the Continental Shelf is settled by this legislation. I would say, as one of the conferees, that we did not deal with the Continental Shelf; that this bill does not, by quitclaim or otherwise, give the Continental Shelf to the Federal Government, nor to the States, nor to anybody else. It leaves it an open question.

Mr. JUDD. I thank the gentleman for making that clear on the record.

Mr. WILSON of Texas. I thank the gentleman.

Mr. WALTER. Mr. Speaker, I ask unanimous consent that all Members may be permitted to extend their remarks at this point in the Record.

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

There was no objection.

Mr. WALTER. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota [Mr. McCARTHY].

Mr. McCARTHY. Mr. Speaker, as a Representative from a State bordering on the Great Lakes, I deeply appreciate the concern expressed by other Members of the House over our State's title to the potential wealth lying beneath the waters of these Lakes. I only wish that many who have expressed this great concern here today would support us in our efforts to develop the navigation on the Great Lakes and support the St. Lawrence seaway project. Such support of what is known, actual, and immediate, would be evidence of the sincerity of their expressed concern over the potential, the remote, and unknown.

Mr. BROOKS. Mr. Speaker, this is a historic occasion. For many years those of us vitally affected by the tidelands problem have been working upon this measure. At times we have worked with very little hope but always with the steadfast purpose of asserting the rights—constitutional and inherent—of the several States in these lands which constitute the bottom of the sea adjacent to the States and the lands beneath navigable waters within the State boundaries. We are now brought face to face with what I hope will be the final legislative action on this matter. It is, therefore, a day of realization.

Mr. Speaker, we from Louisiana support this measure. We are not satisfied, however, with all of the terms of the bill.

It is nonetheless the best bill which time and effort and ability have been able to give us, working as they have under the tremendous difficulties which confront the States of the Union.

In Louisiana, for instance, to fully protect our rights our claims should be recognized as far out as the edge of the Continental Shelf. In places off the coast of Louisiana, this may be a full hundred miles and all of this land under the Gulf of Mexico to the edge of the Continental Shelf is State land.

It is my interpretation of this bill that all States will be recognized to own at least the first three seaward miles beyond the boundary of the State. If the constitution of a State—or the laws prior to or at the time such State became a member of the Union—extended the boundary beyond the three seaward miles, this bill recognizes this additional part of the tidelands to be in the State.

Since the State of Louisiana, I think, is more affected by this controversy than any other State, it is unfortunate that we do not have far more of the tidelands recognized to be in Louisiana than this bill provides.

I am supporting this bill because it does finally settle the tidelands in Louisiana to a portion of the waters claimed by it. In voting for it I am not satisfied with the results, but I hope that at some future time we may by further legislation bring about a more desirable result.

One argument which impels me to support this measure is the fact that this will settle title in the State of Louisiana, as I read the bill, to waters within the limits of our offshore islands. Louisiana has many islands. Some of them extend far out to sea. We therefore properly claim the sea within the island boundaries and toward the shoreward side of them. This provision will help Louisiana absorb the heavy blow which it is receiving at the hands of militant bureaucracy. It will help make the attempted tidelands seizure reasonably acceptable to Louisiana as she moves forward in a protracted effort to obtain a full measure of justice and a more equitable solution to our great problem.

Mr. LARCADE. Mr. Speaker, as a Representative from Louisiana, one of the States most interested in the legislation under consideration, and having appeared and made statements before the House and Senate committees holding hearings on the subject under discussion since the first bill was introduced to set aside the Supreme Court decision alleging the ownership by the Federal Government of our submerged lands in Louisiana and the other States, and the validity of our ownership having been established beyond any question of a doubt, and further, having made arguments on the floor of the House each time a bill was considered on the subject by the House where the claims of the State of Louisiana and the other States was fully established, proven, and resolved, it is not now necessary for me to add any further evidence or argument on this conference report under the bill providing for quitclaim to the submerged lands belonging to Louisiana offshore from the Gulf of Mexico, as well as the

State of Texas and other States and offshore submerged lands in the oceans and other streams.

Mr. Speaker, the legislation which is approved here under this conference report only deals with the submerged lands offshore within the 3-mile limit in the case of Louisiana and other States, with the exception of the State of Texas.

Mr. Speaker, as a Representative from the State of Louisiana it is my position—and I am certain that it is the position of all others who are accepting this conference report and who will vote for it—that this does not in any manner, shape, or form acknowledge that the Federal Government has any claim, interest, or title to submerged lands extending beyond the 3-mile limit of the States.

Mr. TOLLEFSON. Mr. Speaker, I sincerely trust that the House will approve the conference report on Senate Joint Resolution 20, the so-called tidelands oil bill. It is necessary for Congress to confirm and establish the title of the various States to lands beneath navigable waters within the State boundaries and to give clear title to the State to the natural resources within such lands and waters. The coastal States have owned these submerged lands even before their admission to the Union. Their titles were recognized at the time of their admission to the Union. Decisions of many courts, excluding that of the Supreme Court which gave rise to this legislation, have recognized the interests of the States in this land. The Supreme Court itself refused the Government's suggestion that "proprietaryship" of the lands be declared vested in the United States. The attorneys general of 47 States have supported this legislation, as have American port authorities, State governors, and other governmental agencies. The conference report should be approved.

Mr. WALTER. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

Mr. WALTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 247, nays 89, answered "present" 2, not voting 93, as follows:

[Roll No. 71]

YEAS—247

Abbitt	Berry	Chenoweth
Abernethy	Betts	Chiperfield
Adair	Bishop	Church
Allen, Ill.	Blackney	Clevenger
Allen, La.	Boggs, Del.	Cole, Kans.
Anderson, Calif.	Boggs, La.	Cole, N. Y.
Andresen	Bolton	Colmer
August H.	Bow	Combs
Andrews	Bramblett	Cooley
Angell	Bray	Cooper
Arends	Brehm	Cotton
Armstrong	Brooks	Coudert
Auchincloss	Brown, Ga.	Crawford
Ayres	Brown, Ohio	Crumpacker
Baker	Brownson	Cunningham
Barden	Bryson	Curtis, Mo.
Bates, Mass.	Budge	Curtis, Nebr.
Battle	Burleson	Dague
Beall	Burton	Davis, Tenn.
Beamer	Busbey	Davis, Wis.
Beckworth	Bush	Deane
Bender	Butler	DeGrafried
Bennett, Fla.	Byrnes	Dempsey
Bennett, Mich.	Camp	Denny
Bentsen	Chatham	Devereux

Dolliver
Dondero
Donohue
Donovan
Dorn
Doughton
Ellsworth
Elston
Fallon
Fenton
Fernandez
Fisher
Ford
Forrester
Frazier
Fulton
Gamble
Gary
Gathings
Gavin
George
Golden
Goodwin
Graham
Grant
Greenwood
Gwinn
Hagen
Hale
Hall
Leonard W.
Halleck
Harden
Hardy
Harris
Harrison, Nebr.
Harvey
Havenner
Hays, Ark.
Hébert
Herlong
Herter
Hess
Hill
Hillings
Hibshaw
Hoffman, Ill.
Hollfield
Holmes
Hope
Horan
Ikard
Jackson, Calif.
James
Jenison
Jenkins
Jensen
Jones
Hamilton C.

Jones, Woodrow W.
Judd
Kean
Kearney
Kearns
Kersten, Wis.
Kilburn
Kilday
King, Calif.
King, Pa.
Lantaff
Larcade
Latham
LeCompte
Lucas
Lyle
McConnell
McCulloch
McDonough
McGregor
McKinnon
McMillan
McMullen
Meck, Wash.
Mahon
Martin, Iowa
Martin, Mass.
Merrow
Miller, Calif.
Miller, Md.
Miller, Nebr.
Miller, N. Y.
Mills
Morano
Murdock
Murray
Nelson
Nicholson
Norblad
Norrell
O'Hara
Ostertag
Passman
Patman
Patterson
Philbin
Phillips
Pickett
Poage
Poulson
Preston
Priest
Prouty
Rains
Rankin
Reece, Tenn.
Reed, Ill.
Reed, N. Y.

NAYS—89

Addonizio
Andersen,
H. Carl
Aspinall
Bailey
Barrett
Bosone
Buchanan
Burdick
Canfield
Cannon
Carnahan
Case
Celler
Chelf
Chudoff
Clemente
Corbett
De'aney
Denton
Dollinger
Eberharter
Elliott
Feighan
Fine
Flood
Furarty
Furcolo
Gordon
Granahan

Green
Gregory
Gross
Hays, Ohio
Heller
Heselton
Howell
Hull
Irving
Javits
Jones, Ala.
Karsten, Mo.
Keating
Kee
Kelley, Pa.
Keogh
Kirwan
Klein
Kluczynski
Lane
Lind
McCarthy
McCormack
McGrath
McGuire
McVey
Machrowicz
Mack, Ill.
Madden
Mansfield

Rees, Kans.
Regan
Richards
Riehman
Rivers
Rogers, Fla.
Rogers, Mass.
Rogers, Tex.
Ross
Sadlak
St. George
Sasscer
Saylor
Schenck
Scott, Hardie
Scrivner
Scudder
Seely-Brown
Shafer
Short
Sikes
Simpson, Ill.
Simpson, Pa.
Sittler
Smith, Kans.
Smith, Va.
Smith, Wis.
Springer
Stanley
Steed
Stockman
Taber
Talle
Teague
Thomas
Thompson,
Mich.
Thompson, Tex.
Thornberry
Tollefson
Trimble
Vail
Van Zandt
Vinson
Vorys
Vursell
Walter
Welch
Wharton
Whitten
Widnall
Wigglesworth
Williams, N. Y.
Willis
Wilson, Tex.
Winstead
Wolcott
Wood, Idaho
Yorty

Carlyle
Carrigg
Cox
Crosser
Davis, Ga.
Dawson
D'Ewart
Dingell
Doyle
Durham
Eaton
Engle
Ewins
Forand
Fugate
Garmatz
Gore
Granger
Hall,
Edwin Arthur
Hand
Harrison, Va.
Harrison, Wyo.
Hedrick
Heffernan
Hoeven
Hoffman, Mich.

Hunter
Jackson, Wash.
Jarman
Johnson
Jonas
Jones, Mo.
Kelly, N. Y.
Kennedy
Kerr
Lanham
Lesinski
Lovre
McIntire
Magee
Mason
Morris
Morton
Moulder
Multer
Mumma
Murphy
O'Brien, N. Y.
O'Toole
Perkins
Potter
Ramsay

Redden
Riley
Roberts
Robeson
Roosevelt
Sabath
Scott,
Hugh D., Jr.

Sheehan
Shelley
Sheppard
Smith, Miss.
Stigler
Sutton
Tackett
Van Pelt
Velde
Watts
Welch
Werdel
Wheeler
Wickersham
Williams, Miss.
Wilson, Ind.
Wood, Ga.
Woodruff

Mr. ROGERS of Colorado. Mr. Speaker, I have a live pair with the gentleman from Virginia, Mr. HARRISON. If he were present he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

Mr. HINSHAW. Mr. Speaker, is the gentleman from California, Mr. HUNTER, recorded?

The SPEAKER. He is recorded as having voted "nay."

Mr. HINSHAW. Mr. Speaker, the gentleman from California, Mr. HUNTER, is not present and hence could not possibly have so voted. In fact he has asked me to see to it that he be paired in favor of this conference report.

The SPEAKER. Without objection the gentleman's vote will be withdrawn. There was no objection.

Mr. HINSHAW. And besides, Mr. Speaker, if the gentleman had been here he would have voted "yea," so I am informed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AMENDING THE MUTUAL SECURITY ACT OF 1951

Mr. SMITH of Virginia, from the Committee on Rules, reported the following privileged resolution (H. Res. 640, Rept. No. 1932), which was referred to the House Calendar and ordered to be printed.

Resolved, That immediately 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. 7005) to amend the Mutual Security Act of 1951, and for other purposes: That after general debate, which shall be confined to the bill and continue not to exceed 6 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, the bill shall be read for amendment under the 5-minute rule. It shall be in order to consider without the intervention of any point of order the substitute committee amendment recommended by the Committee on Foreign Affairs now in the bill, and such substitute for the purpose of amendment shall be considered under the 5-minute rule as an original bill. At the conclusion of the reading of the bill for amendment, the committee shall rise and report the same to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any of the amendments adopted in the Committee of the Whole to the bill or committee substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommend with or without instructions.

ARMED FORCES PAY RAISE ACT

Mr. KILDAY. Mr. Speaker, I call up the conference report on the bill (H. R. 5715) to amend sections 201 (a), 301 (e), 302 (f), 302 (g), 508, 527, and 528 of Public Law 351, Eighty-first Congress, as amended, and ask unanimous consent that the statement of the managers on

So the conference report was agreed to. The Clerk announced the following pairs:

On this vote:

Mr. Werdel for, with Mr. Morton against.
Mr. Doyle for, with Mr. Sabath against.
Mr. Sheppard for, with Mr. Multer against.
Mr. Engle for, with Mr. Kennedy against.
Mr. Kerr for, with Mr. Heffernan against.
Mr. Hand for, with Mr. Hart against.
Mr. Allen of California for, with Mr. Baring against.
Mr. Johnson for, with Mr. Granger against.
Mr. Shelley for, with Mr. Dawson against.
Mr. Belcher for, with Mr. Dingell against.
Mr. Harrison of Virginia for, with Mr. Rogers of Colorado against.
Mr. Carrigg for, with Mr. Bakewell against.
Mr. Mumma for, with Mr. Murphy against.
Mr. Smith of Mississippi for, with Mr. Buckley against.
Mr. Riley for, with Mr. Crosser against.
Mr. Van Pelt for, with Mr. Bates of Kentucky against.
Mr. Sheehan for, with Mr. Forand against.
Mr. Garmatz for, with Mr. Lesinski against.
Mr. Ewins for, with Mr. Perkins against.
Mr. Jarman for, with Mr. Jones of Missouri against.
Mr. Lovre for, with Mr. Burnside against.
Mr. Hunter for, with Mr. Ramsay against.
Mr. Jonas for, with Mr. Blatnik against.
Mr. Morrison for, with Mr. Anfuso against.
Mr. Coudert for, with Mr. Roosevelt against.
Mr. Fugate for, with Mr. Magee against.
Mr. Hoeven for, with Mrs. Kelly of New York against.

Until further notice:

Mr. Aandahl with Mr. Albert.
Mr. Buffett with Mr. Jackson of Washington.
Mr. D'Ewart with Mr. Bolling.
Mr. Eaton with Mr. Carlyle.
Mr. Edwin Arthur Hall with Mr. Davis of Georgia.
Mr. Harrison of Wyoming with Mr. Cox.
Mr. Hoffman of Michigan with Mr. Morris.
Mr. Woodruff with Mr. Durham.
Mr. Wilson of Indiana with Mr. Gore.
Mr. Velde with Mr. O'Toole.
Mr. Hugh D. Scott, Jr., with Mr. Lanham.
Mr. Potter with Mr. Redden.
Mr. Mason with Mr. Roberts.
Mr. McIntire with Mr. Sutton.

Mr. WOLVERTON changed his vote from "yea" to "nay."

Mr. HART. Mr. Speaker, I have a live pair with the gentleman from New Jersey, Mr. HAND. I withdraw my vote and vote "present."

ANSWERED "PRESENT"—2

Hart Rogers, Colo.

NOT VOTING—83

Aandahl
Albert
Allen, Calif.
Anfuso
Bakewell
Baring
Bates, Ky.
Belcher
Blatnik
Bolling
Bonner
Boysin
Buckley
Buffett
Burnside

bers of Congress may accept fees for representing clients in criminal cases before Government agencies and not be in violation of the criminal code.

Will you please advise me whether or not such an opinion has been rendered by you and if so, furnish me with a copy. At the same time I would appreciate your reconciling this opinion with section 203 which reads:

"Whosoever, being elected or appointed a Senator, Member of or Delegate to Congress, or a Resident Commissioner, shall, * * * directly or indirectly, receive, or agree to receive, any compensation whatever for any services rendered to any person, either by himself or another, in relation to any proceeding, contract, claim, controversy, charge, accusation, arrest, or other matter or thing in which the United States is a party or directly or indirectly interested before any department, court martial, bureau, officer, or any civil, military, or naval commission whatever, shall be fined not more than \$10,000 and imprisoned not more than 2 years."

Yours sincerely,

JOHN J. WILLIAMS.

Mr. WILLIAMS. On April 25, 1952, I received a reply in which Mr. McInerney stated "under the law the Attorney General is empowered to render opinions to the heads of the executive departments only."

In this letter Mr. McInerney quotes certain excerpts from his testimony before the King subcommittee in which it clearly pointed out that Mr. McInerney denies ever having rendered any such opinion as referred to by Representative Quinn.

At this point I ask unanimous consent to have incorporated in the RECORD a copy of Mr. McInerney's letter of April 25, 1952.

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

DEPARTMENT OF JUSTICE,
Washington, April 25, 1952.

HON. JOHN J. WILLIAMS,
United States Senate,
Washington, D. C.

MY DEAR SENATOR: I wish to acknowledge your letter of April 18, 1952, in which you refer to an editorial appearing in the April 13 issue of the Washington Post. This editorial quotes me as having rendered an opinion that Members of Congress may accept fees for representing clients in criminal cases before Government agencies.

I have not seen the editorial in question, but it apparently refers to my testimony on April 4, 1952, before the Subcommittee on Administration of Internal Revenue Laws. My testimony is set forth on page 6413 and covers some 35 pages. During the course of that testimony, I respectfully declined to render an opinion having to do with section 281 of title 18, which is identical with the law set forth in your letter. At one point I advised the committee, "I do not believe you can, sir," in reply to the question, "How can we get the views of the Department to get this question resolved?" I explained to the committee, "Under the law, the Attorney General is empowered to render opinions to the heads of the executive departments only."

On page 6417 I was questioned as to why I preferred not to furnish an opinion, and my answer was as follows:

"First of all, I don't believe the Department would believe it desirable to render an opinion on a criminal statute publicly in a matter which we may have to consider from the standpoint of prosecution. We never express opinions on criminal statutes. This

memorandum is for the internal consideration of the head of the Criminal Division."

There followed a somewhat lengthy discussion of the background and interpretation of section 281, after which the following colloquy took place:

"Mr. DEWIND, Mr. McInerney, so that the record may be entirely clear—and I am not sure that it is—it is my understanding that you never did advise Mr. Quinn, either specifically or in general effect, that he could handle cases, let us say, before the Intelligence Unit, that had not been referred to the Department of Justice or had not reached the stage of indictment.

"Mr. MCINERNEY. I have never so specifically advised him. I have no recollection of so doing.

"Mr. DEWIND. To your knowledge, there is no written opinion of the Attorney General or any official of the Department of Justice which so holds?

"Mr. MCINERNEY. No, sir.

"Mr. DEWIND. What I don't understand, Mr. McInerney, is what is the language of this statute or what are the aspects of the legislative history of the statute which would indicate that in either a civil or criminal investigation which has not reached any court, but is strictly before an executive agency, the statute can be construed to permit representation by Congressmen.

"Mr. MCINERNEY. It is just argument and rationale.

"Mr. DEWIND. I conclude that this is your opinion of the statute at the present time; that, if properly construed, it would permit that, even though the case has never gone beyond an executive agency—

"Mr. MCINERNEY. No, sir. I have never formulated any opinion on it.

"Mr. DEWIND. You have not?

"Mr. MCINERNEY. No, sir. I am just speculating here.

"Mr. DEWIND. This is an argument which you are saying conceivably could be made.

"Mr. MCINERNEY. Yes, sir."

At the conclusion of my testimony the chairman asked if I would submit amendments to section 281, which would have the effect of barring Federal officials and Members of Congress from appearances before district courts of the United States and, in the alternative, a draft limiting them to the role of trial counsel only. These drafts will be submitted to the subcommittee in the near future.

I trust that the above will satisfy the needs of your inquiry, but if it does not I will be pleased to discuss it further with you in person.

Sincerely,

JAMES M. MCINERNEY,
Assistant Attorney General.

Mr. WILLIAMS. In the light of the uncertainty regarding this question, I can only repeat the conclusions reached in the preceding editorial that "this challenge calls for a test case, and if the law should prove not to be clear it ought to be made so."

MINERAL LEASES ON CERTAIN SUBMERGED LANDS—CONFERENCE REPORT

Mr. O'MAHONEY. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the joint resolution (S. J. Res. 20) 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. I ask unanimous consent for its present consideration.

The PRESIDENT pro tempore. The report will be read for the information of the Senate.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the joint resolution (S. J. Res. 20) 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, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment and the Senate agree to the same.

JOSEPH C. O'MAHONEY,
RUSSELL B. LONG,
HUGH BUTLER,
GUY CORDON,

Managers on the Part of the Senate.

FRANCIS E. WALTER,
J. FRANK WILSON,
LOUIS E. GRAHAM,
CLIFFORD P. CASE,

Managers on the Part of the House.

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

There being no objection, the Senate proceeded to consider the report.

Mr. O'MAHONEY. Mr. President, as chairman of the conference committee, I desire to state that by virtue of being the chairman of the Committee on Interior and Insular Affairs I signed the report and I have submitted it to the Senate for its approval, although I myself do not approve of the report.

Let me say for the RECORD that it is not the bill which was reported by the Committee on Interior and Insular Affairs. It is, on the other hand, the bill which was offered as a substitute by the Senator from Florida [Mr. HOLLAND], on behalf of himself and a very large number of other Senators.

The bill which the Committee on Interior and Insular Affairs reported provided for Federal administration of lands submerged by the open ocean, including the Continental Shelf. When the bill was under consideration by the Senate, the Members of this body by a vote of 50 to 35 substituted the Holland bill for the measure which the Committee on Interior and Insular Affairs had reported.

The bill went to the House, where the terms of the Holland bill were stricken out and the so-called Walter bill was substituted in its place. The Walter bill consisted of the terms of the Holland bill and a third title, which would have extended, I believe, the power of the States over the Continental Shelf beyond the boundaries of the Coastal States. In conference, however, that title was abandoned.

Therefore, the conference report represents the identical bill which the Senate passed.

I feel, Mr. President, that it is a bill which will probably meet a veto. Of course, I expect the conference report to be adopted by the Senate.

There is nothing to be gained by any debate upon the report, because an overwhelming majority of the Senate is in favor of the provisions now incorporated in the bill, and the House has agreed to it in that form. Therefore, debate might well be postponed until such time as the veto message arrives, if it does arrive.

Mr. President, I ask for adoption of the report.

The PRESIDENT pro tempore. The question is on agreeing to the report.

Mr. LEHMAN. Mr. President, I certainly shall not take up the time of the Senate with any debate on the conference report. I realize, as the distinguished chairman of the committee has stated, that inevitably it will be agreed to by the Senate. I wish, however, to have the RECORD show that I am opposed to the conference report and shall vote against it.

Mr. BRIDGES. Mr. President, has the conference report been agreed to?

The PRESIDENT pro tempore. No; it has not.

The question is on agreeing to the conference report.

Mr. HILL. Mr. President, I do not desire to delay the Senate at this time, except to say that I very devoutly hope that this bill will be vetoed and that we shall have another opportunity to press the amendment offered by 19 Senators, known as the oil for education amendment, under which the funds from the submerged oil would be dedicated to the education of our children. The funds would go for teachers' salaries, classrooms, and facilities for our schools, colleges, and universities.

In the debate when the bill was before the Senate several days ago we endeavored to make plain the crisis which now confronts our schools and education in general in this country and the compelling need to meet the crisis. I very much hope the bill will be vetoed.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

The report was agreed to.

Mr. HOLLAND. Mr. President, first I should like to express my very real gratitude to the distinguished Senator from Wyoming and to all other Members of the Senate conference committee for the manner in which they handled this measure in conference. I think the conference was conducted in accordance with the uniform loyalty to the Senate action which has always characterized the distinguished Senator from Wyoming and the other members of the committee in such matters.

Because the conference report follows identically, without any change at all, the Senate bill, I did not think it was necessary to make any remarks prior to the vote. The distinguished Senator from Wyoming and others of us had agreed that there was no need for a record vote, inasmuch as the subject matter was unchanged from that upon which the Senate had already recorded its views some time ago.

At the same time, however, I should like to place in the RECORD, following the vote which has been taken, certain comments upon the issues which have arisen among the great volume of such com-

ments to be noted all over the Nation, some in support of the position taken by the Senate, and some not in support of our position. It seemed to me that it would be peculiarly interesting to have the RECORD show comments from some of the States which are among the Original Thirteen States, or from areas within the Thirteen Original States, where there has been no discovery of oil in submerged coastal lands to becloud the issue, and where the situation of these States as to their coastal lands and waters is much like that of Florida. In our State no oil has been discovered in the submerged coastal lands, but millions of dollars of value are involved not only in connection with the building or making of new lands out into the ocean and the Gulf, but also with reference to the use of many valuable products found in the narrow shoestring of land and water which immediately surrounds our State.

So, Mr. President, I have before me, in the very great mass of comment favoring the action taken by the Senate upon the measure which has been adopted as the conference report, certain observations from the Atlantic States area. First, I wish to submit for the RECORD an able letter dated May 5, 1952, printed in the New York Times of May 7, 1952, signed by the distinguished city construction coordinator of the city of New York, Mr. Robert Moses, who I believe is known as one of the most scholarly gentlemen and also as one of the best-informed men in the Nation.

I ask that the letter be incorporated in the RECORD at this point as a part of my remarks.

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

OFFSHORE OIL VOTE APPROVED—NEED STRESSED FOR STATE OWNERSHIP TO PERMIT WATERFRONT IMPROVEMENTS

TO THE EDITOR OF THE NEW YORK TIMES:

We read your "veto" editorial of April 25 with some surprise. No public issue of our time has received less intelligent attention from the press than the tidelands controversy. The Federal oil bonanza created by the Supreme Court at the expense of the traditional rights of California, Louisiana, and Texas seems to have completely seduced popular opinion and the press too, for the time being.

Like Russian peasants celebrating a nationalization decree, they keep chanting that this treasure trove belongs to all of us and that it would be a crime against the people to turn it back to the States and other predatory interests.

Congress has done the wise and courageous thing in voting to correct the dangerous situation these extraordinary oil-inspired decisions have created. They threaten not only all State ownership beyond low-water mark in all the coastal States but also State ownership of the land underlying all bays and harbors, all navigable rivers and lakes. As the law now stands, we are on the legal road to Federal ownership in the Hudson and Mississippi, in Lake Michigan, Lake George, and Lake Tahoe, in New York Harbor, and San Francisco Bay.

CHANGE OF OPINION

I don't believe for a moment that Justice Black and his concurring colleagues in 1947 knew more about the law and the facts of the colonial and transitional periods up to 1789 than all their predecessors who wrote on this subject. It was newly discovered oil,

not newly discovered knowledge of the pre-1780 situation, that accounts for this change of opinion as to the title of the States to the submerged lands along their shores.

The rule that State territory ends at low-water mark will block any State waterfront development that goes beyond that line. Let the Federal Government do it. The maritime belt belongs to it. That will be the natural reaction.

Why should local authorities embroil themselves in legal conflicts? Shores are constantly changing. What date shall be used to fix the location of the low-water mark? What is a bay? At what precise point does it become part of the open sea? Are uplands formed by nature of fill subject to the "paramount power" of the Federal Government as defined in the opinion in the California case? These are only a few of the problems which will confront local officials and keep this controversy boiling in the courts for years to come under the Supreme Court's ruling.

Here in New York that ruling may cloud the city's title to the submerged lands on which its piers and other waterfront improvements stand. Hundreds of acres of new park lands have been made available by pushing out bulkhead lines along the shore front and by filling in lands which lay below the low-water mark. Large sections of the Shore Parkway in Brooklyn were built on filled-in land, and Orchard Beach and Ferry Point Park are situated on lands reclaimed from Long Island Sound. At Coney Island and at Staten Island's Great Kills Park extensive park and recreational areas have been created and developed by filling in lands which not long ago were ocean bottom below the low-water mark.

CERTAINTY AS TO OWNERSHIP

This city and other ocean-front municipalities cannot be expected to continue their filling and reclamation operations, their projects to arrest beach erosion or their recreational and other shore-front developments in lands as to which ownership and control are thrown into doubt by the Court's ruling in the California case.

For these reasons and because I know the good use that New York and other Atlantic States and cities are making of their submerged land beyond low-water mark, I think this ruling should be corrected by congressional action without delay. The President should be urged to approve, not to veto, Senator HOLLAND's bill, which merely reaffirms the law as it existed up to 1947 and recognizes the historical fact of state ownership, and if he vetoes the bill the veto should be overridden.

The Federal Government ought to be able to handle its problems of oil conservation under its war and commerce powers without taking title to New York's submerged coastal lands, from low-water mark out. This blunderbuss method of handling oil problems ought to be checked before it goes any further.

ROBERT MOSES,

City Construction Coordinator.

New York, May 5, 1952.

Mr. HOLLAND. In order that I may make a brief comment upon the letter of Commissioner Moses I should like to read from it certain excerpts. The first part that I should like to read is:

The rule that State territory ends at low-water mark will block any State waterfront development that goes beyond that line. Let the Federal Government do it. The maritime belt belongs to it. That will be the natural reaction.

Why should local authorities embroil themselves in legal conflicts? Shores are constantly changing. What date shall be used to fix the location of the low-water mark? What is a bay? At what precise point does

it become part of the open sea? Are uplands formed by nature or fill subject to the "paramount power" of the Federal Government as defined in the opinion in the California case? These are only a few of the problems which will confront local officials and keep this controversy boiling in the courts for years to come under the Supreme Court's ruling.

Then at a later point he goes on to say:

This city—

Meaning the city of New York—

This city and other ocean-front municipalities cannot be expected to continue their filling and reclamation operations, their projects to arrest beach erosion or their recreational and other shore-front developments in lands as to which ownership and control are thrown into doubt by the Court's ruling in the California case.

Let me digress for a moment to say that Commissioner Moses has shown clearly in his communication that great projects of the State of New York and of the city of New York which had been extended into what had been the open sea were involved—projects of tremendous money value and of even greater recreational and use value to the people whom he faithfully represents.

I read further from his letter:

For these reasons and because I know the good use that New York and other Atlantic States and cities are making of their submerged lands beyond low-water mark, I think this ruling should be corrected by congressional action without delay. The President should be urged to approve, not to veto, Senator HOLLAND's bill, which merely reaffirms the law as it existed up to 1947 and recognizes the historical fact of State ownership, and if he vetoes the bill, the veto should be overridden.

The Federal Government ought to be able to handle its problems of oil conservation under its war and commerce powers without taking title to New York's submerged coastal lands from low-water mark out. This blunderbuss method of handling oil problems ought to be checked before it goes any further.

Mr. President, I again remind the Senate that there is no more distinguished authority than Mr. Robert Moses, of New York City, who took that position in black and white, in opposition to the attitude taken by the distinguished junior Senator from his State.

Mr. LEHMAN. Mr. President, will the Senator from Florida yield to me?

The PRESIDING OFFICER (Mr. STENNIS in the chair). Does the Senator from Florida yield to the Senator from New York?

Mr. HOLLAND. I am glad to yield.

Mr. LEHMAN. Even assuming—which I do not grant—that there has been some legal doubt as to the rights of the States to dominance over the inland waters, harbors, and lakes, is it not a fact that there was offered on this floor an amendment or amendments which were accepted by the distinguished Senator from Florida, which would clarify that situation without any question whatsoever? I thought it was unnecessary to have such an amendment adopted, and yet I was glad to submit it, upon request.

The PRESIDING OFFICER. The Senate will be in order. Let the Chair point out that the Senator from Florida,

who has the floor, can yield only for a question, without losing the floor.

Mr. HOLLAND. Mr. President, I ask to be protected on that point. I have yielded only for a question. If anything other than a question eventuates, I wish to make it clear that I have yielded only for a question, which I am happy to do.

The PRESIDING OFFICER. Very well.

Mr. LEHMAN. Mr. President, let me say that I was glad to submit the amendment, which, as I recall, was accepted by the distinguished Senator from Florida. I submitted the amendment at the request of Commissioner Moses and of the mayor of the city of New York—not because I had any doubt about the matter, but to satisfy them and to make doubly sure that there would be no question as to the position of the State of New York vis-à-vis the Federal Government.

Mr. HOLLAND. Mr. President, in reply to the question asked by my distinguished colleague, I wish to say that it is true that he offered an amendment. It is not true, however, that that amendment would have cleared up the situation, because it was addressed wholly to protecting public bodies, such as the State of New York and the city of New York, in the case of developments which they had made up to that time and in the case of future developments, whereas I am unable to find any good reason why the public should be better protected as to good-faith developments made by the expenditure of millions of dollars than private owners are protected in the case of private developments which have been made in equally good faith, and as the result of a much larger investment, in the aggregate, than the investment which has been made by the public.

So the Senator from New York is correct in his statement that his amendment would in part have taken care of the situation, but the Senator from New York is not correct in his statement that the amendment would fully have done so.

While I had not expected to enter upon argumentation on this point, let me say that it should be fully clear from the very able statement made by Commissioner Moses, and from other statements which I shall place in the RECORD later on, that there is ample reason why persons of sound understanding of this problem should have very grave fears that problems affecting the inland waters may arise. Such fears arise from statements made by Federal counsel in the California case which are a part of their brief in that case. They also arise from recitals appearing in the opinion of Mr. Justice Black, which was the opinion of the majority in that case, and also from recitals appearing in the opinions of the Justices who dissented from the majority opinion, notably the opinion of Mr. Justice Frankfurter.

So there is real ground for fear that what was sought to be done was but the beginning of a usurpation, great in itself, but opening the way to even greater usurpation in the future.

Mr. LONG and Mr. IVES addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Florida yield; and if so, to whom?

Mr. HOLLAND. I yield first to the Senator from Louisiana, for a question.

Mr. LONG. Mr. President, let me say that I am impressed by the fact that the distinguished senior Senator from Florida has been a practitioner of law since 1916, and is a former prosecutor, a former judge and also a former governor of a State which has extreme interest in questions of this type.

I call the attention of the Senator from Florida to the fact that as a legal matter it is difficult to see how the Federal Government could own the oil in the submerged lands, without owning the lands themselves and without owning all rights to everything incident to those lands, including oysters, other shellfish, and so forth. Again and again I have heard it claimed that the Federal Government should give back to the States everything except the oil. All I can say on that point is that those who make such a suggestion evidently would put a higher value upon the oil than they would put upon the shellfish, clamshells, and things of that sort.

Mr. HOLLAND. The Senator is, of course, correct in his able observation.

Mr. IVES. Mr. President, will the Senator from Florida yield to me at this time?

Mr. HOLLAND. I yield.

Mr. IVES. I should like to ask my distinguished colleague from Florida if it is not a fact that the attorney general of the State of New York is on record, and has been on record, in favor of the bill dealing with this matter which was passed by the Senate.

Mr. HOLLAND. Of course, the Senator from New York is correct. The attorney general of New York, Mr. Bennett—although I do not know whether he is attorney general at the present time—

Mr. IVES. No; he is not the attorney general at the present time and has not been since 1942. However, the present attorney general, Hon. Nathaniel L. Goldstein, has taken the same position and expressed himself in favor of this legislation.

Mr. HOLLAND. At any rate, the attorney general of the State of New York, who served as attorney general throughout the administration of the distinguished junior Senator from New York as Governor of that State, is on record on this matter, and I hold in my hand his brief on this subject.

Mr. McCARRAN. Mr. President, does the Senator from Florida care to yield at this point for a question?

Mr. HOLLAND. I shall yield for a question. However, first, I wish to say that not only is it true that the attorney general of New York is on record, but it is also true that the State Legislature of New York is on record in support of the so-called Holland bill, that the present Governor of the State of New York is on record in support of it, that the senior Senator from New York [Mr. Ives] is on record in support of it, that Mayor Impellitteri, of the city of New York, is on record in support of it, and also that Mr. Moses is on record to the same effect. That makes the favorable opinion almost unanimous, it seems to me, insofar as concerns any indications we have

had from the State of New York, except in the case of the distinguished junior Senator from New York [Mr. LEHMAN].

Now I yield to the Senator from Nevada, for a question.

Mr. McCARRAN. Mr. President, let me say to the Senator from Florida that his expression that the expressions coming from the members of the Supreme Court give rise to grave apprehension is correct, and that apprehension has been emphasized in recent cases in which the term "paramount right of the sovereign" has been used, and in particular in a pleading in a case now involving all the rights along the Santa Margarita River, in California. The very term "paramount right of the sovereign" shows that the present movement is one to take over the inland waters and the rights to inland waters. With that in mind, some of us are exceedingly apprehensive lest perchance those in the arid and semiarid States may have their water rights dominated by the Federal Government.

Mr. HOLLAND. I thank the distinguished Senator from Nevada, who is a former member of the supreme court of his State and who certainly has had sound and wide experience upon which to base the conclusion he has stated.

Mr. LEHMAN. Mr. President, will the Senator yield for a question?

Mr. HOLLAND. I will yield gladly in a moment. I desire to complete my insertion of matters from Mr. Robert Moses, after which I shall yield first to my friend from New York.

Mr. President, following the publication of the letter from Mr. Moses in the New York Times, a reassuring statement was issued by the chairman of the committee, the Senator from Wyoming, and the junior Senator from New York attempting to allay the feelings of Commissioner Moses, the feelings of apprehension which he so well voiced. I have this morning received from Mr. Moses a printed pamphlet in which he replies to that release by the two distinguished Senators whom I have mentioned. I ask leave at this time to have printed in the RECORD as a part of my remarks this latest statement by Commissioner Robert Moses, dated May 13.

The PRESIDING OFFICER. Is there objection?

Mr. O'MAHONEY. Reserving the right to object, I desire to say to the Senator from Florida that the chairman of the Committee on Interior and Insular Affairs made no release. The chairman of the committee was interviewed by a reporter for the New York Times, and made an oral statement to the reporter, only a part of which was printed in the New York Times.

I merely make this statement in order that the RECORD may be perfectly clear that, after the statement of Mr. Moses, which was a letter to the editor of the New York Times attempting to answer an editorial of the New York Times, the chairman of this committee made no attempt to dictate, write, or issue a release going into the matter.

Mr. HOLLAND. I am glad to accept the statement of the distinguished Senator.

The PRESIDING OFFICER. Is there objection to the request of the Senator

from Florida to have a certain document printed in the RECORD?

There being no objection, the statement by Commissioner Robert Moses, dated May 13, 1952, was ordered to be printed in the RECORD, as follows:

THE TIDELANDS QUESTION

(Further statement by Robert Moses, city construction coordinator and head of the city and State park systems of New York, in reply to the claim of Senators LEHMAN and O'MAHONEY that the decisions of the Supreme Court in the offshore oil cases do not affect the title of the States to lands underlying bays, harbors, and navigable inland waters.)

A news item in the New York Times of May 8 reported that Senators LEHMAN and O'MAHONEY took exception to my letter to the Editor on the "Tidelands" question published in the Times of May 7 and commented on by Arthur Krock in his column of May 9.

In my letter I made the point that unless the title of the coastal States to the submerged lands along their shores was confirmed by congressional action, endless confusion would result as to ownership and further water-front development by the States and municipalities would be paralyzed.

Senator LEHMAN is quoted as saying that in writing the letter I was completely misinformed and that neither the decisions of the Supreme Court nor the legislation that is proposed in the slightest degree affect State ownership of the lands underlying bays and harbors or navigable rivers or lakes." Senator O'MAHONEY is quoted as calling my contentions "utterly baseless."

I must emphatically differ from the distinguished Senators, both of whom I greatly respect. They are the ones who are either misinformed or do not comprehend the seriousness of the threat of the Supreme Court decisions. The Senators' approach to the problem of corrective legislation abundantly answers their criticism of my letter. Why, one may ask, is Senator O'MAHONEY seeking to obtain passage of a bill expressly affirming State ownership of lands beneath harbors, bays, and navigable inland waters if the Supreme Court decisions had no effect on the title of the States to these submerged lands? What is worrying them if everything is just lovely?

It is not necessary to indulge in lengthy technical discussion of the opinion of the Court in the California case to make the main point clear: In American law from 1789 to 1947 each of the original States had the same ownership in their coastal waters that the King had in English waters under the common law. This included ownership of the submerged coastal lands. Coastal States admitted later had the same rights. Until 1947 the Supreme Court determined all disputes involving the title of submerged lands on this basis, and the rules of State ownership of the bed of navigable waters were extended to all inland navigable waters. In the 1947 California case Justice Black was wrong in his chronology when he referred to this extension as the old inland-water principle. It was an American development of the old rule that the crown owned the bed of England's coastal waters. The California opinion knocked out the foundation of this body of American law when it declared: "We cannot say that the Thirteen Original Colonies separately acquired ownership of the 3-mile belt or the soil under it" (332 U. S. at p. 31).

Senator O'MAHONEY is quoted as saying that "in the trial of the California case the Attorney General expressly disavowed any intention to assert jurisdiction over such waters. The Department of Justice has repeatedly assured Congress that it entertains no such claim." These reassuring words from a former Attorney General and the

Department of Justice disclaiming any such disturbing intention serve merely to divert popular attention from the far-reaching dangers of the new legal doctrine. Later incumbents will not be bound by the present disclaimers. It will be their duty to assert Federal ownership as far as the then prevailing theory of the law will allow. The California opinion means just that and says so in justifying its dangerous revolutionary ruling. The Court said:

"Even assuming that Government agencies have been negligent in failing to recognize or assert the claims of the Government at an earlier date, the great interests of the Government in this ocean area are not to be forfeited as a result. The Government, which holds its interests here as elsewhere in trust for all the people, is not to be deprived of those interests by the ordinary court rules designed particularly for private disputes over individually owned pieces of property" (332 U. S. at pp. 39-40).

As I have indicated, the reply of the Senators to my letter carries its own refutation. It confounds the confusion as to ownership created by the recent Supreme Court decisions. In biblical times one of the worst crimes was to remove a neighbor's landmark. Today it is to cloud his title. In this instance the cloud will destroy the work of years, not only on private shore-front development but on public reclamation, recreation, conservation, and planning by the States and municipalities. This cloud must be lifted by congressional reassertion of the State ownership of submerged coastal lands.

ROBERT MOSES:

New York, May 13, 1952.

Mr. HOLLAND. As I say, Mr. President, I am glad to accept the statement of the distinguished Senator from Wyoming, and if there is anything incorrect in my use of the word "release," suppose we change it to "interview." There was a long interview, in which the Senator from Wyoming and the junior Senator from New York were both directly quoted, which appeared in the New York Times immediately following the printing of Mr. Moses' letter in that same paper. Incidentally, that article, whether a release or an interview, did not clear up the matter very well, because it is entitled "Moses Reassured Over Water Front—Two Senators Laugh at His Fears That Tidelands Oil Rulings Threaten City Jurisdiction." Apparently Mr. Moses and Mr. Arthur Krock immediately reacted to express very great difference of opinion from the statements released by the two Senators. Evidently they felt that the interview of the two Senators by no means cleared up the question.

Mr. LEHMAN. Mr. President, will the Senator yield?

Mr. HOLLAND. I will yield in a moment. I have just made a part of my remarks the latest release of Mr. Moses, dated May 13, from which I wish to read, for particular emphasis, the closing paragraph:

As I have indicated, the reply of the Senators to my letter carries its own refutation. It confirms the confusion as to ownership created by the recent Supreme Court decisions. In Biblical times—

And I hope Senators will listen to this, because it is so true.

In Biblical times one of the worst crimes was to remove a neighbor's landmark. Today it is to cloud his title. In this instance the cloud will destroy the work of years not only on private shore-front development but

on public reclamation, recreation, conservation, and planning by the States and municipalities. This cloud must be lifted by congressional reassertion of the State ownership of submerged coastal lands.

Mr. President, it is difficult to imagine a stronger statement from a more authoritative source as to the very great importance of immediately dissipating the cloud which has been created by the unfortunate decisions of the United States Supreme Court in the California, Louisiana, and Texas cases, a cloud which, as stated by Mr. Moses, "will destroy the work of years not only on private shore-front development but on public reclamation, recreation, conservation, and planning by the States and municipalities." Surely no graver stricture could be leveled at the course of action which has followed the action of the Supreme Court in the effort permanently to becloud the titles of the States to their submerged coastal lands.

I now yield gladly to the junior Senator from New York for a question.

Mr. LEHMAN. I thank the Senator. I wonder whether the Senator from Florida is aware of the fact that the amendment which I proposed, which was accepted by the distinguished Senator from Florida and which was adopted by the Senate, was drafted in close association with and in consultation with Commissioner Moses and the Mayor of the City of New York, and that it certainly met all the objections which had been raised at that time.

Is it not also a fact that the distinguished Senator from Florida has already stated that the amendment would care for all public works, although he raised a question as to whether it would protect title to privately owned property? I should not think there was any validity whatever in the criticism of Commissioner Moses in regard to all these public developments. May I ask—

Mr. HOLLAND. May I answer those questions?

Mr. LEHMAN. Certainly.

Mr. HOLLAND. I desire to say to the distinguished Senator that I do not know, of course, the source from which his amendment came; but as my remarks immediately then made upon the floor of the Senate indicated, I was happy to see the distinguished Senator and others finally realizing the validity of the arguments made by the Senator from Florida and other Senators, who had pointed out repeatedly that this question was not dominantly an oil question, but that it had to do with values which were permanent and which had long existed and which would be worth more and more, from year to year, if our Nation lasted through thousands of years, whereas the oil question was a completely temporary one, under which the oil would soon be exhausted. As the RECORD will show, I congratulated the Senator from New York upon his having reached the stage where he offered an amendment which admitted the validity of much of the argument which we had made up to that time, and admission which had not been made up to that time.

But as I stated then, and as I restated a few moments ago, it is a fact that the amendment offered by the distinguished Senator, while it showed a peculiarly tender regard for the rights of States, municipalities, and other public agencies, which had spent millions of dollars in developing the beaches along Long Island and along Staten Island, and otherwise, showed no regard whatever for, and no intention to safeguard the owners of private properties who had spent money running into many millions of dollars, countless millions, taking the Nation as a whole, in the development of values on the submerged lands which were built up from the ocean bottoms to become a part of the upland. The amendment of the distinguished Senator showed not the slightest desire to take care of that problem for the future, as would have been done for future public developments.

Mr. LEHMAN. I thank the Senator. Mr. O'MAHONEY rose.

Mr. LEHMAN. May I ask one more question?

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield to the Senator from Wyoming for a question.

Mr. O'MAHONEY. Mr. President, as I said at the outset, this morning, I have no intention of engaging in any debate upon this issue at this time. The conference report has been adopted, and the bill is now on its way to the President. I only ask unanimous consent that I may insert in the RECORD, or that there may be inserted in the RECORD immediately following the comments of the Senator from Florida, the editorial from the New York Times, published on April 25, 1952, calling for a veto of this bill, the editorial to which Mr. Moses wrote his letter of reply, and also an editorial of April 4, appearing in the Washington Post, which criticizes the sort of action which was taken by the Senate today.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wyoming? The request is out of order, but the Chair will put the question.

Mr. HOLLAND. I yield for that purpose, if I may do so without losing my right to the floor.

The PRESIDING OFFICER. The Chair will put the question. Is there objection? The Chair hears none, and the two editorials will be inserted in the RECORD at the proper place. (See exhibits 1, 2, and 3.)

Mr. O'MAHONEY. I appreciate the fact that the Chair cut me off, but I shall not attempt to pursue the parliamentary intricacies in connection with that action.

The PRESIDING OFFICER. The Chair was under the impression that the Senator had completed his statement.

Mr. HOLLAND. Mr. President, the next item which I wish to insert in the RECORD is an able column written by Mr. Arthur Krock appearing in the New York Times of May 9, 1952, entitled "The Basis of Mr. Moses' Alarm."

I ask unanimous consent that the entire column be printed in the RECORD at this point as a part of my remarks.

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

THE BASIS OF MR. MOSES' ALARM
(By Arthur Krock)

WASHINGTON, May 8.—In a letter published on this page Wednesday Robert Moses wrote that the 1947-50 decisions of the Supreme Court granting to the Federal Government paramount rights over the marginal seas off California, Louisiana, and Texas and the produce of the lands they cover threaten not only State ownership beyond low-water mark in all the Coastal States but also State ownership of the land underlying all bays and harbors, all navigable rivers and lakes.

Senators LEHMAN and O'MAHONEY at once told Mr. Moses that the threat he described grew out of a misunderstanding of the Supreme Court decision; that in these the majority did not dispute the dictum of the Court in *Pollard's Lessee v. Hagen* that the States owned the lands under their navigable waters, including bays and harbors; and that, anyhow, a simple reassertion by Congress of this State ownership would prevent any attempt thus to extend the Federal ownership doctrine in the marginal sea decisions.

But there are passages in Justice Black's opinion for the majority in the California case (June 23, 1947) and in the dissent of Justice Reed in the Texas case (June 5, 1950) that led the attorneys general of many States to express the same fear. Congress again is seeking to restore State ownership over the produce of the marginal seas and confirm the doctrine in the Pollard case with respect to navigable inland waters as well. If enacted, this bill will nullify the Supreme Court decisions and dispose at the same time of the threat envisaged by the attorneys general and Mr. Moses. But the President vetoed it when passed before. And he is expected to veto this new draft. If he does, the issue raised by Mr. Moses will continue to be a live one not only in his own mind but in those of other competent lawyers and students of the way Supreme Court decisions have of broadening in scope as they age.

A CONDITIONAL CONCESSION

In the California decision Justice Black devoted some space to the doctrine in the Pollard case, which California cited as support for State ownership of the lands under the marginal seas:

"The Government [he wrote] does not deny that, under the Pollard rule, as explained in later cases, California has a qualified ownership of lands under inland navigable waters such as rivers, harbors, and even tidelands down to the low-water mark. * * * The belief that local interests are so predominant as constitutionally to require State dominion over lands under its landlocked navigable waters find some argument for its support."

This statement suggests something less than a whole-hearted acceptance of the Pollard rule. And, from the time the State authorities read it, though Justice Black agreed elsewhere that the rule was embedded in the law, they began to fear that he at least had parted the flaps of the tent enough for the nose of the Federal camel to intrude, with designs for eventual full occupancy. That would not be the first time when, after asserting that no more encroachments on State rights would be attempted, the Federal Government has found a new reason to withdraw the promise.

For example: State ownership of the marginal sea lands was exercised for more than a hundred years without Federal challenge. It was only when rich oil deposits were found and gathered that Washington discovered a reason why its rights, not those of the States, had always been paramount over these water areas. The reason, warmly accepted by the Supreme Court majority, was that " * * * a government next to the sea must * * *

have powers of dominion and regulation in the interest of its revenues, its health, and the security of its people from wars waged on or too near its coasts. And insofar as the Nation asserts its rights under international law, whatever of value may be discovered in the seas next to its shores and within its protective belt will most naturally be appropriated for its use."

THE DISSENTERS

When Texas and Louisiana came into Court, the majority applied this brand-new reasoning to both their marginal seas contentions. That was consistent with respect to Louisiana. But the inclusion of Texas caused Justice Frankfurter, dissenting, to remark: " * * * The submerged lands now in controversy were part of the domain of Texas when she was on her own [as a sovereign republic]. The Court now decides that when Texas entered the Union she lost what she had and the United States acquired it. How that shift came to pass remains for me a puzzle."

This judicial cancellation of the terms, agreed to by the United States, on which Texas joined the Union is another explanation of the fear expressed by Mr. Moses and others. But in his dissent in the Texas case Justice Reed laid the chief foundation for it. "The needs of defense and foreign affairs," he wrote, "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."

Yes, they can, said the Court majority. And that dictum can spread landward.

Mr. HOLLAND. Mr. President, I wish to quote briefly from this exceedingly capable discussion. After first quoting from the opinions of the court, the majority opinion and the minority opinion, to show that Mr. Moses did have a complete right to fear further encroachments by the Federal Government if corrective legislation were not passed, Mr. Krock ended his able column with the paragraph which I shall read. He had just referred to the fact that the understanding under which the State of Texas had been admitted from the status of an independent republic to that of statehood, with a complete understanding that its own public lands and waters were reserved to it, had been violated and that the opinion of the majority of the Court in the Texas case operated to cancel that understanding. Mr. Krock closed with this paragraph—

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

Mr. HOLLAND. In a moment I shall be glad to yield to the Senator from Texas.

I read, Mr. President:

This judicial cancellation of the terms, agreed to by the United States, on which Texas joined the Union is another explanation of the fear expressed by Mr. Moses and others. But in his dissent in the Texas case, Justice Reed laid the chief foundation for it. "The needs of defense and foreign affairs," he wrote, "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."

Mr. Krock concludes with these terse words:

Yes, they can, said the court majority. And that dictum can spread landward.

I now yield to the Senator from Texas.

Mr. CONNALLY. Mr. President, the Senator from Florida referred to the admission of Texas and commented on it. Texas was admitted to the Union not by treaty, but by joint resolution of the Congress. That resolution specifically provided that all the public lands of the Republic of Texas were retained by it when it became a State. So, there is a clear differentiation of the Texas case from the California case and the Louisiana case, because California became territory of the United States by conquest. All the lands belonged to the United States by conquest. All the lands belonged to the United States until such time as the United States permitted erection of the State out of those lands.

In the case of Louisiana, of course, the lands and the title were acquired from Napoleon in 1803, and the same rule applied. They belonged to the Federal Government until the Federal Government consented to their creation into a State.

So, the Texas case is distinguished from the other cases by reason of the fact that the lands originally belonged to the Republic of Texas and when it ceased to be a Republic and became a State, by joint resolution of the Congress, the title to those lands was specifically retained by the State of Texas.

Mr. HOLLAND. I thank the distinguished Senator. His point is, of course, completely sound.

Mr. Krock, in commenting upon the validity of that point, said it was one of the strong reasons why citizens generally should be apprehensive as to the extension of the doctrine announced in the Texas, California, and Louisiana cases to cover the inland waters and waters of the Great Lakes; that it was a ground for apprehension that the Supreme Court had gone so far as completely to cancel the rights assured to the Republic of Texas and its people when it came into statehood as one of the family of the United States.

Mr. President, the third of the articles which I should like to insert in the RECORD is an editorial from the Baltimore Sun of May 12, 1952. I ask unanimous consent that that editorial may be printed in the RECORD at this point in my remarks.

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

ANOTHER ROUND IN THE OFFSHORE-OIL CONTROVERSY

Largely overlooked in the dramatic controversy over the President's steel seizure is an only less remarkable exhibit of the remorseless press for extended Federal power by the Democratic administration. This is the claim to Federal control of oil-bearing lands seaward from low water on the shores of California, Texas, and Louisiana. As it happens, another phase of this offshore oil controversy may come to a head this week.

The controversy really got going in and around the year 1930. That was when oil in pay-load quantities was discovered offshore in California. Nobody doubted in 1930 that this new oil resource was within California's jurisdiction. The last man in the world to doubt it was the late Interior Secretary Ickes. He supported California's claim in a formal statement as late as 1933.

Within a few years, however, Mr. Ickes had decided that the offshore oil deposits were really in the Federal jurisdiction. This aroused States' rights alarms in the Congress. A bill was passed by the National Legislature in 1946 vesting the oil rights firmly in the States. President Truman vetoed the bill and took a case into the courts. Congress failed to pass the States' rights bill over the Truman veto. And in the Court case the Supreme Court in a majority opinion written by Justice Black held for the Federal Government.

There was, however, an extremely significant dissent by Justice Frankfurter. The question at issue, said this Justice, was essentially political. Hence it was "not for this court. The disposition of this [offshore oil] area, the rights to be claimed in it, the rights heretofore claimed in it through usage that might be respected though it fall short of prescription, all raise appropriate questions of policy, questions of accommodation, for the determination of which Congress and not this court is the appropriate agency * * *"

That is Congress' own view, as restated now again in new bills vesting offshore oil rights firmly in the States. A Senate-House conference has just ironed out minor differences between Senate and House versions of the new States' right bill. Congressional acceptance of the compromise conference bill is possible this week. But if the precedents hold, another Truman veto may be expected, followed by a renewed administration push to sustain the veto in the two houses.

Failure of the new bill would widely extend Federal jurisdiction. And not merely over offshore oil lands, say the bill's sponsors. They fear the doctrines announced by Justice Black in the original Supreme Court case might justify sweeping new Federal claims to inland water rights. The administration says no such claims will ever be raised. That is what most administration men would have argued prior to 1952 about an "inherent" executive power to seize the steel industry.

Mr. HOLLAND. Mr. President, I should like to quote from that able editorial only the last paragraph which refers to the bill the Senate has just passed, expressing the hope that the President will not veto the bill, but will approve it. The paragraph reads as follows:

Failure of the new bill would widely extend Federal jurisdiction. And not merely over offshore oil lands, says the bill's sponsors. They fear the doctrines announced by Justice Black in the original Supreme Court case might justify sweeping new Federal claims to inland water rights. The administration says no such claim will ever be raised. That is what most administration men would have argued prior to 1952 about an "inherent" executive power to seize the steel industry.

Mr. President, that able editorialist made it very clear that this question should be considered against the background of what the administration would have contended if approached prior to the time of the actual seizure of the steel industry, and the contrast between what would have been claimed at that time and what was claimed by the administration in connection with the steel seizure.

Mr. President, the last insertion which I wish to have made in the RECORD is that of an editorial from the Bangor Daily News, of Bangor, Maine, under date of May 8, 1952. The editorial is entitled "Call His Bluff."

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

CALL HIS BLUFF

One of President Truman's many visitors has given out another of the many statements attributed to the President.

But this one, unlike most of the others, has nothing to do with whether Mr. Truman will or won't run for reelection—he has already settled that himself.

The statement, reported by a Cabinet member, had to do with the tidelands question. He was Interior Secretary Chapman. "He told me he will veto the tidelands bill," the Secretary reported.

That, of course, is really not news. Mr. Truman has vetoed the bill before. But the report is significant in that it is a late word on the President's attitude toward the Federal Government's theft of the tidelands from the States.

But Congress should not hesitate in taking the proper action on the tidelands issue no matter what Mr. Truman does or intends to do. Both Houses, acting on morality and right and law, have passed bills to reestablish State title to tidelands, despite the Federal Government's attempt to seize them with the permission of the Supreme Court. The two bills are now being considered by a conference committee which is working out minor differences between House and Senate versions.

The tidelands question is really a simple one, but it has been made complicated by the Federal officials who are trying to hide the nature of the Government theft from the people.

There is no argument about the fact that the Thirteen Original Colonies were granted separate independence by Great Britain at the end of the Revolutionary War. And in giving the colonies separate independence, the treaty which ended the Revolution declared specifically that each State should own its tideland areas.

These colonies joined to form the United States under the Constitution, giving the Federal Government only specifically enumerated powers. Nowhere in the Constitution was the Federal Government given control of the tidelands. And the Constitution provided that all future States to join the Union would enter on the same basis as the Original Thirteen—meaning all new States would have the same rights to their tidelands that the Original States enjoyed.

That just happens to be a fact. The States originally owned their tidelands.

Now the Federal Government claims ownership of the tidelands. How did the Federal Government get a claim? The Federal Government can acquire territory only by purchase, by cession, or by conquest. The States certainly have not sold the tidelands to the Federal Government. The States certainly have not ceded the tidelands to the Federal Government. And the Federal Government certainly has not taken the tidelands from the States by outright conquest—although the unconstitutional theft the Truman administration has attempted amounts to almost the same thing.

The tidelands still belong to the States. But if the Federal Government is permitted to make good its theft, it is stealing more than land. It is stealing the safeguards the Constitution provides for the people. For if the Federal Government can violate the Constitution on the tidelands matter, it can violate it on any question—as it is still trying to do in its confiscation of the steel industry.

Congress, therefore, should quickly adjust the difference between the tidelands bills passed by its two Houses and send the measure to the President. His bluff has been called once this week. Call it again.

If he vetoes it, an attempt to pass the bill over his veto should be made.

But if the President's veto should stick, it is comforting that next year there will be another President—and another chance to set aright the Fair Deal theft of the tidelands which by its nature endangers our constitutional foundation.

Mr. HOLLAND. Mr. President, I understand that Maine was a part of the Territory of Massachusetts at the time of the original formation of the Nation. The editorial is an excellent one if a bit salty, and I shall not read it all, but I wish to read one paragraph only as showing how far editorials go in the rock-ribbed State of Maine, where if any oil has been discovered, I have never heard of it, though that good State does have important coastal rights. The editorialist expresses himself strongly upon the issues in this case, as follows:

The tidelands still belong to the States. But if the Federal Government is permitted to make good its theft, it is stealing more than land. It is stealing the safeguards the Constitution provides for the people. For if the Federal Government can violate the Constitution on the tidelands matter, it can violate it on any question—as it is still trying to do in its confiscation of the steel industry.

Mr. President, that is perhaps the mildest paragraph in the editorial. I hope Senators will find occasion to read the whole editorial.

These insertions which I have placed in the RECORD, Mr. President, tend to point up the fact that the good people of our Nation, even in those areas where no oil has been discovered, are recognizing the enormous values which are involved, in the coastal belt of land and water out to the State limits and that these values must be safeguarded to the States and their people and freed from the prospect of control by the swollen Federal bureaucracy.

Mr. President, I yield the floor.

EXHIBIT 1

[From the New York Times of April 25, 1952]

VETO CALLED FOR

A national outcry would doubtless be raised if Congress should pass a bill simply handing over to the States of California, Texas, and Louisiana a multi-billion-dollar asset that now belongs to the people of all the United States. Yet that is, in effect, just what both Houses of Congress have already done in approving two different versions of a quitclaim bill resigning to the States all Federal rights to vast offshore oil deposits. The only choice now facing the conference committee is therefore a choice between two evils; and when the new quitclaim measure comes before him, we urge the President to repeat the veto action he took on a similar bill in 1946.

Last year the House passed by better than 2-to-1 vote the Walter bill giving away to the States full title to the land under the sea from the low-water mark along their coasts out to the traditional 3-mile limit or, in some cases, even beyond. This was essentially the same gift that the Senate approved 3 weeks ago, and we regret to note that Senator Ives, of New York, was one of those who voted for it. But the House went even further. It also gave the States three-eighths of the oil revenue from lands extending all the way out to the edge of the Continental Shelf, which reaches 150 miles into the Gulf of Mexico. Both measures

were passed in the face of Supreme Court decisions confirming the paramount rights of the Federal Government to the lands under dispute.

The issue really comes down to whether the Federal Government or the States will control the private exploitation of one of the Nation's most important strategic and economic resources, which the highest Court has clearly indicated lies within the domain not of the States but of the Federal Government. Until the issue is settled, the development of the offshore fields will be hamstrung; and it is regrettable that Congress has refused to accept the compromise O'Mahoney bill that at least would have encouraged work to proceed. This measure would have confirmed Federal title to the area, but would have given the States some revenue. However, any quitclaim bill, in whatever form presented, deserves the Presidential veto it is almost certain to get.

EXHIBIT 2

[From the New York Times]

MOSES REASSURED OVER WATER FRONT—TWO SENATORS LAUGH AT HIS FEARS THAT TIDELANDS OIL RULINGS THREATEN CITY JURISDICTION

WASHINGTON, May 7.—Two Senators branded as groundless today fears that Federal claims to submerged offshore lands might jeopardize city ownership of water-front facilities.

Senators HERBERT H. LEHMAN, of New York, and JOSEPH C. O'MAHONEY, of Wyoming, both Democrats, took exception specifically to a letter to the editor from Robert Moses, city construction coordinator, that appeared in the New York Times today.

Mr. Moses suggested that the city's title to water-front developments and State jurisdiction over land beneath bays, harbors and navigable rivers, and lakes was threatened.

Mr. Moses attributed the situation to 1947 and 1950 Supreme Court decisions affirming Federal dominion over submerged oil lands off California, Texas, Louisiana. He called for enactment of a bill, now awaiting final Senate and House action, giving the States title to the underwater lands.

"Mr. Moses, in writing this letter, is completely misinformed," Senator LEHMAN asserted. "Neither the decisions of the Supreme Court nor the legislation that is proposed in the slightest degree affects State ownership of the lands underlying bays and harbors or navigable rivers and lakes. That is completely clear in the decisions of the Supreme Court."

"The same is true with respect to the city's water-front improvements and developments on filled-in land," he said.

Senator O'MAHONEY, chairman of the Committee on Interior and Insular Affairs, called Mr. Moses' contentions utterly baseless. He said he was unable to understand how such an able and intelligent public official could entertain such views.

"In the trial of the California case," he declared, "the Attorney General expressly disavowed any intention to assert jurisdiction over such waters. The Department of Justice has repeatedly assured Congress that it entertains no such claim."

Even if there were any doubt, it would not be necessary to enact the pending quitclaim bill to remove it, according to the two Senators.

This would be done, they noted, by a bill expressly affirming State ownership of lands beneath harbors, bays, and navigable inland waters without giving up oil-rich offshore lands as well. Mr. O'MAHONEY seeks to obtain passage of a bill containing such a provision if President Truman's expected veto of the quitclaim measure is sustained. The main purpose of the new bill would be to authorize Federal leasing of offshore oil lands.

EXHIBIT 3

[From the Washington Post of April 4, 1952]

QUITCLAIM

The Senate gave away to three coastal States on Wednesday a vital and valuable resource belonging to all the people of the United States. The act was one of crass irresponsibility. Fortunately the White House is occupied by a President who can be counted upon again to treat the national interest in this area as paramount and to veto, as he did 5 years ago, this new attempt to quitclaim the 3-mile submerged strip known as the marginal sea.

The true nature of what the Senate did ought to be clearly understood. Certain Senators took pains to obscure it. Senator KNOWLAND, for example, arguing that it was not a give-away measure, asserted that this is a measure which restores to the States that which was theirs for 100 or 150 years, or less or more, as the case may be. But the Supreme Court, the authoritative body created for the precise purpose of adjudicating just such questions, declared categorically in the California decision of 1947 that the States had never held title to the submerged land lying outside their inland waters and seaward of the low-tide mark.

Senator TAFT, with equal obscurantism, spoke of transfer of ownership of the land within the 3-mile limit to the Federal Government itself. But the Supreme Court did not suggest any transfer of ownership. Ownership of the ocean bed is a matter of international concern. But international law has long recognized dominion (not ownership) over the 3-mile belt as an attribute of national sovereignty. Paramount rights in and full dominion over the marginal sea are vested in the United States, as distinct from California, Texas, or Louisiana, the Supreme Court said, because the United States is a sovereign Nation.

It is altogether doubtful, in point of fact, if Congress has any real power to pass quitclaim legislation respecting the marginal sea; title to this area has never been definitively adjudicated, and congressional disposition of it might well be disputed in an international court of law.

PRIMARY ELECTION CAMPAIGN IN OREGON

Mr. MORSE. Mr. President, I ask unanimous consent that I may proceed for 5 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senator from Oregon is recognized for 5 minutes.

Mr. MORSE. I have just returned from a novel campaign in my State. Because of the fact that there may be some misunderstanding with regard to the nature of the campaign, particularly the status of the junior Senator from Oregon in it, I shall make a very brief statement.

I have enjoyed—and when I say “enjoyed,” I mean it, Mr. President—an experience which I am afraid not very many politicians in this country have ever enjoyed. For some 10 days I have been going before the people of my State, urging them to vote against me for President. Senators ought to try that sometime, Mr. President.

Mr. BRIDGES. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. BRIDGES. The Senator is taking that position only during the current election campaign, is he not? His statement does not hold for the future?

Mr. MORSE. I am certainly urging it for this particular election, but let me assure the Senator from New Hampshire, as I have assured all my constituents in Oregon during this campaign, that come 1956, God willing to give me breath that long, I shall be in Oregon again, not urging them to vote against me, but urging them to support the principles I fought for in this campaign in the last 10 days, and at that time to vote to reelect me to the Senate. I have been urging the people of my State to vote against me in this campaign because my Republican reactionary enemies in Oregon, taking advantage of a technicality in the Oregon law, placed my name on the presidential ballot. They did that for the purpose of hoping, at least, to embarrass me personally, and possibly hoping also to split the vote of the presidential candidate I am supporting.

Once again, as a result of this experience, my confidence in the judgment of the people was verified, because, Mr. President, they saw the trickery engaged in by the reactionary Republican forces of my State. The success of my campaign of the past 10 days will be measured by the small size of the vote I get today. If it is more than a thousand, I shall be very much disappointed in my campaigning ability, because I cannot imagine, in view of the campaign I made against myself in the past 10 days, that a thousand people would make the mistake of voting for me for President.

I wish to make other comment, namely, that under another technicality of Oregon law it is possible to file by petition for delegate to the Republican Convention. That is provided for in a section of the old 1905 law, which the legislature forgot to repeal when it adopted a new primary election law in 1915. The old 1905 section has not been used for many, many years. Of course, the joker in it is that if one files by petition, he is not then bound by the choice of the people exercising their rights under the primary law in the choice of a presidential candidate. So in my State today six reactionary Republican candidates for delegate at large have filed by petition, thereby making clear that they refuse to be bound by the choice of the people at the ballot box today as to the presidential candidate. Unfortunately, I feel sure a great many people in my State are not aware of that technicality and are not aware of what it means to file by petition.

However, I am very hopeful that the great majority of the people of Oregon will see through this trickery too, and that the six candidates who have filed for delegate at large by petition will be defeated. It is perfectly obvious that they seek to go to the Chicago convention to vote against a man who I am satisfied will carry the Oregon primary election today by an overwhelming majority as the presidential choice of the people.

I have made these few remarks because since I have returned to Washington many of my friends have expressed complete puzzlement about what the situation is in Oregon. An editorial in the Washington Post of this morning also shows that there is a great deal of con-

fusion in regard to the technicalities in the Oregon law.

I am gratified to be able to report that a good many members of the Oregon legislature, with whom I have talked during the past 10 days have assured me that, come the next session of the legislature, they are going to support an amendment to the Oregon election laws, so that two things will be prohibited in the future: First, it will not be possible for a man's political enemies to put his name on the presidential ballot, thus placing him in a position where he cannot withdraw. As the law now is, one must necessarily do what I have done during the past 10 days, if he is to keep faith with himself and live up to the highest standard of political ethics.

Second, they assure me they will propose to amend the Oregon law so that never again can candidates for delegates to the convention seek to defeat the will of the people, on the basis of a legal technicality not understood by the voters as a whole, by filing for delegate through a petition procedure. The law should make crystal clear that each and every delegate is bound to vote for the choice of the people.

Mr. President, I close by saying that I have had a very enjoyable 10 days in my State. I return confident that one thing is very true in American politics, although most politicians have overlooked it. There are not very many hide-bound Democrats or hide-bound Republicans among registered Democrats and registered Republicans. Many politicians forget that; they overlook the fact that even the great majority of registered Republicans and registered Democrats are, first, independent American citizens. They are manifesting their independence in American politics these days, and both major parties had better recognize this observation I have just made. It means that the major political parties had better come forward with programs that appeal to Mr. and Mrs. Independent Citizen, because they are going to cast independent votes at the ballot boxes of America.

Mr. CASE. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator from Oregon has exhausted his time.

The Senator from New Hampshire is recognized.

APPOINTMENT OF CERTAIN OFFICERS TO GRADE OF GENERAL

Mr. BRIDGES. Mr. President, I send to the desk a bill for appropriate reference, and I ask unanimous consent to speak for not more than 5 minutes to explain it.

The PRESIDING OFFICER. Is there objection to the Senator from New Hampshire proceeding for 5 minutes? The Chair hears none, and the Senator from New Hampshire is recognized for 5 minutes.

Mr. BRIDGES. Mr. President, this bill is to authorize the President of the United States to appoint to the grade of general in the Army of the United States those officers who in the grade of lieutenant general commanded Army ground

Mr. BRIDGES. I understand that the mutual security bill will be considered in the House the first of next week. I wonder if the majority leader can give some indication as to when he thinks the Senate will reach that measure?

Mr. McFARLAND. At the rate we are going now, if we are to conclude consideration of the pending legislation—and I feel that we must conclude it—it will not be very soon. Previously I gave notice that there would be a late session on Monday, and that the Senate would have to work at least 8 hours a day if it expected to complete consideration of the pending legislation next week and proceed to something else. Monday will be no exception. We may work more than 8 hours on Monday. The distinguished Senator from Nevada [Mr. McCARRAN] suggested that the Senate meet at 10 o'clock a. m. on Monday morning. No previous notice has been given of such a meeting hour. Senators who are leaving the city this evening expect to return on Monday for a meeting of the Senate at the usual hour. I think they ought to have notice if we are to have a session beginning at 10 o'clock a. m. on Monday.

If we can reach one vote on Monday, we may quit a little earlier; but we are going to proceed and try to reach a vote on Monday. If we do not reach a vote on Monday, we shall try to have the Senate meet at 10 o'clock a. m. on Tuesday.

Mr. McCARRAN. Will the session last until 2 or 3 o'clock the next morning?

Mr. McFARLAND. I do not know about that. I should not want to commit myself at this late hour. I would rather do that earlier in the day when I feel a little fresher.

Mr. McCARRAN. I like the late hours of the night and the early hours of the morning. It is the dew of the early morning which gives my hair its peculiar sheen. I love to leave this Chamber about 3 or 4 o'clock in the morning.

Mr. McFARLAND. I am happy to know that the distinguished Senator from Nevada likes the early morning hours. Some of these days his wish will be gratified; but let us not decide on it this evening.

MESSAGE FROM THE HOUSE—ENROLLED JOINT RESOLUTION SIGNED

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled joint resolution (S. J. Res. 20) 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 it was signed by the President pro tempore.

EXECUTIVE SESSION

Mr. McFARLAND. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. WELKER in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(For nominations this day received, see the end of Senate proceedings.)

NOMINATION OF HENRY H. FOWLER TO BE DEFENSE PRODUCTION ADMINISTRATOR—EXECUTIVE REPORT OF A COMMITTEE

Mr. MAYBANK. Mr. President, from the Committee on Banking and Currency, I report favorably the nomination of Henry H. Fowler, of Virginia, to be Defense Production Administrator, vice Manly Fleischmann, resigned. A quorum of eight Senators were present at the time the nomination was considered, and those eight voted unanimously to report the nomination.

The PRESIDING OFFICER. The nomination will be received and placed on the Executive Calendar.

If there be no further reports of committees, the clerk will state the nominations on the Executive Calendar, beginning with the new reports.

TAX COURT OF THE UNITED STATES

The Chief Clerk read the nomination of John Gregory Bruce to be a judge of the Tax Court of the United States.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

NOMINATION OF JAMES P. McGRANERY TO BE ATTORNEY GENERAL

Mr. McCARRAN. Mr. President, while we are on the Executive Calendar, the confirmation of the nomination of James P. McGranery to be Attorney General of the United States is pending on the Executive Calendar. The minority have until tomorrow to file their report. I hope there will be some provision so that the report may be filed with the Secretary of the Senate tomorrow.

Mr. McFARLAND. That was done by unanimous consent. The order has already been entered.

Mr. McCARRAN. I shall try in some way to bring the McGranery nomination before the Senate for consideration. I hope the majority leader will join me in bringing the McGranery nomination up for consideration early next week.

Mr. McFARLAND. I gave notice to that effect earlier in the day.

The PRESIDING OFFICER. The clerk will state the next nomination on the Executive Calendar.

DEPARTMENT OF THE ARMY

The Chief Clerk read the nomination of Fred Korth to be Assistant Secretary of the Army.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

IN THE ARMY

The Chief Clerk proceeded to read sundry nominations in the Army.

The PRESIDING OFFICER. Without objections, the nominations in the Army are confirmed en bloc.

REGULAR AIR FORCE

The Chief Clerk proceeded to read sundry nominations in the Regular Air Force.

The PRESIDING OFFICER. Without objection, the nominations in the Regular Air Force are confirmed en bloc.

IN THE NAVY

The Chief Clerk read the nomination of Rear Adm. Walter S. DeLany, United States Navy, to have the grade, rank, pay, and allowances of a vice admiral while serving as commander, Eastern Sea Frontier, and commander, Atlantic Reserve Fleet.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Without objection, the President will be immediately notified of all nominations confirmed this day.

That completes the Executive Calendar.

RECESS TO MONDAY

Mr. McFARLAND. Mr. President, as in legislative session, in accordance with the order previously entered, I move that the Senate stand in recess until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 5 o'clock and 19 minutes p. m.) the Senate took a recess, the recess being, under the order previously entered, until Monday, May 19, 1952, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate May 16 (legislative day of May 12), 1952:

IN THE ARMY

The following-named persons for appointment as chaplains of the Regular Army, in the grades specified, under the provisions of section 506 of the Officer Personnel Act of 1947 (Public Law 381, 80th Cong.), subject to physical qualification:

To be captains

Aloysius F. Bertrand, O928089.
Henry L. Durand, O558679.

To be first lieutenants

James R. Barnett, Jr., O508062.
William P. Barrett, O550993.
Allen C. Edens, Jr., O550176.
Paul E. Klett, O970142.
William E. Paul, Jr., O983569.
Lewis B. Sheen, O793185.

The following-named persons for appointment in the Regular Army of the United States, in the grades and corps specified, under the provisions of section 506 of the Officer Personnel Act of 1947 (Public Law 381, 80th Cong.), title II of the act of August 5, 1947 (Public Law 365, 80th Cong.), Public Law 759, Eightieth Congress, Public Law 36, Eightieth Congress, and Public Law 625, Eightieth Congress, subject to physical qualification:

To be captains

George W. Fisher, MC, O1727367.
Ludwig G. Kempe, MC, O1874968.
Walter H. Moore, MC, O1727228.
Richard S. Munger, MC, O1921748.
Herbert W. Park, MC.

Mr. KLUCZYNSKI and to include extraneous matter.

Mr. PHILBIN in three instances.

Mr. BENDER.

Mr. McVEY and to include an editorial from the Daily Calumet.

Mr. HALE.

Mr. WOLVERTON and to include extraneous material.

Mr. MEADER and to include an editorial from the Monroe Evening News on lake problems.

Mr. ELSTON and to include an article from the Washington Times-Herald of May 11.

Mr. JACKSON of California and to include a sermon entitled "The Best Way To Stop Communism Here at Home."

Mr. HAGEN in two separate instances in each to include extraneous matter.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Mr. STANLEY, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 5715. An act to increase certain pay and allowances for members of the uniformed services, and for other purposes; and

H. J. Res. 445. Joint resolution authorizing the President of the United States to proclaim the 7-day period beginning May 18, 1952, as Olympic Week.

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S. J. Res. 20. Joint resolution 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.

BILLS PRESENTED TO THE PRESIDENT

Mr. STANLEY, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill and a joint resolution of the House of the following titles:

H. R. 5715. An act to increase certain pay and allowances for members of the uniformed services, and for other purposes; and

H. J. Res. 445. Joint resolution authorizing the President of the United States to proclaim the 7-day period beginning May 18, 1952, as Olympic Week.

LEAVES OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. O'TOOLE (at the request of Mr. McCORMACK), for an indefinite period, on account of illness in family.

Mr. VINSON, for the week of May 18, on account of official business.

ADJOURNMENT

Mr. BURTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 28 minutes p. m.) the House, under its previous order adjourned until Monday, May 19, 1952, 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:

1438. A letter from the Acting Secretary of Commerce, transmitting certifications by the Administrator of Civil Aeronautics of the cost of rehabilitation and repair of damages caused by the United States military forces at certain airports, pursuant to section 17 (b) of the Federal Airport Act, as amended; to the Committee on Interstate and Foreign Commerce.

1439. A letter from the secretary, Federal Prison Industries, Inc., Department of Justice, transmitting the annual report of the directors of Federal Prison Industries, Inc., for the fiscal year 1951, pursuant to the act approved June 23, 1934 (18 U. S. C. 4127); to the Committee on the Judiciary.

1440. A letter from the Director, Administrative Office of the United States Courts, transmitting a draft of a proposed bill entitled "A bill to revise the procedure in the district courts relating to the disposition of the wages and effects of deceased and deserting seamen, and for other purposes"; to the Committee on Merchant Marine and Fisheries.

1441. A letter from the Assistant Secretary of Defense, transmitting a draft of proposed legislation entitled "A bill to authorize the Secretary of Defense to appoint Rear Adm. Morton Loomis Ring to a civilian position with the Munitions Board, upon retirement, without affecting his military status and perquisites"; to the Committee on Armed Services.

1442. A communication from the President of the United States, transmitting proposed supplemental appropriations for the fiscal year 1952 in the amount of \$20,000,000 for the Department of Agriculture and \$25,000,000 for the Department of Defense for civil functions, Department of the Army (H. Doc. No. 469); to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC 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. MORRIS: Committee on Interior and Insular Affairs. H. R. 1631. A bill to set aside certain lands in Oklahoma, formerly a part of the Cheyenne-Arapaho Reservation, and known as the Fort Reno Military Reservation, for the Cheyenne-Arapaho Tribes of Indians of Oklahoma, and for other purposes; with amendment (Rept. No. 1935). Referred to the Committee of the Whole House on the State of the Union.

Mr. HARRIS: Committee on the District of Columbia. S. 1342. An act to amend acts relating to garagekeepers and liverymen's liens and the enforcement thereof in the District of Columbia, and for other purposes; without amendment (Rept. No. 1936). Referred to the Committee of the Whole House on the State of the Union.

Mr. HARRIS: Committee on the District of Columbia. S. 1822. An act to amend the act creating a juvenile court for the District of Columbia, approved March 19, 1906, as

amended; with amendment (Rept. No. 1937). Referred to the Committee of the Whole House on the State of the Union.

Mr. HARRIS: Committee on the District of Columbia. S. 2871. An act relating to the manner of appointment of the Recorder of Deeds of the District of Columbia, the deputy recorders, and the employees of the Office of Recorder, and for other purposes; without amendment (Rept. No. 1938). Referred to the Committee of the Whole House on the State of the Union.

Mr. HARRIS: Committee on the District of Columbia. H. R. 5768. A bill to amend the act entitled "An act to regulate boxing contests and exhibitions in the District of Columbia, and for other purposes", approved December 20, 1944; with amendment (Rept. No. 1939). Referred to the Committee of the Whole House on the State of the Union.

Mr. HARRIS: Committee on the District of Columbia. H. R. 6357. A bill to amend section 7a of the act entitled "An act to regulate the employment of minors within the District of Columbia", approved May 29, 1923; with amendment (Rept. No. 1940). Referred to the House Calendar.

Mr. HARRIS: Committee on the District of Columbia. H. R. 7253. A bill to authorize the conveyance to the Columbia Hospital for Women and Lying-in Asylum of certain parcels of land in the District of Columbia, and for other purposes; with amendment (Rept. No. 1942). Referred to the Committee of the Whole House on the State of the Union.

Mr. RANKIN: Committee on Veterans' Affairs. H. R. 7656. A bill to provide vocational readjustment and to restore lost educational opportunities to certain persons who served in the Armed Forces on or after June 27, 1950, and prior to such date as shall be fixed by the President or the Congress; with amendment (Rept. No. 1943). Referred to the Committee of the Whole House on the State of the Union.

Mr. DOUGHTON: Committee on Ways and Means. H. R. 7800. A bill to amend title II of the Social Security Act to increase old-age and survivors' insurance benefits, to preserve insurance rights of permanently and totally disabled individuals, and to increase the amount of earnings permitted without loss of benefits, and for other purposes; with amendment (Rept. No. 1944). 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. McMILLAN: Committee on the District of Columbia. H. R. 6943. A bill to fix the seniority rights and service of Albert O. Raeder as sergeant in the District of Columbia Fire Department; without amendment (Rept. No. 1941). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. COLMER:

H. R. 7888. A bill to amend the Legislative Reorganization Act of 1946 to provide for more effective evaluation of the fiscal requirements of the executive agencies of the Government of the United States; to the Committee on Rules.

By Mr. HAGEN:

H. R. 7899. A bill to exempt publications of religious, educational, scientific, philanthropic, agricultural, labor, veterans, and

their economies, depressing the living standards of thousands of workers and putting a heavy burden on the State employment security fund; and

Whereas the present benefits provided under the Massachusetts employment security law are inadequate and unfair to workers suffering such unemployment: Therefore be it

Resolved, That the General Court of Massachusetts urges the Congress of the United States to furnish aid to Massachusetts, and other States similarly affected, by enacting H. R. 6437, which provides Federal supplementary payment of unemployment compensation equal to 50 percent of the weekly amount payable to a worker, exclusive of dependency payments, whenever the governor of a State certifies and the Secretary of Labor finds that within that State or within one or more labor market areas of that State there exists substantial unemployment among workers covered by the unemployment compensation law of the State with no prospect of immediate reemployment in the labor market area; and be it further

Resolved, That copies of these resolutions be transmitted forthwith by the State secretary to the presiding officer of each branch of Congress and to the Members thereof from this Commonwealth.

In house of representatives, adopted, May 1, 1952.

LAWRENCE R. GROVE,
Clerk.

In senate, adopted, in concurrence, May 6, 1952.

IRVING N. HAYDEN,
Clerk.

FLOOD-CONTROL PROGRAMS—RESOLUTIONS OF COUNCIL OF CITY OF WINONA, MINN.

Mr. HUMPHREY. Mr. President, I present for appropriate reference four resolutions adopted by the City Council of Winona, Minn., with reference to the flood-control programs and the damage from the recent flood to the dike which surrounds the municipal airport. I ask unanimous consent that the resolutions be printed in the Record and appropriately referred.

There being no objection, the resolutions were referred to the Committee on Public Works, and ordered to be printed in the Record, as follows:

Whereas the Prairie Island Road in the city of Winona, Minn., was constructed primarily as a protection for the Winona Municipal Airport; and

Whereas the Winona Municipal Airport was paid for to a large extent by funds of the United States Government; and

Whereas the United States Government reserves various rights as to use and control of said airport; and

Whereas for the second year in succession said Prairie Island Road has been washed out by reason of the flood stage of the Mississippi River; and

Whereas the said Prairie Island Road was completely repaired during the year 1951 by the United States War Department Corps of Engineers with Federal funds: Now, therefore, be it

Resolved by the City Council of the City of Winona, Minn., That the United States War Department Corps of Engineers be requested to repair said Prairie Island Road as was done during the year 1951 as soon as is practicable, and that steps be taken immediately to effect said repairs; and be it further

Resolved, That the United States War Department Corps of Engineers be requested to take over the permanent maintenance and control of the existing dike structure and

highway so that all future damage thereto may be repaired promptly; and be it further

Resolved, That copies of this resolution be forwarded to the United States district engineers, St. Paul, Minn., to the Chief Engineer of the War Department, Washington, D. C., and to our representatives in the Congress of the United States.

Passed at Winona, Minn., May 5, 1952.

WILLIAM P. THEURER,
President of the City Council.

Attest:

ROY S. WEEDGRUBE,
City Recorder.

Approved this 5th day of May 1952.

L. E. PFEIFFER,
Mayor.

Whereas the United States War Department Corps of Engineers has in the year 1951 completed surveys and plans for a proposed commercial boat harbor at the upper end of Crooked Slough within the city of Winona, Minn.; and

Whereas in connection with said proposed Crooked Slough development a dike road for flood control purposes has been planned to extend from Johnson Street westerly to the Prairie Island Road, said dike road to parallel the southerly edge of the Crooked Slough development; and

Whereas the city of Winona, Minn., is prepared to enter into a cooperation agreement with the United States of America covering participation in the expense of the commercial harbor facilities of said project; and

Whereas there have been record floods of the Mississippi River in successive years, which floods have demonstrated the necessity of the erection of a dike from Johnson Street to the Prairie Island Road: Now, therefore, be it

Resolved by the City Council of the City of Winona, Minn., That the United States War Department Corps of Engineers, St. Paul, Minn., and Washington, D. C., be requested to construct said commercial boat harbor and dike road in accordance with the Crooked Slough Development plans as soon as is practicable; and be it further

Resolved, That the construction of the commercial boat harbor in Crooked Slough and the construction of a dike road paralleling the southerly bank of said Crooked Slough at the same time and as a combined project would be the cheapest possible method of carrying out both of these necessary projects; and be it further

Resolved, That copies of this resolution be forwarded to the United States district engineers, St. Paul, Minn., to the Chief Engineer of the War Department, Washington, D. C., and to our representatives in the Congress of the United States.

Passed at Winona, Minn., May 5, 1952.

WILLIAM P. THEURER,
President of the City Council.

Attest:

ROY S. WEEDGRUBE,
City Recorder.

Approved this 5th day of May 1952.

L. G. PFEIFFER,
Mayor.

ment covering the river area extending from Minnesota city to Minneowah, all in Winona County, Minn.; and be it further

Resolved, That copies of this resolution be forwarded to the United States district engineers, St. Paul, Minn., to the Chief Engineer of the War Department, Washington, D. C., and to our Representatives in the Congress of the United States.

Passed at Winona, Minn., May 5, 1952.

WILLIAM P. THEURER,
President of the City Council.

Attest:

ROY S. WEEDGRUBE,
City Recorder.

Approved this 5th day of May 1952.

L. G. PFEIFFER,
Mayor.

Whereas the city of Winona, Minn., has suffered for the second successive year from the threat of irreparable damage to public and private property from the floodwaters of the Mississippi River; and

Whereas by the prompt and efficient action of the officials of the city of Winona, most of the threatened damage was prevented by the expenditure of some \$100,000 in emergency construction of dikes and maintenance of said dikes; and

Whereas in the opinion of this council the said expenditure of approximately \$100,000 in preventative measures saved damage to public and private property of in excess of \$1,000,000; and

Whereas the said city of Winona does not have available unencumbered funds to pay for said expenditures, and can only obtain such funds by general tax levy in the fall of 1952, payable in 1953: Now, therefore, be it

Resolved by the City Council of the City of Winona, Minn., That a request be made to the Governor of the State of Minnesota, and to the United States Government, for funds to pay for such preventative measures taken by said city; it being the belief of this council that preventative expense is just as meritorious as expense incurred by actual damage by flood; and be it further

Resolved, That application be made to the proper State or Federal agencies for the repayment of some \$20,000 actual and permanent damages to our sanitary sewer system caused by the 1952 flood of the Mississippi River; and be it further

Resolved, That copies of this resolution be forwarded to the Governor of the State of Minnesota, to our Representatives in the Congress of the United States of America, and that the city, through its mayor, initiate proper steps to obtain such relief funds as may be made available.

Passed at Winona, Minn., on May 5, 1952.

WILLIAM P. THEURER,
President of the City Council.

Attest:

ROY S. WEEDGRUBE,
City Recorder.

Approved May 5, 1952.

L. E. PFEIFFER,
Mayor.

ENROLLED BILL AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, May 19, 1952, he presented to the President of the United States the following enrolled bill and joint resolution:

S. 993. An act for the relief of Robert Wendell Tadlock; and

S. J. Res. 20. Joint resolution to confirm and establish the title 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.

been used to deliver this power to the 16 cooperatives that are experiencing shortages and would have been sufficient to tide them over until such time as they could reasonably expect the Missouri River hydro energy to become available in the normal course of the Reclamation Bureau marketing activities. The lines we asked for would have initially been rented from the Bureau by the cooperatives and ultimately become part of the Missouri Basin network. Their cost would have been fully amortized with interest.

Last year we thought that our plan was the only one which could provide an economical solution to our rural power supply problem in Minnesota at a time when it seemed that no progress could be made in negotiations between the cooperatives and the power companies.

As you know, last year our plan was opposed before this committee by the power companies concerned. This, coupled with the fact that the funds we requested were not included in the President's budget request at that time, apparently led the committee to turn down our request. Our presence here today with an alternate and better plan, made possible by continued bargaining between the cooperatives and the companies, is, of course, evidence of the fact that our problem has not been solved. The power shortage continued to grow. The demands upon the cooperatives, the municipal plants, and the private utilities for expanded service continue to mount. We are at a point where a decision must be reached. Either we share in the publicly developed hydroelectric power of the Missouri River, which we in Minnesota as taxpayers help pay for, or we must proceed immediately to build new generating plants in order to meet our power needs. This we do not want to do unless necessity compels us. The REA cooperatives, the municipalities, the private power companies, all appear before this committee urging favorable consideration of our request that electric consumers be privileged to share in the low-cost electrical power from the Missouri River.

Last year I did everything within my power to bring the needs of our farmers and other electric consumers to the attention of this committee and the Senate. At that time, the representatives of 16 cooperatives presented to this committee a plan that would have provided for advance construction of Bureau of Reclamation transmission lines. We offered a plan that was designed to meet the immediate power shortage without waste of capital investment. That plan was rejected.

Today, however, we are here to ask your favorable action on a new plan which has been made possible only by complete cooperation between the cooperatives and the power companies of Minnesota and the United States Bureau of Reclamation. Under this plan 20 Minnesota cooperatives, serving 180,000 farm families, and the great power companies serving the State, together with 11 municipal systems, are supporting a budget item of \$2,913,600 to initiate construction of a 230-kilovolt backbone transmission system which will connect the Garrison and Fort Randall hydroelectric stations with major subtransmission hubs in Minnesota. This 230-kilovolt line would run from Jamestown to Fergus Falls to Benson to Granite Falls to Mankato to Blue Earth to Jackson and back to Fort Randall. It would provide power to western Minnesota from the Fort Randall and Garrison power plants which are now being built by the Corps of Engineers. Under Bureau of Reclamation plans, approved by the Budget Bureau, the Government would build and own the 230-kilovolt backbone line. At appropriate points, as mentioned above, trans-

former stations would be built so that the power could be put into the lower voltage lines of the cooperatives and the private companies. Then, over private and cooperative-owned lines, which are always available and under construction, the interested parties would team up to deliver power to the ultimate users.

In order to solve our immediate power shortage in some areas of the State, the three major power companies have agreed on plans for the integration of their facilities which will make additional power available to the cooperatives which need it.

I would like to emphasize that we are not here today in the role of asking for special consideration outside of the budget, but are asking for approval of the budget item of \$2,913,600, which was included for the initiation of construction on this Minnesota 230-kilovolt line. This item has the unqualified support of both the power companies and the rural electric cooperatives. The planning behind the budget item has been developed in the true tradition of a liberal free-enterprise system and is what this committee has strived to achieve for many years. We in Minnesota are proud of the results we have achieved.

This budget item of \$2,913,600 was supported by representatives of both the cooperatives and the power companies of Minnesota before the House committee. The item was unopposed before the House committee. Nonetheless, the committee, although admitting the item had the support of both the private utilities and the cooperatives, deleted it from the bill, stating, in the report, that it was not convinced of the need for construction of the line with Federal funds.

I certainly respect the opinions of the Members of the other House, and of the House Appropriations Committee, but I do not understand their reasoning in deleting this money. Last year, the Congress refused funds for the advance construction of lines in Minnesota which would have made available an additional 60,000 to 70,000 kilowatts of badly needed electric power to the cooperatives through the integration of existing cooperative thermal generation facilities. This year we again are asking the help of the Congress in solving our power shortages, and are presenting a program which has the unqualified support of all the power-marketing organizations in the State. Mr. C. T. Bremicker, vice president of the Northern States Power Co., the largest electric utility in Minnesota, said, in his testimony before the House subcommittee that it was not economical for his company to build this 230-kilovolt line because of the fact that the line would extend for some distance outside of his service area, and because the company could not amortize the line and pay for its maintenance and operation while making the power available to the cooperatives at the 5½-mill Bureau of Reclamation rate. The 3 power companies serving the 20 cooperatives represented here stated before the House Committee that they were expanding their generation and transmission facilities as rapidly as possible and could take care of the cooperatives, but only at present wholesale rates of between 11 and 17 mills per kilowatt-hour as compared with the 5½-mill rate of the Bureau.

So if we are to assume that a transmission line from the generating stations to the load centers is necessary for the delivery of Missouri Basin power to Minnesota, and if we understand that the companies find it uneconomical to construct the 230-kilovolt backbone facilities necessary to deliver Missouri Basin hydroelectric power to Minnesota at the Bureau rate, there seems to be no choice but to allow the Government to build the lines.

I emphasize that this Bureau wholesale rate means a difference in the cost of wholesale power of 5½ mills compared to 11 to 17 mills now paid by the cooperatives. In 1950, these 20 cooperatives alone purchased approximately 200,000,000 kilowatt-hours of energy for which they paid \$2,600,000. Had this power been available at the Bureau rate, \$1,500,000 would have been saved by these 20 cooperatives. By 1960, their loads will have grown so that the annual saving at that time will be approximately \$3,600,000 per year for the 20 cooperatives.

There is one question which I would like to anticipate. That is the possibility of these cooperatives borrowing money from REA to achieve the same purpose. Their engineers have estimated that it would take approximately \$32,000,000 of REA money in Minnesota to place the cooperatives in a position whereby they could utilize the Missouri Basin power. This plan, which would probably be impossible under the restrictions of the Rural Electrification Act, would provide for service to cooperatives only. REA is not allowed to loan money to provide service to municipalities and other preference agencies. On the other hand, the plan we have presented means that Missouri Basin hydro power will be available to all citizens of Minnesota lying within the Bureau's marketing area.

TIDELANDS LEGISLATION—STATEMENT BY PRESIDENT TRUMAN

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent to proceed for 5 minutes.

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

Mr. JOHNSON of Texas. Mr. President, on last Saturday night the President of the United States addressed a private organization. During the course of his remarks he took occasion to refer to a bill which recently passed this body—the so-called tidelands legislation.

Mr. Truman's language on this subject can be most charitably described as "unusual." It was particularly unusual in that he still has a constitutional duty to perform in respect to this proposed legislation. He must approve, disapprove, or permit it to become law without his signature.

Ordinarily, the President's decisions on these matters are communicated directly to the Congress. There are well-established channels for such communications. For some reason known only to himself, Mr. Truman did not see fit to make use of those channels.

Instead, he decided to inform Congress of his attitude through the medium of a political forum and the press. He told that forum that the proposed legislation represented "robbery in broad daylight—and on a colossal scale."

There is robbery involved in this issue. But who is robbing whom?

For more than 100 years these submerged lands have been considered a part of the public domain in my State. That viewpoint has been upheld by international treaty, three Justices of the Supreme Court of the United States, the National Association of Attorneys General, the governors conference, an overwhelming majority of the Members of

the House of Representatives, and a substantial majority of the Members of the United States Senate.

The tidelands legislation would confirm what has been held by all of them, namely, that the submerged lands belong to the States. It would block an outrageous attempt to take from the States property that is rightfully theirs.

The President's statement on robbery is no more accurate than his statement on ownership of the submerged lands. Possibly if he had taken the time to look up the facts, he would not have been so reckless in his language.

In his prepared statement, the President said that Federal ownership has been affirmed by the Supreme Court of the United States. I do not believe that to be an accurate statement of the facts.

The actual facts are these: The Solicitor General asked the Court to rule that the Federal Government was possessed of paramount rights of proprietorship in the submerged lands. Instead, the Court refrained from passing on the question of ownership and came up with the weird doctrine that the Federal Government possessed paramount rights.

Who is robbing whom? The States that seek to protect their own property or the Federal bureaucracy that seeks to take it from them?

Mr. Truman may, if he wishes, accuse the distinguished jurists, State officials, and legislators I have mentioned as being guilty of robbery in broad daylight. But the people will look at the facts and decide just who is the thief and who is the victim.

Mr. President, this is a day when the air is full of strange and unusual doctrines. The steel mills have been seized upon the pretext that the President has inherent powers that override the plain language of the Constitution. An attempt is being made to seize the submerged lands on the pretext that the Federal Government has paramount rights regardless of the question of ownership.

Both doctrines—the inherent powers and the paramount rights—are defended largely by reckless charges and wild accusations.

Personally, I do not think the members of this body are going to be influenced by intemperate language or intimidated by political statements. I do not believe they will vote to set aside custom, agreements, tradition, and the Constitution because of pressure, from whatever source it may come.

Mr. IVES obtained the floor.

Mr. McCARRAN. Mr. President, will the Senator from New York yield so that I may make an expression or two in keeping with the statement made by the Senator from Texas [Mr. JOHNSON]?

Mr. IVES. If I may retain possession of the floor by unanimous consent.

The PRESIDENT pro tempore. Without objection, the Senator from Nevada may proceed.

Mr. McCARRAN. Mr. President, it was my privilege, some years ago, to introduce the first bill which had to do with

confirming ownership of submerged lands in the States. Long and extensive hearings were held by the subcommittee, of the Committee on the Judiciary, of which I have the honor of being chairman. Those hearings proved beyond any peradventure of a doubt, in my judgment, as the rights to the submerged lands and the minerals therein belong, namely, in the States bordering on the coasts. That is especially true with regard to the State of Texas and with regard to the State of Louisiana. It is equally true with reference to other coastal States.

I wish to join in the expressions made by the junior Senator from Texas a moment ago. I do so from a long study of the subject and a very fixed opinion based upon facts presented to my committee. I also wish to join with Senators who favor the bill as brought to the Senate by the conference committee and as previously passed by the Senate. If it is vetoed, I shall be one Senator who will vote for overriding the veto.

PRESIDENT TRUMAN'S ATTACK ON REPUBLICAN SENATORS

Mr. WELKER. Mr. President, I ask unanimous consent that I may address the Senate for not to exceed 3 minutes.

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

Mr. WELKER. Mr. President, on Saturday night at the Statler Hotel, the President of the United States addressed a group of diners designated as Americans for Democratic Action. Ordinarily it would be a great honor to be named and mentioned by the President of the United States; but I do not believe the manner in which I was mentioned on Saturday night by the President of the United States in a most intemperate and false statement can in any respect be considered an honor.

I have just listened to the junior Senator from Texas [Mr. JOHNSON], who explained his position with respect to the intemperate remarks made by the President to the same group against those who voted for the so-called Holland tidelands bill. I wish to address myself to certain other statements made by the President, who apparently was having a lot of fun at the expense of others, at the Statler Hotel, Saturday night.

Mr. President, when the President of the United States accused the Senator from Washington [Mr. CAIN], the Senator from South Dakota [Mr. MUNDT], the Senator from Kansas [Mr. SCHOEPPPEL], the Senator from New Hampshire [Mr. BRIDGES], the Senator from Iowa [Mr. HICKENLOOPER], and the Senator from Michigan [Mr. FERGUSON] of not being loyal Americans, that hurt me more than what the President said about me. However, the President included me with that illustrious group.

Mr. President, while I am on that subject, let me say that if the President of the United States can find a better American than the distinguished junior Sena-

tor from Washington, HARRY CAIN, I want the President to reach into his grab bag of New Dealers and bring forth his name. I happen to know my friend and my neighbor, the junior Senator from Washington [Mr. CAIN], who in World War II fought for his country as a patriotic, loyal, able, fighting American. There is not a Member of the Senate who can match his patriotism as a truly great fighting man on the field of actual hard combat in the service of his country. For the President of the United States to use against him and other Senators the language he did was certainly intemperate and unjustified, and caused the respect I have had for the great dignity of the office of President of the United States to be seriously strained.

Mr. President, on Saturday night in his tirade of abuse against certain Republican Senators, the President of the United States named me as the number 2 man who, so he said, was not an American, but first and always was a Republican. The President's remarks were directed against certain Senators who had discussed bipartisanship in connection with our foreign policy, and the President referred particularly to the debate which occurred in regard to a statement made by the senior Senator from Wisconsin [Mr. WILEY].

Mr. President, how would you feel if you were the junior Senator from Idaho and if you listened to the President of the United States make a speech in which he used your name and uttered a complete falsehood about you?

I have checked the CONGRESSIONAL RECORD as of April 24, 1952, the date of the debate mentioned by the President in his remarks, and I find that these are the facts: I was acting minority leader, for the distinguished senior Senator from New Hampshire [Mr. BRIDGES]. The only words I uttered on the floor of the Senate on that date were in connection with suggesting the absence of a quorum and subsequently in asking unanimous consent that the order for the call of the roll, following my suggestion of the absence of a quorum, be rescinded. This was purely a perfunctory function of the minority leader and nothing more. Never once did I use the name of the Senator from Wisconsin [Mr. WILEY]. Never once did I interrogate the distinguished junior Senator from Washington [Mr. CAIN]. Never once did I discuss bipartisanship in connection with foreign policy. Never once did I, in any way, take part in the debate. Yet the President of the United States had this to say to the Nation Saturday night, and I quote the President:

But what happened?

That is, with respect to the debate I just mentioned.

First of all, the Bertie McCormick sabotage press jumped on Senator WILEY. They said he had endangered his country, betrayed the voters of his State, and imperilled his party. Then his Republican colleagues in the Senate went after him. Senator CAIN and Senator WELKER—

sideration of certain bills specified in his announcement, the numbers of which I do not at the moment recall.

I should like to suggest to the consideration of the Senator from Wyoming and the Senator from Michigan that if time permits on Monday, after we have concluded the call of the calendar and the consideration of bills included in the announcement of the majority leader, we then proceed with the consideration of the bill which has been discussed by the Senator from Wyoming. All the parliamentary rights of the Members of the Senate will be protected. If some Senator wants to suggest the absence of a quorum, I am sure there will be no difficulty about that.

In view of the fact that we have had this discussion this evening, and it is in the RECORD, it is only fair and equitable that we proceed on Monday with the bill referred to after we have concluded the call of the calendar.

Mr. HUNT. That would be agreeable to me.

The PRESIDING OFFICER. The Chair is advised that the bill in question is one of three to which the majority leader referred as being available to be taken up on Monday afternoon after the call of the calendar.

Mr. FERGUSON. It takes care of itself, then.

Mr. HUNT. That is very agreeable to the Senator from Wyoming.

BURLEY TOBACCO FARM ACREAGE ALLOTMENTS

Mr. ELLENDER. Mr. President, earlier in the day I introduced, by request, Senate bill 3259, relating to burley tobacco farm acreage allotments under the Agricultural Adjustment Act of 1938, as amended. I failed to ask in connection with the introduction of the bill that a letter to the Vice President from the Department of Agriculture be printed in the RECORD.

The PRESIDING OFFICER. Without objection, the letter will be printed in the RECORD.

The letter is as follows:

DEPARTMENT OF AGRICULTURE,
Washington, D. C., May 22, 1952.

The VICE PRESIDENT,
United States Senate.

DEAR MR. VICE PRESIDENT: At the invitation of the Department, some of the Senators and Representatives from the burley tobacco producing area met with Department officials recently to discuss problems relating to the burley tobacco marketing quota program. In keeping with the request of Senators and Representatives attending the meeting the Department submits herewith suggested legislation to provide a more uniform, a more equitable, and a sounder economic basis for the establishment of burley tobacco acreage allotments.

The Department is confronted with serious difficulty in establishing allotments under present provisions of law and, in our judgment, these difficulties are such that they may make it virtually impossible to continue operation of the program successfully. The facts cited below will bring out the problem:

1. Public Law 43, Seventy-eighth Congress, approved April 29, 1943 (57 Stat. 69), provides that the burley tobacco acreage allotment which would otherwise be established for any farm having a burley acreage allot-

ment in 1942 shall not be less than one-half acre.

2. Under Public Law 276, Seventy-eighth Congress, approved March 31, 1944 (58 Stat. 136), the allotment for any farm having a burley tobacco acreage allotment in 1943 cannot be less than 1 acre or 25 percent of the cropland, whichever is smaller.

3. Burley allotments are distributed as follows:

(a) Three hundred and four thousand eight hundred and forty-seven farms share 475,000 acres of allotment in 1952, an average of 1.56 acres per farm. Tobacco on many farms is grown by two or more families and the average burley allotment per family is about 1 acre.

(b) One hundred and ninety thousand eight hundred and thirty-six farms have allotments of 1 acre or less and an additional 13,540 farms have allotments of 1.1 acres each in 1952.

(c) The estimated number of farms having burley allotments of 1 acre or less in 1943 is 95,000.

4. Farms with allotments above 1 acre have had their allotments reduced 32 percent since 1945, while smaller allotments have remained the same or increased.

5. With a normal crop in 1952, burley allotments in 1953 would need to be reduced by at least 20 percent below 1952 in order to bring supplies in line with demand.

6. If only the allotments above 1 acre are reduced by 20 percent in 1953, the net reduction will be only 13 percent. Any reduction in subsequent years would be even less effective because more allotments would be reduced to 1 acre and, therefore, be protected. Thus, it would become increasingly difficult to maintain supplies in line with demand.

7. The average yield per acre of burley tobacco in the 5 years 1939-43 was 985 pounds, whereas the average in the 5 years 1947-51 was 1,271 pounds. Thus, seven-tenths of an acre of burley tobacco now is equivalent to 1 acre in 1944 from the standpoint of production, and the yield trend is still upward.

Although the Department did not object to Public Law 276 at the time of its enactment as a wartime measure, we have been greatly concerned about its application and have twice before called this to the attention of the Congress. Protection of a farm having an allotment in 1943 through a specific legal minimum (the smaller of 1 acre or 25 percent of the cropland) and denial of that protection to an adjoining farm across the road or fence, because the allotment for that farm was established in 1944 or 1945, would create misunderstanding and dissension among the growers. Recognizing this, the Department has used permissive provisions of the law to avoid reducing allotments of 1 acre or less which were not specifically protected under Public Law 276. However, in view of the necessity for further adjustment of supplies of burley tobacco and the ever-increasing number of allotments that have not shared in these adjustments, the Department is unable to justify continuation of this protection to allotments of 1 acre or less not protected by Public Law 276. Therefore, unless the law can be amended in time to permit application of the amendment in the establishment of allotments in September and October of this year for the 1953 crop, there will be around 95,000 farms—about one-half of the so-called small allotments—on which the allotments should be reduced in 1953, leaving the other 95,000 farms protected under Public Law 276.

The Department recommends that the law be amended to provide that the farm acreage allotment for burley tobacco for any year shall not be less than the smallest of (1) the allotment established for the farm for the immediately preceding year, (2) five-tenths of an acre, or (3) 25 percent of the cropland in the farm. This amendment would (1)

place all small allotments on a uniform basis, (2) bring the over-all job of adjusting supplies in line with demand within sounder and more manageable limitations, and (3) eliminate the virtually impossible administrative burden arising out of record keeping over an indefinite period of years in relation to a specified earlier year.

The enclosed draft of a bill would accomplish the objectives recommended by the Department. The Department urgently recommends that the proposed bill be enacted.

The enactment of this proposed bill would entail no additional administrative expenses.

The Bureau of the Budget advises that from the standpoint of the program of the President, there is no objection to the submission of this recommendation.

Sincerely,

CHARLES F. BRANNAN,
Secretary.

TITLE TO CERTAIN SUBMERGED LANDS—VETO MESSAGE (S. DOC. NO. 139)

The PRESIDING OFFICER (Mr. HOLLAND in the chair). The Chair lays before the Senate a message from the President of the United States. The Chair wants to be sure that this veto message, in which the Chair has very little interest [laughter] is read before the Senate takes a recess this afternoon. The clerk will read the message from the President of the United States:

The message from the President was read, and, with the accompanying joint resolution, ordered to lie on the table as follows:

To the Senate of the United States:

I return herewith, without my approval, Senate Joint Resolution 20, entitled "Joint resolution 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."

This joint resolution deals with a matter which is of great importance to every person in the United States. I have studied it very carefully, and have taken into account the views and interests of those who support this legislation, as well as of those who are opposed to it.

I have concluded that I cannot approve this joint resolution, because it would turn over to certain States, as a free gift, very valuable lands and mineral resources of the United States as a whole—that is, of all the people of the country. I do not believe such an action would be in the national interest, and I do not see how any President could fail to oppose it.

The lands and mineral resources in question lie under the open sea off the Pacific, the Gulf, and the Atlantic coasts of our country. Contrary to what has been asserted, this resolution would have no effect whatever on the status of the lands which lie under navigable rivers, lakes, harbors, bays, sounds, and other navigable bodies of water that are inland waters. Neither would it have any effect on the tidelands—that is, the lands along the seashore which are covered at high tide and exposed at low tide. All such lands have long been held by the courts to belong to the States or

their grantees, and this resolution would make no change in the situation.

The only lands which would be affected by this resolution extend under the open ocean for some miles seaward from the low-tide mark or from the mouths of harbors, sounds, and other inland waters. What this resolution would do would be to give these lands to the States which happen to border on the ocean.

It has been contended that the joint resolution merely restores to the States property which they owned prior to the 1947 decision of the Supreme Court in the case of United States against California. This argument is entirely erroneous.

Until recent years, little or no attention was paid to the question of who owned these lands under the open sea, since they were for all practical purposes without value. But, about 20 years ago, oil began to be produced in substantial quantities from the submerged lands off the coast of California. Then, for the first time, the legal question of ownership became important and was given serious consideration.

There was uncertainty for a number of years over whether these were State or Federal lands. Even so careful and zealous a guardian of the public interest as the late Secretary of the Interior, Harold Ickes, at first assumed that the undersea lands were owned by the States. When he subsequently made studies of the matter, however, he concluded that the United States had interests in these lands which should be determined by the courts.

Whatever may have been the opinion of various people in the past, the legal controversy has now been finally resolved in the only way such legal questions can be resolved under our Constitution—that is by the courts, in this case by the Supreme Court. It has been resolved by that Court not once but three times. First in 1947, in the case of California, then twice in 1950, in the cases of Louisiana and Texas, the Court held that the submerged lands and mineral resources underlying the open waters of the ocean off the coast of the United States are lands and resources of the United States, and that the various coastal States, as such, do not have and have never had any title to or property interest in such lands or resources. Texas, of course, before it became a State and while it was an independent republic, had whatever rights then existed in the submerged lands off its coast, but the Supreme Court ruled that any such rights were transferred to the United States under the annexation agreement when Texas entered the Union.

Consequently, the law has now been determined, and it applies uniformly to all coastal States. Lands under the open sea are not owned by the coastal States, but are lands belonging to the United States—that is, they are lands of all the people of the country.

Accordingly, the real question presented by this joint resolution is not who owns the lands in question. That question was settled by the Supreme Court. The real question this resolution raises is: Should the people of the country give an asset belonging to all of

them to the States which happen to border on the ocean? This resolution would do just that. Despite all the irrelevant contentions which have been made in favor of this resolution, its real purpose and its sole effect would be to give to a few States undersea lands and mineral resources which belong to the entire Nation.

I cannot agree that this would be a wise or proper way to dispose of these lands and mineral resources of the United States. Instead, I think the resources in these lands under the sea should be developed and used for the benefit of all the people of the country, including those who live in the coastal States.

I would not agree to any proposal that would deprive the people of the coastal States of anything that rightfully belongs to them. By the same token, I cannot be faithless to the duty I have to protect the rights of the people of the other States of the Union.

The resources in the lands under the marginal sea are enormously valuable. About 235,000,000 barrels of oil have already been recovered from the submerged lands affected by this joint resolution—nearly all of it from lands off the coasts of California and Louisiana. The oil fields already discovered in these lands are estimated to hold at least 278,000,000 more barrels of oil. Moreover, it is estimated that more than 2,500,000,000 additional barrels of oil may be discovered in the submerged lands that would be given away off the coasts of California, Texas, and Louisiana alone. In addition to oil and gas, it is altogether possible that other mineral resources of great value will be discovered and developed beneath the ocean bed.

The figures I have cited relate only to the submerged lands which are claimed to be covered by this resolution—that is, the marginal belt of land which the sponsors of the resolution say extends seaward 3 marine leagues—10½ land miles—from the low-tide mark off the coast of Texas and the west coast of Florida, and 3 nautical miles—3½ land miles—off all other coastal areas.

The Continental Shelf, which extends in some areas 150 miles or more off the coast of our country, contains additional amounts of oil and other minerals of huge value. One oil well, for example, has already been drilled and is producing about 22 miles off the coast of Louisiana.

While this resolution does not specifically purport to convey lands and resources of the Continental Shelf beyond a marginal belt, the resolution does open the door for the coastal States to come back and assert claims for the mineral resources of the Continental Shelf lying seaward and outside of this area. The intent of the coastal States in this regard has been made clear by actions of the State Legislature of Louisiana, which has enacted legislation claiming to extend the State's boundary 27 miles into the Gulf of Mexico, and of the State Legislature of Texas, which has enacted legislation claiming to extend that State's boundary to the outer limit of the Continental Shelf. Such an action

would extend Texas' boundary as much as 130 miles into the Gulf of Mexico.

I see no good reason for the Federal Government to make an outright gift, for the benefit of a few coastal States, of property interests worth billions of dollars—property interests which belong to 155,000,000 people. The vast quantities of oil and gas in the submerged ocean lands belong to the people of all the States. They represent part of a priceless national heritage. This national wealth, like other lands owned by the United States, is held in trust for every citizen of the United States. It should be used for the welfare and security of the Nation as a whole. Its future revenues should be applied to relieve the tax burdens of the people of all the States and not of just a few States.

For these reasons, I cannot concur in donating lands under the open sea to the coastal States, as this resolution would do.

I should like to dispose of some of the arguments which have been made in support of this resolution—arguments which seem to me to be wholly fallacious.

It has been claimed that such legislation as this is necessary to protect the rights of all the States in the lands beneath their navigable inland waters. It has been argued that the decisions of the Supreme Court in the California, Louisiana, and Texas cases have somewhat cast doubt on the status of lands under these inland waters. There is no truth in this at all. Nothing in these cases raises the slightest question about the ownership of lands beneath inland waters. A long and unbroken line of Supreme Court decisions, extending back for more than 100 years, holds unequivocally that the States or their grantees own the lands beneath the navigable inland waters within the State boundaries.

Long Island Sound, for example, was determined by the courts to be an inland water many years ago. So were Mobile Bay, and Mississippi Sound, and San Francisco Bay, and Puget Sound. Chesapeake and Delaware Bays, and New York and Boston Harbors, are inland waters. The Federal Government neither has nor asserts any right or interest in the lands and resources underlying these or other navigable inland waters within State boundaries. Neither does it have or assert any right or interest in the tidelands, the lands lying between the high- and low-water marks of the tides. All this has been settled conclusively by the courts.

If the Congress wishes to enact legislation confirming the States in the ownership of what is already theirs—that is, the lands and resources under navigable inland waters and the tidelands—I shall, of course, be glad to approve it. But such legislation is completely unnecessary, and bears no relation whatever to the question of what should be done with lands which the States do not now own—that is, the lands under the open sea.

The proponents of this legislation have also asserted that under the Supreme Court rulings the Federal Government may interfere with the rights of the States to control the taking, con-

servation, and development of fish, shrimp, kelp, and other marine animal or plant life. It is also asserted that the Federal Government may interfere with the rights to filled-in or reclaimed lands, or the rights relating to docks, piers, breakwaters, or other structures built into or over the ocean. I can say simply and categorically that the executive branch of the Government has no intention whatever of undertaking any such thing. If the Congress finds any cause for apprehension in this regard, it can easily settle the matter by appropriate legislation, which I would be very happy to approve. But these assertions provide no excuse for passing legislation to give to a few States—at the expense of the people of all the others—rights they do not now have to very valuable lands and minerals beneath the open sea.

I have considered carefully the arguments that have been advanced to the general effect that—regardless of the decisions of the Supreme Court—the coastal States ought to own the lands beneath the marginal sea. These arguments have been varied and ingenious. I cannot review all of them here. Suffice it to say I have found none of these arguments to be persuasive.

The fact is that the Federal Government, and not the States, obtained the rights to these lands by the action of the Executive, beginning with a letter from Secretary of State Thomas Jefferson in 1793, when he asserted jurisdiction, on behalf of the United States as against all other nations, over the 3-mile belt of ocean seaward of the low-tide mark. Neither then nor at any other time did the Federal Government relinquish any authority over this belt. The rights to this ocean belt, in other words, are and always have been Federal rights, maintained under international law by the national Government on behalf of all the people of the country.

It has been strongly urged upon me that the case of Texas differs from that of the other coastal States, and that special considerations entitled Texas to submerged lands lying off its coast. I recognize that the situation relating to Texas is unique. Texas was an independent republic for 9 years before she was admitted to the Union, in 1845, "on an equal footing with the existing States." During those 9 years, it had whatever rights then existed in submerged lands of the marginal sea.

Texas entered the Union pursuant to a joint resolution of annexation, enacted by the Congress. Some of the provisions of the annexation resolution are not clear in their meaning as they apply to the present question. Thus, the resolution granted to Texas "all the vacant and unappropriated lands lying within its limits," but at the same time it also required Texas to cede to the United States "all ports and harbors and all other property and means pertaining to the public defense."

The legal question relating to ownership of submerged lands off the coast of Texas may have been different and more difficult than the legal question with respect to California and Louisiana. But the Supreme Court decided that when Texas entered the Union on

an equal footing with the other States, thereupon ceasing to be an independent nation, it transferred national external sovereignty to the United States and relinquished any claims it may have had to the lands beneath the sea.

Not only has the Supreme Court ruled upon the difficult legal question, but in enacting Senate Joint Resolution 20 the Congress decided that all the coastal States should be treated in the same manner as Texas. In view of this, it obviously is impossible for me to consider the resolution exclusively from the standpoint of the unique situation relating to Texas.

As to those parts of the Continental Shelf that lie beyond the marginal belt that would be transferred by Senate Joint Resolution 20, the States have no grounds for asserting claims. There can be no claim that these lands lay within the boundaries of any States at the time of their admission to the Union. Neither can there be any claim of an historical understanding that these were State lands. More important, the Nation's rights in those lands, as in the case of the marginal belt, are national rights based upon action taken by the Federal Government.

In 1945, the President issued a proclamation declaring that the natural resources of the subsoil and sea bed of the Continental Shelf beneath the high seas appertain to the United States, and are subject to its jurisdiction and control. This proclamation asserts the interests of the United States in the land and resources under the high seas well beyond the 3-mile belt of territorial sea established in Jefferson's time. This jurisdiction was, of course, asserted on behalf of the United States as a whole, and not just on behalf of the coastal States.

In view of the controversy of the last 15 years or so over the disposition of the lands underlying the marginal sea belt, and the more recent problem relating to rights in the remainder of the Continental Shelf, I should like in this message to indicate the outlines of what would appear to me to be a reasonable solution.

First, it is of great importance that the exploration of the submerged lands—both in the marginal sea belt and the rest of the Continental Shelf—for oil and gas fields should go ahead rapidly, and any fields discovered should be developed in an orderly fashion which will provide adequate recognition for the needs of national defense.

Senate Joint Resolution 20, as originally introduced by Senators O'MAHONEY and ANDERSON, and as reported from the Senate Committee on Interior and Insular Affairs, would have filled this need on an interim basis, pending further study by the Congress, by providing for Federal leases to private parties for exploration and development of the oil and gas deposits in the undersea lands. But, as it was amended and passed, the resolution would only make possible the development under State control of the resources of the marginal belt; it makes no provision whatever for developing the resources of the rest of the Continental Shelf.

I wish to call special attention to the need for considering the national defense aspects of this matter—which the present bill disregards completely.

In recent years, we have changed from an oil-exporting to an oil-importing Nation. We are rapidly using up our known reserves of oil; we are uncertain how much remains to be found; and we face a growing dependence upon imports from other parts of the world. We need, therefore, to encourage exploration for more oil within lands subject to United States jurisdiction, and to conserve most carefully, against any emergency, a portion of our national oil reserves.

Senate Joint Resolution 20, as it reached me, does not provide at all for the national defense interest in the oil under the marginal sea. Indeed, the latter half of the ambiguous and contradictory terms of section 6 (a) of the resolution appears to bar the United States from exercising any control, for national defense purposes or otherwise, over the natural resources under the sea. While section 6 (b) gives the Government, in time of war, the right of first refusal to purchase oil, and the right to acquire land through condemnation proceedings, these provisions avoid completely the main problem, which is to make sure, before any war comes, that our oil resources are not dissipated.

In contrast to these provisions, Senate Joint Resolution 20, as originally introduced by Senators O'MAHONEY and ANDERSON, provided in section 7 (a) that the President could, from time to time, withdraw from disposition any unleased lands of the Continental Shelf and reserve them in the interest of national security. In passing the resolution now before me, however, the Congress omitted entirely this or any other similar provision. It is not too much to say that in passing this legislation the Congress proposes to surrender priceless opportunities for conservation and other safeguards necessary for national security. I regard this as extremely unfortunate, and it is for this reason especially that the Department of Defense has strongly urged me to withhold approval from Senate Joint Resolution 20.

I urge the Congress to enact, in place of the resolution before me, legislation which will provide for renewed exploration and prudent development of the oil and gas fields under the open sea, on a basis that will adequately protect the national defense interests of the Nation.

Second, the Congress should provide for the disposition of the revenues obtained from oil and gas leases on the undersea lands. Senate Joint Resolution 20, as introduced by Senators O'MAHONEY and ANDERSON, would have granted the adjacent coastal States 37½ percent of the revenues from submerged lands of the marginal sea. I would have no objection to such a provision, which is similar to existing provisions under which the States receive 37½ percent of the revenues from the Federal Government's oil-producing public lands within their borders.

Another suggestion, which was offered by Senator HILL on behalf of himself and 18 other Senators, was that the revenues from the undersea lands, other than

the portion to be paid to the adjacent coastal States under the O'Mahoney-Anderson resolution, should be used to aid education throughout the Nation. When you consider how much good such a provision would do for school children throughout the Nation, it gives particular emphasis to the necessity for preserving these great assets for the benefit of all the people of the country rather than giving them to a few of the States.

Third, I believe any legislation dealing with the undersea lands should protect the equitable interests of those now holding State-issued leases on those lands. The Government certainly should not impair bona fide investments which have been made in the undersea lands, and the legislation should make this clear. Here again, Senate Joint Resolution 20, as introduced by Senators O'MAHONEY and ANDERSON, provided a sensible approach.

But unfortunately, Senate Joint Resolution 20 was converted on the floor of the Senate into legislation which makes a free gift of immensely valuable resources, which belong to the entire Nation, to the States which happen to be located nearest to them. For the reasons stated above, I find neither wisdom nor necessity in such a course, and I am compelled to return the joint resolution without my approval.

HARRY S. TRUMAN.

THE WHITE HOUSE, May 29, 1952.

The PRESIDING OFFICER (Mr. SPARKMAN in the chair). The message of the President will be printed and will lie on the table.

Mr. MORSE. Mr. President, I was planning to discuss an entirely different subject than the President's veto message on the so-called tidelands bill, but I shall take a moment or two to make comment on the veto message.

I think the President of the United States is to be commended for the clarity of this message and for reducing the explanation of the problem to premises which I am sure the people of the country will understand. This message sets forth very clearly the major principles which the two major newspapers in my State, the Portland Oregonian and the Oregon Journal, set forth in recent editorials in opposition to the so-called tidelands bill. I commend the President for making so clear, in such understandable language, what I think is the controlling fact in the whole issue, and that is that these submerged lands are encompassed by the doctrine of sovereignty.

In the speech which I made in opposition to the so-called tidelands bill I sought to point out that the discussion, throughout the Senate debate, of the so-called Pollard case of 1845 by the proponents of the program to give the submerged lands to the States was based upon a misinterpretation and a misconception of the Pollard case. The Pollard case rests on the doctrine of governmental sovereignty, and the facts of the Pollard case leave no room for doubt about the fact that the land concerned was tideland, that is, land this side of low-water mark. All the Court

held in the Pollard case was that under the doctrine of governmental sovereignty such lands, being within the boundaries of the State, were subject to the sovereignty of the State.

The proposal of the proponents of this legislation is to give the submerged lands, which are not tidelands, to the coastal States. All the Pollard case really holds is that the doctrine of sovereignty applies to the facts of whatever case is before the Court. The facts in connection with this particular issue leave no room for doubt that these lands are beyond the low-water mark, beyond the sovereignty of the States, and within the sovereignty of the Federal Government. Therefore the principle of sovereignty or the doctrine of sovereignty involved in the Pollard case applies in like manner to the facts of this controversy. But when we apply it to those facts we enter into the realm of national sovereignty as contrasted with State sovereignty. When we face that fact, there is no question about the soundness of the President's position in this veto message, when he points out that these lands belong to all the people of the United States.

I think he has done what any President of the United States should do—and I hope we shall never have a President of the United States who will do less, namely, place the interests of all the people above the narrower interests of a selfish few who would seek to take away from all the people, for the benefit of the few, what in my judgment, as a matter of law and as a matter of sound public policy applied in this case, belongs to all the people. I believe, and fervently hope, that as the clarity and statesmanship of this veto message come to be understood by the American public in the days immediately ahead, they, too, will take the same position as the two great Oregon newspapers to which I have just referred, the Portland Oregonian and the Oregon Journal, have taken in regard to the disposition which ought to be made of these submerged lands, namely, that they ought to be retained by all the people of the country. The Congress of the United States, supposedly representing all the people, should live up to what I think is its clear obligation by sustaining the veto.

Mr. HILL. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. I yield.

Mr. HILL. I should like to commend the Senator from Oregon on the very clear and compelling statement which he has just made. I join with him in his commendation of the President in the very fine and, I believe, unanswerable veto message which he has sent to Congress on the submerged lands bill. The position of the President, as we know, is exactly the position which the Supreme Court of the United States took after the issues involved were argued thoroughly before that Court in three different cases. No one could have summed up the whole issue presented by the bill and by the veto message better or more logically or more compellingly than the Senator from Oregon has done this afternoon.

Mr. MORSE. I thank the Senator from Alabama for his comment. I want to say for the RECORD, because it should be stated for the RECORD, that the leadership and statesmanship which the Senator from Alabama has demonstrated throughout the long debate which we had on this issue will forever stand to his credit and to his service in the Senate of the United States.

Mr. HILL. I thank the Senator from Oregon.

DEFENSE PRODUCTION ACT AMENDMENTS OF 1952

Mr. MORSE. Mr. President, I send to the desk an amendment to the Defense Production Act, which is now pending before the Senate. It reads as follows:

At the end of the bill insert the following new section:

"Sec. —. Paragraph (3) of section 402 (d) of the Defense Production Act of 1950, as amended, is amended by adding at the end thereof the following: 'No ceiling shall be established or maintained for any perishable agricultural commodity (including potatoes, sweetpotatoes, or onions) unless the adjustments in such ceiling for grade, location, and seasonal differentials shall reflect the average percentage differentials for that commodity for the years 1947 through 1951 as certified by the Secretary of Agriculture.'"

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

Mr. MORSE. I shall speak on the amendment at greater length next week. I want to say about the amendment tonight, as I said earlier this afternoon when I discussed another section of the Defense Production Act, that I stand ready to vote for any amendment to the act which will in my judgment strengthen the act, which will help to improve its administration and which will help to eliminate some of the abuses and some of the mistaken policies which the OPS followed with respect to certain matters under the act.

I had hoped that OPS would by regulation and administrative order change the policy that it has been following in connection with perishable products, based upon the sad, unfortunate experience which OPS and the producers of this country in the field of perishable products have had to date in connection with OPS policies in regard to those products.

But believing that I could not justify relying on just hope that OPS would not repeat what was certainly a disastrous boner and blunder which it committed last year in regard to perishable products, when it did such great injustice, may I say to the Senator from Washington [Mr. CAIN] whom I see on the floor, to the potato growers of Idaho, Washington, and Oregon, and would do a similar injustice to the producers of other perishable products if it followed the same policy and course of action that it did last year, that I felt compelled to submit this amendment.

I shall debate it at length next week when I call it up for a vote.

Suffice to say, now, Mr. President, that such an intolerable injustice was done

supplemented, to authorize appropriations for continuing the construction of highways, and for other purposes.

The message also announced that the Senate insists upon its amendment to the foregoing bill, requested a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. CHAVEZ, Mr. HOLLAND, Mr. KERR, Mr. CAIN, and Mr. CASE to be the conferees on the part of the Senate.

HOUR OF MEETING TOMORROW

Mr. PRIEST. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 o'clock tomorrow.

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

There was no objection.

FEDERAL-AID ROAD ACT

Mr. FALLON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 7340) to amend and supplement the Federal-Aid Road Act approved July 11, 1916 (39 Stat. 355); as amended and supplemented, to authorize appropriations for continuing the construction of highways, and for other purposes; with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Maryland? [After a pause.] The Chair hears none, and appoints the following conferees: MESSRS. FALLON, TRIMBLE, DEMPSEY, JONES of Alabama, DONDERO, MCGREGOR, and ANGELL.

THE TIDELANDS ISSUE

Mr. ROGERS of Texas. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

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

There was no objection.

Mr. ROGERS of Texas. Mr. Speaker, the Washington Post this morning carried a column by Mr. Marquis Childs which is representative of a total lack of knowledge or a gross misrepresentation of the tidelands issue. The article borders on propaganda tending to confuse the issues and to lend unqualified support to the Federal Government in an unconscionable theft of State property. I particularly call attention to the second and third paragraphs of this article. In speaking of the tidelands question, Mr. Childs refers to "vast oil wealth under coastal waters off California, Texas, and Louisiana." In treating this misrepresented subject he says, and I quote:

Powerful interests pushed through a bill giving this wealth beyond the tidal line to the States off whose shores it lies.

Anyone having the faintest conception of the tidelands question knows that this is at best a half-truth and could easily be misconstrued and misunderstood. Mr. Childs does not attempt to name the

powerful interests to which he refers. As a Texan and a staunch supporter of the legislation to correct the grievous wrong worked upon the several States by the unwarranted decision of the Supreme Court that undertook to underwrite this Federal grab, I say that the Federal Government never owned the tidelands off Texas' coast, does not own them now, and never asserted any claim to them until some power-seeking greed-conscious politicians thought they detected the smell of oil and gas in some of those lands. I further add that reference to powerful interests having anything to do with this legislation is a reflection on the Members of this Congress and an attempt to hide the true issues involved behind a smoke screen of unfounded insinuations. And if there are special or powerful interests involved, it is the duty of those who know the identity of these so-called interests to divulge their names and their activities to the American people. Let them come forward with the same kind of truth that the people of Texas have presented in this controversial issue. Mr. Childs' column reflects the same lack of knowledge or misrepresentation of the issues as the President's veto message.

TIDELANDS OIL BILL

Mr. VURSELL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

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

There was no objection.

Mr. VURSELL. Mr. Speaker, I want to compliment the gentleman from Texas, and to point out that the St. Louis Post-Dispatch quoted me in an editorial as not voting, and criticized other Members from Illinois for voting for the tidelands bill. I want the Post-Dispatch to know that I did vote on May 15 and am so recorded, for the tidelands bill. I have voted for all tidelands bills of the past, and I am proud of it.

Further, when they talk about taking away oil lands from the Federal Government the facts are the bill does not take anything away from the Federal Government. The bill only attempts to prevent the Federal Government from taking the submerged and tidelands away from the States, which they have owned for over 50 years. We in this Congress are only trying to prevent the Federal Government, that now owns one-fourth of the land of the United States, from going further in this encroachment against the States.

May I point out that General Eisenhower, General MacArthur, Senator Taft, and two-thirds of the Members of this Congress, who favor this legislation, do not think it will hurt national defense. Nearly all the governors of the States, and 46 of the attorneys general of the States, have favored previous legislation and the present bill.

And the United States Chamber of Commerce, who are a rather able group of citizens, favor this legislation and

this week have written all Members of the House urging we vote to override the President's veto of this legislation.

MUTUAL SECURITY BILL

Mr. PRIEST. Mr. Speaker, I ask unanimous consent that the managers on the part of the House in conference on the mutual security bill may have until midnight tonight to file a conference report.

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

There was no objection.

RECIPROCAL TRADE AGREEMENTS

Mr. TABER. 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 New York?

There was no objection.

Mr. TABER. Mr. Speaker, several years ago the Congress passed a so-called Reciprocal Trade Agreement Act which allowed the State Department to change the duties upon articles coming into the United States.

The State Department has made a practice of operating these changes without giving any notice to the producers in this country, and without letting the producers know that their markets are being aimed at.

The Cuban Government, a couple of months ago, notified our State Department that they planned to negotiate a new treaty with Chile. All details were disclosed during the month of February. It was proposed to establish a quota on colored dried beans which would give Chile a large share of the American market in Cuba. It was not until April that the State Department sought the advice of the Department of Agriculture and at no time did they consult the farmers.

Our foreign policy should be lined up so that the United States will not participate in these operations against the interest of the farmers without any notice to them. The agreement was signed and nothing was known to the farmers until after it was all done.

How much longer are the people of the United States going to stand for this way of doing business undercover to destroy American agriculture?

ARE WE GIVING AWAY MORE OF OUR IMPORTANT FOREIGN FARM MARKETS?

Mr. HILL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks and include a newspaper clipping.

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

There was no objection.

Mr. HILL. Mr. Speaker, recently in a news item in the National Dried Bean Council, Washington report, I noticed that a three-way trade agreement has

HOUR OF MEETING TOMORROW

Mr. McFARLAND. Mr. President, will the Senator from Washington yield further?

Mr. CAIN. I yield.

Mr. McFARLAND. Mr. President, in order to be sure that the Senate can complete consideration of both the conference report on the agriculture bill and the pending bill, I want to announce that the Senate will meet at 10 o'clock tomorrow morning.

THE PRESIDENT'S VETO MESSAGE WITH REFERENCE TO THE TIDE-LANDS BILL

Mr. CAIN. Mr. President, I wish to discuss several of the high lights of the President's veto message on the Holland tidelands bill which was sent to us last Thursday. To my way of thinking the veto message was replete with mistakes, and the President's reasons for rejection of the Holland bill ignore the law, facts, logic, and completely distort the question of State ownership of property.

The President, plainly flouting the majority wishes of Congress, said that under the Constitution only the Supreme Court could settle the legal question of tidelands ownership. He attempts to exclude the right of Congress to determine ownership of Federal property as contained in article IV of the Constitution.

By his veto, the President has denied for the second time to Congress the right to settle this issue in its own way, although Congress has voted twice by substantial majorities to confirm title to States' 3-mile ocean belts.

The President says in his veto message that the issue of submerged lands can be settled to his satisfaction only by enactment of the O'Mahoney-Anderson so-called interim bill and the Hill amendment giving the Federal Government control over tidelands, and devoting the revenues to aid to education. In essence, the President says Congress cannot act constitutionally except in accordance with his wishes.

Mr. President, almost a week before handing down the veto message, the President told the Americans for Democratic Action that the Holland tidelands bill was "robbery in broad daylight and on a colossal scale and makes the Teapot Dome look like small change."

Again and again in the veto message President Truman called the legislation a gift of property to a few States.

Apparently, the President is unable to make up his mind whether the legislation was a gift or a robbery.

In any event, by his favoritism for the O'Mahoney-Anderson bill, with the Hill amendment, the President proposes to rob the States of their rightful property in order to give the Interior Department the power to make leases, and the Federal Security Agency authority to parcel out funds. This blatant inconsistency only underlines the President's full determination to do all of the giving himself for political advantage.

Once again, the President attempts to confuse the public and the Congress as to where ownership actually rests.

He says:

That question (ownership) was settled by the Supreme Court.

Actually, the Supreme Court specifically refused to declare that the Federal Government owns these lands. The American Bar Association, the American Title Association, and many other groups have passed resolutions expressing their beliefs that the States did own and should continue to own these lands.

That ownership had been confirmed for 100 years by 54 prior Supreme Court decisions, 244 State and Federal court decisions, 39 opinions of the Secretaries of Interior, and 49 decisions of the Attorney General.

The President says that the Federal Government must have submerged oil properties for national defense, and cites the strong objection of the Defense Department to the Holland bill. This appears to me as only an excuse to grab the property of the States.

After all, the Senator from Georgia [Mr. RUSSELL], chairman of the Senate Armed Services Committee, and the Senator from Texas [Mr. CONNALLY], chairman of the Senate Foreign Relations Committee, support the Holland tidelands bill. Those distinguished gentlemen certainly are concerned with national defense. I personally have reason to believe that both are American patriots of the very highest order.

It must be remembered also that Justice Reed, in his dissent in the California case held that sovereignty does not require ownership of resources, that ownership by the State would not interfere in any way with the needs or right of the United States in war or peace. Justice Reed noted that in time of war the power of the United States is "plenary as it is over every river, farm, mine, and factory of the Nation."

The President says that the Federal Government does not own and has no intention of asserting control or ownership over piers, beaches, harbors, seacrops, marine life, police and conservation powers, or the navigable waters of bays, sounds, and inland lakes and rivers. But the record shows Federal intentions are to the contrary. State officials, the National Association of Attorneys General, the Council of State Governments and the governors of most States do not believe this disclaimer of intent to encroach further on States' rights. The reasons for their doubts lie in language of the Supreme Court in the California decision, and in contrary actions by Federal departments.

Mr. Justice Black in the California decision said that States have a "qualified right" to such properties, and furthermore said that the States were not entitled to base their claims to title on representations previously made by members of the Executive Department of the Federal Government.

The President's statement about the Federal Government's recognition of the sanctity of State ownership of bays is factually wrong.

At this very moment, a special master appointed under the Supreme Court's decree in the California case is considering Department of Justice contentions

that the State line once settled in San Pedro Bay by a Federal court gave the State of California too much property and jurisdiction in this bay—*U. S. v. Carrillo*, Thirteenth Federal Supplement, page 121.

Illustrating how unreliable Federal promises can be, Mr. Justice Clark as Attorney General once promised—as I suppose many of us remember—that Texas would not be sued under the theory of the California case; the late Harold Ickes when Secretary of Interior said that it was the "settled law of the United States" that States owned their submerged lands. Both gentlemen reversed their positions—I have often wondered why—when Mr. Clark sued Texas and Mr. Ickes changed his mind about State ownership.

In the Nation-wide radio broadcast of his Americans for Democratic Action speech, the President charged that the oil lobby supported the quitclaim bill approved by Congress.

How unnecessary that inaccurate statement was. How amazed the average American ought to be when he considers how his President can be so totally inaccurate, on so many occasions. But the President, in his veto message, made no mention whatsoever of the so-called oil lobby.

Apparently the President discovered that the interested oil companies have been asking Congress to pass the very same so-called interim legislation which he seeks in his veto message. This places the President and the alleged oil lobby in the same camp.

However, on the evening, when the President had fun and disturbed the emotions of a great many Americans called Americans for Democratic Action, he did stretch the truth to the breaking point while making political hay, by making statements which any reasonable man, in his right mind, ought to have known were wrong and contradictory before he made them.

It ought to be noted that the President was more conservative in his veto message than he was in the ADA speech in talking about the value of tidelands oil. His inaccuracies indicate how very little he really knows about the question.

For instance, how much is tidelands oil really worth? Is it worth 1,000,000,000 or 100,000,000,000? Opponents of the Holland bill, including the President, have widely exaggerated the value of oil deposits in the submerged lands within the constitutional boundaries of California, Texas, and Louisiana. They have mentioned sums ranging from 40 to 100,000,000,000 of dollars. As I recall the President's Americans For Democratic Action speech, he used the latter figure—about a hundred billion dollars. But on the basis of the figures given by the President in his veto message, the amount of royalties that would accrue to the three States over a probable 40-year period would be less than \$1,000,000,000.

Here literally is what the President says about such petroleum deposits in his tidelands veto message:

The area involved may comprise as much as 16,000,000 acres. The oil fields thus far

discovered in this area contain estimated proven reserves aggregating more than 278,000,000 barrels of oil. Moreover, it is estimated that future exploration may reasonably result in the discovery of additional oil fields containing more than 2,500,000,000 barrels of oil.

Assuming, by way of argument, the President's figures of 2,778,000,000 barrels of oil as being correct, at a value of \$2.70 a barrel, which was the figure used in a Senate debate by the distinguished Senator from Alabama [Mr. HULL], the gross value of such deposits would be \$7,500,000,000.

An average royalty—12½ percent—would yield from this \$7,500,000,000 over a probable period of 40 years the sum of \$940,000,000 or an annual sum for 40 years for all three States—California, Louisiana, and Texas—of about \$23,000,000.

The Senator from Florida [Mr. HOLLAND] in his Nation-wide NBC speech of May 24, replying to President Truman, placed the outside value of all tidelands oil within State boundaries and on the Continental Shelf as well, as just \$700,000,000.

There are many other Presidential inconsistencies. For example, the President says that in the interest of national defense the Federal Government must develop and explore submerged lands because "we have become an oil importing Nation." At the same time, he inconsistently says that oil must be conserved for national defense and that "we must not dissipate these resources."

In House Report No. 695 of the Eighty-second Congress on the Walter tidelands quitclaim bill which was passed by the House on July 30, 1951, the House Judiciary Committee says at page 38:

The theory of establishing Government oil reserves (as a conservation measure to aid defense) by setting aside undeveloped areas has been discarded by practically all competent persons who have studied the matter.

The National Military Establishment is now in process of returning to the Interior Department for leasing to private interests, all naval reserve areas, except two which are presently in the process of development.

It is the committee's opinion that the most effective petroleum reserve and the key to our national security is the development of an adequate reserve of productive capacity which can be drawn on immediately in the event of an emergency.

The President implies that there is or may be an oil shortage. The Senator from Kansas [Mr. CARLSON] told the Senate on April 1 that the National Petroleum Council recently said there are adequate oil supplies for the next 3 years. Moreover, the Senator said there is no danger of running out of petroleum at current rates of use for the next 100 years. In conclusion he quoted the President's oil industry advisory committee report—NPC report of January 29, 1952—to the effect that long before this country runs out of oil reserves to tap, there is a high probability that other forms of energy, solar power and nuclear fission, will make oil production and exploration unnecessary.

The President also disregarded the facts when he implied that Federal control of tidelands oil would mean more rapid production of usable reserves. The

House Judiciary Committee in its aforementioned report at page 40 gives contrary evidence:

In the five public land States producing oil and gas the Federal Government owns 36½ percent of the acreage, but produced only 13 percent of the oil and gas produced in these States. The 1946 production from these lands was approximately 62,000,000 barrels, while the production from State and privately owned lands in the same States was in excess of 380,000,000 barrels.

While assuring the States that there is no further danger of Federal encroachment beyond oil needed for national defense, the President now indicates that the Federal Government has its eye on all other minerals and resources that may exist in and under the marginal seas.

Instead of an "oil grab" alone, now we have a "grab-everything-in-sight grab." Government lawyers are even now claiming "paramount rights" in the waters of the Santa Margarita River in California, and some 14,000 farmers are threatened with a Federal lawsuit, with the suit already filed against over 2,500 of them. The same Justice Department attorneys think they have similar rights to oil shale of the Colorado River, and other forestry and mineral interests in many States.

In many places in his veto message, the President reveals contempt for the legislative process and for the rights of the States. He said many of the States arguments were "irrelevant," and said that they were "too numerous" for him to deal with, and that he was not "persuaded" by them.

In vetoing the Holland bill which Members of Congress and State officials said many times was the very cornerstone they relied upon to prevent further encroachment on State and private property rights, the President showed his determination to ignore those rights.

With tongue in cheek, the President said that he "would not do anything to interfere" with the property interests of the coastal States, when by his very act of vetoing the bill he was striking at all State functions, much of their revenues and taxes.

He said that he could not give to a few States the property belonging to 155,000,000 people. That is a tremendously appealing and persuasive argument, I think, to those who are uninformed—and the average American, not having accurate information before him, is uninformed. What are the facts? Actually, the 19 coastal and the 9 Great Lakes States combined have a population of more than 130,000,000 which illustrates the type of propaganda effort being exerted against the sovereign States by America's leading citizen, the President of the United States.

The truth is simply not in those who seek to confiscate what belongs to others.

In view of the legal and historical background of States' ownership, and remembering that when the Federal Government takes over anything, taxes are always increased and never diminished, this argument must be—to the States—their final crown of thorns.

As Senators we shall soon be given an opportunity to vote on the President's

veto. I relish that coming opportunity to work with others to override an action by the President which the junior Senator from Washington considers to have been unwise, unreasonable and wholly unwarranted.

Mr. President, I express my appreciation for the indulgence of Senators at this late hour. I yield the floor.

RECESS

Mr. SPARKMAN. I move that the Senate stand in recess until 10 o'clock a. m. tomorrow.

The motion was agreed to; and (at 7 o'clock and 20 minutes p. m.) the Senate took a recess until tomorrow, Friday, June 6, 1952, at 10 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate June 5, 1952:

FARM CREDIT ADMINISTRATION

Ivy W. Duggan, of Mississippi, to be Governor of the Farm Credit Administration for a term of 6 years from June 15, 1952. (Re-appointment.)

CIRCUIT COURTS, TERRITORY OF HAWAII

Allen Reginald Hawkins, of Hawaii, to be second judge of the First Circuit, Circuit Courts, Territory of Hawaii, vice Edward A. Towse, elevated.

Robert Kiyochi Murakami, of Hawaii, to be third judge of the First Circuit, Circuit Courts, Territory of Hawaii, vice John E. Parks, term expired.

Wilford D. Godbold, of Hawaii, to be seventh judge of the First Circuit, Circuit Courts, Territory of Hawaii, to fill a new position.

UNITED STATES ATTORNEY

A. Carter Whitehead, of Virginia, to be United States attorney for the eastern district of Virginia, vice George R. Humrickhouse, resigned.

IN THE NAVY

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

SUPPLY CORPS

Bernard E. Bassing Andrew J. Owens
Donald J. Loudon James G. Tapp

CIVIL ENGINEER CORPS

Theodore J. Larson

HOUSE OF REPRESENTATIVES

THURSDAY, JUNE 5, 1952

The House met at 11 o'clock a. m. The Chaplain, Rev. Bernard Braskamp, D. D., offered the following prayer:

Almighty God, who art always seeking to make our hearts the sanctuaries of Thy presence, may we be eager to have Thy spirit fashion and direct our desires and plans in harmony with Thy divine will for in Thy will is our peace.

May our faith in Thee and in Thy love and care never falter when we are in sore straits and, when confronted by the forces of evil, we are groping our way to a more peaceful and joyous kind of life.

pose of determining what changes should be made in order to promote maximum efficiency in such organization and operations.

Sec. 2. The committee shall report its findings, together with its recommendations for such legislation as it may deem advisable, to the Senate at the earliest practicable date.

Sec. 3. For the purposes of this resolution, the committee, or any duly authorized subcommittee thereof, is authorized to employ upon a temporary basis such technical, clerical, and other assistants as it deems advisable. The expenses of the committee under this resolution, which shall not exceed \$100,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

BILLS INTRODUCED

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

By Mr. JOHNSON of Colorado:

S. 3302. A bill to grant former owners a preference with respect to the purchase of certain real property acquired under the reclamation laws and no longer needed for the purpose for which it was acquired; to the Committee on Government Operations.

By Mr. SMITH of North Carolina:

S. 3303. A bill to incorporate the National Conference on Citizenship, and for other purposes; to the Committee on the Judiciary.

By Mr. ANDERSON:

S. 3304. A bill to grant an exemption from the admissions tax to certain national folk festivals; to the Committee on Finance.

By Mr. IVES:

S. 3305. A bill for the relief of Paolo Longo; to the Committee on the Judiciary.

By Mr. O'MAHONEY (for himself and Mr. ANDERSON):

S. 3306. A bill to provide for the development of the oil and gas reserves of the Continental Shelf adjacent to the shores of the United States, to protect certain equities therein, to confirm the titles of the several States to lands underlying inland navigable waters within State boundaries, and for other purposes; to the Committee on Interior and Insular Affairs.

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

By Mr. MONRONEY:

S. 3307. A bill to amend section 506 of the Servicemen's Readjustment Act of 1944, as amended, and for other purposes; to the Committee on Labor and Public Welfare.

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

HANDLING OF EMERGENCY DISPUTES—REPRINT OF SEIZURE BILL

Mr. MORSE. Mr. President, I should like to say that my bill, S. 2999, the so-called seizure bill, for the handling of emergency disputes, has been corrected in a few minor particulars. I ask to have an additional committee reprint made, so that Senators will have on their desks corrected copies of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRINTING OF PAMPHLET ENTITLED "OBJECTIVES OF THE UNITED STATES INFORMATION PROGRAM" (S. DOC. NO. 143)

Mr. McCARRAN. Mr. President, some time ago, as chairman of a subcommittee having in charge the State, Justice,

and Commerce appropriations, I submitted to the State Department certain questions with reference to the United States information program which I sought to have fully answered. Those questions were submitted, were fully answered, and have been printed in a pamphlet entitled "The Objectives of the United States Information Program."

I have conferred with the chairman of the Committee on Printing, and I ask unanimous consent that this pamphlet may be printed as a Senate document, the reason being that there are many requests for it, principally coming to the State Department through the Office of the United States Information and Education program. They send the pamphlet to their representatives in this country and abroad.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nevada? The Chair hears none, and it is so ordered.

NOTICE OF HEARING ON NOMINATION OF JON WIIG, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF HAWAII

Mr. McCARRAN. Mr. President, on behalf of the Committee on the Judiciary, and in accordance with the rules of the committee, I desire to give notice that a public hearing has been scheduled for Monday, June 16, 1952, at 10 a. m., in room 424, Senate Office Building, upon the nomination of Hon. Jon Wiig, of Hawaii, to be United States district judge for the district of Hawaii, vice Hon. Delbert E. Metzger, term expired. At the indicated time and place all persons interested in the nomination may make such representations as may be pertinent. The subcommittee consists of the Senator from Nevada [Mr. McCARRAN], chairman; the Senator from Washington [Mr. MAGNUSON], and the Senator from Wisconsin [Mr. WILEY].

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

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

By Mr. FREAR:

Address delivered by Senator KERR before National Press Club of Washington on June 5, 1952.

By Mr. TOBEY:

Address delivered by George H. Duncan, president, New Hampshire Electric Cooperative, Inc., at its annual meeting, June 3, 1952.

By Mr. McCLELLAN:

Editorial entitled "Economy Experts" published in the Washington Post, of June 9, 1952.

By Mr. MAYBANK:

Letter dated May 29, 1952, on the subject of consumer credit addressed to him by Hon. Francis J. Myers.

By Mr. LEHMAN:

Two editorials, one entitled "Church Forces Continue To Fight McCarran Bill," and second entitled "The Senate Passes the McCarran Bill," published on May 28, 1952, and on June 4, 1952, respectively, in the Christian Century.

Editorial entitled "The Immigration Bill Hits Harsh Note," published in the New Orleans Item, May 26, 1952; with statement and resolution adopted by the Baltimore

Conference of the Methodist Commission on World Peace, relative to the McCarran bill.

By Mr. BUTLER of Nebraska:

Article entitled "Who Owns the Water?" written by Paul Friggens and published in the Farm Journal for June 1952.

By Mr. SCHOEPEL:

Editorial entitled "Kansas Wheat Crop To Be Total Loss," published in Wichita magazine of the Wichita Chamber of Commerce for May 29, 1952.

LETTER FROM JAMES A WECHSLER

Mr. LEHMAN. Mr. President, I am in receipt of a very interesting letter from Mr. James A. Wechsler, editor of the New York Post, giving the facts in regard to certain statements recently made in the Senate. This letter will, I believe, be of interest to every Member of the Senate. I ask unanimous consent that the letter be printed in the Record at this point in my remarks.

The PRESIDING OFFICER. Is there objection?

There being no objection, the letter was ordered to be printed in the Record, as follows:

NEW YORK POST,

New York, N. Y., June 4, 1952.

HON. HERBERT H. LEHMAN,
United States Senate,

Washington, D. C.

DEAR SENATOR: On page 5961 of the CONGRESSIONAL RECORD, dated May 26, 1952, Senator McCARTHY has a brief discussion of me in which, among other things, he says:

"This is the same Wechsler, incidentally, who is now editor of the New York Post, and who admits that he was a Communist until some time in the late 1930's. He claims to have reformed since then, but has never, so far as we know, shown any indication of his reformation."

This is not the first occasion on which Senator McCARTHY has made this point. On October 2, 1951, he said substantially the same thing before the Committee on Foreign Relations. At that time I wired the following statement to Senator SPARKMAN:

"In connection with Senator McCARTHY's attack on the New York Post and myself, I would deeply appreciate the insertion of the following statement in the record of your committee's hearings:

"The New York Post recently published a documented series of 17 articles on Senator McCARTHY. These articles critically evaluated his record both before and after his election to the Senate. Nearly 2 weeks have passed since the publication of those articles and Senator McCARTHY has not taken issue with a single fact published in them. A newspaper, as you know, has no immunity; it assumes full responsibility for anything it publishes.

"Instead of challenging the articles Senator McCARTHY has chosen to make a personal attack on the editor of the Post and to imply that only a subversive newspaper could have published this series.

"I'm sure that Senator McCARTHY knows that the Post is a militantly anti-Communist newspaper. I am sure he knows that the Communist Daily Worker has frequently denounced both the Post and its editor. I am sure that he knows that the Post and its editor warmly support the efforts of the United States Government to resist Communist aggression through military action in Korea, through the organization of the North Atlantic defense forces, and through economic aid to nations menaced by Communist imperialism. Naturally these are all matters of public record, as are the editorial denunciations of the Post which appear almost daily in the Communist press. Nevertheless Senator McCARTHY chose to tell your committee that "Their (the Post) editorials

I am sure there will be some controversy about that.

The rule provides for 2 hours of general debate on the bill, after which the bill will be read for amendment.

There is one quite interesting provision in this bill to which I would like to call attention, and it may be that it will set a pattern for the consideration of other items that will soon be before this body. I read from the report:

Another problem which was of considerable concern is item 1 (a) (27) which empowers the President in time of war to seize the transportation systems of the country. It was under this authority that the President took possession of certain railroad lines in 1950, control of which he released only a few days ago. When Congress enacted the basic law back in 1916, empowering the President to seize the transportation industry, it intended that he should exercise this tremendous grant of power in time of war only. It is the considered opinion of the committee that Congress should be cautious and slow in extending this tremendous grant of power in the Executive to a period where there is no state of actual declared war. Therefore, it has omitted this item 1 (a) (27) from the bill.

CALL OF THE HOUSE

Mr. MASON. Mr. Speaker, in view of the fact that we have no representative of the Rules Committee on our side, I make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

Mr. PRIEST. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 101]

Aandahl	Flood	Morris
Abernethy	Frazier	Morrison
Adair	Fulton	Morton
Albert	Gamble	Nelson
Allen, III.	Gore	O'Neill
Anfuso	Hall	Osmer
Bates, Ky.	Edwin Arthur	O'Toole
Beckworth	Hall	Potter
Belcher	Leonard W.	Powell
Bender	Halleck	Rabaut
Blackney	Harden	Reece, Tenn.
Brehm	Harvey	Reed, Ill.
Brooks	Hébert	Richards
Brown, Ohio	Hedrick	Riehman
Buckley	Heffernan	Rooney
Burdick	Herter	Ross
Butler	Jarman	Sabath
Carlyle	Johnson	Short
Carnahan	Kennedy	Spence
Coudert	Kerr	Stanley
Crawford	Klein	Stigler
Dawson	Lesinski	Stockman
Dolliver	McMillan	Sutton
Donovan	Mansfield	Tackett
Ellsworth	Merrow	Thomas
Elston	Miller, Calif.	Vinson
Fenton	Morano	Welch
Fine	Morgan	Williams, Miss.

The SPEAKER pro tempore. Three hundred and forty-three Members have answered to their names; a quorum is present.

By unanimous consent, further proceedings under the call were dispensed with.

EMERGENCY POWERS CONTINUATION ACT

The SPEAKER pro tempore. The gentleman from Texas [Mr. LYLE] is recognized.

Mr. LYLE. Mr. Speaker, as I stated a moment ago there will unquestionably be controversial matters in the bill to be considered when it is read for amendment, but I am quite certain there will be no controversy about the adoption of the rule or the consideration of the bill. The rule provides for 2 hours of general debate and that amendments may be offered to any provision of the bill.

Mr. Speaker, I yield 30 minutes to the gentleman from New York [Mr. LATHAM].

Mr. LATHAM. Mr. Speaker, as the gentleman from Texas has so ably stated, this is an extension of the emergency powers of the President. There are some sixty-odd provisions in the bill. I believe there are some differences of opinion with regard to certain of these provisions, and under this open rule amendments will be offered. I know of no objection, however, to the consideration or adoption of the rule.

Mr. Speaker, I yield back the balance of my time.

Mr. LYLE. Mr. Speaker, I yield 11 minutes to the gentleman from Texas [Mr. POAGE].

Mr. POAGE. Mr. Speaker, I ask unanimous consent to speak out of order.

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

TIDELANDS

Mr. FOAGE. Mr. Speaker, the Washington Post, in an editorial printed yesterday morning, attempted to discredit the effort of the Congress to return the title to submerged lands within State boundaries by stating that the States never had title to these lands. To make its point the Post makes the utterly unfounded statement that "the resolution adopted by Congress and vetoed a fortnight ago by the President had nothing to do, in point of fact, with lands within State boundaries."

Since this statement is so typical of the deliberate misrepresentation which has characterized the entire effort to grab these lands for the benefit of a bunch of claim-jumpers, I want to analyze it. It shall confine my statements to the State of Texas. Other facts substantiate the rights of other States but I shall presume to speak only for Texas.

Before I go into the historic facts let me explain my statement that the effort to take these lands from the States was primarily for the benefit of a bunch of claim-jumpers. By "claim-jumping" I mean those private groups and individuals who have filed on lands already leased to private interests. These speculators have been locating old Government script on the already developed offshore oil fields, particularly in California. They hope to reap billions where someone else has sowed. If successful they will get seven barrels of oil for every one which goes to the Federal Government. They are in fact the oil lobby which should excite the fears of the Post and of all honest Americans, but strangely enough these are the people who are turning up with connections in the strangest places.

But back to the question of ownership within State boundaries, the Post says:

Texas enjoyed such rights and dominion during the decade of her independence but

relinquished them upon relinquishing her national sovereignty when she joined the United States.

What historical fact, if any, justifies such a statement? Even Justice Douglas agreed in his opinion that the Republic of Texas owned these lands.

There may be some question as to just how far State boundaries extend in some cases, but in the case of Texas the boundaries of the Republic of Texas were clearly fixed at a point 3 leagues, not 3 miles, but 3 leagues—about 10½ miles—seaward. That the United States recognized these boundaries was positively stated by three Presidents of the United States while seeking to induce Texas to join the Union. In 1848 the United States referred to these boundaries in the Treaty of Guadalupe-Hidalgo, and described our southern border as beginning, not at the mouth of the Rio Grande, but "a point 3 leagues seaward from the principal mouth of the Rio Grande." Unless the true boundaries of the Republic of Texas extended 3 leagues seaward, how could the boundary of the United States near the mouth of the Rio Grande extend 3 leagues seaward? Clearly, the only claim the United States has ever had to any territory anywhere near the mouth of the Rio Grande comes through the title and sovereignty of the Republic of Texas.

Now how did this Texas title pass to the United States? This transfer of title is what Justice Frankfurter says "to me remains a mystery." Every lawyer in this House will agree that if title, as distinguished from the sovereignty, was once in the Republic of Texas, it must have passed to someone when Texas came into the Union. It could have gone only to the United States or to the State of Texas.

The Post says it passed to the United States. Let us see. Let us read the record—the abstract of title, if you please.

We started with title admittedly in the Republic of Texas. Now follow me closely, please.

In 1844 the Republic of Texas sent its Secretary of State to Washington to negotiate a treaty of annexation. Such a treaty was in fact negotiated and was submitted to the United States Senate for ratification. This proposed treaty did provide that the United States should acquire title to all unappropriated public lands. But it also provided that the United States should pay the public debts of the Republic. These debts then amounted to about \$10,000,000—they increased to nearly \$13,000,000 before Texas was finally admitted. The United States had paid the prestatehood debts of each of the original 13 colonies and later paid the debts of each Territory as it was made a State. The opinion was, however, expressed in the Senate that it would be a great mistake to assume the debts of the Texas Republic. It was suggested that Texas should keep her lands and pay her own debts. In fact, one Senator said that "all the lands in Texas are not worth \$10,000,000."

The United States Senate after thorough consideration, deliberately rejected this treaty.

The Republic of Texas then withdrew its request for annexation, but the next

mortals were evacuated by the same discredited amphibious means, under the protection of carrier-based Navy and Marine aircraft.

Here are at least four essentials:

First. Clean house: toss out the political administration and so-called military experts who have so miserably bungled the life-and-death problems attaching to the gravest crisis in United States history.

Second. Stay solvent and therefore able to survive, by investing primarily in research and development. Plan for production capacity. Cut the budget. Stop being deluded by the sophistry of "strength" from billions of dollars spent on tons and numbers of implements and weapons, including aircraft, that will clog our warehouses and perhaps be obsolete when needed most. Remain flexible in our ability to meet contingencies.

Third. We are a tiny island occupying 2 percent of the globe. Our interests, civil and military, are maritime. Yet we have at least a 4- or 5-to-1 domination of the top planning councils by so-called experts unfamiliar with the ways of the sea. Three of them are the Army and Air Force members of the Joint Chiefs of Staff who have consistently voted down aircraft carriers, Navy and Marine groups and squadrons. Their land-locked experience, along with that of most other top members of the Defense Department, not to mention the Commander in Chief, is balanced by a single sea-power voice.

As a gesture toward correcting this imbalance, Members of both Houses of Congress have repeatedly introduced legislation designed primarily to add as a full-fledged member to the Joint Chiefs of Staff the Commandant of the Marine Corps. Currently pending in the House is Senate bill S. 677 as amended by the House Armed Services Committee. This deserves the studious consideration of every thoughtful American.

The initiative in this proposal has come strictly from Members of Congress. It is generally unknown that the Commandant's qualifications are unique in that he is the only officer concerned who has served years with both Navy and Army, as well as other departments, and in amphibious and combined arms operations. To use the words of the House Armed Services Committee: "The United States Marine Corps is and has always been since its inception a separate service, distinct and apart from the United States Army, United States Navy and United States Air Force." And "it was the committee's unanimous view in March 1950 that the interests of national security demand that the deliberations of the Joint Chiefs of Staff be founded upon a broader base. * * * The committee believes, as it did in early 1950, that this can best be accomplished by seating the Commandant of the Marine Corps as a member of the Joint Chiefs of Staff [which] will have the wholly salutary effect of enhancing, broadening and balancing the deliberations of that body."

Fourth. Having augmented the thinking of our military experts in the maritime field with which we are vitally concerned, we shall be better prepared to plan and spend toward real defense at least cost. Currently we are devoting billions to air bases overseas—bases that can, as they already have in England and threaten to be in north Africa, be largely disqualified or even inactivated at the political whim of an ally. Also, they are clearly in one identifiable spot and within easy striking distance of the enemy who can make things tough, to say the least, if not impossible. Besides, these bases not only have to be defended but, much more important, they must be supplied, and the naval service will be the only means by which this can be done. There is a rank misconception that with Britain's help we can now lick anything afloat and that mere numbers of ships and tonnage capacity will do our job of bringing in raw materials and

transmitting equipment, supplies, material, and even manpower. This is furthest from the truth.

All of us grant that we must control the sea lanes. The question is how. We had best note that we must conjure with the destructive power of enemy submarines many times greater than that of the German Fleet which all but defeated us, of powerful enemy tactical air, and of a number of other elements.

We are too prone to scorn the lessons of the past, especially when the blessings of the future are mostly on paper—such as these much-publicized secret weapons. No substitute has been yet found for the fast carrier task force with its high degree of mobility, flexibility, concentration of force, its precision, and its capacity for surprise. It may move up to 700 miles a day. As a weaving, evasive, altogether fleeting target, it can strike with its aircraft around the enemy periphery and inland, with little or no warning—which means a tremendous gain in forcing enemy dispersion of defenses. It can launch planes capable of almost any performance and bomb load, infinitely superior to those which must fly longer distances.

The investment in this task force is, first in ships that may be used in a variety of other operations, and, second, in a complex that, unlike the fixed land base, can be employed as needed at any number of points over virtually the entire globe.

Remember?

What are the facts in terms of our planning and construction? First let us emphasize that carrier-borne aircraft in World War II turned in a shoot-down record slightly over three times better than that of land-based aviation. Then note the comparison in carrier numbers resulting from the shortsightedness of our advisers. In the last war we operated over 100 carriers. Today 70 of these are relatively useless because of a combination of increased submarine speed and limitations connected with launching aircraft of postwar design.

Of the remaining 28 carriers, we have but 12 in commission and two in reserve. That leaves the other 14 still in mothballs. It ignores economy and the necessity of modernization to partially meet new requirements. Since Korea, some 400 naval craft, including three battleships, have been mothballed. Yet we have not a single addition to those 12 aircraft carriers. Why? Because the Joint Chiefs of Staff won't permit Naval and Marine Aviation to "compete" with the Air Force—which is another way of saying that Air Force General Vandenberg calls the tune and his Army fraternity brothers, Generals Collins and Bradley, sing "amen," while the sole naval service member, Admiral Fechteler, being outvoted, "practices unification."

We have 14 air groups of Naval aviators and planes to man the 12 active carriers—a number wholly inadequate to meet the demands of fatigue and attrition. There should be roughly twice the number.

In the 1953 budget proposal, air groups are to be increased by a mere two, and carriers in commission are to remain static. Navy-Marine pilots require 18 months to train, and carriers up to 6 months to get out of mothballs, let alone some 2 years to put through modernization. Here, while we propose spending billions for new equipment at inflated prices, we permit to rot an investment of hundreds of millions in critical materials which could be put in running order for cut prices and, represent the element of our defense, without which no other can effectively move to meet the enemy beyond our shores. To the thinking American, this situation is suicidal.

There are many points that should be covered: Characteristic of the enemy, crying needs in terms of information and aid to

those behind the iron curtain, the tremendous importance to us of the much-neglected Orient, the fallacy of total war and destruction, the sour fruits of one-man secret international settlements, our feeling that we are assuming world leadership by merely dispensing dollars, and the measures that should be taken when the "peace" negotiations fail, as they are bound to, either obviously or subtly.

We cannot, under the burden of our present debt, afford senseless luxuries. It may be sooner than we think that we shall be working for the Kremlin if the people of this country don't wake up and take an active part in urging economy, in that almost inconceivable budget devoted to things military. We must start now finding out how to get the most for our money. The enemy is not deterred by braggadocio. He is smart. Before we proceed beyond the 95 groups authorized for the United States Air Force, we had better build first the sea-air units, without which the Air Force will never contribute its bits to air power. Aircraft independent of surface forces, has convinced painstaking observers of absolutely nothing.

Our basic air power is furnished by Navy and Marines whose aviation is "built-in"—designed and trained for the purpose and commanded by officers with combined air and surface combat experience. It takes its bases with it. It operates close to the target and thus excels in speed, maneuverability and impact. Besides, it costs less. When better overseas bases are built they will be aircraft carriers—if the American public "snaps out of it" and takes the play away from the landlocked "strategic planners."

RESOLUTION TO DISCHARGE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS FROM FURTHER CONSIDERATION OF TIDELANDS BILL—RESOLUTION COMING OVER FROM PREVIOUS DAY

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a previous day, which will be stated.

The resolution (S. Res. 247) to discharge the Committee on Interior and Insular Affairs from the further consideration of H. R. 4484, the so-called tidelands bill, submitted by Mr. CONNALLY on January 14, 1952, was read, as follows:

Resolved, That the Committee on Interior and Insular Affairs be discharged from the further consideration of the bill (H. R. 4484) 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, to provide for the use and control of said lands and resources, and to provide for the use, control, exploration, development, and conservation of certain resources of the continental shelf lying outside of State boundaries.

Mr. McFARLAND. Mr. President, I ask that the resolution be indefinitely postponed, because a bill on this subject has already been reported from the committee.

The VICE PRESIDENT. Without objection, it is so ordered.

RESOLUTION RELATIVE TO SETTLEMENT OF STEEL STRIKE—RESOLUTION COMING OVER FROM PREVIOUS DAY

The VICE PRESIDENT. The Chair lays before the Senate a resolution com-

spring the United States advocates of annexation made another effort. They introduced a joint resolution in Congress and offered Texas annexation on the terms therein set out. In order to get more support for the proposal they changed the provisions which had been contained in the ill-fated treaty draft of the preceding year, and specifically provided that the State of Texas should pay all the debts of the Republic of Texas, and that the State of Texas should retain all vacant and unappropriated public lands. This resolution finally passed both Houses, and was submitted to the Republic of Texas by President Tyler. Texas accepted the proposal. The State of Texas paid the debts of the Republic of Texas.

Texas is the only State that paid its prestatehood debts, and yet the President had the effrontery 2 weeks ago to refer to Texas as having entered the Union on an equal footing with all other States. This phrase was contained in the original decision of the Court, but when the inapplicability of the phrase was called to the Court's attention in Texas's motion for rehearing, the Court withdrew it. Texas did not enter the Union on an equal footing.

I hold in my hand a copy of the annexation resolution. I offer it in evidence, Mr. Speaker, as a muniment of title. It is in fact a deed of conveyance from the admitted titleholder. It clearly passes title to the submerged lands from the Republic of Texas to the State of Texas. True, it imposed burdens on the State of Texas. The State has met those burdens in full. The State paid a valuable consideration for these lands. Is the United States now to use its wealth and power to repudiate its solemn agreement? Is the United States to make an offer to a small nation and induce that nation to give up its very existence as the Republic of Texas did in reliance on the honor and honesty of the United States, and then when time—and oil—has proven that the Yankee traders of 1845 were not as shrewd as they thought they were, is the United States of America to then declare its solemn obligations to be no more than Kaiser Wilhelm's "scrap of paper"?

And if indeed our country has sunk so low, where are we to look for the deed, the mortgage, or other instrument of title which could pass title from the Republic of Texas, or from anyone else for that matter, to the United States? Again I ask, if there is but one deed, if that deed was prepared by the United States Congress, if that deed passed title from the admitted owner, the Republic of Texas, to the State of Texas, if the State of Texas paid the full obligation set out in the deed and never conveyed the land to anyone else, and finally, if the United States holds no evidence of title whatsoever, how, oh how, can the most callous advocate of confiscation without compensation, claim that title has actually passed to the Federal Government?

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

Mr. POAGE. I yield to the gentleman from Illinois.

Mr. VURSELL. Is it not a fact that if the Congress would take away this prop-

erty from the State of Texas we would indeed be robbing the State of Texas?

Mr. POAGE. Why, of course. The State paid for these lands just as truly as any farmer in Illinois ever paid for the land he holds, and the State holds a title deed written by the Congress of the United States and executed by the President of this country under the laws of this Congress.

Mr. LATHAM. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. WERDEL].

Mr. WERDEL. Mr. Speaker, I take this time because I was very much interested in the remarks of the gentleman from Texas who just preceded me. We, too, in California, do not like claim jumpers. In California we have many people that came from the old Republic of Texas, and they have not changed their political alinement in expressing themselves about claim jumpers.

I would point out to the gentleman from Texas, though, when he talks about the great republic of Texas, that we in this Republic have a two-party system of government. That by its very nature it requires that the party out of power draw the issues on election day, so that the people may relegate the party in power to the position of loyal opposition.

It is the party out of power in our great Republic that represents the only vehicle by which our people can remove the decayed footings of our pillars of state and replace with sound material. Like the wagon wheels that carried our covered wagons west and spread the Republic that the gentleman from Texas is now representing—like the vehicle that took our Republic west—so also it is the party out of power, the Republican Party today and its machinery, that represents the only vehicle by which free Americans can carry the taxers, the spenders, the fixers, the usurpers of power, the claim jumpers, the entrenched subversives, the undereducated intellectuals, and the demagogues in statesmen's dress, to the railroad station in Washington, and replace them with Americans of the caliber and ability of the gentleman from Texas [Mr. POAGE].

The gentleman from Texas has expressed the sentiments of us in California in great detail about the usurping of the water rights of the land owners and other rights, including oil. I only hope the gentleman will find it within his power to join with us and use that vehicle that can give us back Americanism for the people of California and the people of Texas.

Mr. LATHAM. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. HOFFMAN].

Mr. HOFFMAN of Michigan. Mr. Speaker, some of my colleagues have been telling me that the days of a Webster, a Clay, a Calhoun, a Hiram Johnson, a Borah, and other great orators of the past are gone; that no longer do we hear eloquent, scholarly statement debate from the well of the House. After listening to the gentleman from Texas [Mr. POAGE], who just addressed the House, I know that those people who so contend are completely mistaken. In clear, concise, logical, convincing statements of fact, the gentleman from Texas

presented the case for the State of Texas on the tidelands issue. He deserves the thanks of the House.

The SPEAKER pro tempore. The gentleman from Michigan is recognized for the remainder of his time.

Mr. HOFFMAN of Michigan. I yield back the balance of my time.

Mr. LYLE. Mr. Speaker, I yield 5 minutes to the gentleman from Tennessee [Mr. PRIEST].

Mr. PRIEST. Mr. Speaker, I ask unanimous consent to proceed somewhat out of order.

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

There was no objection.

Mr. PRIEST. Mr. Speaker, I listened to the distinguished gentleman from California [Mr. WERDEL] in his analysis of a situation, which he contends confronts the American people at this particular time. I was rather interested, knowing that he is a student of government and of political matters, to note that he referred to the Republican Party as the party of opposition. As I understand the situation, in a democracy or a government under a constitution such as we have, there is a majority party and a minority party. Under the parliamentary system, as I understand it, there is a government party and an opposition party, sometimes referred to as the loyal opposition.

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

Mr. PRIEST. I yield.

Mr. PRICE. Perhaps the gentleman from California refers to the Republican Party as the party of opposition advisedly since he has just come through a primary campaign where his views out there were repudiated by his own party.

Mr. PRIEST. Well, the gentleman from Illinois has at least reached a subject which I had in mind, not with reference to the gentleman from California, because I have no desire, as he knows, to enter into any personal controversy with him, but simply to emphasize a point already emphasized by the gentleman from Illinois. Perhaps the gentleman from California did use words that more properly describe the minority party, as we refer to it here in the House, and that it has been for some years an opposition party.

Granting, of course, that everybody has the right to his own viewpoint; there have been times when I thought the opposition was somewhat blind opposition.

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

Mr. PRIEST. I yield.

Mr. HOFFMAN of Michigan. Does the gentleman disagree with Senator KEFAUVER that we should oppose sin?

Mr. PRIEST. I believe we should oppose sin.

Mr. HOFFMAN of Michigan. We have been doing that.

Mr. PRIEST. Mr. Speaker, I do not desire to delay the proceedings of this legislation on this question, which has somewhat of a political tinge, and which has come before the House. It is inevitable that, day after day, as we approach the

question which he is asking me. I yield only for a question, because I do not wish to lose the floor.

Mr. CHAVEZ. No; the Senator from Michigan will not lose the floor, for I wish to ask him a question. New Mexico is not directly affected by the St. Lawrence seaway project, but will not the project as a whole be beneficial to the entire Nation?

Mr. MOODY. Of course it will be; that is precisely the point I have been trying to make today.

Mr. CHAVEZ. Very well. Suppose we assume that Canada will build the seaway alone—and in my opinion, Canada will build it alone, if we do not cooperate with her—

Mr. MOODY. Certainly, Canada has said that she would build it.

Mr. CHAVEZ. Very well; and she should build it alone if we do not cooperate with her.

Mr. MOODY. I agree.

Mr. CHAVEZ. Very well. If that condition were to develop, would not the shippers of wheat from Montana and from Nebraska and from the Dakotas and the shippers of cheese from Wisconsin have to pay tribute to Canada alone?

Mr. MOODY. Of course; and in that case Canada could charge any tolls she wished to charge, and perhaps would charge tolls so high that the cost of building the canal would be paid three times over.

Mr. President, I conclude by saying again that it seems to me the universality of judgment regarding this project to build the St. Lawrence Canal and power project, the universality of the judgment among men who obviously have studied the matter carefully without any interest except the national interest, is so great that the Senate of the United States should take judicial notice of that fact. It has been stated here today that the railroads and certain other groups are now opposing this project, which, of course, is their right. But if Senators will study the record on this question, particularly if they will keep in mind the fact that they are not being asked to vote for an expenditure of money, but merely to clear the way for a development for which the entire north-eastern section has been waiting for 25 or more years, a development which is now declared to be urgent and vitally necessary by our chief authorities on national defense—if they will study these facts, I believe Senators will vote to approve this project.

During the delivery of Mr. Moody's speech,

Mr. HOLLAND. Mr. President, will the Senator from Michigan yield for an insertion in the RECORD?

Mr. MOODY. Mr. President, I shall be very glad to yield to the Senator from Florida provided that I do not lose the floor and that his remarks will be printed at the conclusion of my address.

The PRESIDING OFFICER (Mr. JOHNSON of Texas in the chair). Without objection, it is so ordered.

Mr. HOLLAND. Mr. President, several days ago the distinguished junior Senator from Oregon placed in the RECORD an editorial from the Washington Post

of last Tuesday, entitled "Tidelands Veto." I believe the Senator from Oregon stated that the editorial was what he regarded as an "unanswerable" statement of the case for those who oppose the position of the States and oppose the bill, generally spoken of as the Holland bill, which was passed recently by substantial majorities in both Houses of Congress and later vetoed by the President.

Mr. President, in the Washington Post of this morning, in the Letters to the Editor section, there appears an answer to the editorial which I have mentioned. I ask unanimous consent that the answer, which was written by me, may be incorporated in the RECORD at this point as a part of my remarks.

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

TIDELANDS VETO

I was surprised to note the inaccuracies included in your editorial of June 10 entitled "Tidelands Veto" which deals with the so-called tidelands controversy. Of course you are entitled to express your opinions editorially, but I seriously question your right to misstate to your readers the facts concerning the contents of the bill which bears my name and has been recently passed by substantial majorities of both Houses of Congress, and later vetoed by President Truman.

You say "the very title of the so-called tidelands oil bill is a fraud." You quote the title of the bill to show that it purports to relate "to lands beneath navigable waters within State boundaries." You base your charge of fraud upon further statements that "But the resolution adopted by Congress, and vetoed a fortnight ago by the President, has nothing to do, in point of fact, with lands within State boundaries. It has nothing whatever to do with inland waters or with tidelands—a term which is properly applied only to the narrow strip of land lying between high tide and low tide. It deals, rather, with land lying seaward of the tidelands, beyond the inland waters and wholly outside the State boundaries."

If you will read the bill you will discover that the above statements are completely incorrect, as the so-called Holland bill deals entirely with lands lying wholly within State boundaries and which fall within three classifications: (1) lands lying between the low-water mark and the constitutional limits of the States, generally 3 miles out, (2) lands under ordinary inland waters within all the States, including the technical tidelands between high-water mark and low-water mark, and (3) lands beneath the Great Lakes and extending from the shores to the State boundaries which in many cases are international boundaries with Canada.

And so your statement that the vetoed act has nothing to do in point of fact with lands within State boundaries is wholly wrong, as each of the three classes of lands covered by the act does lie and is included entirely within recognized and unquestioned State boundaries, and the act does not cover a single square foot of area lying outside of State boundaries.

As to the first class of submerged lands covered by the act, those lying between the low-water mark and the constitutional boundaries of the maritime States, the principal controversy involved in this whole question deals with the ownership or proprietary rights of the various assets contained in that narrow coastal belt.

The maritime States claim these assets which they had enjoyed without question for 150 years after the founding of our Nation,

whereas the advocates of Federal ownership claim these assets under the decisions of the Supreme Court in the California, Louisiana, and Texas cases, declaring that the Federal Government has "paramount right" in these assets.

The assets which are in question are not only the oil and gas which has been found in a few places and which does have a substantial value temporarily—that is, until it has been produced and used—but also the permanent values which apply to all portions of the coastal belt and which will continue to be invaluable to the coastal States over the entire period of their existence.

I refer to such values as the taking of fish, shrimp, oysters, sponges, kelp, and other forms of life, the use of sand, gravel, and shells, the use of outlets for sewage and industrial waste, the building of piers, bulkheads, and groins, the filling of submerged lands, and the building of multi-million-dollar developed values thereon, both public and private.

As to all of this part of the subject, I remind you that all of these values, quit-claimed to the States by the bill, exist within the recognized constitutional boundaries of the maritime States, and the major question in controversy is the ownership and control of these values and not the validity of the State constitutional boundaries.

The fact that this area is contained within the States has been recognized by numerous court decisions, as, for instance, in the determination of jurisdiction in criminal cases and in the upholding of State police and regulatory laws. Your error in this matter is based on the fact that you have confused the property question with questions of recognized legal boundaries and legal jurisdiction.

As to the other two classes of submerged lands covered by our bill, that is lands under inland waters and lands under the Great Lakes, there can again be no possible challenge of the fact that they lie wholly within the boundaries of the States and not wholly outside State boundaries as you so incorrectly state.

In your editorial you say that the interior States of the Union have nothing to gain and everything to lose from quitclaim legislation. This is only a statement of your own opinion in which you differ entirely from many conscientious public officials, including nearly all of the Governors and nearly all of the attorneys general of the various States, and likewise including many of the Representatives and Senators who come from inland or Great Lakes States. The American Bar Association feels so strongly on this point that it has expressed itself in no uncertain terms to Congress as feeling that the law regarding State ownership of submerged lands beneath inland navigable waters is threatened by the California decision.

Are you aware of the fact that the Federal attorneys in their brief filed with the Supreme Court in the original California case stated that the Supreme Court ruling that States owned inland submerged lands was unsound, wrong, a legal fiction, erroneous, and a fallacy?

Do you know that the Supreme Court itself in its majority decision in the California case held that the States had only a qualified ownership to these inland submerged lands?

Do you know that as to the submerged lands in the Great Lakes, Solicitor General Perlman in his testimony at the Senate hearing called attention to the fact that the case of the submerged lands under the Great Lakes is different from that of other ordinary inland waters because of the involvement of international boundaries?

These facts which I have cited and others are of such importance that the representatives of inland States have every right to be deeply concerned and to be unwilling to

content themselves with reliance upon the easy assurances of President Truman to the effect that he regards legislation quitclaiming submerged lands beneath inland waters and beneath the Great Lakes as wholly unnecessary.

SPESARD L. HOLLAND,
United States Senator from Florida.

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

Mr. HOLLAND. I shall yield when I conclude.

Mr. MORSE. I wondered whether the Senator from Florida—

Mr. HOLLAND. I shall be glad to yield when I conclude. I refuse to yield at this time.

Mr. MORSE. I wondered—

Mr. HOLLAND. I refuse to yield at this time, Mr. President.

The PRESIDING OFFICER. The Senator from Florida declines to yield.

Mr. HOLLAND. Mr. President, the Washington Post published this morning in connection with my own answer, a second editorial, which bears the same title, namely, "Tidelands Veto." I ask unanimous consent to have that editorial printed at this point in the RECORD, as a part of my remarks.

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

TIDELANDS VETO

Senator HOLLAND's letter, appearing elsewhere on this page today, exposes an inaccuracy in our editorial of Tuesday on the President's tidelands oil veto. We said that the congressional resolution vetoed by the President had nothing to do, in fact, with lands within State boundaries. The Senator is correct in attributing our error in this matter to the fact that we have confused the property question with questions of recognized legal boundaries and legal jurisdiction.

The term "boundary" refers properly to a limit of political jurisdiction; and the political jurisdiction of the coastal States extends, as Senator HOLLAND says, 3 miles out to sea—save, of course, in the case of Texas, which makes special claims, often justifiably, about almost everything. We confused the political limits with the limits of ownership as fixed by the Supreme Court. We regret the inaccuracy, even though it seems to us a somewhat legalistic one—and the more so since it contributes, if this be possible, another iota of confusion to a controversy already almost hopelessly obfuscated.

We continue to adhere firmly, however, to the view that the principal confusion stems from proponents of quitclaim legislation who persist in lumping together, as though they were indistinguishable, "inland waters," "tidelands" and the "marginal sea." "Inland waters" are lakes, rivers, bays, and the like, as distinguished from the open ocean. "Tidelands" is the term applied to the strip of submerged land lying between the ocean's high-tide and low-tide marks. The "marginal sea" refers to the open ocean seaward of the low-tide mark to the 3-mile limit within which the States exercise political jurisdiction but over which national dominion is recognized under international law. There is no ownership of this area.

The distinction among these is the essence of the controversy. Indeed, there is no controversy about "tidelands" and "inland waters." The Supreme Court has made it indisputably plain in a long line of decisions, respected and repeated in the recent cases, that these belong to the States. Moreover, the Solicitor General and the Attorney General and the Secretary of the Interior and even the President have declared repeatedly that the Federal Government makes no claim whatever to these areas. And finally, legis-

lation formally renouncing any possible Federal interest there has been offered in Congress—with an explicit pledge by the President to approve it.

It is possible for Congress to "confirm" State titles to the "tidelands" and "inland waters" because the States have long had these titles. But it is impossible for Congress to "confirm" State titles to the marginal sea because the States, as the Supreme Court declared, have never owned the marginal sea. This is the core of the controversy. The significant part of Senator HOLLAND's bill—the only part of it respecting which there is any dispute—would give to the coastal States land which the Supreme Court says does not belong to them, and over which the United States has dominion as an attribute of its national sovereignty. We think a President of the United States could do no less than veto such a bill. We think a Congress of the United States can do no less than sustain him.

Mr. HOLLAND. Mr. President, it will be seen that the best answer to the original editorial, just mentioned, appears in the admission of error contained in the editorial of this morning, as stated by the able editorialist of the Washington Post, and in his statement of his regret at having been led into his earlier error.

Mr. President, the editorialist makes an additional error this morning when he repeats his earlier statement that there is "no controversy about tidelands and inland waters."

At this time I ask unanimous consent to have printed at this point in the RECORD, as a part of my remarks, two excerpts from the 1951 committee reprint of the report of the Committee on the Judiciary on Senate bill 1988, Eightieth Congress, second session. The first excerpt is from pages 13 and 14 of the report, under the title "Uncertainty as to title of inland States to navigable waters within their boundaries."

I ask unanimous consent that the entire paragraph, beginning near the end of page 13 and ending at the middle of page 14, be printed at this point in the RECORD as a part of my remarks.

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

[From committee reprint of report of the Senate Committee on the Judiciary (S. Rept. No. 1592, 80th Cong., 2d sess.) on Senate bill 1988, a bill to confirm and establish the titles of the States to lands and resources in and beneath navigable waters within State boundaries and to provide for the use and control of said lands and resources; 82d Cong., 1st sess., 1951]

UNCERTAINTY AS TO TITLE OF INLAND STATES TO NAVIGABLE WATERS WITHIN THEIR BOUNDARIES

State officials from every inland State in the Union, except three, testified or submitted statements that in their opinion the decision had clouded the long-asserted titles of the inland States to lands and natural resources below navigable waters within the boundaries of the inland States. Judge Manley O. Hudson, professor of international law at Harvard for the past 25 years and former member of the World Court at The Hague, testified:

"Was the rule as to State ownership of the beds of navigable inland waters transplanted to the marginal sea? Or was not the rule as to ownership of the marginal sea transplanted to the navigable water of the bays and rivers? I think even a casual reading of the judicial pronouncements will show it was the latter. In the English case of the Royal

Fishery of the River Banne, decided in 1610 (80 Eng. Rep. 540), it was said:

"The reason for which the King hath an interest in such navigable river, so high as the sea flows and ebbs in it, is, because such river participates of the nature of the sea, and is said to be a branch of the sea so far as it flows."

"To give an American interpretation to the same effect, the Supreme Court said in *Barney v. Keokuk* (94 U. S. 324) that the principles applicable to tidewaters 'are equally applicable to all navigable waters.' There is the progression. The original planting was in the marginal sea; the transplanting was in other navigable waters. Not from the inland waters to the marginal sea, but from the marginal sea and tidewaters to navigable waters inland."

The rationale of the so-called inland water rule was vigorously attacked by the Attorney General of the United States in the California case. Although he did not ask that it be overruled, he did state that "the tidelands and inland waters rule is believed to be erroneous."

The Supreme Court has as much power to overrule its prior decisions laying down the inland-water rule as it had power to change its belief regarding ownership of the marginal belt within the boundaries of the States; and it may well do so in view of its holding in the California case, unless Congress acts to establish the law for the future. There was testimony expressing the view that the Federal Government now had the right to take oil, gas, oysters, and other resources from under navigable inland waters, without compensation.

Mr. HOLLAND. Mr. President, in connection with the excerpt to which I have just referred I wish to call attention to one portion only, which shows how greatly in error is the editorial of the Washington Post in the statement that there is no controversy about inland waters. I now read from the committee reprint of the report, on page 13:

State officials from every inland State in the Union, except three, testified or submitted statements that in their opinion the decision had clouded the long-asserted titles of the inland States to lands and natural resources below navigable waters within the boundaries of the inland States.

The rest of the excerpt, which I have already requested to have printed in the RECORD, adds even further strength to the statement that before the Senate committee the strongest kind of showing was made to the effect that the titles of the States to the submerged lands below their inland waters were seriously jeopardized by the decision of the United States Supreme Court in the California case.

The second excerpt from the report which I desire to have printed at this point in the RECORD, as part of my remarks, appears on page 19. I now read it into the RECORD:

Representatives of the Federal Government have implied that the so-called gift will result to the detriment of inland States. If any great wrong were being done the inland States by S. 1988, the States being harmed would have protested its enactment. Not one State official appeared before the committee to oppose it. The governors, attorneys general, or other State officials of a total of 45 States have vigorously urged its enactment.

Mr. President, I may say that Senate bill 1988, of the Eightieth Congress, was practically identical with the so-called Holland bill, which recently has been vetoed by the Chief Executive.

I now yield to the Senator from Oregon [Mr. MORSE], if I may do so, although I do not have the floor.

Mr. MOODY. Mr. President, I shall be glad to yield for that purpose, provided I do not lose the floor.

The PRESIDING OFFICER. Without objection, the Senator from Michigan may yield to the Senator from Oregon, to permit him to ask a question of the Senator from Florida [Mr. HOLLAND], with the understanding that in doing so the Senator from Michigan will continue to hold the floor.

Mr. MOODY. Mr. President, let me inquire how long the colloquy will take.

Mr. MORSE. Mr. President, I was seeking to have the Senator from Florida yield to me before he inserted the editorial in the RECORD, because I was merely endeavoring to extend to him the courtesy which I always try to extend to opposing counsel, namely, to insert the editorial or article for him. I am sorry that I was unable to do so.

Mr. HOLLAND. I thank the Senator from Oregon, and I appreciate his courtesy. I regret that I did not understand what he had in mind.

DEVELOPMENT OF OIL AND GAS RESERVES OF CONTINENTAL SHELF—AMENDMENT RELATING TO OIL FOR EDUCATION

During the delivery of Mr. Moody's speech,

Mr. HILL. Mr. President, I ask unanimous consent that at this time I may be permitted to submit an amendment and to make a brief statement regarding it.

Mr. MOODY. Mr. President, I have virtually concluded my remarks. I have yielded to some of my friends who wished to comment. I shall be glad to yield to the Senator from Alabama for the purpose he requests, if that will be satisfactory to the Chair.

The PRESIDING OFFICER. Without objection, the Senator from Michigan will be allowed to yield to the Senator from Alabama, for the purpose requested by the Senator from Alabama.

Mr. KEM. Mr. President, reserving the right to object, let me say that several other Senators wish to speak this afternoon. It seems to me that the Senator from Michigan has parceled out a great deal of the time. He has been on the floor for approximately 2½ hours and he has yielded to Senator after Senator.

I believe that in fairness to other Senators who wish to speak before the close of the day the Senator from Michigan should be permitted to conclude his remarks.

The PRESIDING OFFICER. The Chair will state that, unless unanimous consent is given, the Senator from Michigan is not allowed to yield to another Senator, except for the purpose of asking a question.

Mr. HILL. Mr. President—

The PRESIDING OFFICER. Is there objection to the request which has been made by the Senator from Alabama?

Mr. MOODY. Mr. President—

The PRESIDING OFFICER. The Chair hears none, and the Senator from

Michigan may yield at this time to the Senator from Alabama.

Mr. MOODY. I yield to the Senator from Alabama.

Mr. HILL. Mr. President, on behalf of the Senator from Illinois [Mr. DOUGLAS], the Senator from Oregon [Mr. MORSE], the Senator from Connecticut [Mr. BENTON], the Senator from New Hampshire [Mr. TOBEY], the junior Senator from West Virginia [Mr. NEELY], my colleague, the junior Senator from Alabama [Mr. SPARKMAN], the Senator from Tennessee [Mr. KEFAUVER], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Missouri [Mr. KENNINGS], the Senator from New York [Mr. LEHMAN], the Senator from Montana [Mr. MURRAY], the Senator from Iowa [Mr. GILLETTE], the Senator from North Dakota [Mr. LANGER], the Senator from Vermont [Mr. AIKEN], the Senator from Michigan [Mr. Moody], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from South Dakota [Mr. CASE], the senior Senator from West Virginia [Mr. KILGORE], the Senator from Nebraska [Mr. SEATON], the Senator from Rhode Island [Mr. GREEN], the Senator from Washington [Mr. MAGNUSON], and myself, I submit an amendment intended to be proposed by us, jointly, to section 5 of the bill (S. 3306) to provide for the development of the oil and gas reserves of the Continental Shelf adjacent to the shores of the United States, to protect certain equities therein, to confirm the titles of the several States to lands underlying inland navigable waters within State boundaries, and for other purposes.

I ask unanimous consent to make a brief statement in connection with the amendment.

The PRESIDING OFFICER. The amendment will be received and printed, and will be referred to the Committee on Interior and Insular Affairs; and, without objection, the Senator from Alabama may proceed.

Mr. HILL. Mr. President, as Senators know, the principal purposes of S. 3306 are to provide for the development of the oil and gas reserves of the Continental Shelf adjacent to the shores of the United States, to protect certain equities therein, and to confirm the titles of the several States to lands underlying inland navigable waters within State boundaries.

In introducing S. 3306 on Monday for himself and the Senator from New Mexico [Mr. ANDERSON], and the Senator from Wyoming [Mr. O'MAHONEY], the distinguished chairman of the Senate Committee on Interior and Insular Affairs stated that the bill was the same as reported by the Interior Committee and perfected on the floor of the Senate before the Holland bill was substituted for it.

He stated that he expected the veto of the President to be sustained—and I and the other cosponsors of the amendment which I have just submitted agree with him. That being the case, the Senator from Wyoming said that he and the Senator from New Mexico would like to have Congress immediately enact the so-called interim legislation.

The amendment we submit is the amendment previously offered to Senate Joint Resolution 20. Its provisions are simple:

First. The money from this oil, this great natural resource of the Nation, is to be dedicated now for the long-range needs of the education of the Nation's children—all its children—and placed in a special account in the Treasury of the United States.

During the present critical period, the funds may be used for national defense purposes. They shall be employed only for urgent developments to be specifically determined by the Congress. Thereafter, this special account shall be devoted exclusively to our children's education as grants-in-aid of primary, secondary, and higher education.

Second. Every State or political subdivision which has issued any mineral leases or grants covering submerged lands of the Continental Shelf, and every grantee of such State or political subdivision shall file with the Attorney General of the United States by December 31, 1952, a statement of the money or other things of value received by such State, political subdivision, or grantee thereof from such leases or grants. The Attorney General shall submit those statements to the Congress not later than February 1, 1953. The object of this provision is to find out what benefit particular States have already had from this property which belongs to all the people. These two points are the essence of the amendment.

The amendment does not in any way change or affect the provision in the bill, which reads as follows:

Thirty-seven and one-half percent of all moneys received as bonus payments, rents, royalties, and other sums payable with respect to operations in submerged coastal lands lying within the seaward boundary of any State shall be paid by the Secretary of the Treasury to such State within 90 days after the expiration of each fiscal year.

This is a generous grant to the oil States, and the President in his veto message indicated his approval of it.

The oil-for-education amendment was first submitted in the Senate just about this time last year, on June 7, with only 11 sponsors. The extent to which the amendment continued to gain support both in and out of Congress is indicated by the fact that the list of Senate sponsors had increased to 19 by April 2, when it was tabled by the close vote of 36 to 47. Senators will observe that a switch of six votes would have defeated the motion to table.

The number of sponsors of the amendment has now increased to 23.

The heavy mail that I and other cosponsors of the oil-for-education amendment are receiving shows how widespread and acute is public concern over the serious problems confronting American education today. The concern is also shown in the widespread editorial commendation of the amendment that has appeared in daily newspapers in every section of the country, including such well-known journals as the New York Times, Christian Science Monitor, the Washington Post, the Atlanta Journal, the

by policies of such governments which require or influence the forwarding of such shipments on vessels of national flag.

3. Preferential berthing facilities for ships of national flag.

4. Reduced port charges and consular and documentation fees for national ships and for cargo moving over national ships.

In this report the committee shall not endeavor to specify all such flag discriminations, but, rather, to call to the Congress' attention the nature, extent, and damaging effect of such upon American shipping in the foreign trades.

In its efforts to bring about an alleviation of this situation, shipping companies filed with the United States Maritime Commission in September 1949 and furnished copies thereof to the Department of State, petitions reciting the unfair trade practices complained of, thoroughly documenting the facts, and asking for relief under section 26 of the Shipping Act of 1916, and any other applicable statutes with respect to Argentina, Brazil, and Ecuador. These petitions are quite complete and, to some extent, voluminous.

The Maritime Administration and the Department of State have been most sympathetic concerning this inequitable treatment of American shipping, and have, within the limitations imposed by negotiation between sovereign governments, and the diplomatic channels through which these must pass, endeavored to bring about their elimination, as well as other discriminatory practices which have developed in other countries. In some instances these efforts have met with some success. In some trades, the difficulties have, to a substantial degree, been overcome. Inasmuch as these accomplishments have been effected—even though they relate in most instances, to offenses of a less damaging character—there appears justification for the belief that, in an atmosphere of fair play and cooperation, corrective measures can be effected. The committee is sorry to say that certain other countries have not demonstrated this attitude.

In the case of Argentina, some of the flag discriminatory practices indulged in which are the most damaging in character to American flag shipping are as follows:

1. By state decree, all Argentine imports and exports for governmental dependencies are required to be carried in Argentine ships. This includes all governmental and quasi-governmental agencies. Due to the character of the state organization, a very large majority of the foreign trade of Argentina comes within this category. Nonnational ships are thus deprived of the opportunity of competing for a substantial portion of the foreign trade of this country, which is automatically routed on state-owned ships when available.

2. Residents of Argentina are required to secure United States dollars from the Argentine Central Bank to purchase goods in the United States, and to prepay south-bound freight charges in dollars. The significant fact that such goods are, almost without exception, shipped in Argentine vessels, brings the inescapable conclusion that there is a tacit arrangement which permits the obtaining of such funds on a preferential, if not exclusive, basis for Argentine ships.

3. In Buenos Aires, all of the docks and wharves are Government-owned and the right of assignment for exclusive use of particular docks by American and other nonnational operators has been consistently denied, although granted to Argentine state line vessels. Being unable to obtain the use of any of the more modern wharves and docks, and having to move from wharf to wharf on successive voyages, a condition unfavorable to the receipt and delivery of cargo and disadvantageous to the shipper and consignee is created, which further emphasizes the competitive disadvantage to the nonnational ships.

4. Preferential and discriminatory advantages are given Argentine vessels in the matter of life and health dues; entrance dues; permanency and wharfage dues; and pilotage. Complete exemption to Argentine vessels is granted in the case of manifest charges, bills-of-lading fees, consular invoice fees; buoy dues and stamp taxes.

In the case of Brazil, the following is a brief description of some of the discriminatory practices which have damaging effect upon American shipping in Brazilian ports and in competing for trade between Brazil and the United States.

1. Under Decree Law No. 347 of March 23, 1938, ships of the Lloyd Brasileiro, a state-owned steamship operation, were exempted from a previous decree which said that all those who utilize the installations of Brazilian ports will receive nonpreferential treatment. Thereafter vessels of this line are given priority in berthing facilities, and may dock promptly to discharge and load cargo while ships of nonnational flag have had to wait up to 40 days in the ports of Rio de Janeiro and Santos. During the period when these vessels are so anchored, as many as six to eight Brazilian vessels enter the port and dock ahead of the vessels awaiting berth. As of March 1952, it is reported in the press as not unusual for a ship to wait 30 days, or more, for docking facilities, and 27 such nonnational ships were anchored at Rio awaiting berth.

While this decree law has been suspended for short periods from time to time, it is presently in effect and American and other nonnational vessels are suffering serious delays, great expense, and are rendered noncompetitive in cargo deliveries.

2. Consular fees applicable to shipments to Brazil are payable by the shipper. On shipments forwarded by vessels of Lloyd Brasileiro, the charge is only one-half of the regular fees applicable to shipments on nonnational vessels. This charge, assessed against the shipper, places a nonnational vessel at a serious competitive disadvantage.

The Brazilian consulate is also required to certify manifests and other shipping documents for cargoes destined to Brazilian ports. The fees for such charges are reduced by 50 percent for service to ships of Lloyd Brasileiro at European, North and South American ports.

3. Brazil requires foreign vessels to pay lighthouse dues not imposed upon national vessels, and to pay considerably higher pilot charges. This discount amounts to 40 percent in the Port of Santos and 30 percent in the Port of Rio.

4. Other privileges granted to state-owned ships, but denied to nonnationals, relate to dues and taxes on property and services; complete exemption from consular charges on manifests of vessels in ballast; governmental privileges for telegrams and postal charges; exemption from paying stamp tax on ships' manifests, and on bills of lading for cargo shipped by the government when transported on vessels of the Lloyd Brasileiro line.

5. Brazil imposes a special stamp tax on the freight revenue declared on the ship's manifest on all nonnational vessels departing from Brazilian ports which amounts to approximately one-half of 1 percent.

In the case of Ecuador, some of the flag discriminatory practices which are the most damaging in character to American flag shipping are as follows:

Legalization of consular invoices is charged at a fee of 7 percent of the f. o. b. value of the merchandise when transported on nonnational ships but only one-half thereof when shipped on Ecuadorian vessels.

To accentuate this discrimination, a further decree was issued on November 23, 1946, extending this discount to vessels of a shipping company created jointly by the governments of Venezuela, Colombia, and

Ecuador and operating under the flags of all three countries; but denying this privilege to any other nonnational vessel.

In the case of Canada, there is one practice which, while relatively minor in a dollar and cent basis, is obviously discriminatory in character. Under section 338 of the Canadian Shipping Act of 1934, pilotage dues are not payable unless a pilot is actually employed by any vessel registered in any part of His Majesty's Dominions operating in the same service as certain American flag shipping lines on the Pacific Coast. Vessels of other than British Dominion registry are, however, required to pay pilotage dues whether or not they utilize the services of such pilots. Such a distinction is obviously discriminatory in favor of the dominion registry and against nonnational ships while operating in British Columbia waters.

The Philippine Government imposes a 17-percent tax on the conversion of pesos into United States dollars. This tax is imposed on all revenues accruing to American shipping companies in the Philippines when such are converted into United States dollars for remittance to the United States. While the act authorizing the imposition of this tax is applicable to all such foreign exchange conversions, the committee is informed by the American lines in the trade that it is not being enforced against Philippine flag operators. Therefore this constitutes an unfair trade practice and a flag discrimination against competing American lines.

Difficulties have been experienced in many European countries. The most important and damaging of these have resulted from currency restrictions, regulations or controls, the effect of which are to make it advantageous to ship upon vessels of national flag. While these have been explained by these countries as a necessity for financial stability, there is strong reason to believe that there are motives of nationalism, support of their own merchant marine, and a profit motive involved.

BILLS AND JOINT RESOLUTION INTRODUCED

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

By Mr. JOHNSON of Colorado (by request):

S. 3338. A bill to authorize the construction of a ships' base for the Coast and Geodetic Survey, Department of Commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. MARTIN:

S. 3339. A bill for the relief of Emmanouil Nomikos; to the Committee on the Judiciary.

By Mr. TAFT:

S. 3340. A bill for the relief of Yun Pun Ro; to the Committee on the Judiciary.

By Mr. BUTLER of Nebraska:

S. 3341. A bill to provide for the use, control, exploration, development, and conservation of certain resources of the submerged lands of the Continental Shelf lying outside traditional State boundaries; to the Committee on Interior and Insular Affairs.

By Mr. BENTON:

C. 3342. A bill to authorize certain beach erosion control of the shoreline of the State of Connecticut from the Hammonasset River to the East River; to the Committee on Public Works.

By Mr. MAGNUSON:

S. J. Res. 166. Joint resolution to extend the time for use of construction reserve funds established under section 511 of the Merchant Marine Act, 1936, as amended; to the Committee on Interstate and Foreign Commerce.

(See the remarks of Mr. Magnuson when he introduced the above joint resolution, which appear under a separate heading.)

S. 779. An act for the relief of Ziemowit Z. Karpinski;

S. 1032. An act to authorize each of the States of North Dakota, South Dakota, and Washington to pool moneys derived from lands granted to it for public schools and various State institutions;

S. 1360. An act to confer jurisdiction on the Court of Claims to hear, determine, adjudicate, and render judgment on the claim of John J. Snoke;

S. 1363. An act for the relief of Ceasar J. (Raum) Syquia;

S. 1527. An act for the relief of Sisters Dolores Illa Martori, Maria Josefa Dalmau Vallve, and Ramona Cabarrocas Canals;

S. 1555. An act for the relief of Rosarina Garofalo;

S. 1566. An act for the relief of Constantin Alexandr Solomonides;

S. 1637. An act for the relief of Doreen Iris Neal;

S. 1676. An act for the relief of Helen Sadako Yamamoto;

S. 1681. An act for the relief of Sister Maria Seidl and Sister Anna Ambrus;

S. 1715. An act for the relief of Else Neubert and her two children;

S. 1776. An act for the relief of Sister Stanislaus;

S. 1843. An act for the relief of John Kintzig and Tatiana A. Kintzig;

S. 1903. An act for the relief of Toshiko Minowa;

S. 2256. An act for the relief of Col. Julia O. Flikke and Col. Florence A. Blanchfield;

S. 2552. An act to authorize the appointment of qualified women as physicians and specialists in the medical services of the Army, Navy, and Air Force;

S. 2561. An act for the relief of Susan Patricia Manchester;

S. 2566. An act for the relief of Niccolo Luisvotti;

S. 2635. An act for the relief of Mrs. Marie Y. Muelier;

S. 2696. An act conferring jurisdiction upon the Court of Claims of the United States to consider and render judgment on the claim of the Cuban-American Sugar Co. against the United States; and

S. 2706. An act for the relief of Sister Julie Schuler.

BILLS PRESENTED TO THE PRESIDENT

Mr. STANLEY, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H. R. 1114. An act for the relief of Edward Charles Cleverley;

H. R. 6787. An act to extend the Rubber Act of 1948 (Public Law 469, 80th Cong.), as amended, and for other purposes; and

H. R. 1739. An act to amend section 331 of the Public Health Service Act, as amended, concerning the care and treatment of persons afflicted with leprosy.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. WILSON of Indiana (at the request of Mr. BEAMER) indefinitely, on account of death in family.

ADJOURNMENT

Mr. EBERHARTER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 2 minutes p. m.) the House adjourned until tomorrow, Thursday, June 19, 1952, 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:

1577. A letter from the Acting Director of the Bureau of the Budget, transmitting a letter relative to a change in supplemental estimates for the fiscal year 1953 relating to the mutual-security program which were submitted on June 17, 1952, and printed as House Document No. 510. The total should be \$6,492,740,750 instead of \$6,447,730,750 (H. Doc. No. 512); to the Committee on Appropriations and ordered to be printed.

1578. A letter from the Acting Secretary of the Interior, transmitting the tenth annual report of operations for the fiscal year ended May 31, 1951, pursuant to section 13 of the Boulder Canyon Project Adjustment Act (54 Stat. 774, approved July 19, 1940); to the Committee on Interior and Insular Affairs.

REPORTS OF COMMITTEES ON PUBLIC 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. GARMATZ: Joint Committee on the Disposition of Executive Papers. House Report No. 2191. Report on the disposition of certain papers of sundry executive departments. Ordered to be printed.

Mr. DOUGHTON: Committee on Ways and Means. H. R. 5734. A bill to amend section 3268 of the Internal Revenue Code so as to exempt certain recreational facilities from the tax prescribed therein; with amendment (Rept. No. 2192). Referred to the Committee of the Whole House on the State of the Union.

Mr. LARCADE: Committee on Public Works. H. R. 6812. A bill to provide that the existing project for navigation on the Guadalupe River, Tex., be incorporated with and made a part of the project for the Gulf Intracoastal Waterway; with amendment (Rept. No. 2193). Referred to the Committee of the Whole House on the State of the Union.

Mr. RIVERS: Committee on Armed Services. H. R. 1222. A bill to amend the Army and Air Force Vitalization and Retirement Equalization Act of 1948 to provide for the crediting of certain service in the Army of the United States for certain members of the Reserve components of the Air Force of the United States; without amendment (Rept. No. 2194). Referred to the Committee of the Whole House on the State of the Union.

Mr. VINSON: Committee on Armed Services. H. R. 8222. A bill to authorize the loan of certain naval patrol-type vessels to the Government of Japan; without amendment (Rept. No. 2195). Referred to the Committee of the Whole House on the State of the Union.

Mr. PRICE: Committee on Armed Services. H. R. 8177. A bill to provide for sundry administrative matters affecting the Federal Government, particularly the Army, Navy, Air Force, and State Department, and for other purposes; without amendment (Rept. No. 2196). Referred to the Committee of the Whole House on the State of the Union.

Mr. DURHAM: Committee of conference. H. R. 5990. A bill to amend the Federal Civil Defense Act of 1950 (Rept. No. 2197). Ordered to be printed.

Mr. BOGGS of Louisiana: Committee on Ways and Means. H. R. 8271. A bill to amend section 457 of the Internal Revenue Code; without amendment (Rept. No. 2198). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SIMPSON of Pennsylvania:

H. R. 8270. A bill to amend section 112 (n) of the Internal Revenue Code (relating to nonrecognition of gain from sale or exchange of residence) with respect to persons serving on active duty with the Armed Forces of the United States; to the Committee on Ways and Means.

By Mr. BOGGS of Louisiana:

H. R. 8271. A bill to amend section 457 of the Internal Revenue Code; to the Committee on Ways and Means.

By Mr. DAVIS of Georgia:

H. R. 8272. A bill to provide for the conveyance by the United States to Fulton County, a political subdivision of Georgia, of certain land in said county; to the Committee on Interstate and Foreign Commerce.

By Mr. BRYSON:

H. R. 8273. A bill to amend title 17 of the United States Code entitled "Copyrights" with respect to the day for taking action when the last day for taking such action falls on Saturday, Sunday, or a holiday; to the Committee on the Judiciary.

By Mr. BURNSIDE:

H. R. 8274. A bill to equitably adjust the salaries of auditors at central-accounting post offices; to the Committee on Post Office and Civil Service.

By Mr. HAGEN:

H. R. 8275. A bill relating to the coverage under the Federal old-age and survivors insurance system of service performed by ministers in the employ of institutions of higher learning; to the Committee on Ways and Means.

By Mr. HELLER:

H. R. 8276. A bill to amend the National Service Life Insurance Act of 1940 and the Servicemen's Indemnity Act of 1951 to provide for lump-sum payments to certain beneficiaries under those acts; to the Committee on Veterans' Affairs.

By Mr. HOWELL:

H. R. 8277. A bill to establish a Federal Committee on Migratory Labor; to the Committee on Education and Labor.

By Mr. SMITH of Mississippi:

H. R. 8278. A bill to amend the Vocational Education Act of 1946 to authorize the appropriation of additional funds to cover reductions, occurring as a result of the 1950 United States census, in Federal funds apportioned for expenditure in the States and Territories; to the Committee on Education and Labor.

By Mr. WILSON of Texas:

H. R. 8279. A bill to provide for the use, control, exploration, development, and conservation of certain resources of the submerged lands of the Continental Shelf lying outside traditional State boundaries; to the Committee on the Judiciary.

By Mrs. ROGERS of Massachusetts:

H. R. 8280. A bill to amend the Civil Service Retirement Act of May 29, 1930, as amended, to provide for the optional retirement of certain officers and employees who are disabled veterans; to the Committee on Post Office and Civil Service.

By Mr. SMITH of Kansas:

H. R. 8281. A bill to amend the National Labor Relations Act so as to provide that nothing therein shall invalidate the provisions of State laws prohibiting strikes in public utilities; to the Committee on Education and Labor.

By Mr. VAN PELT:

H. R. 8282. A bill to amend the Universal Military Training and Service Act to provide a per diem allowance for uncompensated personnel of the Selective Service System in certain cases; to the Committee on Armed Services.

International Labor Conference to oppose the ILO Convention on Social Security and similar conventions. The resolution also requests that United States delegates to the conference should not vote for conventions or recommendations which prejudice the Federal-State character of our constitutional government, are incompatible with our constitutional principles or tend to replace our competitive free enterprise system with a Government-controlled economy.

To my knowledge, the United States delegates to conferences of the ILO, and other international bodies, have never voted for any convention or treaty which would do any of the things which Senator BRICKER's concurrent resolution would forbid. All such conventions and treaties are always carefully studied from the standpoint of their effect on the Constitution and laws of the United States.

I am very much concerned and interested with respect to this resolution, not only as a United States representative to the most recent ILO conference at Geneva but also as chairman of the Senate Committee on Labor and Public Welfare, to which committee the resolution has been referred.

Since the resolution involves matters of grave concern, and contains implications of such a far-reaching character, I am sure that the committee will wish to give it careful study. Of course, unless and until the committee acts to report the resolution favorably to the Senate, it represents only the views of the distinguished junior Senator from Ohio, Senator BRICKER.

I ask unanimous consent that Senate Concurrent Resolution 83 be printed in the RECORD at this point.

There being no objection, the text of Senate Concurrent Resolution 83 was ordered to be printed in the RECORD, as follows:

Whereas the delegates appointed to represent the Government of the United States at conferences of the International Labor Organization have from time to time voted for the adoption of conventions which may prejudice the Federal-State character of our constitutional Government; and

Whereas such delegates have also voted for conventions designed to promote a collectivist state and a controlled economy in place of our system of free competitive enterprise; and

Whereas certain conventions which are supported by the United States Government delegates are inconsistent with legislation enacted by the Congress and by the several States, or are in conflict with clear legislative intent evidenced by rejection of proposals of the kind contained in such conventions; and

Whereas there is a convention to be voted on in June 1952 designed to impose binding international standards for programs affecting the purely domestic affairs of our citizens, including old-age and survivors' benefits; old-age assistance; workmen's compensation; unemployment compensation; employment services; medical care and sickness benefits; maternity benefits; and family allowances, some of which Congress has specifically provided for, some of which Congress has recognized as appropriate only for determination by individual States, and some of which Congress and State legislatures have determined

as appropriate for private rather than public action; and

Whereas this convention is prejudicial to our present voluntary social-security programs such as hospital service programs, pre-paid surgical and health insurance programs, and all other voluntary free enterprise approaches to health insurance and health services despite their effective operation and widespread acceptance by our citizens; and

Whereas Senate ratification of such convention would require Congress to abdicate vital responsibilities in the field of social security, and lead to the adoption of programs contained in the convention which would vest Government control over the personal lives and liberties of American citizens incompatible with American freedom: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

First, delegates of the United States Government to the Thirty-fifth Conference of the International Labor Organization should oppose the International Labor Organization Convention on Minimum Standards of Social Security and all other conventions or treaties of a similar character; and

Second, such delegates should not vote in favor of any proposals—whether in the form of recommendations or conventions (1) which may prejudice the Federal-State character of our constitutional Government, or (2) which are incompatible with our basic constitutional principles, or (3) which tend to replace our competitive free-enterprise system with a Government-controlled economy.

DEVELOPMENT OF OIL AND GAS RESERVES OF THE CONTINENTAL SHELF

Mr. SMATHERS. Mr. President, I ask unanimous consent to submit for appropriate reference an amendment intended to be proposed by me to Senate bill 3306, the so-called interim measure introduced by the Senator from Wyoming [Mr. O'MAHONEY].

Mr. President, I believe that the Senate will override the President's veto of the Holland bill. However, it will be close. There is a possibility that because of absentees we may not override the veto. In the event that that unhappy occurrence should result, I am today offering this amendment. One of the reasons why sufficient votes may not be obtained to override the President's veto—and there is that chance—is the very appealing nature of the amendment submitted by the Senator from Alabama [Mr. HILL] to the original interim bill introduced by the Senator from Wyoming.

Of course, Mr. President, everyone is interested in education, and that should be the case. Almost everyone recognizes that the teachers of the Nation are in a sad plight. In many instances the teachers do not receive as much pay for their services as do the garbage collectors who collect garbage in the communities in which the teachers live. It is because of this lack of funds for the educational systems within our Nation that a large percentage of teachers have left the teaching profession and have entered other fields. Each of us recognizes that this exodus of teachers from the teaching profession is dangerous and that something should be done to stop the

trend and again to make the teaching profession the honored, productive, and satisfying profession it obviously should be.

I am sure it was because so many Senators feel that way, that they were naturally attracted to the amendment submitted by the Senator from Alabama [Mr. HILL] to the original interim bill introduced by the Senator from Wyoming [Mr. O'MAHONEY]. The amendment of the Senator from Alabama provided that 62½ percent of the funds realized from the leasing of the submerged lands should go into a national education fund for the improvement of education.

The position of the Senator from Alabama is that these submerged lands do not belong to the States, but belong to the public; that they are part of the public domain; and that the proceeds from the leasing of those lands should be used by all the people of the Nation for improved education for our young people.

It has occurred to me, Mr. President, that this principle of using the proceeds from the leasing of the public domain should not be limited in its application to just a few States. It should not be restricted to the coastal States, for to take from them the land which the people of the coastal States have always believed belonged to them, and to give into the Federal education fund 62½ percent of the proceeds of the leases on that land, seems to me to be discriminating against the people of the coastal States, if we do not apply the same principle to, and do not require an equal sacrifice from, the people of all the other States. If the principle of aiding education is a sound one, then the policy of contributing to the fund should be followed without regard to the geographic location of States.

Because I think the principle of contributing to an education fund is sound, and because I feel that the majority of Members of the Senate share this belief, and because I am certain that they believe it is not fair to ask only the coastal States to make this contribution, I have submitted this amendment, which provides that in the future 62½ percent of the money realized from the leasing of any "public domain" lands in any State or Territory of the United States will go into a public lands education fund.

To follow this principle of allowing all States to contribute to the "aid to education fund," as envisioned by the Senator from Alabama [Mr. HILL], we must amend the Mineral Leasing Act of 1920. That act provided that the proceeds from leases entered into by the Federal Government for the exploration and development of oil and gas and other minerals on land owned by the Federal Government should be divided by having 37½ percent returned to the State within whose boundaries the oil, gas, or other mineral was discovered 52½ percent go into the Reclamation Fund for the exclusive use of the 17 States designated as reclamation States, and the 10 percent balance go into the Fed-

eral Treasury, part to be used to cover the ordinary cost of operating the leasing under the Mineral Leasing Act.

In the fiscal year 1951, approximately \$34,343,107.19 was received by the Federal Government from leases for oil and gas exploration within the public domain located in States all over the United States. Of this amount, the States and counties which encompassed the gas and oil lands on which the leases were made, received their 37½ percent, as provided under the Mineral Leasing Act of 1920.

This amounted to nearly \$13,000,000. For the same period of time, under the provisions of the Mineral Leasing Act of 1920, the reclamation fund received from this leasing of public domain lands its 52½ percent, or approximately \$18,000,000. Under the provisions of the Mineral Leasing Act, the \$18,000,000 flowed back into the 17 States which make up the reclamation district, and those States received that money, even though some of the money was realized from leases of the public domain outside those 17 reclamation States. Under the Mineral Leasing Act it has been possible for certain Midwestern States to receive up to 90 percent of the proceeds of a lease on public domain property, and to have this money be used for the development of those States; and yet States outside the reclamation district can receive, at most, 37½ percent.

Mr. President, certainly it is not the intention of the Members of the Senate to set up a different standard of distribution of public moneys as between the States. If the proceeds from leases on public-domain lands within a coastal State are to go to a national education fund, then is it not fair to have the moneys received from leases on public-domain lands within the boundaries of the inland States also go into the same fund?

Mr. President, in order to give Senators an opportunity to vote not only on this most laudable principle of aid to education by the use of proceeds from the leases of public-domain lands, but also in favor of equal sacrifices on the part of both inland States and coastal States in behalf of this great cause, I am today submitting this amendment, so that Senators will be able to show their good faith and will be able to demonstrate a fair-minded approach to this very important legislative matter.

There being no objection, the amendments submitted by Mr. SMATHERS to the bill (S. 3306) to provide for the development of the oil and gas reserves of the Continental Shelf adjacent to the shores of the United States, to protect certain equities therein, to confirm the titles of the several States to lands underlying inland navigable waters within State boundaries, and for other purposes, were received, referred to the Committee on Interior and Insular Affairs, and ordered to be printed.

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

Mr. SMATHERS. I am happy to yield to the Senator from Louisiana.

Mr. LONG. It would seem to the junior Senator from Louisiana that, if the policy is to be pursued that all revenue coming from Federal lands should be used for the benefit of all the people, it would certainly be an unfair discrimination to use only the revenue from the submerged lands that would be taken from a few coastal States for the benefits of all the people, when other States do not have to do their share. The State of Louisiana received \$20,000,000 in the way of benefits from the submerged lands now claimed by the Federal Government. However, by way of contrast, the State of Wyoming has received \$100,000,000 of benefit from Federal lands, when no one ever doubted the Federal Government's title to the lands in that State. As the Senator well knows, if this is to be considered, there are perhaps the possibilities of producing 100 times as much in the way of minerals from interior lands as there is from submerged lands along the three coastal States, where it is believed by some that the oil may be of vast value.

Mr. SMATHERS. I thank the Senator from Louisiana. I yield the floor.

HOSPITAL CENTER IN THE DISTRICT OF COLUMBIA

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of House bill 7496, Calendar No. 1654.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to, and the Senate proceeded to consider the bill (H. R. 7496) to amend the act of August 7, 1946, providing for the establishment of a modern, adequate, and efficient hospital center in the District of Columbia, as amended, so as to extend to June 30, 1957, the period for authorization for appropriations for carrying out the purposes of the act as amended.

Mr. PASTORE. Mr. President, all the bill now before the Senate does is to extend the time for erecting the hospital center from June 30, 1952, to June 30, 1957. A similar proposal was before the Senate in 1946. The law was amended at the last session of the Congress in order to allow certain private hospitals to participate in the program.

The objective of the proposed legislation has already been passed upon by the Senate. I might say for the information of Senators that originally the bill provided an authorization of \$35,000,000 to carry out the provisions of the original legislation which was passed on August 7, 1946, providing for the establishment of a modern, adequate, and efficient hospital center in the District of Columbia.

To this date, we have been notified by the Commissioner of Public Works, that of this authorization annual appropriations totaling \$2,200,000 and a contract authorization of \$19,500,000, a total of \$21,700,000, have been made available. The legislation will expire on June 30, 1952, and the purpose of the pending bill is to extend it for an additional 5 years.

Mr. CASE. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. CASE. Is it not a fact that all the bill does is to extend the time so that the hospitals which are already at work, preparing plans and working out programs to comply with the provisions of the law which the Congress enacted a year ago, may complete their work?

Mr. PASTORE. The Senator is correct.

Mr. CASE. As hospital construction is highly technical, it takes some time for the architects to work out the plans and for the corresponding financial plans to be perfected.

Mr. PASTORE. Mr. President, I suggest that the Senator from South Carolina [Mr. JOHNSTON] had an amendment making the final date 1955 instead of 1957, and I was willing to accept his amendment, but I notice he is not on the floor of the Senate at this time so I shall offer an amendment to modify the date in the bill in order to make it June 30, 1955, instead of June 30, 1957. I think that will satisfy the Senator from South Carolina.

Mr. STENNIS. Mr. President, does this amendment satisfy the objections to the bill the Senator from South Carolina had?

Mr. PASTORE. Yes. As a matter of fact, he had two amendments, but he was willing to abandon one if I would agree to accept the shorter period of 3 years instead of the period of 5 years.

Mr. STENNIS. Does this entirely satisfy him?

Mr. PASTORE. It satisfies him, to the best of my understanding.

Mr. HOLLAND. Mr. President, the Senator from Mississippi has asked the same questions I had in mind to propound. If the Senator from Rhode Island assures the Senate that the change he has suggested takes care of the objection of the Senator from South Carolina, I have no objection to the bill.

Mr. PASTORE. I give him that assurance.

Mr. FREAR. Mr. President, will the Senator from Rhode Island yield?

Mr. PASTORE. I yield.

Mr. FREAR. The bill makes no appropriation, does it?

Mr. PASTORE. It merely extends the original authorization. No further appropriation is made, and no further authorization is provided for.

Mr. President. I move to amend the bill in the particular I have suggested.

The VICE PRESIDENT. The clerk will state the amendment.

The LEGISLATIVE CLERK. On page 1, line 7, it is proposed to strike out "1957" and insert "1955."

The amendment was agreed to.

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

The bill (H. R. 7496) was read the third time, and passed.

The title was amended so as to read: "A bill to amend the act of August 7, 1946, providing for the establishment of a modern, adequate, and efficient hospital center in the District of Columbia,

However, I point out that a placer location on the black sands on the beaches of Oregon, for example, containing chromite sands, would be subject to a placer claim location. In the same manner a mining claim might be filed on any ledge which either showed above the surface of the water or could be worked under water in this submerged or sea-bottom area.

So, Mr. President, I merely point out that propaganda with respect to these lands has been misleading in stating that it included tidelands and violated States' rights and that neither of these items are included in the Supreme Court decision.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Snader, its assistant reading clerk, announced that the House had passed, without amendment, the following bills of the Senate:

- S. 423. An act for the relief of Orazio Balasso;
- S. 732. An act for the relief of certain Basque allens;
- S. 1454. An act for the relief of Walter Koelz;
- S. 1479. An act for the relief of Adele Frattini;
- S. 1707. An act for the relief of the George B. Henly Construction Co.;
- S. 1741. An act for the relief of Samuel A. Wise;
- S. 1840. An act for the relief of Tsuneo Tanigawa, also known as David Lawrence Rogers;
- S. 1876. An act to provide for the transfer of certain lands in the State of Idaho to the Idaho Ranch for Youth, Inc.;
- S. 1988. An act for the relief of Leslie A. Connell;
- S. 2046. An act to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of Llewellyn B. Griffith for retirement as an emergency officer under the provisions of Emergency Officers Retirement Act or as a disabled officer of the Regular Army of the United States;
- S. 2147. An act for the relief of Arthur K. Prior;
- S. 2166. An act for the relief of Jo Ann Fosberg;
- S. 2212. An act for the relief of Charles Michell;
- S. 2249. An act for the relief of Bianca-maria Cori;
- S. 2277. An act for the relief of Nicholas J. and Elizabeth Miura;
- S. 2289. An act for the relief of Michiko Okuda;
- S. 2313. An act for the relief of Hsieh Ta-chuan or De Ott-Kuan;
- S. 2393. An act for the relief of the State of New Hampshire and the town of New Boston, N. H.;
- S. 2395. An act for the relief of Ioannis Dimitriou Cohillis;
- S. 2573. An act authorizing the issuance of a patent in fee to Walter Anson Pease;
- S. 2609. An act for the relief of Iwanna Pryjma and Roma Pryjma;
- S. 2733. An act for the relief of Donald Lee Ferguson, Jr.;
- S. 3032. An act for the relief of Bonnie Jean MacLean;
- S. 3132. An act for the relief of Jun Miyata;
- S. 3140. An act for the relief of Victor de la Bretoniere; and
- S. 3240. An act for the relief of Ichiro Iida.

The message also announced that the House had severally agreed to the

amendments of the Senate to the following bills of the House:

- H. R. 746. An act for the relief of Harris A. Bakken;
- H. R. 1732. An act to amend the National School Lunch Act with respect to the apportionment of funds to Hawaii, Alaska, Puerto Rico, and the Virgin Islands;
- H. R. 2470. An act granting the consent of Congress to the States of Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming to negotiate and enter into a compact for the disposition, allocation, diversion, and apportionment of the waters of the Columbia River and its tributaries, and for other purposes;
- H. R. 3653. An act for the relief of Angelina Marsiglia;
- H. R. 4163. An act for the relief of Francis C. Dennis and Marvin Spres, of Eastover, S. C.;
- H. R. 4842. An act for the relief of Joseph Manchion;
- H. R. 4932. An act for the relief of Edward J. Voltin and others;
- H. R. 5350. An act to amend further the Federal Property and Administrative Services Act of 1949, as amended, and for other purposes;
- H. R. 7331. An act for the relief of Adrienne Lutz and John Lutz; and
- H. R. 7594. An act to amend the Tariff Act of 1930 with respect to the importation of the feathers of wild birds, and for other purposes.

The message further announced that the House had severally agreed to the amendment of the Senate to the following bills of the House:

- H. R. 1095. An act for the relief of Shelby Shoe Co., of Salem, Mass.;
- H. R. 1098. An act for the relief of the estate of C. G. Allen;
- H. R. 1558. An act to authorize the sale of certain public land in Alaska to Victory Bible Camp Ground, Inc.;
- H. R. 3060. An act conferring jurisdiction upon the United States District Court for the Eastern District of Oklahoma to hear, determine, and render judgment upon the claims of the Commerce Trust Co.;
- H. R. 3494. An act to authorize the sale of certain public land in Alaska to the Catholic bishop of northern Alaska for use as a mission;
- H. R. 3527. An act for the relief of Morris Tutnauer;
- H. R. 3975. An act to amend section 1498 of title 28, United States Code, so as to permit a joint patentee to bring suit on a patent in the Court of Claims in certain cases where one or more of his copatentees is barred from doing so;
- H. R. 4180. An act for the relief of Joseph Denekar and Mrs. Mary A. Denekar;
- H. R. 4188. An act for the relief of Josephine F. Garrett;
- H. R. 5238. An act for the relief of Albert O. Holland and Bergtor Haaland; and
- H. R. 7305. An act to authorize the sale of certain land in Utah to the Bench Lake Irrigation Co., of Hurricane, Utah.

The message also announced that the House had agreed to the concurrent resolution (S. Con. Res. 81) favoring the suspension of deportation of certain aliens.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

- S. 1989. An act to designate the lake to be formed by the waters impounded by the

Chief Joseph Dam in the State of Washington as Rufus Woods Lake;

S. 2252. An act to clarify the act of August 17, 1950, providing for the conversion of national banks into and their merger and consolidation with State banks; and

S. 2605. An act to amend certain tax laws applicable to the District of Columbia.

REPORT ON SUPERVISORY SELECTION IN FEDERAL GOVERNMENT (S. REPT. NO. 2100)

Mr. JOHNSTON of South Carolina. Mr. President, from the Committee on Post Office and Civil Service, I submit, pursuant to Senate resolution 53, as amended by Senate resolutions 206 and 288, a report relating to supervisory selection in the Federal Government.

The PRESIDING OFFICER (Mr. JOHNSON of Texas in the chair). The report will be received and printed.

REPORT ON INCENTIVE AWARDS PROGRAM IN FEDERAL GOVERNMENT (S. REPT. NO. 2101)

Mr. JOHNSTON of South Carolina. Mr. President, from the Committee on Post Office and Civil Service, I submit, pursuant to Senate Resolution 53, as amended by Senate Resolutions 206 and 288, a report relating to the incentive awards program in the Federal Government.

The PRESIDING OFFICER. The report will be received and printed.

REDUCTION IN FORCE SYSTEM IN FEDERAL GOVERNMENT (S. REPT. NO. 2102)

Mr. JOHNSTON of South Carolina. Mr. President, from the Committee on Post Office and Civil Service, I submit, pursuant to Senate Resolution 53, as amended by Senate Resolutions 206 and 288, a report relating to reduction in the force system in the Federal Government.

The PRESIDING OFFICER. The report will be received and printed.

PRINTING OF REPORT ON RURAL ELECTRIFICATION ADMINISTRATION IN WYOMING

Mr. O'MAHOONEY. Mr. President, I have consulted the majority leader and the minority leader. I have a report prepared on the REA in my own State. The report comes within the rule, and therefore I ask unanimous consent that it may be printed as a Senate document.

The PRESIDING OFFICER. Without objection, it is so ordered.

OIL FOR EDUCATION—RESOLUTION OF COMMUNICATIONS WORKERS OF AMERICA, CLEVELAND, OHIO

Mr. HILL. Mr. President, I ask unanimous consent to have printed in the Record a resolution adopted by the Communications Workers of America at their annual convention at Cleveland, Ohio, June 16-21, 1952. The resolution en-

dorses the oil for education amendment which I and Senators DOUGLAS, MORSE, LANGER, BENTON, TOBEY, NEELY, SPARKMAN, KEFAUVER, CHAVEZ, HUMPHREY, HENNING, LEHMAN, MURRAY, GILLETTE, AIKEN, MOODY, FULBRIGHT, CASE, KILGORE, SEATON, GREEN and MAGNUSON are sponsoring to S. 3306.

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

OIL FOR EDUCATION

The oil resources of the marginal sea and the Continental Shelf are too great to be dealt with as a plaything or a political gain or the pawn of a financial group. Geologists in the oil industry and the geological survey of the United States Department of the Interior estimate the off-shore oil reserves of the marginal sea and the Continental Shelf at 15,000,000,000 barrels. It is estimated that at the present prices these 15,000,000,000 barrels are worth over \$40,000,000,000.

Legislation has been proposed in this Eighty-second Congress by Senator LISTER HILL which provides for the royalties from these oil resources be given to the Federal Government and used to aid education for our children in all 48 States.

The Office of Education, in releasing its annual enrollment estimates, claims that the highest enrollment of students was recorded last year. The enrollment in elementary high schools and colleges was 33,000,000. Elementary-school enrollment jumped by nearly a million last year as the wartime baby group began to become of school age. Ten thousand new elementary school teachers are required just to meet the increased enrollment this year. Expanded school enrollments in 1951-52 calls for 25,000 new class rooms. To replace obsolete facilities an additional 18,000 class rooms should be provided. Now, therefore, be it

Resolved, That CWA support wholeheartedly Senator LISTER HILL's proposal that the royalties from the off-shore oil developments be put into a special fund to finance improved education in the United States.

ADDITIONAL BILLS INTRODUCED

By unanimous consent, the following additional bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MALONE:

S. 3486. A bill to eliminate the requirement that certain preference be given with respect to the sublease of power privileges leased from the Secretary of the Interior; to the Committee on Interior and Insular Affairs.

S. 3487. A bill authorizing the construction, operation, and maintenance of a dam and incidental works in the main stream of the Colorado River at Bridge Canyon; to the Committee on Public Works.

(See the remarks of Mr. MALONE when he introduced the last above-named bills, which appear under a separate heading.)

By Mr. FREAR:

S. 3488. A bill to provide for the transfer to the States of the money in the old-age and survivors insurance trust fund, for the establishment and operation by the States of old-age insurance systems, and for the abolition of the Federal old-age and survivors insurance system; to the Committee on Finance.

RECESS

Mr. McFARLAND. Mr. President, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 7 o'clock and 26 minutes p. m.) the Senate took a recess until tomorrow, Saturday, July 5, 1952, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate July 4 (legislative day of June 27), 1952:

UNITED STATES COURT OF CUSTOMS AND PATENT APPEALS

William P. Cole, Jr., of Maryland, to be an associate judge of the United States Court of Customs and Patent Appeals, vice Joseph R. Jackson, retired.

MUNICIPAL COURT FOR THE DISTRICT OF COLUMBIA

Grace M. Stewart, of the District of Columbia, to be an associate judge of the municipal court for the District of Columbia, vice Ellen K. Raedy, deceased.

IN THE ARMY

The officers named herein for appointment in the Officers' Reserve Corps of the Army of the United States under the provisions of section 37 of the National Defense Act, as amended:

To be brigadier generals

Col. LeRoy Hagen Anderson, O239452, Infantry Reserve, Army of the United States.
Col. Hugh Barclay, O402854, Infantry Reserve, Army of the United States.
Col. Michael Joseph Galvin, O279304, Armor Reserve, Army of the United States.
Col. Hugh Stanford McLeod, O143285, Artillery Reserve, Army of the United States.
Col. Lamar Tooze, O107927, Infantry Reserve, Army of the United States.

POSTMASTER

Van Drennen Hicks to be postmaster at Oak Ridge, Tenn., vice George E. Bowling, resigned.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 4 (legislative day of June 27), 1952:

TENNESSEE VALLEY AUTHORITY

Raymond Ross Paty, of Georgia, to be a member of the Board of Directors for the term expiring May 18, 1960.

DEPARTMENT OF DEFENSE

James T. Hill, Jr., of the District of Columbia, to be Assistant Secretary of the Air Force.

UNITED STATES ATTORNEY

James William Johnson, Jr., of Nevada, to be United States attorney for the district of Nevada.

IN THE ARMY

Lt. Gen. John Reed Hodge, O7285, Army of the United States (major general, U. S. Army), to be Chief, Army Field Forces, with the rank of general.

Maj. Gen. John Taylor Lewis, O7000, United States Army, to be commanding general, Army Antiaircraft Command, with the rank of lieutenant general.

Maj. Gen. George Price Hays, O7149, United States Army, to be commanding general, United States Forces, Austria, with the rank of lieutenant general.

The following-named officers for temporary appointment in the Army of the United States to the grades indicated under the provisions of subsection 515 (c) of the Officer Personnel Act of 1947:

To be major generals

Brig. Gen. Sllas Beach Hays, O17803.
Brig. Gen. Frank Huber Partridge, O7497.
Brig. Gen. Herbert Bernard Loper, O12243.
Brig. Gen. Homer Watson Kiefer, O12701.

Brig. Gen. Edward Thomas Williams, O-12818.

Brig. Gen. Robert Leroy Dulaney, O15351.
Brig. Gen. William Nelson Gillmore, O-16196.

Brig. Gen. Joseph Pringle Cleland, O16239.

To be brigadier generals

Col. Harold Thomas Miller, O12633.
Col. Rawley Ernest Chambers, O16733.
Col. Francis Marion Day, O15614.
Col. Gordon Byrom Rogers, O15620.
Col. Aubrey Strode Newman, O16099.
Col. Thomas Morgan Watlington, O16780.
Col. John Cogswell Oakes, O17160.
Col. Legare Kligore Tarrant, O17208.
Col. Lionel Charles McGarr, O17225.
Col. Carl Ferdinand Fritzsche, O17234.
Col. Russell Lowell Vittrup, O17681.
Col. Paul Lamar Freeman, Jr., O17704.
Col. Andrew Pick O'Meara, O18062.
Col. Robert Jefferson Wood, O18064.
Col. Hamilton Hawkins Howze, O18088.
Col. John Knight Waters, O18481.
Col. John R. Beishline, O18523.

The following-named officers for appointment in the Regular Army of the United States to the grades indicated under the provisions of title V of the Officer Personnel Act of 1947:

To be major generals

Maj. Gen. Thomas Wade Herren, O7430.
Maj. Gen. Alonzo Patrick Fox, O8434.
Maj. Gen. William Arthur Belderlinden, O10303.
Maj. Gen. Reuben Ellis Jenkins, O11658.

To be brigadier generals

Brig. Gen. Robert Alwin Schow, O12180.
Brig. Gen. John Harrison Stokes, Jr., O12181.
Brig. Gen. Kester Lovejoy Hastings, O12219.
Brig. Gen. Herbert Bernard Loper, O12243.
Brig. Gen. John Bartlett Murphy, O12338.
Maj. Gen. Edmund Bower Seebree, O12376.
Maj. Gen. Joseph Sladen Bradley, O12428.
Lt. Gen. Henry Spiess Aurand, O3784, commanding general, United States Army, Pacific (major general, U. S. Army), to be placed on the retired list in the grade of lieutenant general under the provisions of subsec. 504 (d) of the Officer Personnel Act of 1947.

UNITED STATES AIR FORCE

The following officers for appointment to the positions indicated under the provisions of section 504, Officer Personnel Act of 1947:

To be generals

Lt. Gen. Lauris Norstad, 25A (major general, Regular Air Force), United States Air Force, to be commander in chief, United States Air Forces in Europe.

Lt. Gen. Otto Paul Weyland, 63A (major general, Regular Air Force), United States Air Force, to be commanding general, Far East Air Forces.

To be lieutenant generals

Maj. Gen. Charles Pearre Cabell, 70A, to be Director, the Joint Staff, Joint Chiefs of Staff.

Maj. Gen. Laurence Carbee Craigie, 61A, to be Deputy Chief of Staff, Development.
Maj. Gen. Leon William Johnson, 88A, to be commanding general, Continental Air Command.

Maj. Gen. Charles Trovillo Myers, 37A, to be commander in chief, United States North-east Command.

Maj. Gen. Joseph Smith, 84A, to be commander, Military Air Transport Service.

IN THE MARINE CORPS

Raymond P. Coffman for permanent appointment to the grade of brigadier general.
Samuel K. Bird for temporary appointment to the grade of brigadier general.

POSTMASTERS

TENNESSEE

Bernard F. Vandergriff, Clinton.
Van Drennen Hicks, Oak Ridge.
Francis E. Durrett, White House.