the farm. That's why we have a farm-house-
ment aid to farm families unable to obtain
road which will lead all farm families out
Congress are constantly attempting to 1m-
Is a slum If the families must use outside
bath facilities, or running water—yet the
ments of a city which may be without toilets,
18 percent of all farm dwellings have run­
correct any defects which may develop. And
problems which exist In this field, and are
APPENDIX TO THE CONGRESSIONAL RECORD

| APPENDIX TO THE CONGRESSIONAL RECORD | A4445 |

EXTENSION OF REMARKS
OF
HON. OVERTON BROOKS
OF LOUISIANA
IN THE HOUSE OF REPRESENTATIVES
Monday, June 12, 1950

Mr. BROOKS. Mr. Speaker, the recent Supreme Court decision has made us realize more than ever before that the tidelands issue must be decided by Congress and that it should be decided as quickly as possible. From the viewpoint of the States, delay will no longer help.

In fact, it seems to me that perhaps the case of the several States has been prejudiced by the long delay awaiting action by the Supreme Court. Further delay will, I believe, mean the loss of ground and strength by those who believe, as I believe, that the mammoth central Government is about to put over by sheer weight of numbers and by taking over the State-vested tidelands.

I shall not try here to dissertate upon the merits of the controversy. I have always been a firm believer in the fundamental rights of the States and in strong and active local government. I have believed generally speaking the best government is that which is nearest the people. The tidelands have been
considered the property of the several States since the beginning of this Nation; and at this late date the claim of the National Government comes with poor grace.

No other State in the Union Louisiana is affected. Our shallow waters extend out farther into the sea off the coast of the State of Louisiana than any other State. Our people have used the tidelands, I believe, more than the peoples of other States. We have used these lands for swimming, bathing and resorting, and fishing. We now are using them for the development of the minerals. I dare say that that is our real trouble.

We have discovered valuable oil and gas deposits in the tidelands off the coast of Louisiana. Had this not occurred, our people may have continued to use these tidelands, fishing, boating, and resorting for a thousand years, and until the end of time, without Federal interference of our State claim to ownership. As it is now, the long arm of Washington is again reaching out, with other power and prestige and eminent domain and taking from the States that which has been recognized as the property of the States for a century and a half.

Mr. Speaker, I hope the tidelands bill will come to an early vote. I will fight that it be the channel whereby a disturbed and disputed title may be settled and whereby State ownership may be affirmed. I believe we can pass this measure through the House of Representatives and on to the Senate. But regardless of the results, it is my conviction that further delay will not help. It may weaken our cause.

A Noted Philosopher Discusses Prejudice

EXTENSION OF REMARKS
OF
HON. ABRAHAM J. MULTER
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 13, 1950

Mr. MULTER. Mr. Speaker, on Monday, June 5, the Supreme Court struck three damaging blows against racial segregation in the South. In three unanimous Supreme Court struck down segregation on railroad dining cars. It ordered the University of Texas to admit a Negro to its law school and it similarly ordered the University of Oklahoma to do the same against a Negro student in its school of education.

In a true democracy we cannot recognize or accept degrees of citizenship. The decisions just handed down by the Supreme Court help to clarify the law and our Constitution, and in so doing the highest tribunal of the land has performed a great service for our people at home and for this country's prestige abroad.

In connection with these very important rulings of the Supreme Court and the general need for extending human rights in this country to encompass all elements of our population, I desire to call the attention of my colleagues to the highest tribunal of the land has permitted a very fine, penetrating article by Prof. Harry A. Overstreet, published in the Saturday Review of Literature, January 21, 1950. His article, The Gentle People of Prejudice, is as follows:

THE GENTLE PEOPLE OF PREJUDICE
(By H. A. Overstreet)

Dorothy Baruch, in the Glass House of Prejudice, tells the story of José Morales, a Mexican war worker in the Los Angeles area. She had written a brother, who taught in the University of Mexico, that at last he had work in which he would make his fortune. One day, after finishing his shift, José took the bus home. When he got off at his street corner he saw some men standing windshield. They were smart. He had never seen them before, nor they him. But they looked hard at him, and they saw under their long light in the street-lamp that he was slim and dark.

One of them cried, "Dirty Mexican." And then they tore off his clothes. They beat him with chains and iron pipes. They left him naked and bleeding. His back was broken.

The next morning he was dead.

A story like this leaves one bewildered. How could human beings do so cowardly a deed? They had never seen the man before. They did not know what kind of person he was. But to them, apparently, he was some sort of an outcast. And that was enough. They killed him.

It does not answer the question to call them hoodlums. In a railway station, a ticket agent deliberately keeps the Negroes waiting until the last minute of train time while he first serves the whites and then sits at his desk chatting leisurely with a pal. He intends to be infuriating. He sees the Negroes at the ticket window, and he enjoys keeping them waiting that they are bitter and relishes their bitterness. He feels big. He is a white man. Let the damn nig­gers wait.

A woman with rooms to rent slams the door in the face of an inquiring couple. "I don't take any Jews here." She knows her words are an insult. She has never seen the man before. She feels important, righteous.

The terrifying thing about the cruelty of prejudice is that it justifies itself to itself. It was that way with Hitler's Nazis. To strike down an inoffensive old man, kick him, defile him; that was good, right, beautiful. It was what any well-disciplined Nazi ought to do. It was expected.

How do people get that way? "Easy," said the poet, "is the descent to Avernus." The first slippery step down is.

The white man can eat where he pleases, live where he pleases, dance where he pleases, vote where he pleases, marry whom he pleases, 'tip his hat to his own merit or demerit. He does not need to give a thought to the fact that dark-skinned people do not have these privileges. They have no right to ask for them. The white can take them away. They have no right to answer back. So, in like manner, the poor Negro has no right to hit back or even to answer the white who strikes him. Where society sanctions a certain group as inferior and right­wise contract cannot go out and kick a white passerby; he might get kicked back. But in cases of his race, he has the right to kick the other, and because he is a Negro and call him a black bastard. The Negro has no right to hit back or ever to answer. In other words, the poor white can take out his poverty-frustration on his more to-do Negro neighbor by joining with the night riders to burn the Negro's home or to hang him. The California "Prejudiced": his house burned, his fortune, driven with his mortgage and his envy, can empty his revolver through the windows of the returned Hite farmer. Scapegoating is.
of General Bradley at this occasion as I know you will be inspired by what he had to say:

Dr. Bolton, Colonel Boattner, distinguished guests—Texas A. and M., there are two important ceremonies today.

One of them is graduation, and the awarding of commissions for accomplishment in the academic field. The other is this ceremony: The awarding of commissions to new second lieutenants in the Army and the Air Force of the United States military program.

It is a great privilege to be able to participate in both of these ceremonies with the Aggies for whom I have had a life-time of admiration and respect.

Any American citizen would be proud to stand here with the president of your college and civilians. I have a pretty good idea of the problems and the privileges of the young, confident general, and the first president of Texas A. and M.—Lawrence Sullivan Ross—whom you honor on your programs today, exemplified these qualities of combined military-civilian leadership with which we are necessary in our form of democratic living.

With such examples, you men can aspire to real achievement. Your families, your friends, and the capable instructors you have here at Texas A. and M. can well be proud of you today. I am sure that the Aggies who have served their country before you, in war and in peace, are with you in spirit and will watch your progress with great pride.

May I commend you for the work already done, and congratulate you upon your achievement, and wish for you continued success in your future civilian and military careers.

A Scrap of Paper

EXTENSION OF REMARKS

OF HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1950

Mr. TEAGUE. Mr. Speaker, those of us who have carefully followed the legal problems of Texas regarding the tidelands, have been disappointed and shocked to learn of the 4 to 3 Supreme Court decision which denied Texas of the ownership of the tidelands which it has owned and controlled for these many years since coming into the Union.

We have legislation pending which would clarify this situation and restore the control of the tidelands to its rightful owners, but this decision which denied Texas of the ownership of tidelands is not the only one that has hurt Texas. The question that keeps arising before us is, whether this country is invalid as it stands at all? And if the treaty is invalid, it stands to reason then that Texas is in a state of flux, and other ideas don't sound nearly as bad as one might expect, either.

A Memorandum of Honor

"I'll raise the land to wandering ills a prey.
Where wealth accumulates and men decay.

One hundred and seventy-four years ago a new Nation was born. To its life men pledged their "sacred honor." They declared "certain inalienable rights" and wrote them into a Constitution of the United States. This document was the first in history to give full stability to contractual responsibility, thereby making possible America's great Industrial growth by credit expansion.

One hundred and fourteen years ago another new nation was born through swashbuckling. It too was a revolution which men again pledged their honor to defend.

For over seven years this nation of Texas fought off from her borders those who would invade her homes, while over her tidelands her navy battled those who would take over her sea coast.

In 1835 the Republic of Texas accepted the invitation of the Congress of the Republic of the United States to become a State in that Union. These acts were performed with honorable motives by honorable men.

In surrendering her sovereignty as a republic, the free and independent nation of Texas made certain terms regarding her pub-
only a portion of the population yet have separate Cabinet departments.

- Not promote economy.

- Congress has stipulated a holding company, a conglomera Department of Health, Education and Security, most of whose work is not related to health.

- Not be a reorganization of administration, but a renaming of an agency admitted faulty in set-up.

- Open the way for an ambitious secretary, entrusted with great power, to take over control of VA's medical department.

- Make the possible Federal control of medical education through granting and withholding scholarships, etc.

- Point to the eventual Federal domination of our voluntary hospital system.

- Create a master organization ready and anxious to take over administration of a national compulsory health-insurance program.

- Place administration of the Nation's health activities in the hands of a politically-appointed secretary with no professional qualifications.

- Place the direct operation of medical programs in the hands of a surgeon general who need not even be a doctor of medicine.

- Not, in the slightest degree, promise to improve the health and welfare of the American people.

The Supreme Court Decision in the Tidelands Case

EXTENSION OF REMARKS
OF
HON. TOM CONNALLY
OF TEXAS
IN THE SENATE OF THE UNITED STATES
Wednesday, June 28, 1950

Mr. CONNALLY. Mr. President, I ask unanimous consent to have printed in the Appendix of the Record an editorial having to do with the decision of the Supreme Court in the tidelands case, published in the Houston Post of June 22, 1950.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

FUNDAMENTAL ERROR

The fabled Smoky Mountain Justice of the peace who brushed aside a lawyer's citation of a Supreme Court ruling with the dictum, "The Supreme Court yered," may have had something. It has now been established as a fact that the high tribunal can make a mistake. Attorney General Price Daniel, in his Tuesday night broadcast, showed conclusively that the Court based its recent ruling against Texas in the tidelands case on a "grievous error of fact and history."

Justice Douglas, who wrote the Court's opinion, made the alleged error in the statement that Texas entered the Union under an agreement placing her on an equal footing with other states, nullifying her claim to her tidelands.

Assuming the correctness of Mr. Daniel's indirect quotation from the opinion, Justice Douglas has no logical escape from admitting his fundamental error and reversing his vote which was thereby determined, making it at least in favor of Texas ownership, or granting a motion for rehearing. The motion is now being prepared, Mr. Daniel said.

Mr. Douglas could have avoided the apparent colossal blunder by allowing the evidence to be presented before writing an opinion, or even by merely reading J. H. Smith's book, "The Annexation of Texas, the completely documented standard work on the subject.

In order to satisfy opponents of the Texas tidelands resolution, Congress adopted an amendment, which became section 3 of the measure. It gave the President the choice of two alternatives: (1) He could submit to the Republic of Texas for acceptance the specific tidelands resolution adopted by Congress, in which Texas retained its public lands; or (2) If the President deemed it more possible, he could withhold the resolution and open negotiations with Texas for its admission on an equal footing with existing States.

President Tyler, who signed the tidelands resolution a few days before his term of office expired, chose the latter alternative, which said nothing of equal footing. He submitted this to Texas, and Texas adopted it. Thus he discarded the alternative scheme of negotiations and an equal-foothing clause. James K. Polk, succeeding Tyler, approved and carried out Tyler's decision.

So, as Mr. Daniel pointed out, the alternative plan was never submitted to nor accepted in Texas. But Justice Douglas apparently misunderstood the facts when writing his opinion. He made his error and laid the false premise on which the Court's tidelands decision, by quoting the abandonment alternative plan as a controlling provision of the resolution, in support of its reasoning that Texas could not have entered on an equal footing and at the same time retained its tidelands.

Confronted with the documentary proof of this basic error, as he will be confronted when Mr. Daniel submits his motion for rehearing, which has already been discussed. Justice Douglas admit it and reverse his position on the tidelands question? And will the august President, approved and carried out Tyler's decision.

Now the Clarification Cat Is Out of the Basing-Point Bag

EXTENSION OF REMARKS
OF
HON. WRIGHT PATMAN
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 28, 1950

Mr. PATMAN. Mr. Speaker, the magazine Steel, the mouthpiece for the big steel companies, has at last let the cat out of the bag on the basing-point bill. It was contended all along during the 2-year fight against restoring Pittsburgh plus that the steel and cement companies only wanted the law clarified, that they did not expect to be allowed the right of "competing with their competitors to fix prices. This was not correct.

In the magazine Steel, for June 26, 1950, in a discussion of the basing-point bill, S. 1008, under the title "Confusion Continues," this statement appears:

They will remember that the Supreme Court ruled that the mere fact cement prices not uniform or a delay, its basis was in itself a sign of collusion. Certainly the point as to what constitutes collusion should be clarified.

In other words, the steel and cement companies want a law that will require more proof of collusion than the fixing of identical prices. The fact is there can be no better proof than identical pricing of collusion.

The inference in this statement is irresistible that what steel and cement companies want is a law that will not permit evidence of identical pricing to be sufficient to prove collusion.

The House Committee on Small Business is getting reports daily from every section of the United States on identical prices. The committee has been doing this for months. It is not unusual for exactly the same price down to the fifth decimal point to be asked on competitive bids by a dozen or more companies situated 50 to 1,500 miles from the place of delivery.

Until the Cement decision, April 24, 1948, on cement and steel, prices were exactly the same. Since that decision there has been collusion. If S. 1008 had become a law the cement and steel companies would have gone back to identical pricing again and there would have been no way on earth to have proven that they were in collusion.

Considering the huge amount of money that will be spent the next year and subsequent years for cement on road construction it would certainly be against the public interest to have any law passed that would permit cement companies to fix prices and have no competition. The Supreme Court decision does not need clarification. It is very clear that if competitors get together and fix prices which are identical, disclosing no competition whatsoever, it is a violation of the law, as such conduct is evidence of "collusion."

What the steel and cement companies want is collusion, then the Supreme Court decision will not be clear on this point.

Communist-Fighting Is Serious Business

EXTENSION OF REMARKS
OF
HON. M. G. BURNSIDE
OF WEST VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 28, 1950

Mr. BURNSIDE. Mr. Speaker, under leave to extend my remarks in this Record, I include the following excerpt from a radio broadcast I made recently:

Communism is a serious threat to the security of the United States. It isn't an internal political threat, however—it's a security threat. The Communists could not possibly take over the Government now or in the foreseeable future, but they can do a lot of damage through espionage and sabotage. It takes only one Communist, for example, to put up a building. That is what we have to fight.

We should quit fighting the imaginary perils of communism and concentrate our efforts on the grimly real perils.
As far as section 5 is concerned, I believe the Federal Reserve Board has ample power to control credits merely by raising the rediscount rate.

Section 1 lets the executive department make the executive order. Should this be done it appears to me it would create an unfair situation. Prices could be rolled back as of May 24–June 24, 1950, levels. This would be fair in some instances and unfair in others.

It would be unfair where agricultural prices in the Midwest are concerned. Practically every commodity is down 25 percent today as far as the prices the farmer receives.

Hogs reached a top after World War II of $32 per hundred. Last fall, 1949, they were around $15 to $16. This week around $24, or 25 percent under the high.

Remember only one feeder obtains top price. On August 10, 1950, at Chicago, good and choice steers brought $29.50 to $30.75. Choice vealers, $27 to $32. At least 20 percent down according to grade.

The highest corn sold for was $3.25 to $5.50 per bushel. Last year’s 1949 crop, $1.10 to $1.25 at the corn on the market, the Government paid $1.35. This fall it might bring $1.40 or $1.50. At least $1 per bushel under top price.

Soybeans were about $3.25 to $3.50 per bushel last fall for the November quotation on August 10 average is $2.40. Again $1 below the maximum.

The daily farmer is receiving at least 25 percent less for milk than he did at the top level.

You can easily see that even though farm prices have advanced some from the extreme low, that to freeze these prices as of June 24 would be unfair. This is certainly true, because there is little, if any, reduction in prices of anything the farmer must buy.

As to new additional control over commodity exchanges, every rural elevator, who has a local commodity exchange to hedge these purchases immediately. They would not have, nor could they borrow enough funds to handle a farmer’s grain if they could not do this. Neither could they afford to handle crops in any other manner. Gambling in grain is one thing, and rural elevator hedging is another. The exchanges are regulated at present.

As evidence of the fact that there is no shortage in agricultural products, Secretary Brannan appeared 2 weeks ago before the House Committee on Agriculture in support of a $49,000,000 authorization to repackage bulk perishable agricultural commodities now owned by the Government, namely, by the Commodity Credit Corporation. If passed, these commodities in bulk could be shipped to States for their institutions and seaboard ports for needy foreign countries under certain conditions.

Mr. Speaker, I see no reason in Congress setting up a possible dictatorship in this country. We have been at war since December 7, 1941, supposedly to stop just that.

Free enterprise and high production stopped black markets in 1948 in farm implements and automobiles from selling above the regular retail prices. I do not believe the citizens of the Twentieth Illinois District want any more of it. They know what I mean when I say they do not want another Kerner affair.

Tidelands Encroachment

EXTENSION OF REMARKS
OF
HON. HENRY D. LARCADE, JR.
OF LOUISIANA
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 22, 1950

Mr. LARCADE. Mr. Speaker, under leave to extend my remarks in the Record, I include the following editorial from the New Orleans Times-Picayune:

Tidelands Encroachment

That the Interior Department already has moved to take over jurisdiction of offshore drilling, etc., without a law to back it up, is not surprising. That the United States engineers have been influenced by the approval of plans, etc., for oil-well structures outside Texas-Louisiana inland waters, on Interior Department O. K.’s, is regrettable. These encroachments have been rightfully protested by the Louisiana Mineral Board; and they provide another reason for congressional action on this matter.

The haziness of the situation is emphasized by lack of a dividing line, or clean-cut distinction between offshore waters, which can only be drawn by law, but which the Interior Department apparently is making on its own hook—interfering, to that extent, with State operations. The same right of arbitrary distinction is given the Secretary of the Interior under the proposed O’Mahoney interim escrow bill.

The great objection to the O’Mahoney bill, however, is that it violates the principle of possession and prior jurisdiction, by seeking to give interim administration of the tidelands to the Government. Why wasn’t this bill drawn to maintain such existing administration in the States, under the same conditions, pending final disposition of the issue? Senator O’Mahoney knows that, as the record stands, a majority of Congress supports quick-claiming title to the States. It may require a two-thirds majority to effect this; but meanwhile the premature recognition and endorsement of Federal jurisdiction is contrary to sentiment.

Since Senator O’Mahoney did not see fit to draft his legislation in accord with the status quo, it behooves tidelands-rights advocates to submit their own interim escrow bill, with procedural and unquestioned declaration lines, retaining State jurisdiction pending final settlement.

American Legion Resolution

EXTENSION OF REMARKS
OF
HON. LAURIE C. BATTLE
OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, August 15, 1950

Mr. BATTLE. Mr. Speaker, the American Legion, Department of Alabama, sent me a copy of its resolution
APPENDIX TO THE CONGRESSIONAL RECORD

I include extracts from a letter written by Jan J. Erteszek, a naturalized American who was born in Poland and received the degree of doctor of laws at the University of Cracow. This article was published as an editorial in the August 18 issue of the United States News and World Report, and David Lawrence, editor of Erteszek’s Star, background give him an understanding of the Slavic mind. This, together with his Americanism, enables him to make a convincing presentation of the facts needed to combat world communism.

Mr. Speaker, I have been saying almost exactly this same thing, perhaps in different words, ever since my return from the farthest land countries last fall. I believe that this article sums up and points out that the crusade against communism in which we are engaged is basically the old battle of God versus the Devil. Even so, it is worth the time of everyone to read this article:

The main difference between communism and our philosophy of life is a spiritual change. There is a bound belonging to the nature and destiny of human beings. Thus, it is in the realm of faith that our commitment must be fought out.

We might label the Russian by force of arms alone but never will we defeat communism by force of arms alone. If we lose the spiritual battle, we will have gained nothing except chaos and spiritual vacuum.

The main precept of our philosophy of life is not just faith, but faith is the source of understanding the nature of the soul and dignity of human beings. As long as we follow, obey, and seek God. Our founding fathers have thought democracy to be the best system of Government to fulfill the spiritual objectives and aims for which they came to America.

Communists, on the contrary, live without and against God. Our lives are determined by morality—theirs by expediency; ours by belief in the higher destiny of the human being—thereby by contempt of his limitations; ours by faith—theirs by material gain and human greed; ours by brotherly love—theirs by class hatred; ours by trust—theirs by cunning.

On the other hand, the American has the word “democracy” an emotional appeal. For better or for worse, it is absolutely meaningless to the great mass of people in the rest of the world. If they are sufficiently educated, and most of them are not, it will be at best for them an intellectual or political term. I can assure you, however, that the Polish peasant, the Russian worker, the South American peon, or the Hindu untouchable, will not understand democracy very well.

Only to the American has the word “democracy” an emotional appeal. For better or for worse, it is absolutely meaningless to the great mass of little people in the rest of the world. If they are sufficiently educated, and most of them are not, it will be at best for them an intellectual or political term. Although we have them both, it is not possible to use them both together.

Our great moral cause must be an expulsive, positive, universal ideal. On behalf of this ideal, ready to crusade, we are preaching. For the Communist—and all the peoples of the world, to rally universally the masses to our standards and lead them toward a positive, constructive world.

God only, and our trust in Him, is the great moral cause in which we differ from the Communist. God, and trust in Him, is the common denominator between us and all peoples of the world.

One cannot serve God and communism at the same time. When one chooses to serve communism he has made a decision to sell his soul, spirit, and future advantage. He has decided to trade his freedom for whatever gain he has been promised individually or for a group. The Communist chooses to work in favor of his own interest, and that of his country, and in a process of course, a physical slave. Once he becomes a slave he is at the mercy of his masters who do not deserve the respect and propitiation they receive from their slaves. Thus, he serves the cause of evil.

It is God against devil, as basic and simple as that. There is no choice in between. All the people, humble and mighty, educated and simple, know where God is, and where evil is. On does not need for this intellectual speculation. There is a divine spark in every human being no matter on which side of the fence he is, and it can be kindled into a great fire against evil and for justice under God, for peace, brotherly love, freedom, and security, for a noble and better tomorrow. If we truly believe in this, we must do everything in our power to find a solution for human ills, for privation, for race and class hatred. In the economic field, we must work as hard as those who are working in all agricultural countries. We cannot close our eyes to the plight of millions of land-poor and landless peasants. We must provide them with tools to pursue their endeavors. For the rest of the people we must give assurance of the right to work at a decent wage. Land reform must be such that the privilege to work for a decent wage will not destroy the capitalistic system of economy. On the contrary, it will improve the greatest weakness—the fear and frustrations of the contemporary man. It is the frustrated and fearful men who are the Communists’ prey.

The Red horde is on the move, the time is running out fast. If we do not win this spiritual conflict, nothing will matter. Let’s take the banner and lead the fight.

San Angelo (Tex.) Chamber of Commerce Makes Clear, Concise, Unanswerable Statement Showing Error of Supreme Court in Texas Tidelands Case

EXTENSION OF REMARKS OF HON. O. C. FISHER OF TEXAS IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 15, 1950

Mr. FISHER. Mr. Speaker, under leave to extend my remarks in the RECORD, I include a statement by the San Angelo (Tex.) Chamber of Commerce regarding the recent Supreme Court decision in the Texas tidelands case.

The statement is one of the clearest and most forceful I have seen on the subject, and I submit it for the RECORD:

To the Congress of the United States of America:

On June 5, 1950, the Supreme Court of the United States handed down a 4 to 3 decision of which attempted to give title to the Federal Government of the tidelands off the shore of the Gulf of Mexico. That decision had entered into a written contract with the people of Texas which specifically provided that these lands would remain the property of Texas after the Republic of Texas became a State. This decision of the Supreme Court, if allowed to stand and become effective would be a clear-cut breach of this contract. Today, more than ever before, the United States is looking to a world as the example of a democratic country which keeps its obligations and treaties. The United States of America should not allow the world to witness it breaking a contract, which its representatives made in good faith, and has been attempted to be nullified over 200 years later.

The entire citizenship of the United States of America is greatly disturbed and insulted by this action. The documented facts of history stand, regardless of these proposals, and come and go with the generations of time. We, the people of Texas, ask you to look at the facts:

1. After winning its independence from Mexico on the battlefield of San Jacinto in 1836, the First Congress of the Republic of Texas surveyed her lands and was annexed to the United States on December 19, 1845, as follows: “Beginning at the mouth of the Sabine River, and running west along the Grand Cheroke and Sabine rivers from land, to the mouth of the Rio Grande **.” Thereafter, in 1837, President Andrew Jackson advised the Congress of the United States as follows:

“The title of Texas to the territory she claims is identified with her independence.”

2. On August 29, 1844, after formal negotiations, a treaty was signed between Texas and the United States, providing for the annexation of Texas. In this treaty Texas was to become part of the United States as a State, with a republican form of government.

3. Accordingly, the same Congress submitted a counterproposal to the Republic of Texas for annexation. From December 10, 1844, until February 17, 1845, a counterproposal came before the United States Congress. Some of these had provisions which would have required Texas “to cede its minerals, salt lakes, and springs, and to give up its land and mineral rights.” None of these proposals passed.

Finally Representative Milton Brown, of Tennessee, who had previously introduced a resolution stipulating that Texas cede her minerals, offered again the general proposals of his original resolution, but omitted the ceding of mineral clauses, which his earlier resolution had contained and which had just been defeated in the rejection of an amendment of Representative Burke, of New Hampshire, which stipulated for the right of the United States to the minerals of Texas. Brown’s revised resolution was adopted by a vote of 120 to 98. The Texas mineral claim of the United States to the minerals of Texas was completely rejected by the House of Representatives in its formation of the resolution which was submitted and accepted by the Senate of the United States.

This House resolution that finally passed contained two paragraphs: the first proposed that Texas should be admitted to the Union as a State, and the Government adopted by the people of Texas and approved by the Congress of the United States. The second paragraph specified the
details of the annexation: namely that the constitution of the new State must be submitted to Congress before January 1, 1846, and that new States, not exceeding four in number, might be formed out of Texas. The most important of these specific provisions was that Texas ceded to the United States its public debt and asserted that new States, not exceeding four in number, might be formed out of Texas. The most important of these specific provisions was that Texas ceded to the United States its public debt and retained title to all of the vacant land and unappropriated lands lying within the limits of the Republic of Texas. Nothing was included in the first two paragraphs about "equal footing" with other States.

The United States Senate amended this resolution by adding a third paragraph which gave the President of the United States the option at his own judgment and discretion to negotiate the annexation of Texas. The President offered by the United States in good faith and accepted faithfully by the people of Texas. This resolution passed an ordinance of acceptance which states, "We, the people of Texas, do ordain and declare that we assent to and accept the proposals, conditions, and guarantees contained in the first and second sections of the resolution of the Congress of the United States on August 2, 1845, which was never submitted by the President of the United States to Texas and was never considered or acted upon by the President of the United States.

Passed by the board of directors of the San Angelo (Tex.) Chamber of Commerce this 10th day of August 1845.

H. C. CHARLES, President.

The Poorest Politics

EXTENSION OF REMARKS
OF HON. KENNETH S. WHERRY
OF NEBRASKA

IN THE SENATE OF THE UNITED STATES

Tuesday, August 15 (legislative day of Thursday, July 20, 1950)

Mr. WHERRY. Mr. President, the evening World-Herald of Omaha, Nebr., on August 9, 1950, carried an editorial on Government controls. The editorial is a reminiscence of a specific feature of the full nine-member Court, which Texas retained these lands and minerals. In justification therefore, these four members have cited and relied upon the alternative "equal footing" proposition which was tendered by the President of the United States to Texas and was never considered, accepted, or agreed upon by the Republic of Texas. The United States has never acted in good faith and accepted faithfully by the people of Texas. The President of the United States, and accepted by the Congress and people of Texas, and we therefore reiterate the following:

1. Set up wage and price controls.
2. Provide a system of allocations and priorities for handling critical materials.
3. Establish machinery for settling labor disputes.

The ruling of the Supreme Court should not be allowed to stand.

Mr. WHERRY. Mr. President, the House of Representatives of the Twenty-ninth Congress and the people of Texas, in the exercise of the powers conferred on them by the Constitution of the United States, do ordain and declare that they ordain and declare that they retain all lands "lying within its limits."

The ruling of the Supreme Court should not be allowed to stand.

As Chief Justice John Marshall said, suits involving constitutional issues and treaties should not be decided by less than a majority of the Full Court. In no event should four members of the Court, over the protest of three dissenters, be able to break a provision of the solemn contract between the United States and Texas. It is to cast a dark shadow of dishonor upon the romantic imagination of Texas, nor is it to cast a dark shadow of dishonor upon the people of Texas. The most important of these specific provisions was that Texas ceded to the United States its public debt and retained title to all of the vacant land and unappropriated lands lying within the limits of the Republic of Texas. Nothing was included in the first two paragraphs about "equal footing" with other States.

The United States Senate amended this resolution by adding a third paragraph which gave the President of the United States the option at his own judgment and discretion to negotiate the annexation of Texas. This resolution was never submitted by the President of the United States to Texas and was never considered or acted upon by the President of the United States.

Passed by the board of directors of the San Angelo (Tex.) Chamber of Commerce this 10th day of August 1845.

H. C. CHARLES, President.

The Poorest Politics

APPENDIX TO THE CONGRESSIONAL RECORD

APPENDIX TO THE CONGRESSIONAL RECORD

The Poorest Politics

EXTENSION OF REMARKS

OF HON. KENNETH S. WHERRY

OF NEBRASKA

IN THE SENATE OF THE UNITED STATES

Tuesday, August 15 (legislative day of Thursday, July 20, 1950)

Mr. WHERRY. Mr. President, the evening World-Herald of Omaha, Nebr., on August 9, 1950, carried an editorial on Government controls. The editorial is a reminiscence of a specific feature of the full nine-member Court, which Texas retained these lands and minerals. In justification therefore, these four members have cited and relied upon the alternative "equal footing" proposition which was tendered by the President of the United States to Texas and was never considered, accepted, or agreed upon by the Republic of Texas. The United States has never acted in good faith and accepted faithfully by the people of Texas. The President of the United States, and accepted by the Congress and people of Texas, and we therefore reiterate the following:

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As Chief Justice John Marshall said, suits involving constitutional issues and treaties should not be decided by less than a majority of the Full Court. In no event should four members of the Court, over the protest of three dissenters, be able to break a provision of the solemn contract between the United States and Texas. It is to cast a dark shadow of dishonor upon the romantic imagination of Texas, nor is it to cast a dark shadow of dishonor upon the people of Texas. The most important of these specific provisions was that Texas ceded to the United States its public debt and retained title to all of the vacant land and unappropriated lands lying within the limits of the Republic of Texas. Nothing was included in the first two paragraphs about "equal footing" with other States.

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Passed by the board of directors of the San Angelo (Tex.) Chamber of Commerce this 10th day of August 1845.

H. C. CHARLES, President.

The Poorest Politics
Mr. Elledge. Mr. President, I ask unanimous consent to print in the Appendix of the Record a memorandum by District Attorney L. H. Perez, of Plaquemines Parish, La., appearing for the State of Louisiana, as special representative for Attorney General of Louisiana, before the Senate Committee on Interior and Insular Affairs in opposition to Senate Joint Resolution 195, dealing with State tidelands, on August 15, 1950.

State Tidelands

EXTENSION OF REMARKS

OF

HON. ALLEN J. ELLENDER
OF LOUISIANA

IN THE SENATE OF THE UNITED STATES

Tuesday, August 15 (legislative day of Thursday, July 20, 1950)

Mr. ELLENDER. Mr. President, I ask unanimous consent to print in the Appendix of the Record a memorandum by District Attorney L. H. Perez, of Plaquemines Parish, La., appearing for the State of Louisiana, as special representative for Attorney General of Louisiana, before the Senate Committee on Interior and Insular Affairs in opposition to Senate Joint Resolution 195, dealing with State tidelands, on August 15, 1950.

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

Senate Joint Resolution 195 by Senator O'Mahoney would complete the nationalization of the State tidelands in the State of Louisiana, now under the Secretary of the Interior full control and power over all operations for oil and other mineral production, offshore and submerged lands in all coastal States of the Union.

ALL POWER TO SECRETARY

By the provisions of this resolution the Secretary of the Interior would be substituted for the State tideland owners. The resolution would authorize the Secretary of the Interior to acquire, by condemnation or otherwise, all tidelands in the Louisiana coast belt—condemnation by his function under the law and power over development of the tidelands for mineral purposes. For a period of 3 years he would be authorized to grant mineral leases for a term of 5 years, or as long thereafter as oil or other minerals may be produced from the area in paying quantities. All revenues collected by the Secretary under existing State leases, or under leases issued by him under authority of this resolution, would be deposited in a special fund in the United States Treasury pending legislation by Congress respecting disposition of oil and mineral royalties. The resolution provides for no new legislation by Congress—and no legislation regarding the ownership of tidelands and their resources.

Secretary of the Interior would be authorized to issue such regulations as he may deem necessary or advisable in performance of his functions under this resolution. The resolution affords no relief to inland States, providing that tidelands are not claiming (as of now) their water bottoms, without a quittance or recognition of their proprietorship.

STATE SOVEREIGNTY DESTROYED

The States, with respect to their ancient and historic ownership of their own tidelands would be reduced to the status of puppets and controlled by the Federal Government, with the Secretary of the Interior placed in the position of absolute coar of their erstwhile sovereignty lands while their resources are managed under the control of Congress—and not legislation regarding the ownership of tidelands and their resources. The resolution would effectively destroy sovereignty of State governments over their public properties, which they have owned and operated by regulation of their State legislatures since the Declaration of Independence on July 4, 1776, the provisional Treaty of Independence between the Original States, through the Congress of the Confederation and the British Crown, on November 30, 1782, and the final ratification thereof, with the British Crown, on April 11, 1783, by which the British Crown relinquished to the Original Thirteen States, by name, as free, sovereign and independent States, proprietary and territorial rights of the same, and every part thereof fixed the boundaries of the Original States into the sea, "concluding all islands within 20 leagues of any part of the shores of the United States."

STATE OWNERSHIP SECURED BY TREATY

The right of State proprietorship of their tidelands would be the result of the Treaty of Independence and the Treaty of Independence which was wrong from the British Crown at the expense of incalculable suffering and hardship. The ties that bind the blood of our patriotic forefathers, has been adjudicated upon time and again by the highest court of the land.
In the interim between the Declaration of Independence in 1776, the Treaty of Independence in 1783 and the adoption of the United States Constitution by the people of the Original States in 1789, Federal Government was set up under Articles of Confederation, article IX of which provided that:

"No State shall be deprived of territory for the benefit of the United States."

In a recorded decision by the United States Supreme Court in 1874, Narcock v. Geallor (12 Wheat. 523), the United States Supreme Court held:

"There was no territory within the United States that was claimed in any other right than that of some one of the Confederate States; therefore, there could be no acquisition of territory made by the United States distinct from, or independent of some one of the States."

The validity of that Treaty of Independence with the British Crown was written into the United States Constitution, under article VII, clause 1, which provided:

"This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding."

In this connection, it should be pointed out that on Saturday, August 25, 1787, on motion of Mr. Madison, made in the Convention, article VIII (later made article VI by the Committee of Style and Revision) was recommenced and after the words "all treaties made" were inserted the words "or which shall be made, under the authority of the United States, to the contrary notwithstanding." This insertion was meant to obviate all doubt concerning the force of treaties previously made, as well as on the subject of sovereignty of our country when it again held:

"This shall be the supreme law of the land."

And as to the sovereignty rights over their tidelands and waters, the United States Supreme Court has repeatedly reaffirmed the same Constitutional provisions in the several States belong to the respective States in virtue of their sovereignty and may be used and disposed of as they may direct, subject always to the rights of the Federal Government. In 1875, in the several States belonging to the British Crown was written into the United States Constitution by the people of the United States, shall be the supreme law of the land.

STATE PROPRIETORSHIP, LAW

Over a hundred years ago this question of the right and title of the Original States to their submerged lands was passed upon by the courts of the United States.

In the case of Martin v. Waddell, reported in 18 Peters (41 U. S.) 367, decided in 1843, which is the first case of submerged coastal waters in New Jersey was at issue, the Court held:

"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 the common use, until they surrender them to the Constitution to the General Government."

The Court then cited approvingly a statement by Lord Hale in his treatise de jure maris, when speaking of the navigable waters, and the sea on the coasts within the jurisdiction of the British Crown, that the King is the owner of this great coast. The Court further held that the lands under these navigable waters were held by the King as a public trust for the benefit of the whole community, and that the royalty was an incident to that public trust, and was not questioned by counsel of any of the parties.

(Pollard v. Hagan (44 U. S., 3 Bow. 111; 11 U. S. 18, Wall. 57 (21: 798)).

SAME RULE FOR GREAT LAKES

The same doctrine is in this country held to be applicable to lands covered by fresh waters of the Great Lakes. In 1889, the Court conducted an extended examination of the United States Constitution by the people of the United States. The United States Supreme Court held and reaffirmed that the same Constitutional provisions apply to privately owned property, as, for instance, the Federal power of eminent domain over lands needed by the United States for governmental or defense purposes (Kohl v. U. S. (91 U. S. 560, 23 L. ed. 49); Chappell v. U. S. (160 U. S. 309, 16 L. ed. 270).)

Even further back, in 1819, Chief Justice Marshall, in McCulloch v. Maryland (4 Wheat. 418, 460), held that:

"If any one proposition could command the universal assent of mankind, we might expect it would be this—that the Government of the United States, in its powers, is supreme within its sphere of action."

POWER NOT CONSCRIPTORY

However, in spite of the supremacy, the dominance and paramount character of the regulatory powers of the United States, construed within its delegated constitutional powers so far back as the United States Supreme Court has held consistently for over 100 years that when the Revolution took place the people of each State became themselves sovereign and in that character held the absolute right to all their navigable waters, and subject always to the paramount right of Congress to control their navigability, so far as it may be necessary for the regulation of commerce with foreign nations and among the States. This doctrine has been confirmed by the Court as late as 1895 and is not questioned by counsel of any of the parties.

APPENDIX TO THE CONGRESSIONAL RECORD

waters and the soils under them for their own common use, subject only to the rights along with a claim to the use of the tidal waters, or tidelands, as defined in the Constitu-
tion of Independence, confirmed by relinquishment of such proprietary and territorial rights in the 1783 treaty, which was the last

weaker sovereign nations of the world who are tendered protection and defense either through the liberality of the United States, or through the United Nations, with paramount power furnished by the United States, and its policy of interna-
tional defense against aggressor nations.

SUPREME COURT DENIES UNITED STATES AGGRESSOR

But, here, who is the aggressor against the sovereignty and rights of our States, with an implication that the same

destructive force of paramount power and dominion will destroy the destruction of private property rights?

No exception is made by the United States Supreme Court in its California, Louisiana, and Texas decisions that the paramount power and dominion of the Federal

Government transcends those of a mere property owner who has only "bare legal title," with-out the paramount power to protect his pos-

session thereof.

Could the Congress of the United States cannot vote to adopt Senate Joint Res-

olution 195 and, by implication, adopt the foreign ideology of appropriation of property or its confiscation, because of the exercise of paramount power and dominion of the Federal, or any government, without fettering the Constitution or any confiscatory acts and policy of the Kremlin.

The issue here far transcends the tideland grab or the power grab by some departments of the Federal Government.

Senate Joint Resolution No. 195, coupled with the Supreme Court decisions in the California, Louisiana, and Texas cases, are merely invitations to Congress to adopt a policy of appropriation and confiscation whenever the paramount power and dominion or the force of arms of the United States are used, supposedly for the protection and defense either of the States of the Union or the citizens thereof, or any other sovereign state or nation which accepts the protection and defense of its might and power.

To our shame, the Korean war situation is being used to liquidate our State sovereignty, and to put the clincher on the Federal tide-

land grab.

Congress certainly will support the Constitution of the United States and the supreme law of the United States, and the rights of the States and its citizens flowing therefrom as the Members of Congress are sworn to do, and Congress will repudiates the suggestion of adopting a policy of appropriation and confiscation of property as a result of the use of this country's paramount power and dominion for national or international defense and, therefore, Con-

gress must reject Senate Joint Resolution 195.

The Prayers-for-Peace Movement

EXTENSION OF REMARKS

HON. HOMER FERGUSON

OF MICHIGAN

IN THE SENATE OF THE UNITED STATES

Tuesday, August 15 (legislative day of Thursday, July 20, 1950)

Mr. FERGUSON. Mr. President, as the sponsor of Public Law 546, which allows the President to proclaim each Memorial Day as a Nation-wide day of prayer for peace, I am pleased to pay my respects to Mr. Hervé L'Heureux, who is doing splendid work in further-

ing the prayers-for-peace movement, which he has sponsored.

As Members of the Senate know, Mr. L'Heureux is one of our finest Govern-

ment career men, presently head of the United States Department's Visa Division. He is one of the founders of the American Legion, and a wounded veteran of World War I. For the past 2 years he has been devoting himself to the prayers-for-

peace movement in order that America might prepare itself spiritually as well as materially for the ordeal of these times.

Since this was the same premise which moved me to introduce the resolution to designate Memorial Day as a day of prayer for peace I am, as I say, most pleased to compliment Mr. L'Heureux on his fine work.

I also ask unanimous consent that an article by Mr. L'Heureux entitled "Prayers for Peace" which was published in the magazine the Gold Star for May 1950, be printed in the Appendix of the Record.

There being no objection, the article and address were ordered to be printed in the Record, as follows:

[From the Gold Star of May 1950]

PRAYERS FOR PEACE

(By Hervé J. L'Heureux)

My message is simple: Prayer, a minimum of 1 minute of prayer, daily, at noon, by every American, whether in the United States, each in his own way, each according to his own faith, to seek divine guidance and assistance in securing world peace.

The original prayers-for-peace resolution, adopted at Manchester, N. H., October 28, 1948, is simple and self-explanatory. Here it is:

"Having complete confidence in the ability of our fellow men, with the aid of Almighty God, to establish a Just and enduring peace in the world," we, the members of the Last Man's Club, William H. Jutters Post, No. 43, American Legion, do hereby unanimously resolve to pray for 1 minute in the midst of our daily task, at 12 o'clock noon each day, and raise our lament to the heavens, asking Him to help us adjust our international dif-

ferences to enable the nations of the world to ask an equitable and abiding peace... further.

"We urge that this movement be endorsed by all the spiritual, civic, and business leaders in the United States, and that a similar resolution be adopted and imple-
mented by every organization in our country to the end that this custom may become universal in effect."

Those of us who initiated this movement were actuated by a conviction that each and every person, regardless of his station in life, or his religious belief, can assist materially, through daily prayer, in achieving the peace which all of us desire. We were actuated by the desire to have the President make it clear that a pause in our daily work, at 12 o'clock noon each day, and raising our prayer to the skies, is an act of God's assisting us to secure world peace.

Bear in mind that the Court refused to hold that the United States had proprietor-
ship in the tidelands of California, and that the Court held that title was not an issue in the cases against Louisiana and Texas, but that the Court held that title was an issue in the cases against the United States Government, and, therefore, the Congress, by passing the tidal resources Act, as a result of the exercise of paramount power and dominion over these tidelands.

This pronouncement of such un-American ideology, which has so acted upon the President to proclaim each Memorial Day as a Nation-wide day of prayer for peace, I am pleased to pay my respects to Mr. L'Heureux, who is doing splendid work in furthering the prayers-for-peace movement, which he has sponsored.
that, if it does pass, it will be vetoed by
President Harry S. Truman.

This resolution does not, in express terms, direct that Indian rights be thrown into the ash can. As a matter of fact, no bill, the effect of which would be to despoil the In-
dians, has ever expressly so said. From times immemorial, bills to make the Indians an easy prey, with all the incidents, have all been
fended off in terms of "liberation," "assimila-
tion into the general population," etc. If Mrs. Bosone had not previously studied the whole tribes, not by
President Truman.

It has been suggested that it can all be done
within a year. The Bosone bill would adopt a Federal
policy to breach contracts, to denude of Federal
the "bum's rush" on the preceding Janu-
ary 3.

The Bosone resolution would open wide the gate,
which, if adopted, may turn out to be
a mandate to

sell their own rights to the

Letting someone else do their thinking for
them and lending their support to a meas-
ure, the Bosone resolution, to be as
notorious in its effects as the Bursen-Fall
bill of two or more decades ago.

The Bosone bill would, in no way, contravene the intent expressed by Secretary Chapman In,
his letter to Chairman Peterson, will deter-
mine the fate of the Indians. Furthermore,

Secretary Chapman’s Intent would in no way
controvert his suggestions that it would in no way alter the fact that the
Bosone resolution would open wide the gate,
that now protects our Indian wards, to the
two-legged predator who has traveled that
familiar road in the past. Even Secretary
Chapman seems to have forgotten the his-
tory of the nation’s treatment of its Indian
reserves, of which have been all to successful, to de-
lude the Indians of their property. His Indomainence, his Indosurance, his Indolence is in
contradistinction to his adverse report on
S. 2726 which boldly and directly proposed
to do what could be done just as easily, if
less abruptly and more smoothly, under the
Bosone resolution.

Title to Submerged Lands Beneath
Navigable Waters

EXTENSION OF REMARKS
OF HON. HERBERT R. O’CONOR
OF MARYLAND

IN THE SENATE OF THE UNITED STATES
Thursday, September 21 (legislative day of Thursday, July 20, 1950)

Mr. O’CONOR. Mr. President, the State of Maryland consistently has taken
the position, through its duly elected
officials, that submerged lands beneath
Navigable Waters
the boundaries of the several States belong to the States in
question. Those officials have sup-
sorted legislation which would

The Bosone resolution becomes the
law, its language, and not the benevolent
Intent expressed by Secretary Chapman In
his letter to Chairman Peterson, will deter-
mine the fate of the Indians. Furthermore,
The National Federation of Independent Business Is Doing a Great Job for Small Business in America

EXTENSION OF REMARKS

OF

HON. HAROLD C. HAGEN
OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 18, 1950

Mr. HAGEN. Mr. Speaker, small business in America is having a hard round these days. It is difficult for the average small-business man to compete with big business monopolies, trusts, and furthermore with Government regulations, red tape, bureaucratic delays, regimentation, and so forth.

Therefore, it is well that they have representing their interests and welfare several groups and organizations here in Washington. Many small-business men hold memberships in these groups and subscribe to their publication and, in a more or less degree, finance their activities.

One of the most active and most influential organizations carrying the banner of American business is the National Federation of Independent Business. It has the largest individual membership of any organization in the United States. Their Washington, D.C., office, the Federation District Building, Washington 5, D.C.,

The organization has an advisory council which reports to the organization, here in Washington, D.C., every month. This comprises 2,000 district chairmen reporting the opinions of the average small-business man on important issues and problems of the day.

Then through the organization keeps in touch with small business throughout the country. Then in turn, the organization officials can report the overall information to Members of Congress, Federal officials, public sector groups, and educational groups and others.

Of interest to the readers of the Congressional Record and the general public is the enclosed letter dated September 17, 1950, addressed to Mr. George J. Burger, vice president, the Federation.

The letter reads:

NATIONAL FEDERATION OF INDEPENDENT BUSINESS,
Burlingame, Calif., September 21, 1950,

HON. HAROLD HAGEN,
HOUSE OFFICE BUILDING,
Washington, D.C.

MY DEAR CONGRESSMAN HAGEN: I believe that your suggestion, soley as a matter of Information and guidance to Members of Congress, should be carried out by spreading on the Record what independent business leadership is striving for to protect the people they represent—Independent business of this Nation.

Two things are felt in the minds of many Members of Congress as to who is who in independent business leadership. So there should be no difficulty in acquainting the Members of Congress on this score.

The National Federation of Independent Business, founded by Mr. C. Wilson Harder, president, and a nonprofit corporation whose head office is located in Burlingame, Calif., with division offices throughout the United States, including a public relations office, in charge of Mr. Ed Wimmer, in Cincinnati, Ohio, from the very first instance has ruled that the policies of the federation must be must by the majority vote of the nation-wide membership, and is carried out by the registered vote of the membership through the official publication of the federation, "The Mandate." No group of officers, nor any special group of members determines the policy of the federation. We believe that this is the only democratic way, and the safest way for any trade association to operate.

When major economic questions are involved before any portion of the federation, it's the nation-wide membership majority vote which determines the position.

We have found from experience in our many appeals to the congressional committees, due to our active interest, that many of independent trade associations has the position of only a few of their membership been the position taken by that organization, and the position being unknown to all the members.

In my official position as vice president in charge of the Washington office of the federation, every so often we are visited by heads of Congress or other groups or called upon by Members of Congress to answer the question: How can you protect independent business at the local level? This question is readily answered, not merely through "lip service" but by direct and positive action, that if independent business were to single out a step it must come about through all-out sincere, vigorous enforcement of the antitrust laws.

The federation's position was ably presented before the Joint Economic Committee of the Economic Report July 14, 1947. Then again, before the House Small Business Committee November 17, 1948, and during appearances before Judiciary Committees of both the Senate and the House, holding to the fundamental objective of all-out vigorous enforcement of the antitrust laws.

The position of the federation was also ably presented, through the splendid cooperation of the respective chairman of the Republican and Democratic Platform Committees in their comprehensive report in the summer of 1948. To their credit, both of these committees extended to the spokesmen for the federation the fullest possible time in oral presentation of the policies of the federation, and it must be said for the chairmen of both committees that special attention was given to the recommendations of the federation, and particularly on their recommendations for an antitrust program.

I urge your favorable attention to, and action on, all of these suggestions, with special emphasis on the first two—without...
Excess-Profit-Tax Hearing

EXTENSION OF REMARKS

OF

HON. DANIEL A. REED
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 1950

Mr. REED of New York. Mr. Speaker, under leave to extend my remarks in the Record, I include the following notice of public hearing of the House Ways and Means Committee to consider excess-profit-tax legislation released to the press by Chairman Robert Doughron, is inserted in the Appendix of the Record:

Chairman DOUGHRON, of the House Committee on Ways and Means, announced today that the committee has scheduled public hearings to begin Wednesday, November 15, 1950, and that the time for receipt of applications to be heard will terminate with the close of business on Friday, November 20.

Meanwhile, in compliance with the directive of the Congress and in order to have an excess-profit-tax bill ready for consideration by the House when it reconvenes on November 27, Chairman DOUGHRON stated that the staff of the Joint Committee on Internal Revenue Taxation will, within the next two weeks, prepare a report on excess-profit-tax proposals for submission to the committee which may then be used as a basis for testimony before the committee.

Witneses desiring to be heard should address their application to the clerk, Committee on Ways and Means, room 1102, New House Office Building, Washington, D. C., in time to be received by November 1. Witnesses desiring that, whenever possible, a single spokesman be designated to appear for an industry group in order to expedite the hearings.

The Tidelands Issue

EXTENSION OF REMARKS

OF

HON. CLARK W. THOMPSON
OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 23, 1950

Mr. THOMPSON. Mr. Speaker, I have today received a resolution from the Progreso, Tex., Lions Club, addressed to the Congress of the United States of America. It reflects a widespread feeling concerning the title to the Texas tidelands—a feeling with which I am in entire accord.

I hope that Members of Congress will read the resolution with care and that they will bear it in mind when acting on legislation designed to clarify the tidelands controversy.

The resolution follows:

To the Congress of the United States of America:

On June 5, 1950, the Supreme Court of the United States handed down a 7 to 3 decision which attempted to give title to the Federal Government of the tidelands off the shore of Texas. In 1845 the United States Government entered into a contract with the people of Texas which specifically provided that these lands would remain the property of the Republic of Texas when a State. This decision of the Supreme Court, if adopted and become effective would be a clear and more than ever before the United States is looked upon over the entire world as the example of a democratic country which keeps its obligations and treaties faithfully and in the letter. The United States of America should not allow the world to witness it breaking a contract which its representatives made in good faith, and has stood for over 100 years.

In writing its decision, the Supreme Court refused to allow the general right of Texas to present and develop the multitude of evidence of the United States to develop the multitude of evidence of the legal standing of Texas in regard to the tidelands. It has put Texas and the people of Texas in the position of asking the world to look at the facts.

1. After winning its independence from Mexico on the battlefield of San Jacinto in 1836, the first congress of the Republic of Texas fixed its limits by a boundary act of December 19, 1838, 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."

2. On April 12, 1844, after formal negotiations, a treaty was signed between Texas and the United States, providing for the annexation of Texas. In this treaty was to give up its public land and property. The United States was to assume the public debt of Texas and was to annex Texas as a Territory. On April 22, 1844, President Tyler sent this treaty to the Senate of the United States, which on June 8 voted and defeated the treaty by a vote of 35 to 15. One of the main reasons stated on the floor of the Senate for the defeat of this treaty was the allegation that "Texas' lands were worthless and would never amount to enough to pay the indebtedness of that Republic."

3. According to the same Congress submitted a counterproposal to the Republic of Texas for annexation. From December 10, 1844, until February 14, 1845, 17 drafts of a counterproposal came before the United States Congress. Some of these had provisions which provided that Texas should cede its minerals, mines, salt lakes, and springs, and to give up its land and mineral rights. None of these was passed.

Finally Representative Milton Brown of Tennessee, who had previously introduced a resolution stipulating that Texas cede her mineral wealth, offered again the principles of his original resolution, but omitted the
ceding of mineral clauses, which his earlier resolution had contained and which had just been defeated in the rejection of an amendment by Representative Brown of New Hampshire, which stipulated that Texas cede its minerals and mines. Brown's rejection was by a vote of 120 to 98. Thus the claim of the United States to the minerals of Texas was considered and rejected by the House of Representatives. This resolution which was submitted to and accepted by the Republic of Texas was the basis of its admission to the Union.

This House resolution that finally passed contained two paragraphs; the first proposed that Texas should be admitted to the Union as a State with a republican form of government, and the second paragraph allowed to the people of Texas and approved by the Congress of the United States, the right, title, and interest in the public domain of Texas. Thus, although the House resolution that finally passed contained two paragraphs, the first proposed that Texas should be admitted to the Union as a State with a republican form of government, and the second paragraph allowed to the people of Texas and approved by the Congress of the United States, the right, title, and interest in the public domain of Texas. Nothing was in these first two paragraphs about equal footing with the States.

The United States Senate amended this resolution and added a third paragraph which gave the President of the United States the option to offer Texas an equal footing by treaty, instead of submitting the proposals of the first and second paragraphs as prepared by the House. President Tyler chose not to exercise this option to negotiate by treaty and instead submitted the provisions of the first and second paragraphs of the joint resolution. President Anson Jones of Texas submitted this to the Texas Congress, which unanimously approved it, and then called a convention of the people of Texas to prepare a State constitution and to ratify the acceptance of Texas into the Union on an equal footing with existing States, instead of submitting to the Republic of Texas the proposals of the first and second paragraphs as prepared by the House.

The last, but by no means the least, is the jurisdiction over public health. It is this more than any other subject within the jurisdiction of our committee that has given me a feeling of genuine pleasure and appreciation of doing something constructive and worth while for all the people of Texas.

The accomplishments of our committee, and in which I feel honored to have had a part, have been widespread, and have materially advanced the welfare of our people. The work of the committee has covered those subjects in which it was particularly appropriate for the Federal Government to supplement by Federal aid activities within the several States and territories. Care has at all times been observed to keep these Federal programs within limits that would preclude the Federal Government from taking over, substituting, or replacing private practice of medicine or the conduct of private institutions carrying on medical services or research activities.

I include, as a part of my remarks, a partial list of bills that have come out of our committee and are now law. I am pleased that some of this legislation was carried under my name, and all of the bills have had my active support. The list is as follows:

### Health Legislation That Has Provided Additional Facilities and Research Programs for the Benefit of Our People

#### EXTENSION OF REMARKS

OF

HON. CHARLES A. WOLVERTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 23, 1950

Mr. WOLVERTON. Mr. Speaker, it has given me a great deal of personal pleasure to have been a member of the Committee on Interstate and Foreign Commerce. This committee has an exceedingly extensive jurisdiction covering outstanding activities such as all forms of transportation, including rail, bus, motortrucks, inland and coastal waterways; communications, which includes radio, television, telephone, telegraph, and cables; security exchange and certain types of investment legislation; Federal power, relating to interstate transmission of all forms of power, including electricity, natural gas, and related subjects; Federal trade, which covers trade practices; civil aviation, and all that relates to the operation and control of all types of civil aircraft; food and drugs, to insure safety and honesty in the administration of such to our people; Bureau of Standards, relating to scientific development; energy property, to provide or secure the production and settlement of alien property in the custody of the Government taken over by it as a result of the last war; petroleum, in all its different aspects, including production, refinement, distribution, and sale.

The last, but by no means the least, is the jurisdiction over public health.
the former Senator Townsend and the former Senator Beck, concluded a report dated May 6, 1936, on behalf of this committee, to wit: "Thus there still remained (after the return of $300,000 by the Fleet Corporation’s escrow check to the companies) in the hands of the Government unreturned funds amounting to $384,256.26."

The published Senate reports of the Eightieth and the Eighty-first Congresses pertinent to this subject matter declare that:

"There is a factor of public interest in this case.

The Congress has always pursued the policy that the foundation of good government rests squarely on justice.

The Congress has always maintained the policy that there can be no revocation of contracts.

The Senate bill, S. 784, will correct the injustice inflicted on the companies for so many years.

The refusal to return the funds of the companies had been consistently based by Government counsel on the alleged contention of the companies and Schundler had breached contracts for the purchase of the vessels; this contention was a misapprehension of the facts.

The Executive disapprovals were grounded upon invalid assertions and upon representations made to the former President that the Government had been damaged by the breach of contracts of sale of the vessels and that the Government could confiscate the unreturned funds, unredeemed by the Fleet Corporation and withheld in its custody, as liquidated damages."

The Court of Claims found that this was not true and that these assertions were invalid; the court determined and held that there were no sales and that the companies did not breach contracts that there were no liquidated damages; to quote the court itself: "There were no valid contracts; Schundler breached no contract;" and as the court’s commissioner summarized it, to quote him verbatim—"Plaintiff companies, therefore, did not breach any contracts, and thereby damage the United States to the extent of $384,256.26 or any part thereof."

It is noteworthy that in early 1921 Admiral Benson appointed a committee consisting of the then Commissioner Frederick I. Waller, A. B. Clements, who was the special assistant of Admiral Benson; Hon. W. W. Nottingham, assistant general counsel of the Board-Fleet Corp.; and Hon. J. A. Phllbln, ship sales manager and vice president of the Fleet Corp. for many years. This committee directed in early 1921 the escrowed cash funds to be returned to the companies and set up the formula of accounting of disbursements in keeping with the operating contract, and it is this method which the internal revenue applied in its determinations. The directive of this committee was not carried out by the Fleet Corp. and failure of the companies to become the commencement of the delay in the return of the funds due the companies.

**CONCLUSION**

It is noteworthy that up to this time every Member of Congress has recognized the equity and morality of this demand of the companies for the return of their cash properties—and no Member of Congress has intimated that the Federal Government is entitled to the funds returned to the companies.

Mr. Speaker, this session is about to come to an end. We have considered many problems of major importance to our people and the Korean war has come along in the middle of our domestic program to interrupt it. We therefore have not passed upon many problems which otherwise should be discussed in expediently.

The tidelands problem is one of those which have been pending for many years. At first it seemed that the claim of the Federal Government to the ownership of the tidelands was based on the act of breach of contract and that there were no valid contracts that there were no liquidated damages; to quote the court itself: "There were no valid contracts; Schundler breached no contract;" and as the court’s commissioner summarized it, to quote him verbatim: "Plaintiff companies, therefore, did not breach any contracts, and thereby damage the United States to the extent of $384,256.26 or any part thereof."

It is noteworthy that up to this time every Member of Congress has recognized the equity and morality of this demand of the companies for the return of their cash properties—and no Member of Congress has intimated that the Federal Government is entitled to the funds returned to the companies.

Mr. Speaker, this is a most serious matter which the State of Louisiana must face. Already a large part of its revenues comes from tidelands; and the State is going to be seriously punished by any act of the United States in taking away revenues previously coming to it from the tidelands. Just what these revenues amount to in dollars and cents, I do not know, nor have I the total amount; but I do know that the complete loss of this revenue from Louisiana tidelands will mean perhaps additional State taxes must be levied upon our people to meet the deficiency caused by this loss.

I was deeply concerned the other day to learn that the Attorney General of the United States was asking for an accounting by the several States of its tideland revenues collected in the past. Such an accounting is another threat to the financial ability of the State of Louisiana. It will again force upon our people in Louisiana the realization that some day we may be compelled to re-examine our finances on a different basis as a result of the dispute over the title to the submerged oil lands off the coast of Louisiana.

All of this means one thing. Mr. Speaker, in my judgment. The time for further delay and procrastination has passed. This issue must be met and met now. Delay will not improve the position of the State in this dispute and delay will not make our case stronger. Every additional delay means loss of further strength to the States which are carrying on this fight against the Federal Government. The time to act is now. I am sorry that we have not been permitted to vote on this matter during the course of this session; but I hope that when we reconvene in November, the Congress will set to work to bring this matter forward to an issue and a final vote.

Mr. CARROLL. Mr. Speaker, it must be gratifying to those Members who have been critical of the Senate amendments to H. R. 6920, the bill which would have reopened many loopholes closed by the House and have added even larger new loopholes, to see the splendid work of the managers on the part of the Senate. It is true, however, that the Government must continue to lose $190,000,000 a year through tax avoidance by coupon clippers because of the opposition of the Senate to any action on the corporate dividend tax bill in the same manner as taxes are now withheld on the salaries and wages of workers.

In view of the active sponsorship by some of the leading members of the tax section of the American Bar Association of some of the Senate loopholes, I think it particularly appropriate and timely that the dean of the Harvard Law School, Mr. Erwin N. Griswold, should have publicly raised the question about the role of the tax section on these important issues.

Under leave to extend my remarks, I wish to insert an address by Dean Griswold delivered before the tax section of the American Bar Association in Washington, D. C., on Monday, September 18, 1950:

"Now we people in Louisiana, as well as a few others, and I would like to venture a few words for tax lawyers for the days to come. The history of the 1920's is not going to repeat itself. We are not going to have the era of economic plenty and lowered taxes which we had looked forward to. Probably we should have foresought that it was not to come, but we are allowed ourselves to hope. Now we are confronted with reality and the pleasant dream is gone—gone as taxes, whether for the Government or for private clients, we have a great responsibility in the difficult days to come.

Way down in the South Sea somewhere there is a little island where there is no unemployment, no crime, no beggars, no radios, and no inhabitant. It is our problem to try to forget that taxes are a necessary concomitant of organized society, and that we are all undoubtedly very fortunate that our society is organized.

Certainly, we as tax lawyers ought to complain very little about the taxes. I will venture the thought that there is scarcely a man in this room who is not better off because we have had high taxes than he would be without any tax law to practice. Tax law has become a highly specialized field, which..."
day he begins to question your motives. The very day he says you are stingy and should give him two quarts. The fourth day—or the fortieth—when you can no longer afford to sell him any milk, he says you are a liar and a welsher because you promised to give him milk the rest of his life.

Certain help in the way of machinery, tools, and technological information may be absolutely essential to bolster up a lagging economy, or food may be required in a period of famine, but nothing more should be given or promised in the way of economic subsidies. Posters and pictures can be powerful tools from nations she overcomes. Certainly Russia does not follow the policy of giving substantial aid to those nations which come under its domination.

How should the $5,000,000,000 be spent? May I repeat that the colossal task of winning over the world is not a matter of thinking of it for many years and so much effort—that a new department in our defense set-up should be created. It might be called the Department of World Relations and it should be staffed with the best brains of the country, drawn from the fields of publishing, broadcasting, public relations, and advertising.

Our program must be based upon truth. Russia has always insisted that its Russia today shown that big lies constantly repeated eventually come to be accepted. But truth, when repeated as constantly, can be more convincing and devastating.

The art of persuasion has never changed. Success grows out of a complete understanding of the aspirations of the people one tries to influence and the sympathetic desire to aid these people in reaching these goals.

Nothing is more boring than to talk about one's self—a sin which we have committed too often in our information program in recent years. The typical person, be he an illiterate peasant or a member of the intelligentsia, has usually one question only to ask: "What's in it for me?"

And, gentlemen, that is the question which we must answer.

In peasant Italy, a farm worker in France, an impoverished and hungry native of China—all of whom have been offered land and a better way of life if they turn Communist.

How do we win in this competition? Certainly we don't get very far by telling these people that they are all poor and millions like them, that life in America is wonderful; that workers here own cars, refrigerators, television sets, and everything else.

Their answer is likely to be, "So what? How do we get to America, and what do we do to get these things when we get there?"

No; our problem is to show how democracy and our form of economy actually will raise the standard of living in the country; and, how, along with a higher standard of living, they can enjoy the freedom our information program has fought to gain over the centuries, and which would be denied under communism.

To tell this story to the great masses of people, we must use all the media of communication. Especially we must use those media which are best suited to reach the people. These are the newspapers, the movies, the radio, the pictures. We must use them to explain to the world how the revolution that began in the early days of this country is the only real revolution in the world—which can alter the fate of millions like ours. The revolution which began in the early days of this country is the only real revolution in the world—which can alter the fate of millions like ours. The revolution which began in the early days of this country is the only real revolution in the world—which can alter the fate of millions like ours.

Do we dare let Russia continue to parade their version of the future over the minds of men. We must send the world the message of the hope and the promise of the American way of life.
The Court's decision in this case definitely Point 3. The California decree is no precedent possessed of paramount rights in and full dominion over the lands, minerals, and other things underlying the Gulf of Mexico.

Article 1 of the decree propounded by plaintiff carefully omits the claim to fee simple title disjunctively made in the complaint merely asking that this Court declare that—

"The United States is now, and has been at all times pertinent hereto, possessed of paramount rights in, and full dominion and power over, the lands, minerals, and other things underlying the Gulf of Mexico."

Page 2 of the proposed decree by plaintiff as follows:

"At all times herein material, plaintiff was not and is not the owner in fee simple of, or possessing of paramount rights in, and full dominion and power over, the lands, minerals, and other things underlying the Gulf of Mexico."

The Court held that —

"The principle has long been settled in the leading case of McCullough v. Virginia (1776 b. U. S. 91). In that case the Court held:"

"Point 5. Plaintiff now asks this Court to clothe it with the very power that Congress has specifically refused to grant, and thus to extinguish the separation of powers embodied in the Constitution."

"If any one proposition could command the assent of all who have had occasion to reflect upon it, I think we may expect it would be this—that the government of the union, though limited in its powers, is supreme within its sphere of action.

It is not amiss to point out that, so far as we have been able to ascertain, the phrase "paramount right" has been employed in the United States not to denote the governmental powers, dominion, etc., of plaintiff over the marginal sea, but Congress positively as declared to the national economy and the present grave emergency is something of which this Court may judge."

We submit that whatever the effect of the decree may be for California, it does not bind Louisiana at all. Louisiana has never consented to any such stipulation. She has always stood, and will ever stand, ready to submit evidence of the widest character portraying her fee simple title to and right to possession of the area involved, undisputed for more than 136 years.

"The Court has specifically refused to grant, and thus to extinguish the separation of powers embodied in the Constitution."

": After the Supreme Court decision in the California case, the question whether the Mineral Leasing Act applied to those areas became material. On August 8 and 28, 1947, the Solicitor of the Department of the Interior informed the Attorney General that the act did not apply to the submerged coastal areas. Accordingly, on September 14, 1947, the Department of Land Management denied the applications pending in that Bureau, and on October 6, 1947, the Secretary of the Interior denied the applications pending in his office.

"There is no reason to think that the legal conclusions of the Solicitor and the Attorney General, and the constructive actions denying all the then pending applications can be successfully challenged in the courts.
Parenthetically, plaintiff can point to no “adjudging” of the tidelands and their mineral resources to the United States, because there is no holding that the United States has fee simple title thereto, contrary to the decision of this Court that the California case, where the United States has specifically denied proprietary rights in the tidelands and their resources, and which is a legal adjudication that the United States does not have fee simple title to the California marginal sea area.

In apparent support of the Secretary of Interior’s alleged power, the Solicitor General cites statements made to the Senate Committee on Interior and Insular Affairs by the President and the Secretary of the Interior during the committee’s hearings on Senate Joint Resolution 195. Eighty-first Congress, which resolution was proposed to confer inter­im authority in the Secretary of the Interior to administer the mineral resources in the tidelands.

But Congress did not enact Senate Joint Resolution 195. It died aborning in the Senate. It was, of course, a legal adjudication that the United States extend, and that is everywhere in the United States.

In fact, it is admitted by the Secretary of the Interior during the hearings on Senate Joint Resolution 195. Eighty-first Congress, that there is no power over a natural resource in the United States, sovereignty resides in the people, who act through the organs of government. The United States Constitution, article I, section 8 provides: “The Congress shall have power * * * to regulate commerce with foreign nations and among the several States. The Congress shall have power * * * to provide for the punishment of counterfeits of the securities and current coin of the United States; and all patents, trademarks, copyrights, and monopolies.”

And: “But until Congress has acted, the courts of the United States cannot assume control over a subject as a matter of Federal juris­diction. It is the Congress, and not the judicial department, to which the Constitu­tional power to regulate commerce with foreign nations and among the several States. The courts can never take such a subject as a matter of Federal juris­diction.”

Provisions of Law Which Would Become Operative Upon Proclamation of a National Emergency by the President

I PROVISIONS AS TO WHICH THE JOINT RESOLUTION OF JULY 25, 1947 (61 STAT. 449, 451-456) ILLUSTRATION TO THE CONGRESSIONAL RECORD

HON. JOHN W. MCCORMACK
OF MASSACHUSETTS

Tuesday, December 18, 1950

Mr. McCORMACK. Mr. Speaker, under the leave to extend my remarks in the Record, I include the following provisions of law which a preliminary study by the Department of Justice was indicated that would become operative upon proclamation of a national emergency by the President:

Act of May 27, 1936 (49 Stat. 1387), as amended by Public Law 97, Eighty-first Congress: Deed by United States to Charleston, S.C., or to the successor of the city of Charleston, for the use of the United States as a municipal aviation field on land leased to the Federal Government for the use of the United States as a municipal aviation field.

Act of February 26, 1925 (43 Stat. 894). Provides that the Secretary of War may transfer specified land to Little Rock, Ark., upon condition that the latter party agrees that Department of War may assume control of air­field near Yuma Airs., in case of emergency, or in event it should be deemed advisable.


Act of November 21, 1941 (55 Stat. 781). Time for examination of accounts of Army disbursing officers is extended to 90 days in time of war or during any emergency declared by Congress or by the President for a period of 18 months after such war or emergency (31 U.S.C. 80a).

Section 18 of act of February 2, 1901 (31 U.S.C. 80b). Authority for the Surgeon General to take land, mineral, or other property for use by the Department of the Army.

Section 3 of act of May 27, 1936 (49 Stat. 1387), as amended by Public Law 97, Eighty-first Congress: Deed by United States to Charleston, S.C., or to the successor of the city of Charleston, for the use of the United States as a municipal aviation field on land leased to the Federal Government for the use of the United States as a municipal aviation field.

Provisions of Proclamation

Provisions as to which the Joint Resolution of July 25, 1947 (61 Stat. 449, 451-456) would become operative upon proclamation of a national emergency by the President:

Mr. McCORMACK. Mr. Speaker, under the leave to extend my remarks in the Record, I include the following provisions of law which a preliminary study by the Department of Justice was indicated that would become operative upon proclamation of a national emergency by the President:

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