H. R. 4798. A bill for the relief of Walter Mims; to the Committee on the Judiciary.

By Mr. CHELF:

H. R. 4799. A bill for the relief of Otho F. Hipkins; to the Committee on the Judiciary.

By Mr. DOLLINGER:

H. R. 4800. A bill for the relief of Antonio Porco; to the Committee on the Judiciary.

By Mr. FINO:

H. R. 4801. A bill for the relief of C. T. Freeman also known as Theodore C. Freeman; to the Committee on Merchant Marine and Fisheries.

H. R. 4802. A bill for the relief of Fernando Del Bove; to the Committee on the Judiciary.

By Mr. GARMATZ:

H. R. 4803. A bill for the relief of Argyrios G. Georgandopoulos; to the Committee on the Judiciary.

By Mr. HELLER (by request):

H. R. 4804. A bill for the relief of Eliseva Kaufman (Saltz); to the Committee on the Judiciary.

By Mr. HERLONG:

H. R. 4805. A bill for the relief of T. C. Elliott; to the Committee on the Judiciary.

By Mr. HOLTZMAN:

H. R. 4806. A bill for the relief of Donata Giorgio; to the Committee on the Judiciary.

By Mr. LANHAM:

H. R. 4807. A bill for the relief of Constantinos Demetrias Petropoulous, sometimes known as Petropol; to the Committee on the Judiciary.

By Mr. MACHROWICZ:

H. R. 4808. A bill for the relief of Jerzy George Birnbaum; to the Committee on the Judiciary.

By Mr. MORANO:

H. R. 4809. A bill for the relief of Nicolo Raitano; to the Committee on the Judiciary.

By Mr. O'BRIEN of New York:

H. R. 4810. A bill for the relief of Alexander Hahnl, his wife, Ninon Hahnl, and their children, Ninon Marie, and Alexander Fritz; to the Committee on the Judiciary.

By Mr. POWELL:

H. R. 4811. A bill for the relief of David Clarence Hines; to the Committee on the Judiciary.

H. R. 4812. A bill for the relief of Chin York Gay; to the Committee on the Judiciary.

By Mr. RAYBURN:

H. R. 4813. A bill for the relief of Radu Florescu and Nicole Elizabeth Michel Florescu; to the Committee on the Judiciary.

By Mr. RODINO:

H. R. 4814. A bill for the relief of Mrs. Sumiko Melillo; to the Committee on the Judiciary.

By Mr. WAINWRIGHT:

H. R. 4815. A bill for the relief of Alexander Petsche; to the Committee on the Judiciary.

By Mr. WINSTEAD:

H. R. 4816. A bill authorizing the Secretary of the Interior to issue to Robert Graham a patent in fee to certain lands in the State of Mississippi; to the Committee on Interior and Insular Affairs.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

192. By Mr. GROSS: Petition of Mr. and Mrs. K. A. Graham, Route 5, Waterloo, Iowa, and about 30 other families living in or near Waterloo, Jesup, Dunkerton, and Fairbank, Iowa, urging enactment of H. R. 1227; to the Committee on Interstate and Foreign Commerce.

193. By the SPEAKER: Petition of Sofia Peterson and others, Holly Hill, Fla., requesting passage of H. R. 2446 and H. R. 2447, social-security legislation known as the Townsend plan; to the Committee on Ways and Means.

SENATE

THURSDAY, APRIL 23, 1953

(Legislative day of Monday, April 6, 1953)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Rev. Jesse E. Waller, minister, the First Methodist Church, Bartow, Fla., offered the following prayer:

Almighty and eternal God, our Heavenly Father, Thou hast made us in Thy spiritual image, and made us free and intelligent beings. We thank Thee for this good land in which we live, and for the great heritage that is ours as freedom-loving people. We beseech Thee, O God, that Thou wilt inspire the minds and wills of these men who have been elected to high office, that they may lead our Nation aright according to Thy divine wisdom and purpose. Cause us to remember that righteousness exalteth a nation and that Thy favor is toward wise servants. Keep us diligent and steadfast in the things that make for a good and great people as we humbly seek Thy guidance. In the name of Christ our Lord. Amen.

THE JOURNAL

On request of Mr. SCHOEPPEL, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, April 22, 1953, was dispensed with.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that on April 22, 1953, the President had approved and signed the following acts:

S. 147. An act for the relief of Sizuko Kato and her minor child, Meechiko;

S. 516. An act for the relief of Ronald Lee Oenning;

S. 682. An act for the relief of George Rodney Giltner (formerly Joji Wakamiya); and

S. 954. An act for the relief of Robert Harold Wall.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 4663. An act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1954, and for other purposes; and

H. R. 4664. An act making supplemental appropriations for the fiscal year ending June 30, 1953, and for other purposes.

TITLE TO CERTAIN SUBMERGED LANDS

The Senate resumed the consideration of the joint resolution (S. J. Res. 13) to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, and to provide for the use and control of said lands and resources.

The PRESIDENT pro tempore. Under the unanimous-consent agreement entered last evening the Senator from Minnesota [Mr. HUMPHREY] has the floor.

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

Mr. HUMPHREY. I yield for a question provided I do not lose my right to the floor.

Mr. SCHOEPPEL. I understand that, pursuant to the proceedings at the conclusion of the session of the Senate yesterday, the Senator from Minnesota is to have the floor until he finishes his address, which will be in approximately an hour and a half from the opening of the session.

Mr. HUMPHREY. The Senator is correct.

Mr. SCHOEPPEL. Do I understand that at the conclusion of the Senator's speech it is proposed to have a quorum called?

Mr. HUMPHREY. Yes.

Mr. President, for a few moments I should like to review some of the points I made yesterday.

First, Senate Joint Resolution 13 does not meet the recommendations of the Attorney General of the United States in his testimony before the Committee on Interior and Insular Affairs. Second, it ignores the testimony and the points which were carefully presented to the committee by representatives of the Department of State. Third, it is at variance with and in contradiction of the position taken by Secretary of the Interior McKay. Fourth, the pending measure makes claims which cannot be justified in terms of international law or in respect to the doctrine of national sovereignty.

Mr. President, I submit that those are serious difficulties and indicate serious defects in the pending measure. Particularly is it very serious to note that Senate Joint Resolution 13, which is the main item of business before the Senate, is at variance with established doctrine as to the sovereignty of the United States over territorial seas, marginal seas, and, of course, all the land and water involved in the marginal seas.

Yesterday I made note of the fact that in 1793 Thomas Jefferson proclaimed a 3-mile belt around the coasts of the United States as an extension of the external sovereignty of the Government of the United States. I also produced evidence indicating that the Government of the United States, through the Continental Congress, exercised sovereignty over the territorial seas and the marginal seas during the Revolutionary War, after the Declaration of Independence. I submit that this is evidence which cannot be contradicted. It is evidence which is a part of the history of the United States of America. This history, as Justice Story pointed out, is a continuous history of the exercise of national sovereignty by a central govern-

ment, dating from the Declaration of Independence.

Mr. President, other developments of yesterday's discussion centered around the propaganda drive which has been carefully nourished and developed throughout the past 7 or 8 years for the passage of legislation which would give to certain States title—and I emphasize the word "title"—to the submerged lands off the shoreline or the coastline of the United States of America.

I submit that such propaganda has led to false conclusions, has misrepresented the case, and has misled the American people. The American people have been led to believe that we are talking about the tidelands, when, of course, that is not the issue. Again, let it be remembered that the tidelands are within the jurisdiction of the respective States, just as is the land under lakes, rivers, bays, and inlets, as has been documented by one court case after another. Let it be further noted that the doctrine of the Supreme Court pertaining to inland waters has been a consistent one from the beginning of this Republic.

Let it be noted that the first time a case came before the Supreme Court relating to the territorial seas and the lands thereunder was in 1947. Let it be equally clear that in those cases the Supreme Court made note of the fact that the decision pertaining to marginal seas was a separate and distinct decision from that which pertained to the inland waters and the land under the navigable rivers, lakes, and bays.

I have mentioned the Illinois Central case as announcing the doctrine of the State trusteeship of land under the Great Lakes, a trusteeship which could not be violated.

The Pollard case was the case which pertained to the tidelands proper. It was the case which referred to the State of Alabama.

The Waddell case pertained to the bays. So we have a consistent, concrete doctrine insofar as the internal sovereignty of the respective States is concerned over all inland waters, lands thereunder, rivers, bays, and eddies.

The next question is, What about the territorial seas? What about the marginal seas? What did the Court say?

The Supreme Court in three decisions has ruled that the Federal Government has paramount rights in those seas. Not only has the Federal Government paramount rights, but the Court pointed out in the California case in 1947 that the Federal Government has dominium and imperium—ownership and control, ownership and jurisdiction. In the Texas case the Court not only used those Latin words, but placed the English equivalents, "ownership" and "control" in brackets.

I have also tried to answer what I consider to be some of the pertinent points raised by the proponents of the Holland resolution.

The Senator from Texas [Mr. DANIEL] has stressed his point that Texas, by reason of its history, by reason of its background, has a 3-league belt of 10½ miles off its coast into the Gulf of Mexico.

The Senator from Illinois [Mr. DOUGLAS] pointed out that, regardless of the historical claims of Texas, when Texas was admitted into the Union she came in with no more rights than any other State. She came in on an equal footing with the Original Thirteen States. There is nothing to the contrary, and nothing that should in any way detract from those rights. As a result of admission into the Union she has the same rights as every other State—no more and no less. Many Americans have been led to believe that Texas came into the Union by treaty, which is not true. Texas came into the Union by a resolution of annexation.

Furthermore, the State of Texas acted upon that resolution, and, as I pointed out in my argument of yesterday, the equal-footing clause is something more than modern doctrine.

When the Supreme Court, in the Texas case, invoked the equal-footing clause in the resolution of admittance of Texas to the Union, it was not establishing a new doctrine. It was only reiterating the doctrine which had been accepted in this country since 1787 and 1789.

I submit that the burden of proof rests upon the proponents of the joint resolution to submit any evidence to the contrary. The historical evidence of the United States is that every one of the 48 States has come in on the basis of equal footing—no more privileges than the others, and no less. Yet I submit that there are some who would like to have greater privileges than some others. What we are really talking about is a parity, or equal footing—each State shall have equal treatment.

I say that the burden of proof rests upon the proponents of Senate Joint Resolution 13 to show any evidence of State ownership in the territorial seas.

I would say to my friends of the fourth estate that as they write their stories about this debate they should ask the question, Where is the evidence that the States on the coast ever could claim ownership? How can they claim ownership of the territorial seas? Where is the legal doctrine which gives them the right to claim ownership of the submerged lands? Their case for ownership is built on the fallacious assumption that since there must be internal sovereignty on the part of the States with respect to internal waters, therefore they have the right to external sovereignty with respect to the marginal seas. The whole corpus of international law is a repudiation of this argument.

I shall address myself in a few moments to the international implications. For this is not an ordinary legislative debate. It goes into the fundamental purposes of the Nation in its foreign relations.

I also pointed out during my remarks yesterday that the purpose of the Constitution was to prevent jungle warfare between the States. I said that the Constitution provides an equilibrium in the Republic. It was framed and adopted for the purpose of promoting domestic equilibrium and justice and to prevent domestic warfare and domestic argument and domestic injustice. Senate Joint Resolution 13 will give us constant litigation in the courts. It will give us more trouble between the States. Furthermore, it will not give us justice, because some States will claim for themselves rights from the national sovereign which they cannot claim under any law.

These arguments require an answer, Mr. President. They cannot be ignored.

Mr. President, one other point which I raised yesterday concerned the peculiar nature of the Federal structure and the unique functions and powers of the Supreme Court. It should be noted that section 1, article III, of the Constitution, establishing the Supreme Court, gives the Court original jurisdiction to settle disputes between States and between States and the Federal Government. Why? I read from the Federalist Papers, in which Alexander Hamilton made note of the purposes of the Judiciary. He was fearful that a majority in the Congress might disrupt the Federal system and might give to some States more than to other States. The reason for giving the Supreme Court original jurisdiction in cases involving the States and the Federal Government was to keep a semblance of balance and to prevent a struggle for power amongst the States.

I submit that the Constitution does not provide for such disputes to be adjudicated by Congress. They are cases in equity. Such cases should go directly to the Supreme Court.

I think that we should come to grips with that issue. Yet we hear talk about States rights. States rights for whom? States rights for 48 States or for 2 or 3 States?

The Anderson counterproposal gives States rights to all the States. It is generous. It gives to the coastal States 37½ percent of all revenues from oil and an additional share from revenue which may come into the Treasury of the United States to be distributed amongst all the 48 States. It applies the principle of the Mineral Leasing Act. That act requires, in the State of Wyoming, for example, that of the oil extracted from lands owned by the Federal Government, 37½ percent of the revenue shall be kept by the State of Wyoming. The balance goes to the Federal Treasury, either to be distributed amongst the States or for the purpose of administering the program. That is the formula the Anderson bill applies to the submerged lands under the sea. That is fair. That is equitable. That is equal treatment. It is respect for States' rights.

The Anderson bill is directed toward simplification and clarification of the problems before us. I maintain again today that Senate Joint Resolution 13 does not simplify. It confuses. It will result in untold litigation. It is a step out of line with our national history.

Mr. President, that is how I concluded my remarks of yesterday. I was citing the record of the testimony of the Attorney General. The testimony of the Attorney General before the committee does not jibe either with the terms of the joint resolution or with the arguments made in favor of it. It does not

jibe with the platform of the Republican Party. It does not jibe with the statements which the Republican candidate made in the recent campaign. Let me read, for example, some statements which were made with respect to the question we are now considering. The Republican platform says:

> We favor restoration to the States of their rights to all lands and resources beneath navigable inland and offshore waters within their historic boundaries.

But the States have had no rights to the submerged lands of their coastlines. The assertion of a right does not mean that it is valid. The assertion of a claim to property does not mean that the claimant owns it. So it is wrong to speak of restoring the States rights in these submerged lands.

In New Orleans on the 13th of October, the Republican presidential candidate stated:

> Twice by substantial majorities both Houses of Congress have voted to recognize the traditional concept of State ownership of these submerged areas. Twice these acts of Congress have been vetoed by the President. I will approve such acts of Congress.

That is the commitment approving the joint resolution.

But this traditional concept of State ownership of these submerged areas has never existed at law.

Later in the same speech, at New Orleans, on the 13th of October, the Republican presidential candidate said:

> So, let me be clear in my position on the tidelands and all submerged lands and resources beneath inland and offshore waters which lie within historic State boundaries. As I have said before, my views are in line with my party's platform. I favor the recognition of clear legal title to these lands in each of the 48 States.

Let me say to the proponents of the joint resolution: "You did get a pledge for clear legal title to the lands in each of the 48 States. You did get that pledge, but it is very peculiar language." The Attorney General, Mr. Brownell, came before the committee and recommended no title.

Later on, at Lubbock, Tex., on October 14, the then candidate now our President, said:

> Along with this, and in furtherance of my conviction that we must fight against growing centralization of power in the Federal Government, I spoke briefly on the tidelands—the oil lands—question, off your coast.

You will note Mr. President, that Mr. Eisenhower even used the word "tidelands." However, the tidelands off the coast are not a subject of debate. We are talking about the submerged lands under the territorial seas and the marginal seas; we are not talking about the tidelands.

Mr. Eisenhower went on to say:

> I spoke briefly on the tidelands—the oil lands—question, off your coast, and in doing so I took my stand against the opposition. I said I believed that these lands belonged just exactly where they have belonged for more than 100 years—

Mr. President, if the gentleman who now is our great President had only stopped there, that would have been reasonable. But he continued, in these next six words—

> with the States that own them.

Mr. President, the only States that own the submerged lands are the United States of America. The only States that have title to the lands under the territorial sea, within the 3-mile belt, are the United States of America. Mr. Justice Story's commentaries on the Constitution and Mr. Justice Sutherland's decision in the case of United States against Curtiss Wright constitute ample legal opinion to that effect. In the Supreme Court case of United States against Curtiss-Wright the Court said that sovereignty is indivisible; that the external sovereignty of the United States cannot be divided; but that once the States entered the Union, external sovereignty rested in the Government of the United States of America.

At Long Beach, Calif., the presidential candidate said on October 9:

> For 100 years or more the lands under the seas along our coasts have been held by the courts and by the agencies of the Government to belong to the State.

Mr. President, if Mr. Eisenhower meant the lands on the shore where the tide ebbs and flows, he was correct. But there is no relevant court decision which holds that the lands under the seas along the coasts are held by the States. There are no court cases which hold that the States have title to the lands under the sea.

Then, on October 13, at New Orleans, La., the President—at that time the candidate—said:

> State ownership of lands and resources beneath inland and offshore navigable waters is a long recognized concept.

Mr. President, that is not so. It is true in the case of inland waters. However, in that statement the grouping together of inland waters and offshore navigable waters was misleading.

There were those who said, "If you have control of the inland water, of course you have external control."

But, Mr. President, I repeat again that the sovereignty of the Government of the United States externally in the marginal seas and in the territorial seas is an indivisible one, an undivided one, and it has no relevancy to the so-called inland waters sovereignty of the respective States. The Constitution of the United States gave the Central Government exclusive powers in matters of foreign relations.

Mr. President, the burden of proof rests upon the proponents of the joint resolution to show why it is that the Attorney General testifies one way and the head of the administration talks another way. That is where the burden of proof rests. Unfortunately, that burden of proof has not as yet been accepted.

Mr. President, I think it likely that if the pending joint resolution is enacted, it will be declared unconstitutional by the courts. In the Illinois Central case, pertaining to inland waters, the Court said the State of Illinois could not sell, give away, or relinquish title to the lands under Lake Michigan, because those lands were held in trust for all the people of the State. The important point here is that the waters of the marginal seas and the Continental Shelf—like the waters of Lake Michigan, which were dealt with in the Illinois Central case—are "of public concern to the whole people."

I remind the proponents of the joint resolution that they are dealing with land which belongs to the whole people, and they are trying to take squatters' rights for certain States. The legal rights have been determined by the Court. These rights to the submerged lands under the marginal seas are in the United States of America.

The issue has been brought to Congress in an effort to overrule the decision of the Court. So questions affecting equitable rights, questions dealing with property, or disputes over the ownership of property, are submitted to a political body. That should not be done. Such questions should be submitted to a judicial body for adjudication. It is the Court which is the protector of the integrity and basic soundness of the Federal structure. We are not dealing with a mere legislative matter, Mr. President; we are dealing with a constitutional matter.

Congress should take the greatest care before passing legislation which, on the face of it, seems to be unconstitutional.

Further, I believe that when the Congress acts it ought to act so as to clarify issues, not so as to raise further doubts and further legal issues. As matters stand today, all legal issues are resolved. The States control and own the tidelands, and the lands beneath navigable inland waters, and historic bays and harbors. The Federal Government controls and owns the marginal seas, and asserts jurisdiction and control over the national resources of the subsoil and seabed of the Continental Shelf as an incident of external sovereignty. All of these issues are settled, and now, it seems, we are to begin raising them again.

This seems to me to be the most unwise policy conceivable. Not only is the Congress asked to pass legislation which appears to be unconstitutional, the Congress is further asked to overturn established law and legal opinion to accomplish an ill-conceived objective. In doing so it would reopen many legal issues and subject the development of our most important natural resources to untold legal delay.

Legally, Senate Joint Resolution 13 thus appears to be a most unwise measure. I propose now to examine some of its public-policy implications which appear to me to be equally foolhardy.

The indefinite, confused, clouded, and very possibly untoward effects of the Holland joint resolution are most dangerous, I believe, in two fields. One of these is the field of international law, where a traditional United States policy and future United States interest are endangered.

Our traditional policy has been to press for and to uphold the doctrine of the 3-mile limit of territorial waters in international law. This policy has been based firmly on the national interest of the United States, and our interest in it remains the same today. That interest

stems from the fact that we are a great maritime power—the greatest in the world today—with the natural interest of a maritime power in maximum freedom of the seas. It stems from the considerable fishing industry of our country, and our desire to obtain natural freedom for that industry. It stems from our position as a trading nation, with a vital interest in the free movement of our shipping.

The doctrine of the 3-mile limit has had a long and tortuous development. The United States was a leader in the development of that doctrine and it cost us a lot of effort. It is being questioned by many nations today and it is certainly unwise for us to question or repudiate the leading role we have played in the protection of that doctrine, since it is vital to our interest that we continue to protect it.

In the development of the 3-mile doctrine in the last century, the United States, as I have said, took the lead. The Scandinavian and Iberian nations opposed this doctrine, claiming a wider margin. Let me read the Senate a passage from Thomas Wemyss Fulton's the Sovereignty of the Sea, page 681:

> The diversity in practice between the Iberian and Scandinavian States and the other states of Europe may be traced to the modes by which the limits were evolved. In the former case, the boundaries were fixed in the middle of the 18th century, without special reference to the range of guns of the time. The 3-mile zone, on the other hand, was developed early in the last century from the doctrine of Bynkershoek, 3 miles being then looked upon as approximately the range of cannon.
>
> The general adoption of this limit * * * was due in great measure to the preponderating influence of Great Britain and America in maritime affairs, the lesser states following their example, willingly or with reluctance. It is not too much to say, indeed, that the 3-mile boundary in its origin and development is an Anglo-American doctrine, its authors being Washington and Lord Stowell.

Now, the first assertion of the 3-mile doctrine by this country was, as we all know, made by Thomas Jefferson for George Washington in 1793. The two letters in which Jefferson made this claim have often been quoted here and I do not intend to read them. I would, however, like to incorporate them in my remarks at this point.

The PRESIDING OFFICER. Is there objection?

There being no objection, the two letters were ordered to be printed in the RECORD, as follows:

APPENDIX C: STATE DEPARTMENT DELINEATION OF NATIONAL TERRITORIAL WATERS

1. MR. JEFFERSON, SECRETARY OF STATE, TO MR. GENET, MINISTER OF FRANCE

GERMANTOWN, *November 8, 1793.*

SIR: I have now to acknowledge and answer your letter of September 13, wherein you desire that we may define the extent of the line of territorial protection on the coasts of the United States, observing that Governments and jurisconsults have different views on this subject.

It is certain that, heretofore, they have been much divided in opinion as to the distance from their seacoasts, to which they might reasonably claim a right of prohibiting the commitment of hostilities. The greatest distance, to which any respectable assent among nations has been at any time given, has been the extent of the human sight, estimated at upward of 20 miles, and the smallest distance, I believe, claimed by any nation whatever, is the utmost range of a cannon ball, usually stated at 1 sea league. Some intermediate distances have also been insisted on, and that of 3 sea leagues has some authority in its favor. The character of our coast, remarkable in considerable parts of it for admitting no vessels of size to pass near the shores, would entitle us, in reason, to as broad a margin of protected navigation, as any nation whatever. Not proposing, however, at this time, and without a respectful and friendly communication with the powers interested in this navigation, to fix on the distance to which we may ultimately insist on the right of protection, the President gives instructions to the officers, acting under his authority, to consider those heretofore given them as restrained for the present to the distance of 1 sea league, or 3 geographical miles from the seashores. This distance can admit of no opposition, as it is recognized by treaties between some of the powers with whom we are connected in commerce and navigation, and is as little or less than is claimed by any of them on their own coasts.

Future occasions will be taken to enter into explanations with them, as to the ulterior extent to which we may reasonably carry our jurisdiction. For that of the rivers and bays of the United States, the laws of the several States are understood to have made provision, and they are, moreover, as being landlocked, within the body of the United States.

Examining, by this rule, the case of the British brig *Fanny*, taken on the 8th of May last, it appears from the evidence, that the capture was made 4 or 5 miles from the land, and consequently without the line provisionally adopted by the President, as before mentioned.

I have the honor to be, etc.,

TH: JEFFERSON.

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2. MR. JEFFERSON, SECRETARY OF STATE, TO MR. HAMMOND, BRITISH MINISTER

GERMANTOWN, *November 8, 1793.*

SIR: The President of the United States thinking that before it shall be finally decided to what distance from our sea shores the territorial protection of the United States shall be exercised, it will be proper to enter into friendly conferences and explanations with the powers chiefly interested in the navigation of the seas on our coast, and relying that convenient occasions may be taken for these hereafter, finds it necessary in the meantime, to fix provisionally on some distance for the present Government of these questions. You are sensible that very different opinions and claims have been heretofore advanced on this subject. The greatest distance to which any respectable assent among nations has been at any time given, has been the extent of the human sight, estimated at upwards of 20 miles, and the smallest distance I believe, claimed by any nation whatever is the utmost range of a cannon ball, usually stated at 1 sea league. Some intermediate distances have also been insisted on, and that of 3 sea leagues has some authority in its favor. The character of our coast, remarkable in considerable parts of it for admitting no vessels of size to pass near the shores, would entitle us in reason to as broad a margin of protected navigation as any nation whatever. Reserving however the ultimate extent of this for future deliberation the President gives instructions to the officers acting under his authority to consider those heretofore given them as restrained for the present to the distance of 1 sea league or 3 geographical miles from the seashore. This distance can admit of no opposition as it is recognized by treaties between some of the powers with whom we are connected in commerce and navigation, and is as little or less than is claimed by any of them on their own coasts. For the jurisdiction of the rivers and bays of the United States the laws of the several States are understood to have made provision, and they are moreover as being landlocked, within the body of the United States.

Examining by this rule the case of the British brig *Fanny*, taken on the 8th of May last, it appears from the evidence that the capture was made 4 or 5 miles from the land, and consequently without the line provisionally adopted by the President as before mentioned.

Mr. HUMPHREY. Jefferson's claim for territorial waters extending 1 league, or 3 miles, was derived from the practice which grew up in the 18th century, under which nations claimed territorial seas within the range of a cannon shot. Jefferson's statement was the first such statement by a nation, adopting 3 miles as the range of a cannon shot, and thereby as the range of territorial waters. Thus, the United States clearly took the lead. In 1794 the United States Congress passed a law authorizing the district courts to take cognizance of all captures made within 3 miles of American shores, which was a further step in the development of the 3-mile doctrine.

It is not my purpose to discourse at any length here upon the doctrine of the 3-mile limit and its history. It is only fair to say that in the early days of this country this limit was not always adhered to in official statements and pronouncements. But the United States was more consistent in advocating this doctrine than were other nations, and this was particularly true in the second half of the 19th century, when it had become clear that that doctrine was in the interest of the United States.

There has been one principal exception to American support of the 3-mile limit and that concerns that limit where smuggling is involved. In this regard, the United States has supported extensions of boundaries—and, as has often been pointed out, this is probably the explanation of the Treaty of Guadalupe Hidalgo of 1848, and has been the rationale of our State Department in interpreting that treaty and the boundary it set.

In this century, the United States has steadfastly stood by the 3-mile limit. In 1902, for example, the American agent in the arbitration case of a dispute with Russia regarding the capture of American sealers off the Russian coast declared:

> The Government of the United States claims, neither in Bering Sea nor in its other bordering waters, an extent of jurisdiction greater than a marine league from its shores, but bases its claims to such jurisdiction upon the following principle: The Government of the United States claims and admits the jurisdiction of any state over its territorial waters only to the extent of a marine league unless a different rule is fixed by treaty between two states; even then the treaty states alone are affected by the agreement.

At the Hague Conference of 1930 the United States supported and worked for adoption of the 3-mile limit.

The letter of Under Secretary of State Thruston B. Morton to the chairman of

the Senate Interior and Insular Affairs Committee, with reference to the Holland measure, sums up the United States position very well:

With respect to claims of States in the seas adjacent to their coasts, the general policy of the United States is to support the principle of freedom of the seas. Such freedom is essential to its national interests. It is a time-honored principle of its concept of defense that the greater the freedom and range of its warships and aircraft, the better protected are its security interests. It is axiomatic of its commercial interest that the maintenance of free lanes and air routes is vital to the preeminence of its shipping tonnage and air transport, and it is becoming evident that its fishing interests depend in part—and may come more so to depend in the future—upon fishing resources in seas adjacent to the coasts of foreign states.

Pursuant to its policy of freedom of the seas, this Government has always supported the concept that the sovereignty of coastal States in seas adjacent to their coasts (as well as the lands beneath such waters and their space above them) was limited to a belt of waters 3 miles width, and has vigorously objected to claims of other States to broader limits.

The term "states" means "nations."

In the circumstances, the Department is much concerned with the provisions of Senate Joint Resolution 13 which would permit the extension of the seaward boundaries of certain States of the United States beyond the 3-mile limit traditionally asserted by the United States in its international relations. Such an extension of boundaries would compel this Government, now committed to the defense of the 3-mile limit in the interest of the Nation as a whole, to modify this national policy in order to support the special claims of certain States of the Union, for obviously, the territorial claims of the States cannot exceed those of the Nation.

Likewise, if this Government were to abandon its position on the 3-mile limit it would perforce abandon any ground for protest against claims of foreign states to greater breadths of territorial waters.

Such a result would be unfortunate at a time when a substantial number of foreign states exhibit a clear propensity to break down the restraints imposed by the principle of freedom of the seas by seeking extensions of their sovereignty over considerable areas of their adjacent seas.

Do not say that we are not warned. Let the record be perfectly clear. If we enact this joint resolution we will have told the countries of the world, "Get all you can get." Mr. President, when we do that, we are going to have trouble with every one of our fishing treaties, as the Senator from Massachusetts [Mr. KENNEDY] pointed out. The Republican platform, strange to say, dealt with submerged lands, within the historic boundaries, and yet in the next sentence it said:

We favor protection of our fisheries.

But, Mr. President, the Secretary of State says that we cannot protect our fisheries if we abandon the 3-mile limit.

We are having trouble with Mexico right now, Mr. President.

I read further from Mr. Morton's letter:

A change of position regarding the 3-mile limit on the part of this Government is very likely, as past experience in related fields establishes, to be seized upon by other States as justification or excuse for broader and even extravagant claims over their adjacent seas. Hence, a realistic appraisal of the situation would seem to indicate that this Government should adhere to the 3-mile limit until such time as it is determined that the interests of the Nation as a whole would be better served by a change or modification of policy.

Mr. President, I ask the proponents of the measure to answer the State Department. To fool with the 3-mile limit is to open up a Pandora's box of troubles.

It is well known that the rules of international law are more tenuous and more susceptible of change and violation than are rules of national or domestic law. Certainly that is the position today with respect to the 3-mile limit. There is great danger that the Holland bill will give rise to more nations claiming extended boundaries. There has been a great deal of this already, and the United States has so far been opposed to it.

I might point out that doctrines of international law generally grow up either out of treaties and conventions, or by long uncontested usage.

This is an essential of international law, but in order to establish the United States position on this point, let me quote from a letter of Secretary of State Seward to the Foreign Minister of Spain in 1862:

Nevertheless it cannot be admitted, nor, indeed, is Mr. Tassara understood to claim, that the mere assertion of a sovereign, by an act of legislation, however solemn, can have the effect to establish and fix its external maritime jurisdiction. His right to a jurisdiction of 3 miles is derived not from his own decree but from the law of nations, and exists even though he may never have proclaimed or asserted it by any decree or declaration whatsoever.

He cannot, by a mere decree, extend the limit and fix it at 6 miles, because, if he could, he could in the same manner, and upon motives of interest, ambition, or even upon caprice, fix it at 10, or 20, or 50 miles, without the consent or acquiescence of other powers which have a common right with himself in the freedom of all the oceans. Such a pretension could never be successfully or rightfully maintained (I Moore's Digest 710).

In this light the unilateral assertion of a 10½-mile seaward boundary by the Republic of Texas in 1836 is very questionable at international law. Since the Republic of Texas only lasted for 10 years, there was insufficient time for usage to develop. And there is not one treaty or document during that 10-year period which indicates that any other nation ever recognized Texas' claim to a 10-mile seaward boundary.

The State Department's traditional advocacy of the 3-mile limit sheds a good deal of doubt on the matter of the Treaty of Guadalupe Hidalgo—the only exception to the general American policy of territorial waters of only 3 miles which has ever been claimed. It seems clear that this treaty set a 3-league limit only for purposes of customs and the prevention of smuggling. The State Department of the United States has consistently so interpreted it and does not consider that treaty an exception from the general United States claim to territorial waters of only 3 miles.

Secretary of State Buchanan's interpretation of the Treaty of Guadalupe Hidalgo, when the British protested this treaty in 1848, should be noted:

The stipulation in this treaty can only affect the rights of Mexico and the United States. If, for their mutual convenience, it has been deemed proper to enter into such an arrangement, third parties can have no just cause for complaint. The Government of the United States has never intended by this stipulation to question the rights which Great Britain or any other power may possess under the laws of nations (I Moore's Digest 730).

As the last word on this point, let me cite the letter of the Department of State to Senator Tom Connally, of Texas, of December 30, 1949. It will be recalled that Senator Connally had written to the State Department, asking the following questions:

1. Does the Department of State recognize the 3-league boundary of Texas in the Gulf of Mexico as binding upon Mexico and its citizens?

2. Does the Department of State recognize the three-league boundary of Texas in the Gulf of Mexico as binding upon the United States and its citizens?

3. Are there now pending in the State Department any objections from other nations to this boundary, and the 3-league area of territorial waters off the coast of Texas?

The State Department replied to Senator Connally, and I want to read part of that reply:

Accordingly, this United States Government claims and asserts an extent of territorial waters in the Gulf of Mexico and elsewhere along its coast of 3 marine miles. It does not recognize any claim other than its own as binding on the relations of the United States with foreign nations. It does not, therefore, recognize the Texas claims of 3 leagues as binding for international purposes and does not recognize the Texas claim as binding upon Mexico or the nationals of Mexico.

Senator Connally's third question referred to whether or not there were now pending in the State Department any protests with regard to the presumed 3-league Texas seaward boundary. The Department replied that there were not then any such protests before the Department, but enclosed some of its back correspondence on the matter which indicates that there have in the past been plenty of protests. I should like to have this correspondence covering the period 1848–1936, pertaining to the Treaty of Guadalupe Hidalgo, included in the body of the RECORD:

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

[Mr. Crampton, British Chargé d'Affaires a. i. at Washington, to Mr. Buchanan, Secretary of State, April 30, 1848]

WASHINGTON, *April 30, 1848.*

SIR: I have been instructed by Her Majesty's Government to call the attention of the Government of the United States to that part of the 5th article of the treaty of peace between the United States and Mexico, signed on the 2d of February, by which the boundary line between the two republics is defined as commencing in "the Gulf of Mexico, three leagues from land opposite the mouth of the Rio Grande."

As the tenor of this article appears to Her Majesty's Government to involve an assumption of jurisdiction on the part of the United States and Mexico, over the sea beyond the usual limit of 1 marine league (or 3 geographical miles), which is acknowl-

edged by international law and practice as the extent of territorial jurisdiction, over the sea that washes the coasts of States.—I have been directed to state to the United States' Government that, in order to prevent future misunderstanding, Her Majesty's Government think it right to declare that they cannot acquiesce in the extent of maritime jurisdiction assumed by the United States and by Mexico in the article in question.

I am further instructed to remark that this step is the more necessary on the part of Her Majesty's Government, because the Gulf of Mexico is a great thoroughfare of maritime commerce, and is not like a bay or creek which can by nature be susceptible of being subjected to exclusive dominion.

Her Majesty's Chargé d'Affaires in Mexico has been instructed to address a similar declaration to the Mexican Government.

I avail myself of this opportunity (etc.).

(VII Manning Diplomatic Correspondence of the United States 294.)

[Mr. Buchanan, Secretary of State, to Mr. Crampton, British Chargé d'Affaires a. i. at Washington, August 19, 1848]

I have had the honor to receive your note of the 30th April last objecting, on behalf of the British Government, to that clause in the 5th article of the late treaty between Mexico and the United States by which it is declared that "the boundary line between the two republics shall commence in the Gulf of Mexico 3 leagues from land, instead of 1 league from land, which you observe "is acknowledged by international law and practice as the extent of territorial jurisdiction over the sea that washes the coasts of States."

In answer I have to state, that the stipulation in the treaty can only affect the rights of Mexico and the United States. If for their mutual convenience it has been deemed proper to enter into such an arrangement, third parties can have no just cause of complaint. The Government of the United States never intended by this stipulation to question the rights which Great Britain or any other power may possess under the law of nations.

(I Moore Digest of International Law 730.)

[Mr. Seward, Secretary of State, to Mr. Welles, Secretary of the Navy, September 3, 1863]

I have the honor to acknowledge the receipt of your letter of yesterday and to return the dispatch of Commodore H. H. Bell, which accompanies it. The stipulation in the treaty of Guadalupe-Hidalgo by which the boundary between the United States was begun in the gulf 3 leagues from land is still in force. It was intended, however, to regulate within those limits the rights and duties of the parties to the instrument only. It could not affect the rights of any other power under the law of nations. It seems that the peculiarity of the clause adverted to attract the notice of the British Government. A copy of the reply of this Department upon the subject is herewith enclosed.

(I. Moore, Digest of International Law, 730–1.)

[Mr. Fish, Secretary of State, to Sir Edward Thornton, British Minister at Washington, January 22, 1875]

DEPARTMENT OF STATE,
Washington, January 22, 1875.

SIR: The instruction from the Foreign Office to Mr. Watson, of the 25th of September last, a copy of which was communicated by that gentleman to this Department, in his note of the 17th of October, directs him to ascertain the views of this Government in regard to the extent of maritime jurisdiction which can properly be claimed by any power, and whether we have ever recognized the claim of Spain to a 6-mile limit or have ever protested against such claim.

In reply I have the honor to inform you that this Government has uniformly, under every administration which has had occasion to consider the subject, objected to the pretension of Spain adverted to, upon the same ground and in similar terms to those contained in the instruction of the Earl of Derby.

We have always understood and asserted that, pursuant to public law, no nation can rightfully claim jurisdiction at sea beyond a marine league from its coast.

This opinion on our part has sometimes been said to be inconsistent with the facts that, by the laws of the United States, revenue cutters are authorized to board vessels anywhere within 4 leagues of their coasts, and that by the Treaty of Guadalupe-Hidalgo, so-called, between the United States and Mexico, of the 2d of February 1848, the boundary line between the dominions of the parties begins in the Gulf of Mexico, 3 leagues from land.

It is believed, however, that in carrying into effect the authority conferred by the act of Congress referred to, no vessel is boarded, if boarded at all, except such a one as, upon being hailed, may have answered that she was bound to a port of the United States. At all events, although the act of Congress was passed in the infancy of this Government, there is no known instance of any complaint on the part of a foreign government of the trespass by a commander of a revenue cutter upon the rights of its flag under the law of nations.

In respect to the provision in the treaty with Mexico, it may be remarked that it was probably suggested by the passage in the act of Congress referred to, and designed for the same purpose, that of preventing smuggling. By turning to the files of your legation you will find that Mr. Bankhead, in a note to Mr. Buchanan of the 30th of April 1848, objected on behalf of Her Majesty's Government, to the provision in question. Mr. Buchanan, however, replied in a note of the 19th of August, in that year, that the stipulation could only affect the rights of Mexico and the United States, and was never intended to trench upon the rights of Great Britain, or of any other power under the law of nations.

I have, etc.

HAMILTON FISH.

(Foreign Relations 1875, vol. I, 649–50.)

[Mr. Ryan, American Minister to Mexico, to Mr. Mariscal, Mexican Minister for Foreign Affairs, December 7, 1889]

LEGATION OF THE UNITED STATES,
Mexico, December 7, 1889.

SIR: Referring to Your Excellency's unofficial communication of the 25th ultimo to Mr. Whitehouse touching the arrest of Captain Stilphen, of the American schooner *Robert Ruff*, I beg to state that I have this day received from my Government specific instructions to bring to Your Excellency's notice the views hereinafter stated, not doubting that the Mexican Government will probably take appropriate action, if not already taken, without delay, in accordance therewith.

It appears that the ground on which Captain Stilphen had been arrested was that on a previous voyage from Coatzacoalcos he assisted an American citizen named Patton, charged with assault and battery at that place, to escape. The facts in the case, as they were stated to my Government, were that Patton, who was accused of the offense alleged, but who had not been arrested, took passage on the schooner for the United States. When the schooner was about 9 miles from land on the high seas and outside the jurisdiction of Mexico, she was approached by a boat, on board of which were certain persons in citizens' clothes, one of whom, who spoke in Spanish, exhibited a piece of paper, and apparently solicited Patton's surrender. He did not, however, come on board of the schooner, and Captain Stilphen kept her on her course, paying no attention to the demand apparently made upon him. For this act he was upon his return to Coatzacoalcos arrested on the charge of aiding a criminal to escape.

My Government is of the opinion that, upon the facts stated, there is no ground for Captain Stilphen's detention, and that he should be set at liberty without delay, if that step has not been already taken. As my Government is informed, the *Robert Ruff* at the time the demand was made upon her master was clearly outside of the jurisdiction of the Mexican Government, and was an American vessel on the high seas, within the exclusive jurisdiction of the Government of the United States. She was not, therefore, in any respect subject to the criminal laws of Mexico, and her commander was not, and is not, answerable to those laws for acts then and there committed. For the same reason the demand upon him was unauthorized and illegal, and one which he would not have been justified in conceding.

Merchant vessels on the high seas being constructively considered, as for most purposes, a part of the territory of the nation to which they belong, they are not subject to the criminal laws and processes of another nation, and any attempt of the officers or citizens of the latter to execute and serve such laws and processes on board of them can only be regarded as an illegal proceeding, which their masters and crews are justified in not only disregarding, but also in resisting.

It gives me pleasure, etc.,

THOMAS RYAN.

(Foreign relations, 1890, 622.)

[Mr. Root, Secretary of State, to Mr. Thompson, American Ambassador to Mexico, October 6, 1906]

OCTOBER 6, 1906.

His Excellency DAVID E. THOMPSON,
Mexico.

SIR: I have to acknowledge the receipt of your telegram of the 29th ultimo, reading as follows:

"Your telegram of yesterday. Article 5, paragraph 2, reads: 'The inspection and the jurisdiction of the Federal authorities may extend into the sea for fiscal purposes up to a distance of 20 kilometers measured from the line marked by low tide on the coasts of the Republic.' "

In this connection, I enclose herewith, for your information, a copy of an opinion given by the Solicitor of the Department, on the second instant, on the Mexican claim to jurisdiction beyond the 3-mile limit.

I am, sir,

Your obedient servant,

E. ROOT.

(Enclosure: Solicitor's opinion, as above stated.)

DEPARTMENT OF STATE,
October 2, 1906.

MY DEAR MR. ADEE: For the past few months the Mexican authorities have been very active in overhauling American vessels suspected of fishing within the territorial waters of Mexico. It would appear that these vessels are boarded and taken in for investigation even although they may have sought refuge within the territorial waters and no evidence appears to convict them of violating the rights of Mexico within the 3-mile limit. It further appears that Mexican public vessels have seized American fishing craft beyond the 3-mile limit and sent the American vessels into port for alleged violation of Mexican fishing ordinances or revenue laws.

The American shippers state positively that their presence within the 3-mile limit was due solely to accidental circumstances and that they have in no instance fished within the 3-mile limit.

In the case of schooner *Aloha*, seized by the Mexican transport *Progeso Hil*, it appeared that the American schooner was anchored 1½ miles from the Arcas Reef, that the wind had died out and that the current was carrying the vessel toward the rocks, and that the anchor was dropped to prevent the vessel from being destroyed.

In other instances it is alleged that American fishing vessels making a Mexican port on account of storm or seeking harbor under lee of reefs during bad weather, are seized and sent into port for investigation when found within the 3-mile limit. In a third instance it is stated that the Mexican gunboat *Aroclas* boarded the American schooner *Hatteras* in the open seas 7 miles from Triangle Reef, and that the Mexican authorities demanded the papers and inspected the cargo.

The right of the Mexican authorities to subject merchant vessels within the territorial waters of Mexico to the operation of local ordinances is beyond question, and whether it be convenient or inconvenient, it must be submitted to. If, however, the vessel is merely entering territorial waters driven by stress of weather, it would seem that such vessel, unless destined to a Mexican port, should not ordinarily be examined. Still the right exists and it is too late in the day to question it as applied to merchant vessels. Comity, however, would limit its exercise to cases in which inspection is reasonably necessary or advisable.

The case is different with vessels found beyond the 3-mile limit. International law limits the sovereignty of a country to 3 miles from low-water mark, and although Mexican sovereignty follows Mexican vessels upon the high seas until they put into a foreign port, international law does not recognize Mexican sovereignty over a foreign vessel, or any right on the part of Mexico to assume the incidents of sovereignty upon a foreign vessel, beyond the 3-mile limit. It is doubtful whether the right of hot pursuit, that is, pursuit of a vessel for an offense against local laws committed within the 3-mile limit, justified, for example, a Mexican vessel pursuing an offending American vessel beyond the 3-mile limit and taking the vessel into port.

If, therefore, Mexican sovereignty beyond the 3-mile limit is not recognized by international law, it follows that the Mexicans have no right to visit or inspect vessels beyond that line, unless there is a local law of Mexico permitting visit and search under such circumstances. The absence of such a law would make any inspection of foreign vessels beyond the 3-mile limit clearly illegal. The existence of such a law does not change the nature of the transaction so far as the foreigner is concerned, but legalizes the action according to the municipal law of Mexico. In such a case the municipal law would be a defense to an action if brought, but Mexico itself would be liable for any damages sustained by reason of the exercise of a right unrecognized or forbidden by international law, inasmuch as Mexico expressly or tacitly recognizes the binding effect of international law.

The claim to exercise the right of visit and search beyond the 3-mile limit is based upon paragraph 2, article 5, of a Mexican law issued December 18, 1902, which reads as follows:

"The inspection and jurisdiction of the Federal authority may extend into the sea for fiscal purposes up to a distance of 20 kilometers measured from the line marked by low tide on the coasts of the Republic."

Expressed in English terms, it appears that Mexico claims the right to extend its laws for fiscal purposes to a distance of 12½ statute miles—a little over 10 nautical miles—from low-water mark. In the light of the previous statement it is at once evident that this law can only bind Mexican subjects to submit to visit and search and such foreign vessels as consent to the exercise of the right. In the absence of such consent, resistance to the exercise of the alleged right is clearly justifiable.

While it is clearly settled that territorial jurisdiction does not extend beyond the 3-mile limit, still there is a tendency to permit the regulated exercise of the right of inspection beyond this limit. A distinction is taken between the general application of municipal laws beyond the limit and the extension of the revenue or customs laws for the purpose of facilitating importation. For example an unrepealed statute of the United States permits officers of revenue cutters "to board all vessels which arrive within 4 leagues of the coast thereof, if bound for the United States, and search and examine the same, and every port thereof, and shall demand, receive, and certify the manifest required to be on board certain vessels, shall affix and put proper fastenings on the hatches and other communications with the hold of any vessel, and shall remain on board such vessel until they arrive at the port or place of their destination." (R. S. 2760).

It cannot be claimed that the jurisdiction of the United States rightfully extends beyond the 3-mile limit, except to its citizens. It would seem, however, that where foreign vessels are bound to the United States, the visitation and examination of cargo as provided for in this article may be convenient. Convenience, therefore, to both parties—to the incoming vessel as well as to the customs officers—would seem to dictate the act and justify the policy. Such seems to be the general view, for in the statement to the British Minister Mr. Secretary Fish was able to say: "It is believed, however, that in carrying into effect the authority conferred by the act of Congress referred to, no vessel is boarded, if boarded at all, except such a one as, upon being hailed, may have answered that she was bound to a port of the United States." (Moore's International Law Digest, vol. I, p. 731.)

It is to be noted, however, that only those vessels are inspected which are bound or destined to the United States; that a foreign merchant vessel outside of the 3-mile limit would not be inspected even although such vessel should proceed along the entire extent of the Atlantic coast.

To this extent, therefore, the United States has extended its revenue laws. It cannot object that Mexico should claim and exercise the same right under similar circumstances. It is, however, recognized by Mexico and the United States that revenue laws can solely be applied to the purpose for which they are passed and that they cannot be extended as a cover to other and different circumstances. For example, the United States Government demands an indemnity for an attack by Mexican officials on merchant vessels of the United States when distant more than 3 miles from the Mexican coast the ground alleged being a breach of the revenue laws. It was stated that the attack beyond the 3-mile limit, although alleged to be justified by revenue laws, is an international offense. (Moore's International Law Digest, vol. I, p. 731.) So in the case of the American schooner *Robert Ruff*, it appears that the master had already left a Mexican port and that he was upon the high seas 9 miles from low-water mark; that the master of the vessel picked up from a boat and took on board an alleged fugitive from justice; that a Mexican official attempted to serve notice upon the American master to deliver the said fugitive; that the American master refused to deliver the alleged fugitive and continued on his voyage. Upon his subsequent return to a Mexican port the master was proceeded against for a violation of the local law of Mexico. This Government maintained that the American master, being 9 miles from low-water mark, was upon the high seas, that he was not subject to the Mexican jurisdiction but to the jurisdiction of the United States, and that if he had obeyed the summons of the Mexican official he would have been derelict in his duty. The Mexican Government it seems, admitted this contention, but insisted that the American vessel at the time was 2½ miles from the coast. If this latter allegation were true, the Mexican authorities would have been justified, otherwise not. The essentials of the case are set forth in Moore's International Law Digest, volume I, pages 731–732, and more at length in Foreign Relations for 1889, pages 611–614, and Foreign Relations for 1890, pages 620, 623, 629–631.

It would appear, therefore, in the light of authority that local jurisdiction without the consent of the party to be affected does not extend beyond the 3-mile limit; that this Government has, as previously stated, extended its jurisdiction 4 marine leagues solely for the purpose of examining foreign vessels bound to an American port; that this extension of local law is for the purpose of convenience; that it has always been consented to and that when convenience and consent should cease the law itself would be inoperative as regards foreign vessels. The attempt to use a customs or revenue law to confer jurisdiction for other purposes and for all purposes is not and cannot be justified.

It would appear, therefore, that the statute of Mexico extending its jurisdiction beyond the 3-mile limit should not affect American vessels unless such vessels are bound for a Mexican port, and that inasmuch as the statute is general in its nature and subjects all foreign vessels to examination whether such vessels be bound for a Mexican port or merely be temporarily within the limits covered by the statute, this Government should refuse to recognize the effect of the statute so far as American interests are concerned.

J. B. S.

CARNEGIE HERO FUND COMMISSION,
Pittsburgh, Pa., June 8, 1909.

Hon. P. C. KNOX,
Secretary of State,
Washington, D. C.

DEAR SIR: As you are no doubt aware, the field of the Carnegie Hero Fund is confined to the United States of America, the Dominion of Canada, the Colony of Newfoundland, and the waters thereof. To aid us in determining what distance from shore acts performed at sea may properly be considered as within the waters of the United States, will you kindly inform me how far from the shore line along the coasts the United States Government holds its jurisdiction extends, particularly along the coast touched by the Gulf of Mexico.

If this inquiry is not addressed to the proper department, will you kindly refer it to the one it should go, and oblige.

Yours very truly,
F. M. WILMOT,
Manager.

JUNE 16, 1909.

Mr. F. M. WILMOT,
Manager, Carnegie Hero Fund Commission,
Pittsburgh, Pa.

SIR: I have to acknowledge the receipt of your letter of the 8th instant, wherein, for the information of your Commission in determining what distance from shore acts performed at sea may properly be considered as within the waters of the United States, you inquire as to the extent of the maritime jurisdiction of the United States.

In reply you are advised that this Government has always adhered to the principle that its maritime jurisdiction extends for a distance of 1 marine league (or nearly 3½ English miles) from its coasts. This, of course, does not include any waters or bays

which are so landlocked as to be, without question, only in the jurisdiction of the United States.

I am, sir,

Your obedient servant,

HUNTINGTON WILSON,
Assistant Secretary.

[Mr. Daniels, Ambassador to Mexico, to Senor General Hay, Mexican Minister for Foreign Affairs, March 7, 1936]

No. 1438

MEXICO, *March 7, 1936.*

His Excellency Senor General EDUARDO HAY,
Minister for Foreign Affairs,
Mexico.

EXCELLENCY: I have the honor, under instructions from my Government, to refer to the Presidential Decree of August 29, 1935, published in the Diario Oficial of August 31, 1935, which purports to amend existing law so as to extend the territorial waters of Mexico in breadth from 3 to 9 nautical miles.

It is the desire of my Government to inform the Government of Mexico that the United States of America reserves all rights of whatever nature so far as concerns any effects upon American commerce from enforcement of this legislation.

Please accept, Excellency, the renewed assurances of my highest and most distinguished consideration.

JOSEPHUS DANIELS.

[Senor General Hay, Mexican Minister for Foreign Affairs, to Mr. Daniels, Ambassador to Mexico, May 6, 1936]

MINISTRY FOR FOREIGN AFFAIRS,
UNITED MEXICAN STATES,
Mexico, D. F., May 6, 1936.

His Excellency, Mr. JOSEPHUS DANIELS,
Ambassador Extraordinary and Plenipotentiary of the United States of America.

MR. AMBASSADOR: I have the honor to acknowledge the receipt of Your Excellency's courteous note dated March 7, last, in which you are good enough to inform me that the Government of the United States reserves all rights of whatever nature so far as concerns any effects upon American commerce of the enforcement of the presidential decree of August 29, 1935, published in the Diario Oficial of August 31, 1935, whereby the breadth of Mexican territorial waters is extended to 9 nautical miles.

In reply, I beg to inform Your Excellency that the Government of Mexico, in issuing the above-mentioned decree, bore well in mind the general principles of international law and adhered strictly to the provisions of article V of the treaty of February 2, 1848, concluded between Mexico and the United States, which reads as follows:

"The dividing line between the two republics shall begin in the Gulf of Mexico, 3 leagues from land at the mouth of the Rio Grande * * *."

The above-mentioned paragraph leaves no doubt that reference is made to the breadth of territorial waters, which was fixed at 3 nautical leagues, a distance which at that time was equivalent to 9 nautical miles, that is, the 16.668 kilometers mentioned in the decree in question.

There is no question but that article V refers to territorial waters, despite the fact that that phrase does not expressly occur, for this question has been definitely settled since 1848, in which year Mr. Percy W. Doyle, Charge d'Affaires of the British Government addressed to the then Minister for Foreign Affairs, Don Mariano Otero, the following note dated June 9:

"The undersigned, Her Britannic Majesty's Chargé d'Affaires, has the honor to inform His Excellency the Minister for Foreign Affairs Don Mariano Otero, that he has received instructions by the packet which has just arrived, to state, that Her Majesty's Government have observed in the fifth article of the treaty of peace, which was signed on February 2 last between the United States and Mexico, that the boundary line between the two Republics is defined as commencing in 'the Gulf of Mexico 3 leagues from land opposite the mouth of the Rio Grande.' As the tenor of this article seems to involve an assumption of jurisdiction on the part of the United States and Mexico over the sea beyond the usual limit of 1 marine league (or 3 geographical miles) which is acknowledged by international law and practice as the extent of territorial jurisdiction over the sea that waters the coasts of the states. Her Majesty's Government think it right to declare, in order to prevent future misunderstanding, that they cannot acquiesce in the extent of maritime jurisdiction assumed by the United States and Mexico in the article in question, and Her Majesty's Government consider this step the more necessary, because the Gulf of Mexico is a great thoroughfare of maritime commerce, and is not like a bay or creek which can by its nature be susceptible of being subjected to exclusive dominion."

John T. Crampton, Esq., Chargé d'Affaires of the British Government in the United States, addressed a similar note to the Government of the United States on April 30, 1848, protesting against the provision of article V of the Treaty of 1848 extending territorial waters from 3 to 9 nautical miles.

In this connection, Mr. James Buchanan, then Secretary of State of the United States, addressed to Mr. John T. Crampton on August 19, 1848, the following note, in which it is tacitly recognized (reconoce, al no negarlo) that artivle V of the treaty of 1848 refers to territorial waters when speaking of the 3 leagues:

"I have had the honor to receive your note of the 30th of April last, objecting, on behalf of the British Government, to the clause in the fifth article of the late treaty between Mexico and the United States, by which it is declared that "the boundary line between the two Republics shall commence in the Gulf of Mexico 3 leagues from land" instead of 1 league from land, which you observe 'is acknowledged by international law and practice as the extent of territorial jurisdiction over the sea that washes the coasts of States.'

"In answer I have to state that the stipulation in the treaty can only affect the rights of Mexico and the United States. If for their mutual convenience it has been deemed proper to enter into such an arrangement, third parties have no just cause of complaint. The Government of the United States never intended by this stipulation to question the rights which Great Britain or any other power may possess under the law of nations."

By virtue of the foregoing, the following conclusions are deduced:

1. The territorial waters of Mexico as well as those of the United States have been fixed by the treaty of peace, amity and boundaries concluded between the two countries on February 2, 1848, at 9 nautical miles or 16 kilometers, 668 meters.

2. Any doubts as to whether article V of the said treaty refers to territorial waters have been definitely settled by the exchange of notes between Mexico, the United States, and Great Britain. In his note of August 19, 1848, Mr. James Buchanan, Secretary of State of the United States, recognizes that the territorial waters extend for 3 nautical leagues as determined by the United States and Mexico in the treaty of peace, amity, and boundaries signed on February 2, 1848.

3. The decree of August 29, 1935, published in the Diario Oficial of August 31, 1935, conforms strictly to the provisions of article V of the above-mentioned treaty, since it fixes the breadth of territorial waters at 9 nautical miles, that is, 16 kilometers, 668 meters.

The Government of Mexico believes that an appraisal of the foregoing facts will cause the Government of Your Excellency to consider as just and proper the decision taken by the Government of Mexico in regard to territorial waters, and therefore as unwarranted the reservation of rights made by the Government of the United States.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

EDUARDO HAY.

[Mr. De L. Boal, American Chargé d'Affaires ad interim at Mexico City, to Senor General Hay, Mexican Minister for Foreign Affairs, June 3, 1936]

MEXICO, *June 3, 1936.*

His Excellency Senor General EDUARDO HAY,
Minister for Foreign Affairs, Mexico.

EXCELLENCY: I have the honor under instructions from my Government to acknowledge Your Excellency's courteous note No. 4002 of May 6, 1936, regarding the extension of the breadth of Mexican territorial waters, and to make the following comment thereon:

The Foreign Office relies upon provisions of article V of the treaty of February 2, 1848, between the United States and Mexico and correspondence concerning such provisions to sustain its position that the decree in question is "just and proper" and that the reservation of rights made by the Government of the United States was unwarranted.

The treaty provisions in question read as follows:

"The dividing line between the two Republics shall begin in the Gulf of Mexico three leagues from land at the mouth of the Rio Grande."

The Foreign Office has not taken into account the remaining words of the paragraph from which the quotation is taken, which words delimit the boundary line between its eastern end in the Gulf of Mexico and its western end which is said to be "the Pacific Ocean." It will be observed that the western limit of the boundary line is not stated to be "three leagues from land." Moreover, the second paragraph of article V of the treaty of 1848 contains the following provision as to the western limit of the boundary line between the two countries:

"and, in order to preclude all difficulty in tracing upon the ground the limit separating Upper from Lower California, it is agreed that the said limit shall consist of a straight line drawn from the middle of the Rio Gila, where it unites with the Colorado, to a point on the coast of the Pacific Ocean, distant one marine league due south of the southermost point of the port of San Diego."

It will be further observed that in the last quoted provisions of the article upon which the Mexican Foreign Office relies, the westernmost point of the boundary line between the two countries is stated as being on the coast of the Pacific Ocean.

That portion of article V of the treaty of 1848 which the Mexican Foreign Office quotes relates only to the boundary line at a given point and furnishes no authority for Mexico to claim generally that its territorial waters extend 9 miles from the coast. The British note of June 9, 1848, which is quoted by the Mexican Foreign Office recognizes the merely local applicability of the agreement between the United States and Mexico as to the easternmost part of the boundary line, when it states in giving notice that the British Government could not "acquiesce in the extent of maritime jurisdiction assumed by the United States and Mexico," that the giving of such notice is "the more necessary because the Gulf of Mexico is a great thoroughfare of maritime commerce."

Furthermore, this view of the restricted nature of the agreement is strengthened by the statements in the note of the Department of State to the British Minister of August 19, 1848, which is also quoted by the Mexican Foreign Office, and wherein it was said that if for the "mutual convenience" of the United States and Mexico it had been

proper to enter into such an arrangement, third parties had no just cause of complaint and that the Government of the United States never intended by the stipulation to question the rights which Great Britain or any other power may possess under the law of nations.

Presumably it is true as indicated by a note sent by this Department to the British Minister of January 22, 1875, that the arrangement thus made between the United States and Mexico with respect to the Gulf of Mexico was designed to prevent smuggling in the particular area covered by the arrangement.

Wholly aside from the question of the boundary line between the two countries, there remains to be considered the total great extent of the Mexican coast and the bordering territorial waters. To say that because the United States agreed that in one area, so far as the United States was concerned, Mexican territorial waters extended 3 leagues from land, therefore Mexico was entitled to claim such an extent of territorial waters adjacent to her entire coastline is a deduction which the terms of article V of the treaty of 1818 do not warrant.

Please accept, Excellency, the renewed assurances of my highest and most distinguished consideration.

PIERRE DE L. BOAL,
Chargé d'Affaires Ad Interim.

[Senor General Hay, Mexican Minister for Foreign Affairs, to Mr. Daniels, Ambassador to Mexico, July 8, 1936]

MINISTRY FOR FOREIGN AFFAIRS,
UNITED MEXICAN STATES,
Mexico, July 8, 1936.

Mr. AMBASSADOR: I have the honor to acknowledge the receipt of the courteous note of that Embassy, number 1635, of the 3rd of June last, with respect to the extension of the territorial waters of Mexico and the United States.

The Government of Mexico notes that the Government of the United States does not reject the interpretation which my Government has given to the first paragraph of article 5 of the treaty of 1848, regarding the extension of the territorial sea in the Gulf of Mexico, which is the same that Mr. James Buchanan expressed concerning the matter in the note which he addressed to the Chargé d'Affaires of Great Britain on August 19, 1848; likewise, it judges that it should not be concluded that the whole of the territorial waters of Mexico extends 9 miles, in view of the fact that that extension has been fixed in a definite area.

Moreover, the Government of the United States concludes that the extreme western limit of the United States and Mexico terminates on the coast of the Pacific Ocean. To that effect a paragraph of article 5 of the treaty of 1848 is cited, which reads:

"And, in order to preclude all difficulty in tracing upon the ground the limit separating upper from Lower California, it is agreed that the said limit shall consist of a straight line drawn from the middle of the Rio Gila, where it unites with the Colorado, to a point on the coast of the Pacific Ocean, distant one marine league due south of the southermost point of the port of San Diego."

This interpretation of article 5 is not in accord with the purposes of those who signed the treaty, since the paragraph cited does not refer expressly or implicitly to the territorial sea, but has exclusively as its object the avoidance of difficulties by indicating the tracing of the terrestrial dividing line between Upper and Lower California, without this signifying that they prescinded their inalienable right to the corresponding territorial waters.

Accordingly, there is no basis whatsoever for supposing that the extreme western limit between Mexico and the United States terminates on the coast of the Pacific Ocean.

Moreover, the Government of the United States never objected to fraction I of article 4 and article 5 of the law of December 18, 1902, in which it was stated precisely that Mexico had absolute sovereignty over the territorial sea which bathed its costs.

Moreover, in article 10 of the convention of December 23, 1925, signed by Mexico and the United States, both countries recognized in a categorical manner the unquestionable existence of the territorial sea which bathes its coasts on the side of the Pacific Ocean.

"ART. 10. The High Contracting Parties agree that the waters dealt with under this convention shall be the waters of the Pacific coasts of California, United States of America, and Lower California, Mexico, including both territorial and extraterritorial waters, the latter being the westward extension of the former."

As can be observed, this convention abstained from fixing the extension of the territorial sea of Mexico and the United States with respect to the Pacific Ocean because it considered that, for the purposes of the treaty, all waters off (a partir de) the coasts of the two countries would be jurisdictional waters.

Finally the International Fisheries Commission—United States and Mexico, created by article 11 of the convention of 1925, adopted unanimously the following resolution on June 21, 1926:

"With the object of making effective the program of conservation of both Governments and in accordance with clause 10 of the treaty between Mexico and the United States, the International Fisheries Commission establishes in this act a zone of 50 nautical miles west of the respective coasts. It is understood that the said zone of 50 nautical miles shall be applied in like manner to the islands located in the waters embraced in clause 10 of the treaty, and that all of the marine products existing in the said zone or extracted from it shall be considered the property of the Nation off whose coasts they may exist or may be extracted."

Later, the Government of the United States was not in accord with the decision of the Commission.

The Government of Mexico, after signing the treaty of 1848 and at every opportunity which arose, fixed with diverse countries an extension equal or greater than that which was stipulated for territorial waters in the said treaty of 1848. Besides that treaty, Mexico has in force the following:

With Guatemala: Treaty on limits, of September 27, 1882; 16.668 kilometers (3 marine leagues).

With Ecuador: Treaty of Friendship, Commerce, and Navigation, of June 10, 1888; 20 kilometers.

With the Dominican Republic: Treaty of friendship, commerce, and navigation, of March 29, 1890; 20 kilometers.

The absence of a precise limitation of the extension of the territorial waters of both countries in the Pacific Ocean, for the purposes of the treaty, is due to an understandable omission since, evidently, it was considered that by analogy, the precedent having been established, the extension fixed for the littoral of the Gulf of Mexico should be adopted also for the Pacific Ocean.

In this respect, it seems to be inferred from the note of that embassy, number 1438 of March 7, that the extension in question should be 3 miles instead of the 9, to which the Presidential Decree of August 29, 1935, makes reference.

All of the jurists and authors of treatises on international law have recognized expressly and have agreed unanimously that: There exists no fixed rule for determining the extension of the territorial sea, and that up to the present time it has not been possible for the States to arrive at a general agreement in the matter.

It would be too prolonged to cite textually the opinions of these authors. Accordingly, I shall limit myself to mentioning the names of some of them of recognized authority:

Samuel Pufendorf: "Elementorum Jurisprudentiae Universalis Libri Duo" (1660), definition V, 8.

Cornelius van Byndershoek: "De Dominio Maris Dissertatio" (1702), chapter II.

Emerich Vattel: "Le Droit de Gens ou Principes de la Loi Naturelle" (1758), chapter XXIII.

Robert Phillimore: "Commentaries Upon International Law" (1854), volume I, part III, chapter VIII.

L. Oppenheim: "International Law" (1905), volume 1, part II, chapter 1, section 186.

Frantz von Liszt: "Derecho Internacional Público" (1917) (translation), book II, chapter IV.

"Be that as it may, the question arises how far into the sea those waters extend which are coast waters and are therefore under the sway of the littoral state. Here, too, no unanimity exists as to the breadth of the belt or the point on the coast forma (sic) which it is measured." (Oppenheim.)

"The zone of 3 miles is, as we have seen, insufficient. It would be advantageous to extend it to such a point that would enable the littoral State to exercise its effective sovereignty and assure the defense of its interests. If it is not desired to recognize in each State the right to determine the zone of its littoral waters by the range of its coast batteries, an international agreement on the maximum limit of the said zone would be extremely advantageous (sic or 10 nautical miles)." (Von Liszt.)

Almost all of the States admitted the urgent need of putting an end to the uncertainty which existed concerning the extension of the territorial sea, and to this end the Conference for the Codification of International Law, which was held at The Hague in 1930, was convoked.

Unfortunately, the diversity of points of view prevented an agreement being reached, since while some countries proposed 3 miles, others proposed 4, 6, and even 12.

The conference, in the final act, recommended to the governments that the matter continue to be studied:

"B. TERRITORIAL SEA

"I. THE CONFERENCE

"Notes that the discussions have revealed, in respect of certain fundamental points, a divergence of views which for the present renders the conclusion of a convention on the territorial sea impossible, but considers that the work of codification on this subject should be continued. It therefore

"Requests the Council of the League of Nations to invite the various governments to continue, in the light of the discussions of this conference, their study of the question of the breadth of the territorial sea."

In view of the fact that the Treaty of 1848 is not clear concerning the extension of the territorial sea in the Pacific Ocean and that article X of the Treaty of 1925 did not fix its extension concretely either, and, whereas neither the doctrine nor the practice are in accord with respect to the same and the Conference for the Codification of International Law had to suspend its work without having reached the said agreement, the Government of Mexico considers that there is no basis for maintaining that the territorial waters of Mexico and the United States should have an extension of 3 miles in the Pacific Ocean.

The Government of Mexico, on issuing the decree of August 29, 1935, considered that the only way of arriving at a definitive solution regarding the Pacific Ocean, consisted in taking into account the precedents previously established between Mexico and the United States. In this special case, article 5 of the Treaty of 1848, in referring to the Gulf of Mexico, established a precedent which cannot be ignored immediately either by Mexico or by the United States.

By virtue of the foregoing, Mexico believes that the precedent established by the Treaty of 1848 with respect to the Gulf of Mexico and the principles invoked should be taken into consideration by the United States in fixing the extension of its territorial waters in the Pacific Ocean insofar as Mexico is concerned an equitable solution which, by placing the two countries in the same position, permits a better and more rational utilization of the resources which nature has placed at the disposition of both, respectively.

I avail myself of the opportunity to renew to your excellency the assurances of my highest consideration.

EDUARDO HAY.

(At this point Mr. HUMPHREY yielded to Mr. ROBERTSON for the insertion of matter in the RECORD, which appears in the Appendix under the appropriate heading.)

Mr. HUMPHREY. It is, then, the settled contention of the United States that our territorial waters extend only 3 miles out to sea. Yet the Holland bill would allow certain States to extend their boundaries 10½ miles out to sea. These States would take this action at a time when the United States is protesting unilateral extensions of their boundaries by several nations, and would put us in a completely inconsistent and ineffective position internationally.

This proposed extension would have the most dire effects, not only on our traditional policy of the 3-mile limit, but also, for example, on the American fishing industry. I shall come to that point in a moment.

Now there is no doubt at all as to the fact that it is impossible for a single State to extend its boundaries without the United States itself being affected.

Let me quote on this point from the testimony of Mr. Jack Tate, deputy legal adviser to the State Department, before the Senate Committee on Interior and Insular Affairs on March 3, 1953:

In international relations, the territorial claims of the States and of the Nation are indivisible. The claims of the States cannot exceed those of the Nation. If the Nation should recognize the extension of the boundaries of any State beyond the 3-mile limit, its identification with the broader claim would force abandonment of its traditional position. At the same time it would renounce grounds of protest against claims of foreign states to greater breadths of territorial waters.

In this connection, and to point out the consequences of such a boundary extension, let me also cite some of the letters of the former Secretary of the Navy, Mr. Dan A. Kimball, to the Secretary of State on June 20, 1952:

Were the United States to extend its territorial waters as proposed by House Joint Resolution 373—

A former measure along similar lines—

other nations could be expected to assert claims to large water areas off their coasts. Many nations have already asserted these claims and those nations could be expected to treat such action by the United States as a recognition of the validity of their own previously asserted claims. Any action by other nations which would restrict the range of warships and commercial vessels and military and commercial aircraft would be clearly disadvantageous to a great maritime power such as the United States. Any action which tends to restrict free navigation of the high seas by recognizing sovereignty over territorial in excess of 3 miles is contrary to United States security interest. At the present stage of international relations adoption of House Joint Resolution 373 would, it is believed, serve no useful purpose not realizable by other means and could lead to embarrassing and burdensome consequences to the United States.

With regard to the effect which similar legislation would have on the jurisdictional claims of other nations, a study has been made of only a few charts randomly selected, enclosures (1) through (4) covering the coastal areas of Venezuela, Greece, Sumatra, and the Netherlands East Indies. This study reveals that the possible effects of a broad interpretation of the decision of the Anglo-Norwegian Fisheries case could seriously affect the free navigation of the seas in areas such as the Aegean Sea, the coast of Sumatra between the chain of islands from Enggano and Simeuloee, the seas in the vicinity of the Netherlands East Indies, the coastal area of Venezuela between Farallon Centinela and Morro de Robledar and between Pta Ballena and Morro Do Chacopata. In other areas not mentioned similar restrictions to free navigation would likewise apply.

I should like to say, Mr. President, that Mr. Kimball's letter to the Secretary of State was asked for by an Indepartmental Committee on Foreign Waters, which functioned in the last administration in 1952. This committee was called into existence to consider the benefits and detriments to the United States which might result from the Yorty resolution in the 82d Congress. The Yorty resolution posed precisely the same problem with regard to the United States position at international law, as does the now pending Holland joint resolution.

I have read some other reports of departments of our Government represented on that committee, and I must say that they all express fear of the international consequences of an extension of the seaward boundaries of the United States.

The State Department, for instance, feared that freedom of movement of United States air and sea trade and commerce would be jeopardized by such an act, since it would lead to retaliatory action by other nations.

The State Department, pointed out its traditional position on territorial waters, referring to the fact that it had always been unwilling to recognize broad claims to such waters by other nations.

The Department of Commerce, the Office of International Trade, and the Maritime Administration went on record before this committee as opposing any move by the United States which might provoke extension by other nations of their territorial seas.

The Fish and Wildlife Service of the Department of the Interior was very much concerned over the effects of an extension of our seaward boundaries on the American fishing industry. They indicated that the major possible future areas of expansion of that industry were areas that would be adversely affected by any actions of other nations extending their seaward boundaries. The Fish and Wildlife Service pointed out that closure of some of these areas to American fishing operations would have a disastrous effect upon the American fishing industry.

If we claim our boundaries extend beyond 3 miles, so may other nations which could then keep our fishing vessels from operating within water that they now operate in.

Mr. President, this matter of the American fishing industry is an important one. It is important because there is a billion-dollar industry involved; and it is important because the effects of an extension of the boundaries of the United States, as proposed in the Holland joint resolution, are likely to have an immediate effect upon that industry.

Fisheries and the fishing industry are, of course, within the province of the Department of the Interior. Secretary McKay did not have anything to say about the effects of the Holland Joint Resolution upon this industry when he testified before the Senate Committee on Interior and Insular Affairs on February 24 of this year. But last week the Secretary gave a speech before the National Fisheries Institute. Let me read some excerpts from Secretary McKay's speech:

Yet, the commercial fishing industry is only one of many that compete for the use of our waters. Farmers, particularly in the West, require water to irrigate their crops. Hydroelectric plants depend upon water stored behind dams for the generation of electrical energy. Many firms use water in their industrial processes, or dispose of their waste products in nearby streams. All compete with fish. As our population and industrial capacities increase, competition for water will be intensified. I want to assure you that Department of the Interior will do all that is possible to minimize the effects upon fisheries of man's competition for water. In some instances, remedial action has been delayed too long. We must now formulate plans looking far ahead if we are to make the best use of this great resource in the interior and coastal areas.

Then the secretary goes on to tell us about the great fishing industry of our country.

Mr. President, I ask unanimous consent that the remainder of the quotation from the speech of the Secretary of the Interior be incorporated in the RECORD at this point, as a part of my remarks.

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

Many stocks of fish which are of great importance to our fishing industry are also caught by fishermen of other nations. The trawl fishery of the Northwest Atlantic, the halibut fishery of the Pacific, and the fisheries of the Great Lakes are examples. In each of these fisheries the best efforts of one nation alone is not sufficient to insure sound management and preservation of the fish populations. International cooperation is necessary, often in the form of treaties which establish research and management commissions. The Department is aware of the need for cooperation among nations in the preservation of these fisheries and is working closely with the Department of State to provide for that cooperation.

Our fishermen catch from 4 to 5 billion pounds of fish each year, but this does not meet the demand. As a result, in recent years imports of a number of fishery items have substantially increased. Last year products from more than 1 billion pounds of fish and shellfish were imported into this country. A catch of more than 2 billion pounds was required to provide nonedible

products, principally fish meal, received from foreign countries. If our fishermen had attempted to provide this additional 3 billion pounds of fish, it would have required an increase of over 70 percent in the domestic catch. It is difficult to believe that the United States fisheries industry could have caught, purchased, and packed 70 percent more fish of the types that were imported last year.

In recent months, we have all heard a great deal about the tidelands oil question. I have taken the position that the national interest would be best served by giving to the various States the coastal offshore lands to the limits of the historical boundaries of each of them. I believe, however, that this should be done without changing the regulation or control of fisheries in our coastal waters, and without affecting the traditional position of the United States with respect to the extent of territorial waters. A large portion of our fishermen's catch of tuna, shrimp, halibut, salmon, ocean perch, and groundfish is taken on the high seas off the coasts of our neighboring countries to the north and south. The rights of our fishermen to continue in these high-seas fisheries must not be jeopardized.

Mr. HUMPHREY. Mr. President, let me point out that Mr. McKay may wish that certain States could be granted extended boundaries without this affecting the traditional position of the United States with respect to the extent of the territorial waters.

But the fact is, as Mr. Jack Tate's testimony before the Interior and Insular Affairs Committee showed, that this cannot be done. I thoroughly agree with Mr. McKay that "the rights of our fishermen to continue in high seas fisheries must not be jeopardized." But those rights are being jeopardized by the Holland bill. Senate Joint Resolution 13 will seriously jeopardize and damage America's rights to fishing on the high seas. If we extend the territorial limits of the United States 10½ miles we will get retaliation from other nations.

When Mr. John J. Real, representing the Fishermen's Cooperative Association of San Pedro, Calif., testified before the committee, he had a good deal to say about the likely effects of the United States' increasing its seaward boundaries through the joint resolution. I should like to read some of his testimony to the Senate:

Economically, some American interests would suffer. For example, during the past several years a large segment of the American fishing industry has been threatened because of the extension of territorial waters by some Latin American countries. American fishing boats have been seized in these extended waters. The State Department has protested that these seizures are illegal on the ground that the extensions of boundaries are contrary to international law. Charges for fishing in this area have also been challenged. An extension of United States territorial waters (by means of a new system of base lines) would knock the props from under our protests in these areas.

Mr. President, Mr. Real is the head of a great fishermen's cooperative association. He says that if we alter the 3-mile limit, and if we start to redraw the map, and assert sovereign power on behalf of the States out into the marginal seas and the territorial seas 10½ miles, foreign nations will retaliate. He says we are having plenty of trouble right now.

Mr. DANIEL. Mr. President, will the Senator from Minnesota yield for a question?

Mr. HUMPHREY. I shall yield for a question.

Mr. DANIEL. Mr. President, is the Senator from Minnesota aware of the fact that the Atlantic Coast Fisheries Association, the Gulf Coast Fisheries Association, and the Pacific Coast Fisheries are all on record in favor of the pending legislation?

Mr. HUMPHREY. I am aware of it.

Perhaps the fisheries associations were led to believe that the Federal Government was trying to grab something, when in fact it already owns and controls the marginal seas. They may have been led to believe that it was the Federal Government that was trying to extend its power, when in fact the Federal power to the territorial seas has been recognized since the inception of the Republic and has been inherent in our Government since the birth of the Nation.

The Senator from Massachusetts [Mr. KENNEDY] directed his remarks to the fishing industry. Massachusetts has been fishing for a longer time than any other State in the Union. I think they started fishing on the first day they landed at Plymouth Rock.

Mr. President, my time will soon have expired. I intend, however, at a later time, in connection with one of the amendments, to address myself in detail to other subjects affected by Senate Joint Resolution 13.

Mr. President, I ask unanimous consent to have the balance of my statement on this subject incorporated in the body of the RECORD at this point.

I continue with the testimony of Mr. John J. Real, on fisheries:

The great fisheries that have been prosecuted by New Englanders for 300 years lie for the most part in the high seas contiguous to the coast of Canada. All expansion that is anticipated lies in the direction of being farther and farther from our coasts, northward and eastward around the corner of Newfoundland and up Davis Strait past Greenland and Labrador.

In the Pacific Northwest we have valuable fisheries for salmon, halibut, various ground fish, albacore, and other fishes in the high seas contiguous to British Columbia. Our Pacific fisheries are expanding outward into the multitudinous islands of Oceania, which are under the jurisdiction of many nations.

The fishery for shrimp in the Gulf of Mexico has become one of our most rapidly growing and valuable fisheries. New banks are being discovered one after the other. The rapidly expanding fishery is moving south into the high seas contiguous to our neighbors to the south. It is known that large unused resources of shrimp lie farther south waiting the harvest and going to waste each year for want of it.

Thus if we permit the loss of our fisheries that now exist in the high seas contiguous to the coasts of foreign countries we lose the biggest half of our fishing industry at one stroke.

Even this, however, is not so serious as the fact that we would at the same time lose the right to expand these fisheries as this Nation's need for protein food and animal oils expands with our growing population.

The food resources of our land area are strictly limited. The vast food resources available in the sea are only now being realized as the result of ocean-research programs which have been going on during and since the war. Undreamed-of new technical means are being designed and put into use to harvest food resources not known to mankind before. The picture of harvesting food from the sea is changing with such rapidity that no man can tell today what shape or volume it will take next year or the years thereafter.

We cannot afford to allow ourselves to be excluded from access to these raw materials of the sea.

If one nation can unilaterally extend its sovereign territory out to sea by as much as a quarter of a mile, then there is no reason why it or any other nation cannot extend its boundaries seaward by 200 miles, by 400 miles, or by such distance it may desire. In the chaotic situation that such claims and counterclaims would bring about, the United States would not stand to be the gainer nor, I believe, would mankind generally.

Whether the band of marginal sea is 2 miles, 3 miles, or 6 miles is not a matter of the greatest practical importance. The important practical point is that it must be narrow in order to prevent those nations who are able to harvest the resources of the sea from being excluded from access to these resources.

Mr. REAL. If the tuna industry had to fish only in waters off the coast of the United States, Senator, I do not know what the price of a can of tuna would be. I would think it would be in the neighborhood of $1.50 a can, and I think you would see very, very few cans of tuna in the United States because over 90 percent of the tuna production of the United States comes from areas on the high seas off other countries.

I should also like to have certain documents which Mr. Real submitted to the committee made a part of my remarks. These documents show some of the nations which have recently attempted to extend their boundaries unilaterally. Mr. Real pointed out that actions seriously affect our fishing industry in the following statement:

SUPPLEMENTAL STATEMENT OF JOHN J. REAL

During our appearance before the committee, the chairman requested that we file a supplemental statement setting forth the claims of Latin American nations to expand sovereignty over the high seas.

Our point in this connection is that any movement by the United States with respect to territorial waters is closely watched by other nations, particularly those of Latin America. Unquestionably the tendency of those nations is to find a way to expand their own claims. Many times what the United States says on this subject is misunderstood. Sometimes such misunderstanding appears to be intentional. When the Presidential proclamation of September 28, 1945, respecting ownership of the Continental Shelf seabed resources was issued a rash of claims which went far beyond the stated limitations of the Presidential proclamation were made.

It is our suggestion that a more complete and detailed study of what these claims were and what the United States has done about them should be requested by this committee from the Department of State. Our information indicates the following claims made on the heels of the Presidential proclamation.

Mexico: On October 29, 1945, the President of Mexico published a declaration in which he claimed the whole Continental Shelf adjacent to the coasts of Mexico.

Panama: In 1946, the Constitution of Panama was amended to provide that the national territory of Panama includes the submarine Continental Shelf.

Chile: On June 23, 1947, Chile proclaimed national sovereignty over the adjacent Continental Shelf and its natural resources.

Peru: On August 1, 1947, Peru issued a decree in which it was declared that the national sovereignty and jurisdiction of Peru was extended over the Continental or Island Submarine Shelf.

Costa Rica: In 1948, Costa Rica issued a proclamation substantially similar to that of Chile.

Nicaragua: In 1950, Nicaragua provided that the national territory of Nicaragua includes the Continental Shelf and the Marine and Island Shelves.

El Salvador: In the 1950 Constitution of El Salvador the national territory of that country was declared to include the adjacent seas within a distance of 200 nautical miles of its coasts.

Honduras: In 1951, Honduras declared that its sovereignty was extended over the Continental and Island Shelves.

Ecuador: Ecuador has under consideration at the present time the proposition of whether or not it should follow Peru and Chile. Ecuador has declared that its present jurisdiction extends 12 miles from a line drawn from headland to island to headland. In some instances this brings under Ecuadorian jurisdiction waters within 20 to 30 miles from its beaches. Ecuador has also declared that the right of innocent passage does not exist in favor of fishing vessels.

Argentina, Brazil, and lately, Venezuela, have made claims similar to those set forth above.

In all of the foregoing cases the claims purported to assimilate in one manner or another adjacent sea areas to national control. The United States Presidential proclamation did not do this and, therefore, in most, if not all, of the foregoing cases the United States Department of State was forced to protect the claims made by these other nations.

It is our belief that the seaward boundaries implications of Senate Joint Resolution 13 would set off a similar and more damaging chain reaction.

We reiterate that it would be of value to the committee to invite detailed comments of the Department of State on the foregoing as well as on the entire problem which we have sought to bring forth to the committee.

Mr. President, in this discussion of the effects of the Holland resolution, so far as international law is concerned, they are very unfortunate effects indeed. A traditional American policy at international law is at stake. With it, the freedom of our international commerce, the freedom of movement of our Navy, and vital interests of the American fishing industry are at stake.

I believe that passage of an act which will wreak this kind of havoc on traditional policies, interests, and industries of our Nation is the most unwise kind of legislative act. Surely, legislation should take more care for its consequences than this.

TRANSACTION OF ROUTINE BUSINESS

Mr. HOLLAND addressed the Chair.

Mr. TAFT. Mr. President, will the Senator from Florida yield to me, to permit me to propound a unanimous-consent request?

Mr. HOLLAND. Yes. I was about to request consent to make an insertion in the RECORD.

Mr. TAFT. Mr. President, I thought the Senator from Florida would prefer to have that done in the regular way. Therefore, I ask unanimous consent that Senators may introduce bills and submit various matters and requests which regularly are in order during the morning hour, and that speeches by any Senator be limited to not exceed 2 minutes, such speeches not to be counted as being made on the unfinished business.

The PRESIDING OFFICER (Mr. POTTER in the chair). Without objection, it is so ordered.

LEAVE OF ABSENCE

On his own request, and by unanimous consent, Mr. GREEN was excused from attendance on the sessions of the Senate on Friday and Saturday of this week.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

PROPOSED EMERGENCY IMMIGRATION LEGISLATION

A letter from the President of the United States, recommending the enactment of emergency immigration legislation for the special admisison of 120,000 immigrants per year for the next 2 years; to the Committee on the Judiciary.

REPORTS ON FORT PECK PROJECT

A letter from the Secretary of the Interior, transmitting, pursuant to law, the eighth and ninth annual reports on the Fort Peck project, for the fiscal years ended June 30, 1951, and 1952 (with accompanying reports); to the Committee on Public Works.

REPORT ON NUMBER OF OFFICERS OF THE AIR FORCE DETAILED AT THE SEAT OF GOVERNMENT

A letter from the Director, Legislation and Liaison, Department of the Air Force, reporting, pursuant to law, that 2,489 officers were detailed to permanent duty in the executive element of the Air Force at the seat of government, as of the end of the third quarter of fiscal year 1953; to the Committee on Armed Services.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, and referred as indicated:

By the PRESIDENT pro tempore:

A resolution of the House of Representatives of the State of Missouri; to the Committee on Finance:

"House Resolution 67

"Resolution memorializing the Congress of the United States to enact legislation which will return to the several States amounts collected as unemployment tax by the Federal Government in excess of grants for administration costs of the unemployment insurance and employment service program

"Whereas the several States are responsible by law for administration of the unemployment insurance and employment service program; and

"Whereas the Federal Government levies a payroll tax of three-tenths of 1 percent on employers of 8 or more persons to pay the administrative costs of such State programs; and

"Whereas the Federal Government has collected since 1937 from Missouri employers for the administration of such program over $28 million more than has been returned to the State, while the amounts returned to Missouri have been grossly inadequate to provide flexible administration; and

"Whereas each State is limited to the amount allowed it by the Federal Government with the excess of such tax being diverted for purposes other than intended; and

"Whereas an inadequate operating fund restricts service to job seekers in finding work and to employers seeking workers, makes exceedingly difficult prompt detection of fraudulent benefit claims, hinders activities to prevent tax evasions, impairs effectiveness of control over disbursements from the unemployment insurance fund, and circumscribes the fulfilment of the objectives of the entire program: Now, therefore, be it

"*Resolved*, That the Congress of the United States be and hereby is respectfully memorialized to enact legislation which will—

"1. Earmark the taxes collected under the Federal Unemployment Tax Act for the purposes of the employment security program in each State;

"2. Make reasonable provisions assuring all States equitable participation in the allotment of such funds;

"3. Transfer to the States for use in the employment security program any excess over the amounts allocated by the Federal administrative agencies with full responsibility resting on each State agency for the proper use thereof; and be it further

"*Resolved*, That copies of this resolution be transmitted to the Secretary of the Senate of the United States; the Clerk of the House of Representatives of the United States, the Chairman of the Committee on Ways and Means of the House of Representatives, the Chairman of the Committee on Appropriations of the House of Representatives, the Chairman of the Finance Committee of the Senate of the United States, the Chairman of the Committee on Appropriations of the Senate of the United States, and each member of the congress from the State of Missouri."

A concurrent resolution of the Legislature of the Territory of Hawaii; to the Committee on Armed Services:

"House Concurrent Resolution 24

"Concurrent resolution requesting the Congress of the United States of America to enact legislation whereby lands owned by the United States Government and under the control of the Armed Forces in Waianae, Oahu, be offered for sale or exchange to the city and county of Honolulu, T. H.

"Whereas the land area of the city and county of Honolulu, T. H., is limited; and

"Whereas there are government lands in the district of Waianae, city and county of Honolulu, T. H., under the jurisdiction of the Armed Forces which could be made available for educational purposes, without conflicting with the primary activities for which such lands are held; and

"Whereas there is now a public high school in the said Waianae district; and there is a clear need for the acquisition of such land and the construction of public high school in the Waianae district, city and county of Honolulu, T. H.: Now, therefore, be it

"*Resolved by the House of Representatives of the 27th Legislature of the Territory of Hawaii (the Senate concurring)*, That the Congress of the United States of America be and it is hereby respectfully requested to offer for sale or exchange to the city and county of Honolulu, T. H., to be used for educational purposes, 30 acres of land more specifically identified under tax key No. 8-5-02-15 and situated in the Waianae district, city and county of Honolulu, T. H.; be it further

"*Resolved*, That duly authenticated copies of this concurrent resolution be forwarded to the President of the United States, to each of the two Houses of the Congress of the United States of America, the Secretary of the Interior, and the Delegate to Congress from Hawaii."

Mr. ANDERSON. I intended to make the following motion:

That the Senate temporarily lay aside the pending business and proceed to the consideration of S. 1081, the Capehart bill, to provide authority for temporary economic controls, and that it be agreed that at the conclusion of action on said bill there shall be not to exceed 1 hour's debate on the Hill amendment to be followed at once by a vote on said amendment and thereafter not to exceed 1 hour's debate on the Anderson substitute, to be followed at once by a vote on that amendment; provided that the time on said amendments shall be equally divided between the proponents and opponents thereof, and provided further that no vote shall be taken on either amendment before Monday, April 27, 1953.

My motion would conform to the time schedule which the distinguished majority leader stated he would like to have followed in the vote on the pending joint resolution.

The PRESIDING OFFICER. The Chair would state that such a motion would not be in order at this time. Does the Senator from New Mexico wish to ask unanimous consent that he may make the motion?

Mr. ANDERSON. Yes, Mr. President. I ask unanimous consent to make the motion at this time, and that it be considered at this time.

The PRESIDING OFFICER. Is there objection?

Mr. TAFT. Mr. President, reserving the right to object, I may say I do not quite understand. The Senator from Iowa has the floor. I did not obtain the floor. We did not make any such arrangement.

Mr. ANDERSON. Very well, then.

Mr. TAFT. There was no attempt to block the Senator from New Mexico. But, if the Senator from Iowa has the floor, I think he ought to make his speech, and then let the Senator from New Mexico make his motion.

Mr. ANDERSON. Mr. President, I am agreeable to that. If we have come to such a pass in the Senate that, when I am standing on my feet, prepared to make a motion, another Senator may walk across the floor, and distract me, and then have the floor given to someone else, I am perfectly satisfied to leave it that way.

Mr. TAFT. Mr. President, the Senator knows I had no such intention.

Mr. ANDERSON. I realize that. But why does the Senator from Ohio insist that a particular Senator be recognized? The distinguished majority leader came over here to my desk. I did not go to the desk of the Senator from Ohio to speak to him. He came in a sincere effort to ascertain whether we could reach some agreement regarding the time for a vote, and, in my desire to have a vote, I subscribed to that.

The PRESIDING OFFICER. The Chair will state that he has no idea of what transpired in the minds of various Senators. The Chair was endeavoring to follow the rules of the Senate—which he did. The Senator from Iowa has the floor.

Mr. GILLETTE. Mr. President, the Senator from Iowa was recognized. He thereupon requested unanimous consent that he might yield to the Senator from New Mexico, without losing his right to the floor. The Chair stated the unanimous-consent request. Has the unanimous-consent request been objected to, or is it now pending?

The PRESIDING OFFICER. The Senator from Ohio objected to the unanimous-consent request.

TITLE TO CERTAIN SUBMERGED LANDS

The Senate resumed the consideration of the joint resolution (S. J. Res. 13) to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, and to provide for the use and control of said lands and resources.

Mr. GILLETTE. Mr. President, I desire to state at the outset that I am not participating in a filibuster. The majority leader, I believe, stated last Friday or Saturday that, up to that time, approximately 500,000 words of debate had been uttered on the pending measure. I do not know how the able Senator arrived at that number. If he took his own time to count the words, he took 14 hours, assuming a rate of 60 words a minute. If he had a member of his staff count them, it would seem to have been rather a waste of time. I desire to make it plain, Mr. President, at the outset of the remarks I am going to make, that, of the 500,000 words spoken up to date, I have not given utterance to one word; nor, up to today, have I attended a meeting of any group, large or small, to consider procedures in connection with the question now before the Senate. Therefore, no one, even by the greatest distortion, can accuse me of participating in any way, shape, or manner in a filibuster.

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

Mr. GILLETTE. I am very glad to yield to the Senator from Ohio for a question.

Mr. TAFT. I ask unanimous consent that, without the Senator's losing the floor, I may be permitted to comment on my position, as stated by the Senator.

Mr. GILLETTE. I ask unanimous consent that the Senator from Ohio may make his statement, without prejudice to my rights to the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none. The Senator from Ohio.

Mr. TAFT. Mr. President, through Tuesday of this week—and today is Thursday—there had been spoken on the pending measure 716,000 words, according to an estimate prepared by the staff—not my staff, but the staff of the policy committee, who keep track of the debate. The estimate is based upon the number of lines in the RECORD. Of the 716,000 words, 502,000 have been spoken by the opponents, 176,000 by the proponents of the pending measure.

I desire to point out to the Senator from Iowa that I said I thought everything had been said on the subject that could be said. I think that is confirmed by an examination of the long, studious, and well-prepared speeches which were delivered in the beginning of the debate. However, I also accepted the fact that many Senators, regardless of what might have been said, desired to state their own positions; and I certainly was strongly in favor of their doing so. I certainly approve in every way of every Senator having an opportunity to speak, and to have ample time. We are giving plenty of time to every Senator who desires to make a statement.

I may say frankly that I do not think any Senator, unless he is a very great expert on the subject, requires more than about an hour to say what he has to say on the pending measure, and in my opinion, the long speeches are clear evidence of a filibuster. I do not put the Senator from Iowa in that class, at all. He is doing what I think every Senator has a perfect right to do, and what every Senator probably should do—that is, state his own position on this important issue.

Mr. DOUGLAS. Mr. President, will the Senator from Iowa yield to me for a statement, provided he may do so without losing his right to the floor?

Mr. GILLETTE. Mr. President, I am very grateful to the Senator from Ohio for his statement. I am particularly glad that he absolved the junior Senator from Iowa from participating in a filibuster.

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Illinois?

Mr. GILLETTE. I ask unanimous consent that I may yield to the Senator from Illinois—for a statement?

Mr. DOUGLAS. For a statement.

Mr. GILLETTE. I ask unanimous consent that I may yield to the Senator from Illinois for a statement, without losing my right to the floor, and without having it counted against me.

The PRESIDING OFFICER. Does the Senator from Illinois accept the qualifications made by the Senator from Iowa?

Mr. DOUGLAS. Mr. President, has the request already been acted upon? Has unanimous consent been given?

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. GILLETTE. I yield to the Senator from Illinois.

Mr. DOUGLAS. Mr. President, I thank the Senator from Iowa for permitting me the same rights which he accorded the distinguished majority leader.

I wish to say that the statistics of the majority leader are interesting, but I do not think they have much bearing upon the case. There are certain other statistics, which I have quoted from time to time, namely, that of the 40 sponsors of the Holland resolution, 37 of them have either been participants in filibusters or defenders of the institution of filibustering, by having voted against the Anderson motion to revise the Senate rules in January. Secondly, of the 28 sponsors who were in the Senate in 1949, all 28 of them voted for the Wherry resolution.

So we have the extraordinary spectacle of those who have participated in and defended the practice of filibustering on civil-rights measures now trying to shut off debate on the question of offshore oil.

Furthermore, it is a fact that about nine-tenths of those who are opposing the Holland joint resolution, with certain very distinguished exceptions, have been in the past, and still are, opponents of the so-called filibuster. Therefore, I think we should have this issue cleared up at the very beginning.

Had it been the intention of those who are opposing the Holland joint resolution to filibuster the measure, we could quite properly have subjected to prolonged debate the motion to consider it. That is the first move of a group intending to filibuster. We did not adopt such a course. We allowed the measure to come up immediately, because we believed that we should not oppose a motion to consider it. If we had been trying to filibuster, we could also have asked for the reading of the Journal. But we did not do so.

Third, I submit that the discussion has been germane. It has applied to the points at issue. We have not indulged in any irrelevant or nongermane remarks. The Senator from Florida [Mr. HOLLAND] attempted to show that nongermane remarks had been indulged in, because there was one line devoted to the subject of baseball, two lines to a quotation from George Meredith, and two lines to a quotation from the Bible. The effort of the Senator from Florida indicates to my mind that he thinks the debates in the Senate should be stripped of all poetry, religion, and humor. It is always proper to put a few gargoyles in the construction of the cathedral of argument.

Mr. President, I desire to mention a further point. A filibuster is the process of prolonged debate intended to prevent a vote. I want to emphasize that point again and again. It is not the purpose of those who are opposing this measure to prevent the measure from coming to a vote, but it is our purpose to see that the subject is thoroughly discussed. For 10 years there has been a stream of propaganda unleashed on the country which has confused the people. They think of the measure as being related to tidelands, when it is not related to tidelands at all. They think of it as an attempt to prevent the Federal Government from taking the submerged lands under inland waters from the States, when such lands are not involved at all. The sole issue is the question of the ownership of submerged lands seaward of the low-water mark. We are trying to make this issue clear to the Senate and to the country. We shall not filibuster, but we shall see that the subject is thoroughly discussed.

Mr. President, if we were engaged in a filibuster, which we are not, it would be only poetic justice, so far as those who are sponsoring the giveaway measure are concerned, because, in the main, proponents and defenders of the filibuster are supporting the measure, while the opponents of the measure are opposed to the filibuster. It would be poetic justice if the rules of the Senate which permit unlimited debate should now be turned against those who have defended those rules.

We shall not indulge in such tactics. It cannot be done both ways. The Senators favoring the giveaway measure cannot consistently filibuster on a bill which they oppose, and then say that any Senator who speaks on a measure which they favor is indulging in a filibuster and is subject to public obloquy. If they persist in defending the institution of filibustering and in practicing it themselves, they could not legitimately object if the weapons they have forged and cherished were to be used against them.

But we are not doing so. We want this measure to be brought to a vote at an appropriate time, but we want the people and the Senators to be made aware of the real issues when this happens. As I have said, the mists of misinformation have been so heavy that it will take some time for the sun of truth to shine through.

Mr. GILLETTE. Mr. President, I think I have been sufficiently lenient to both sides, and I should like to proceed with my statement.

Mr. TAFT. Mr. President, I should like to ask the Senator from Iowa one question without his losing the floor.

Mr. GILLETTE. Mr. President, I ask unanimous consent that the Senator from Ohio may ask me a question without prejudicing my rights to the floor.

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

Mr. GILLETTE. I yield to the Senator from Ohio for a question.

Mr. TAFT. The Senator from Illinois [Mr. DOUGLAS] says he is not objecting to fixing a time for a vote. I am willing to fix the time for a vote on the 10th or 15th of May, but I want the Senator to show his good faith. The Senator from Illinois can have all the time he may wish to have on the floor, if he wants to take it. But I should like to know whether the Senator is willing to agree upon a date, within any reasonable time, on which the Senate shall vote.

Mr. DOUGLAS. Mr. President, I ask unanimous consent that the Senator from Iowa may yield and permit me to reply without his losing his right to the floor.

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

Mr. DOUGLAS. I want to say to my good friend from Ohio that if he had not shut off the Senator from New Mexico [Mr. ANDERSON] from the floor, the Senator from New Mexico would have presented a proposal which would enable the Senate to proceed with the consideration of the controls bill, and then, upon the completion of the consideration of that measure, to move immediately to a vote on the Anderson amendment, and do it within the time schedule which the Senator from Ohio suggested last night, if the Senator from Ohio is of the same opinion he held last night.

Mr. GILLETTE. Mr. President, I enjoy hearing the two eminent Senators, but I should like to proceed with my remarks.

In connection with the colloquy which has just taken place, Mr. President, it might be worthwhile for me to make a suggestion. In view of the fact that there have been charges of filibustering, which have been denied on the part of those of us who are opposing the pending measure, and there has been an attempt to limit debate, it might be well to invite attention to the fact that the Committee on Rules and Administration of this body yesterday reported by voice vote, and unanimously, I believe, an amendment to rule XXII which will be reported to the Senate, I am informed, tomorrow, and which will restore the cloture rule to the position it held before it was so rudely dislodged some 2 or 3 years ago by those who purported to support a stronger cloture rule. If it is the opinion of the Senate, as it certainly is, that it should be able to shut off debate when it has gone beyond a reasonable point, it would be a simple matter to lay aside temporarily the pending measure and take up the amendment to the cloture rule which will be before this body tomorrow.

Mr. President, since the Senator from Ohio has so kindly absolved me from the charge of participating in a filibuster in any way, shape, or manner, I desire to say, preliminary to reading the little document I have to present, and which I hope will not take longer than 1 hour, that I have never during my service in the Senate been confronted with the responsibility of voting on a measure which I considered so dangerous as is the pending measure if it shall pass. I propose to discuss one phase of it, and one phase only. The fact that it attempts to dispose of huge resources of the United States is of itself of tremendous importance, but the fact that what it intends to do and what it seeks to do is to constitute the Senate a court of appeals from the Court of last resort of the United States of America, makes its danger paramount.

Those who are interested in the question of the submerged lands have prosecuted it over and over again in lower courts, in courts of appeal, and in courts of original jurisdiction, the Court of last resort, by which a decision was rendered against them. The Court of last resort held that the paramount interest in the resources of the Nation affected by the pending measure belonged to all the people of the United States. There was no appeal. That was the decision of the Court of last resort. The question is now res adjudicata. Those who have sponsored the pending legislation have recognized that, but, nevertheless they have then came into the Senate of the United States and attempted to transform this body into a court of appeals, to overrule the Supreme Court of the United States.

If that sort of procedure is to be sanctioned, this body could easily be resolved into a body of appeal and hold hearings on all matters connected with the determination of property rights which have been adjudicated by the Supreme Court of the United States. It is for that reason, Mr. President, that I have been so tremendously concerned. It is for that reason that I am speaking at the present time, for I shall not be a party to any such procedure.

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

Mr. GILLETTE. Mr. President, I ask unanimous consent that I may be permitted to yield to the Senator from Nevada for a question.

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

OWNERSHIP OF SEABOTTOM LANDS LONGTIME CONGRESSIONAL PRINCIPLE OF DISPOSAL OF PUBLIC LANDS

Mr. MALONE. I am very much interested in the flat statement which has been made by the junior Senator from Iowa to the effect that the Supreme Court has ruled that seabottom lands, the lands in question, off the coasts of California, Texas, and Louisiana, seaward from low tide, belong to all the people of the United States.

Is it the Senator's contention that since the Supreme Court made it plain in its language of paramount rights in, and full dominion and power over the lands, minerals, and other things, that they are public lands, the property of the United States?

Mr. GILLETTE. I may say to the Senator from Nevada that it is not my intention to go into the meaning of the decree of the Supreme Court. It has been recognized by those who have sponsored the proposed legislation that it was necessary to override the Supreme Court by legislative action, and that recognition on the part of the sponsorship of the Holland joint resolution is the reason why the measure is before the Senate.

In that connection, I may say—and I hope the Senator from Nevada will allow me to proceed—that the argument in favor of the measure which has been presented in the Senate by the sponsors of the joint resolution is an argument that either was or could have been presented to the Supreme Court, when that Court had the questions in hearing. The Court has passed on them, and they are not in the jurisdiction of this legislative body. As the Senator from Nevada and every other Senator knows, the Congress has the power by constitutional provision, to dispose of the property of the United States. It is another question as to whether Congress has the right to dispose of it.

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

Mr. GILLETTE. I yield.

Mr. MALONE. I am not asking the distinguished Senator from Iowa to define what the Supreme Court meant in every part of its decision. However, the contention has been made that there is a subtle difference between the term "public lands" or "federally owned lands off the coast of California." The Supreme Court ruled that the State of California did not own the lands in controversy; then the question was posed, Who does own the lands? Does the Federal Government own them just as it owns other federally owned public lands?

The point has been made that the Supreme Court did not say that the Federal Government owned the submerged lands; however, the Supreme Court did say that the State of California did not own them, and that the Federal Government did have "paramount rights in, and full dominion and power over, the lands, minerals, and other things."

The dictionary—Webster's—defines "paramount rights" as the "highest title"—"preponderant"—"dominant."

Therefore, it becomes an important point as to whether the Federal Government—the public—does own the sea bottom lands off the coast, between mean low tide and wherever the boundaries may be fixed. I wish the RECORD to show an expression from the Senator from Iowa in that respect.

Mr. GILLETTE. I repeat that I do not have the legal ability or the disposition to pass on what the Supreme Court meant. I have read the finding of the Supreme Court. I recognize, as a United States Senator from the State of Iowa, that I am here asked to vote upon a measure which, while it recognizes that the finding of the Supreme Court did fix a paramount ownership in the submerged lands in certain areas, seeks to override that decision by legislative action. I repeat that the Constitution gives Congress the power to dispose of what rights the Government has. Of course, those who drafted the proposed legislation said:

> The United States hereby releases and relinquishes unto said States and persons aforesaid, except as otherwise reserved herein, all right, title, and interest of the United States, if any it has, in and to all said lands, improvements, and natural resources.

They salve their consciences there with the little phrase, "if any it has." But they do provide for releasing and relinquishing all the right, title, and interest of the United States.

Again, in the phrase, "if any it has," they refuse to answer the question the Senator from Nevada has just asked me, namely, What did the Supreme Court mean? But they have attempted in this proposed legislation to show that the Supreme Court said the United States had paramount interest in something. If it has, then, whatever it is, by the pending measure Congress would be releasing it to the States.

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

Mr. GILLETTE. I yield for a question.

Mr. MALONE. I am very much interested in the public lands question.

Mr. GILLETTE. I am certain the Senator is.

Mr. MALONE. There are three-quarters of a billion acres of public lands. Approximately 65 million acres of it are located in my own State of Nevada. Therefore, any proposed legislation that touches on the public-lands question, or tends to change a long-established policy of Congress, is something in which I and the people of my State are very much interested.

Mr. GILLETTE. There is a paramount interest on the part of the junior Senator from Nevada.

Mr. MALONE. The Senator is correct. We have made no effort to gain control or ownership of the public lands within our boundaries except through individuals conforming to the public-land laws.

However, in the past 20 years a very awkward situation has arisen in regard to the jurisdiction, administration, and customary use of the public rangeland for grazing purposes in connection with headquarters—feed producing—ranches and range water rights.

Probably a herd of cattle, say 150 to 200 head, can be spread on 160 acres of Iowa land, whereas in Nevada the same number might require say from 2,000 to 200,000 acres.

The record will show that for perhaps 140 years or more the settled policy of Congress was to hold the public lands in trust for the States until such time as they can be put into the hands of individuals in family-sized units, or whatever manner is the most feasible for a nominal filing fee.

The policy of Congress and the Federal Government was to hold the public lands in trust for the States until a Federal law could be arranged for the people living on the land to gain ownership and pay taxes, just as is done in the State of Iowa.

The Supreme Court said that the California lands do not belong to the State of California and the dictionary says that paramount rights are the highest title—which would seem to be sufficient to justify the opinion that the Federal Government does own them.

I have observed the record of the distinguished Senator from Iowa for 6 years and I know that it is his desire to be fair on every question.

Therefore if it is intended now to change the 140-year-old policy of holding lands in trust for the States, to put them on the tax rolls, in the names of individuals—through deeding the lands direct to the States, and to change the century-old policy of withholding mineral rights when such lands are transferred to the States, then I believe that all public-lands States should be treated alike.

I have offered an amendment to the pending joint resolution which has been printed and is lying on the table, and which, if accepted, would transfer the mineral rights in the public-lands States to the States except in forest preserves, just the same as these mineral rights are being transferred to the three States of California, Texas, and Louisiana.

Would the Senator from Iowa agree that if we are going to break the precedent, change this long-standing policy, that all public-lands States should be treated alike?

Mr. GILLETTE. In reply to the Senator's question I may say that I recognize that the ramifications of the question can go in 100 different directions. But, as a lawyer, I know, as does the Senator from Nevada, that when a case is submitted to a court, the issues which are presented are the only issues which are decided. Questions such as the Senator from Nevada has raised, and such as other Senators may raise with respect to matters in their respective States, which are of the utmost importance to them, as to drawing a line between Federal authority and State authority, are issues that can be raised and presented in court.

Of course, a finding of this kind might be persuasive, but, as the Senator knows, it is not a finding on an issue which is before the court. The position of the Senator from Iowa on this matter is determined not by what ought to be the decision with reference to public lands, grazing lands, mineral lands, or other lands, but by the attempt, in the case

of a finding by the Supreme Court on issues which are properly adjudicated there, to make the Congress, a legislative body, a court of appeal from the Court of last resort.

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

Mr. GILLETTE. If the Senator will ask me a question, I shall yield. I should like to proceed with my speech. I have not even started as yet.

Mr. MALONE. It is a very interesting subject. There are several angles to this subject which have not been debated affirmatively.

Mr. GILLETTE. I know how concerned the Senator is.

Mr. MALONE. First, to lay the foundation for the question, the distinguished Senator knows, of course, that the 1920 Oil and Gas Leasing Act provided for a certain method of leasing Federal lands by individuals and companies for the purpose of prospecting for oil and gas. It provided a special division of the revenues. A 12½ percent royalty was to be charged on unexplored lands. After the area was proved to be oil and gas lands, leases were to be let by bids, and the royalty might be any amount.

The city of Long Beach, for example, gets 96 percent gross, but when expenses are deducted, I understand it amounts to a net of 68 percent, which is considerably different from 12½ percent.

Of the total revenue, 10 percent goes to the Government, presumably for supervision. Thirty-seven and one-half percent of the revenue is paid to the State wherein the oil and gas are located, and 52½ percent is paid into the reclamation fund, for the benefit of 17 western reclamation States, including Texas. Oklahoma, Kansas, Nebraska, and the two Dakotas are included in this group of Western States which benefit from the reclamation fund.

Whenever a bill is passed in Congress to provide for the construction of a reclamation project, the funds for such construction are charged to the reclamation fund.

In addition the repayments from projects already constructed under the reclamation fund, which are returned without interest over a definite period of years, are also available for the construction of further projects. The Senator is familiar with the process.

The revenue from the National Oil and Gas Leasing Act constitute practically the only new money of any consequence accruing to the fund.

If we deed the oil lands in a particular State to that State, we simply change the setup to that extent, and those States would receive 100 percent of the revenue instead of the customary 37½ percent.

Of the 3 States concerned, 2 of them are in the area to which the reclamation fund applies.

I ask the distinguished Senator that if we are going to change the long-established policy, would it not be logical to change it for all of the public-land States, so that they would have an opportunity to secure at least a commensurate amount of money that is being taken away through this special act?

Mr. GILLETTE. I will answer by saying that there is a great deal of merit in the Senator's contention, but I come back to my basic statement, that the place to raise those issues is in the agencies which the Constitution of the United States has made available to citizens for the determination of disputes.

Mr. MALONE. I will say to the Senator that the law can be changed only by Congress. The law cannot be changed by the Supreme Court. The Court can only interpret what we do. So, if we are to change the law and the principle already established by Congress, should we not reconsider the whole public-land question?

The Supreme Court cannot make the law. It can only interpret it. So, if we are to change the principle and allot the money in a different manner, should we not consider the entire public-land question by amending the Oil and Gas Leasing Act, or whatever is necessary, in order to treat all States alike?

Mr. GILLETTE. I agree with the Senator that it is very logical.

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

Mr. GILLETTE. I yield for a question.

Mr. CASE. The question I wish to ask is based upon an exchange between Hon. Burton K. Wheeler, a former Member of this body, and the Senator from Texas [Mr. DANIEL], which appears in the hearings at page 753. Mr. Wheeler said:

> What the Supreme Court said was that these lands belonged to the United States.
>
> Senator DANIEL. They said the terms "paramount rights," and so forth.
>
> Mr. WHEELER. It said "dominium," and then in the Texas case they went on to say that "dominium" meant ownership. There is not any question about that at all.

Is that the Senator's understanding?

Mr. GILLETTE. That is my understanding.

Mr. CASE. I should like to ask the distinguished Senator from Iowa whether he intends in his speech to refer to the statements of the former Senator from Montana, Mr. Wheeler, in which he raised the very point which the Senator is discussing relative to the overruling of the Supreme Court.

Mr. GILLETTE. I will answer that it had not been my intention to do so, but I appreciate very much the courtesy and thoughtfulness of the Senator from South Dakota in calling the subject to my attention and making the statement a part of the RECORD while I am addressing the Senate.

Mr. CASE. I may say that the former Senator from Montana, Mr. Wheeler, devoted a considerable portion of his testimony before the committee to this particular point. He then said that when he was a candidate for the Vice Presidency, on the ticket with Senator La Follette, who was the candidate for President, at first he was not aware of what was in the platform. He was not nominated at the convention, and he was not aware of the platform; but in the platform which was adopted a plank was included to the effect that if the Supreme Court decided a certain way, then the Congress of the United States could override the Supreme Court. That was the effect of it, said Mr. Wheeler. He went on to say:

> When I got out to Cleveland and some lady got up and asked me about that plank in the platform, I was rather flabbergasted, because I did not know it was in there, to be frank with you. But that was an issue, let me say, that was raised in that campaign against La Follette, and it was the one issue that did more to lose him votes than any one plank in that platform.

Mr. Wheeler went on to say before the committee in his testimony on this particular measure, which is found from page 749 to page 754 and following, that that was the background of his opposition to the proposal to pack the Supreme Court. The distinguished Senator from Iowa will recall, as does every other Member who served in the Congress at that time, that Senator Wheeler was one of those in the forefront of opposition to the movement to pack the Supreme Court, on the ground that it would mean destruction of the Court. In his remarks before the committee, Mr. Wheeler said:

> There was a terrific attack upon the Supreme Court by the administration and by others, as to what the Supreme Court was doing; that they were usurping their powers, et cetera, et cetera. I took the position then that, while I had not always agreed with the Supreme Court of the United States, nevertheless I resented the attacks upon the Court. In these matters the propaganda that has been carried on against the Supreme Court has really been more violent on the part of some of the oil interests and paid propagandists, than was ever made by the administration or by some of the liberals at that time.
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> Chief Justice Hughes said to me, when I got the letter from him with reference to the Court:
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> "I am not interested in who is a member of the Supreme Court. What I am interested in is the Supreme Court as an institution. If you destroy the Supreme Court as an institution, then you have destroyed your Government."

Is that the position of the Senator from Iowa?

Mr. GILLETTE. That is certainly my position. I thank the Senator from South Dakota. As always, he has made a contribution to the debate. He always makes a contribution to the discussion of any subject which he chooses to discuss.

The Senator from South Dakota has just referred to the fact that former Senator Wheeler, of Montana, was in the forefront of the opposition to the so-called attempt to pack the Supreme Court. The present speaker was not in the forefront, but he was a high private in the rear ranks at the same time.

The Senator from Iowa, during the years he has served in the Congress, has made a weak effort, of course, but with all the power he possessed, to oppose any attempt to encroach on any of the three coordinate branches of the United States Government. I am opposed to encroachments on the judiciary by the legislative branch of the Government; Mr. President, I have opposed on the floor of the Senate encroachments of the legislative on the executive, as I have opposed attempts by the executive branch to encroach on the legislative power. My convictions, that the dan-

gers inherent in encroachments of that kind far outweigh any temporary advantage that might accrue to any group or area, are so strong that I shall, during all the time I am permitted to serve in this body, continue to oppose such encroachments on that basic ground.

Mr. President, every citizen of the United States, every taxpayer, every parent, every school child in America has a personal stake in the outcome of the battle now being waged here in the Senate.

The battle over Senate Resolution 13 concerns one single, simple question: Shall the Congress transfer to three coastal States the rich petroleum resources lying off our shores which repeated decisions of the Supreme Court have declared belong to the United States?

But this leads to another, even graver question: Is this proposal the foot in the door for a gigantic plundering of the Nation's resources not only beneath the marginal sea but also under the lands of the entire public domain? That question was of such great concern to the eminent occupant of the chair [Mr. MALONE].

On how we answer the question raised by the offshore oil bill can depend our future national security, the preservation of our national sovereignty, the prosperity of our people, the progress of our educational system and the burden of taxation to be imposed on our citizens.

Sooner or later, Mr. President, the American people will awaken to the threat to the Nation contained in this present proposal. I hope that this awakening comes before irrevocable and irretrievable damage has been done. I pray that our people come quickly to realize what huge stakes they have in the outcome of this battle.

Most of our States have absolutely nothing to gain if this offshore oil is handed over to Texas, California, and Louisiana. We in the Middle West have a great deal to lose, however, if Congress in this fashion disposes of our rightful share in this Federal property. On the other hand, we have a great deal to gain if Congress adopts legislation to develop the oil reserves lying beneath the sea so that all our people may benefit from the revenues that would flow to the Federal Treasury from this development.

Iowa's stake, for example, can be measured in a number of ways. Here is one measurement: The farmer in his field, the workman at his bench and the businessman at his desk in Iowa in 1951 reached down into his pocket and paid the Federal Government in individual income taxes a total of $327,516,367. And in 1952 they did better than that. In 1952 they contributed to the Federal coffers from their hard-earned personal incomes a total of $364,028,779. We may reasonably expect that Iowa will again in 1953 pay in individual income taxes a sum well exceeding $300 million. By the end of this year, in other words, the citizens of Iowa will have contributed more than a billion dollars in the past 3 years from their personal incomes to the United States Treasury, the moneys to be used of course for the general welfare of all the people of our great Nation.

Now the official estimates of the value of the undersea petroleum and gas deposits in the Continental Shelf—and I admit it is merely a guess—range upward from a minimum of $50 billion to as high as $300 billion. Taking the most conservative estimate of the worth of this national resource—$50 billion—we find that Iowa's share in it amounts to nearly a billion dollars—or just about the same amount as our people will have paid in Federal income taxes over the years 1951, 1952, and 1953. That is personal income taxes, not corporation taxes or excise taxes, or any other Federal tax.

While I do not want to suggest that Iowans or citizens of any other State would not have to pay income taxes if the Federal Government retains control of the offshore oil deposits, the figures show rather clearly that if Iowans are asked to hand over on a silver platter to California, Texas, and Louisiana our portion of the offshore oil properties it will equal in value what we in Iowa have paid to the Federal Government in income taxes for 3 years.

That is a measurement of the personal stake which every citizen in my State has in this legislation. Applied to every other State of the 45 States which stand to be deprived of their proper share in this national asset, this measuring rod would make clear to the people of those States how large a loss they will suffer if the entire Continental Shelf is turned over to three States. This is truly a program about which it can be said: Never have so many been asked to give so much to so few.

I shall vote against Senate Joint Resolution 13 in its present form because I regard the course of action it proposes as outrageously unfair to my own constituents, eminently unwise as a national policy, and extremely dangerous as a precedent for future grabs of national resources on a monumental nationwide scale.

When finally the people of this Nation awaken to the immeasurable harm that would be inflicted on them by successful attempts to deprive them of these vast resources, they will rise up in holy wrath to demand why Congress so flagrantly and blindly turned its back on the interest of all the people and voted to strip the Nation of this huge slice of its natural resources.

Senators and Representatives from the Midwestern States of Illinois, Iowa, Minnesota, Wisconsin, North Dakota, South Dakota, Nebraska, and Missouri are very familiar with the serious problems we have faced for several years as a result of floods on the Missouri and Mississippi Rivers. For a number of years we have been trying, without success, to secure the necessary Federal funds to enable the Army engineers to do the flood-control work required along these rivers.

Only last year we suffered from a serious flood on the Missouri River. The people of our cities and on our farms lost millions of dollars. Within the past few weeks, I have been visited by delegations of farmers and businessmen representing the communities in eastern Iowa, Illinois, and other States along the Mississippi River who have stressed to me the essential need for Federal funds for flood-control work. This is a problem affecting a large part of our midwestern region.

Within the past year, after consulting with the Army engineers, I have appeared before the Appropriations Committee to urge sufficient funds for this work. I have appealed to the President and to the Bureau of the Budget. Yet we have been unable to secure the few million dollars that are needed to do this job right, once and for all.

We are told we must reduce expenditures and balance the budget and reduce taxes, with which I am in complete agreement, and which I shall continue to support. But I am at a complete loss to understand what sort of economy it is to permit these devastating floods which cost us millions annually, and at the same time to give away Federal resources worth billions. How will this help balance the budget or reduce taxation?

Many of the governors and legislatures, along with chambers of commerce and other groups in the Missouri and Mississippi Valleys, have been pleading for a few millions to prevent recurring floods, yet I receive requests, apparently based on misleading information, from some of these same individuals and groups that I support this giveaway program of resources capable of producing revenues hundreds of times greater than the amounts they are asking for flood control.

I am at a complete loss to understand how representatives from the Missouri and Mississippi River Basins who plead for Federal assistance to stop floods and who fail to get that assistance, can justify voting away the income from offshore oil resources that could run into billions over the years. I cannot find any valid reason for governors and State legislatures in these flood basins to ask Congress to overrule the Supreme Court so as to hand over to three coastal States these national resources.

If this measure is adopted by Congress and is signed by the President, I call attention to a fact that will go down in history and will not soon be forgotten—and I do not pose as a prophet—that the first major piece of legislation passed by the Republican 83d Congress and approved by the new Republican administration will be a bill giving away immensely valuable properties belonging to the people of the whole Nation.

Mr. President, I am not speaking from a partisan standpoint when I say that this proposal is political dynamite. Its passage could contribute to destroying faith in the new administration far more completely than the Teapot Dome explosion helped wreck an earlier Republican administration. Did the people elect the new administration to preside over the liquidation of our natural wealth in the public domain?

If this joint resolution is passed by Congress, the President should reconsider his intention of signing it. He should veto it, just as President Truman twice before vetoed similar giveaway proposals. For the sake of the country—not for the sake of the Democratic Party, but for the sake of the country—I hope President Eisenhower will do so.

Mr. President, in order to reach a sound decision on how to vote on this measure, we do not need to retry the cases that have already been decided by the courts. The Senate of the United States is not an appellate court of law. I do not serve in the Senate as an attorney for any litigant, and I am not sent here to serve as a judge of any court of either original or appellate jurisdiction. I am elected to serve here as a legislator. It is not our role to set up ourselves as a court of appeals superior to the Supreme Court itself. That would be usurpation of judicial power.

As one who throughout his public life has fought to preserve the independence and integrity of our judicial system, I deny that the legislative branch has any more right or power to encroach upon the judiciary than has the executive branch. I have fought executive encroachment on the Supreme Court. I will fight legislative encroachment on the Supreme Court.

For us to reach a decision on the pending legislative proposal, we are not obliged to review and recite every scrap and iota of evidence presented in the courts in cases involving submerged lands, or the arguments which able and learned lawyers sought to adduce from the evidence, or the reasoning by which the equally able and learned judges reached their conclusions, or any of the thousand and one other details of the judicial process through which the submerged-lands cases have passed. All that we need to know, in order to be able to perform our legislative duties, is what the final decisions of the Supreme Court have been. Our legislative function begins at that point and proceeds from that point.

I regret deeply that at times in recent days the Senate has seemed to attempt to transform itself into a sort of superior court of appeals, to place above the Court established as our supreme judicial tribunal by the Constitution, and to sit in judgment on the Justices of the Supreme Court.

The decisions of the Court have been that the submerged lands now under consideration in the Senate belong to the Federal Government, under the paramount right of the Federal Government. Those who lost their case in court have brought before us a proposal designed to overrule, overthrow, and reverse the judicial decision by legislative enactment. A short time ago I read the specific phraseology of the joint resolution. This is so patently the situation that I do not believe any Member of the Senate will deny it. The proof is that if the Court's decisions had been favorable to the parties pressing for adoption of this measure, they would not have brought such a measure before us, and we would not be debating it either now or hereafter.

The effect of this joint resolution is to declare null and void the Supreme Court's decisions in the offshore oil cases, by transferring title to these lands to the States, whereas the Court had specifically placed it in the Federal Government. The result of passage of this joint resolution would be to give away to 3 of the 48 States the resources lying in these submerged lands.

The legislative problem before us, however, is not to decide whether the Supreme Court was right or wrong in these decisions. To do so would be to engage in what I call usurpation of judicial power. The Court of last resort has confirmed these resources as Federal property. The problem is to determine whether it is wise or unwise national policy now to dispose of this national property to a limited number of States.

While there exists a body of opinion, that has been cited in this debate, which holds that Congress does not have the right to dispose of this property, either because it would thereby violate the general welfare provisions of the Constitution or because it would be an illegal and improper interference with national sovereignty, I am prepared to grant, for the sake of argument, that Congress might have the power to take such giveaway action. Of course the contitutional provision is explicit. But I add immediately that it would be a national tragedy if Congress were to exercise that power.

In this connection, I call attention to the second paragraph of section 3 of article IV of the Constitution of the United States, which says:

> The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

Of course, that provision has been read many times during this debate.

The controlling language in this paragraph is:

> The Congress shall have power to dispose of * * * the territory or other property belonging to the United States.

If in adjudicating a case involving title to property, the Supreme Court determines that the property belongs to the United States, as the Court has done in the case of these submerged lands off certain of our coasts, then it might reasonably be argued that under article IV of the Constitution, the Congress has power to dispose of this property in accordance with its own judgment.

In essence, that is what the measure before us asks Congress to do. It says that "title to and ownership of the lands" in question and "the right and power to manage, administer, lease, develop, and use the said lands and natural resources are recognized, confirmed, established, and vested in and assigned to the respective States," and so forth. This joint resolution attempts to transfer to certain of the component States of the Union title to property belonging to the United States. Of course, by their introduction of the joint resolution, its proponents recognize that the property belongs to the United States.

The action now proposed would be precisely the opposite of that taken by the Supreme Court in vesting title to these lands in the United States. Therefore, the pending measure raises a question of policy that far overshadows the question of the power of Congress to dispose of this property as it will. By supporting this proposition, we would be declaring that the Supreme Court of the United States is neither capable nor trustworthy in matters involving the determination of proper title to lands in dispute. Where would such a course lead us? Is the floor of Congress to become the arena where every property dispute in the United States is to be settled? Can anyone imagine worse confusion compounding confusion than for the Congress to interfere in disputes of this kind? We would have nothing to do but to try and retry cases, and we would have no time whatever for conducting the business of the United States Government. No, Mr. President, this is no proper subject for consideration by this legislative body. I am astonished that it has been allowed to reach the floor of the Senate.

The matter before is res adjudicata. The lands belong to the United States. The mere fact that this proposed legislation has been introduced is an admission by the sponsors, as I have said, that the United States owns these resources. Congress has the power, if it wishes to use it, to pass legislation giving away this Federal property. But that does not mean it has the right to do so. The fact that we may have this power does not mean we have to use it; it does not mean that we should use it.

If Senators are persuaded that it is wise national policy to strip the United States of its natural resources, in the interest of a few States, they will be justified in supporting this joint resolution. If Senators believe it is against the national interest to divest the United States of these vital resources, they will oppose this joint resolution.

Mr. President, all of us are familiar with the difficulties that arise when we attempt to define the national interest. Each of us would doubtless define somewhat differently the national interest. But I believe none among us would hold that the national interest is merely the sum of the interests of the 48 States or the sum of the interests of the 159 million people inhabiting the United States. The national interest is greater than the sum of its parts. It is, particularly in these days of international conflict, a question of the interests of the whole United States as they affect the family of nations in which we live and as they are affected by that family of nations.

A very clear national interest of this kind is involved in the pending measure. As was abundantly brought out in the hearings of the committee when it considered this measure, as was testified by the official spokesman for the Department of State at those hearings, and as has been established beyond cavil here on the floor of the Senate, this joint resolution deals with matters affecting international waters and the international domain.

As the able Senator from Alabama [Mr. HILL] said the other day in a colloquy with the Senator from New Mexico [Mr. ANDERSON]:

> It affects the jurisdiction of waters belonging to the family of nations. * * * Therefore, no one can tell where the action we take may lead us in our relations with other nations, or what effect it may have on improving or deteriorating our relations with other nations, or whether it may irritate or challenge other nations. We cannot tell how far this action might affect the question of peace or war.

With these considerations in mind, Mr. President, it is disarming to hear the spokesmen of the States that would benefit from passage of the pending measure express such concern over the status of submerged lands lying under the inland waters of other States. Their solicitude is heart warming, of course, but quite unnecessary and irrelevant.

Until those who dislike the Supreme Court decisions governing offshore submerged lands had skillfully planted seeds of doubt and had sedulously propagated the myth that the decisions somehow jeopardized State title to lands lying inland from the shoreline, nobody had ever seriously questioned where the title to the lands rested.

It rested with the States before the Court decisions on offshore-oil lands. It rests with the States since those decisions. It has not been affected one way or the other by the Court decisions relating to lands outside the low-water line, and it was not at issue before the Supreme Court.

The States' titles to their inland properties were never in jeopardy. They have not become so because of decisions relating to lands under the ocean and the Gulf of Mexico. But it is one of those strange facts that it is seemingly impossible to register on the minds of persons who have deliberately closed their minds to facts. Those who prefer mythology to facts prefer to believe the bogey of a Federal threat to lands under our ponds and creeks.

The whole idea that somehow every State in the Union is threatened by Federal seizure of its property is part and parcel of the effort which interested parties have been making to make it seem that the national interest is equal to the sum of the interests—or supposed interests—of the 48 States. The idea seems to be that if it is possible to persuade every State that it is endangered by the Court rulings against California, Texas, and Louisiana, they can then be persuaded that it is in the national interest to reverse the rulings—thereby, of course, turning over valuable properties to 3 States, but leaving the other 45 States chasing a will-o'-the-wisp.

Stated bluntly, all that the 45 other States would obtain as a result of enactment of the pending joint resolution would be an affirmation that they hold title to lands to which they have always held title and to which they now hold title.

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

Mr. GILLETTE. I yield to the Senator from Montana for a question only.

Mr. MURRAY. The Senator apparently takes the position that, while the Congress may have power to give away the lands in question, it would nevertheless be utterly wrong for the Congress to do so. Does the Senator not feel that if the matter were to come before the Supreme Court again, the Court would be justified in saying that it would be a violation of national policy to give to two or three States the rights proposed to be conveyed by the pending joint resolution, thus giving to the 2 or 3 States that which rightfully belongs to the 48 States, especially in view of the fact that many of the States of the Union have found it difficult, because of their small populations and their large areas, to maintain their school systems, and have also found it difficult to maintain their highway systems because of the tremendous mileage within their borders? I am thoroughly in accord with what the Senator says, that it would be utterly unjust, unreasonable, and a violation of national policy for the Congress to attempt to give the lands in question to 2 or 3 States.

Mr. GILLETTE. I thank the Senator from Montana for his contribution. It emphasizes what I have stated over and over again in the brief time I have been addressing the Senate, namely, that, although power is vested in the Congress to dispose of the property, the question of whether it should exercise that power and should dispose of the property, as is now proposed, is something different.

I repeat, I am utterly opposed, and shall continue to be opposed, to any effort to transform this legislative body into a court of appeals over the United States Supreme Court, created as the Court of last resort by the Constitution of the United States.

Some days ago I received a letter from the Chamber of Commerce of the United States, which has been taking an active interest in obtaining passage of the pending measure. The letter sought to put me on guard against what it called the doctrine of Federal paramount rights and dominion, because it said such a dangerous doctrine could be applied to any lands and any natural resource, and permit the Federal Government to seize them without recompense to the rightful owners.

If I may say so, this is utter fantasy. The so-called doctrine could not be so applied. The Supreme Court decisions apply only to lands beyond the low-water line on the shores of our coastal States, an area lying partially in the domain over which the United States has always exercised sovereignty, and therefore had paramount rights and dominion, and partially beyond the 3-mile limit, which in international law is the outer boundary of the United States.

The Court dealt with lands lying under the sea outward from our shores, much of its land which, if it did not fall under United States sovereignty and paramount rights, would lie in the international domain. There is nothing in any of the decisions relating to submerged lands or any other lands or any other property or resources within the inland territory of any State of the Union. But, as I say, when one has closed one's mind to facts there is no hope of understanding facts. I do not need to tell any lawyer, in or out of the Senate, that the finding of a court of original or of appellate jurisdiction relates to the issues before the Court, and that, though it may be persuasive, it is not controlling as to matters which may later come before the court. The men who asserted the contrary on behalf of the United States Chamber of Commerce, if they were lawyers, certainly knew better than to make the statements they made. This kind of argument may succeed in creating fears where none existed before, but in doing so it beclouds and befogs the central issue. I would prefer, and I could understand, a frank admission from those who support the giveaway measure that the States of Texas, California, and Louisiana are solely concerned with obtaining for themselves some valuable pieces of Federal property, property whose value derives entirely from the petroleum and mineral wealth lying in it. I have no difficulty understanding why some residents of Texas or California would wish to secure exclusive hold on this Federal property. But it does not follow that because they wish it the rest of the Nation should be willing to hand it over to them.

This is a dispute about oil, and that is all it is. I see no reason for those who seek the oil for 3 States to go to such pains to mask their self-interest. It would make for much more fruitful debate if all concerned would frankly acknowledge that this is a fight over oil, with the interests of 3 States ranged against the interests of 45 States.

We have heard complaints that this debate has been too long. It would have been over within a few days, if, from the beginning of this controversy years ago, totally irrelevant issues had not been dragged into it as camouflage for a naked grab of Federal property. We have had to tear away the camouflage to reveal the oil behind it.

Mr. President, the proponents of the pending measure have been temporarily driven back from their ultimate demands. They now tell the Senate they do not wish the Nation to give away the whole Continental Shelf, at least not yet.

They insist that this resolution deals only with submerged lands out to the 3 mile limit in some cases, or out to what they call historic boundaries in other cases. The phrase "historic boundaries," incidentally, is not mentioned in the resolution before us.

They deny this is an open-end proposition, but the doubts on that score are legion. I note that the Senator from Louisiana recently placed in the RECORD an article from a newspaper published in his State saying that there was nothing in the present resolution that would prevent Louisiana claiming as far out into the Gulf of Mexico as it wanted to go. Up to now Louisiana has wanted to extend her boundaries at least 27 miles into the Gulf.

I also note that the junior Senator from New Mexico was unable to obtain committee approval for an amendment specifically limiting boundaries by declaring that "in no event shall the seaward boundaries of any State extend more than 3 miles into the Atlantic Ocean, or the Pacific Ocean, or more than 3 marine leagues into the Gulf of Mexico." The proponents of the pending measure did not want that amendment.

And there are many other indications that the areas covered by the proposed legislation are not the only areas which the claimant States seek to have turned over to them. The joint resolution could well be the foot in the door. Later, at a more auspicious time, the door to the entire Continental Shelf will be

knocked wide open. For that reason, Mr. President, at the outset of my remarks I stated that the implications inherent in the pending proposal were more destructive in their threat to the economy and to the future of the Nation than any other measure which had been before the Senate during my 16 years of service in the Senate.

The strategy of the giveaway proponents is to cut off the dog's tail a little at a time, possibly on the theory that it won't hurt as much as whacking it all off at one blow. In either case, the dog loses his tail. In either case, the people of the entire Nation lose their rightful shares in this national asset.

This resolution does not provide for Federal development of lands under the Continental Shelf. It leaves this question entirely open, as if with the thought that the less said about this the better. If Congress does not express itself one way or the other, then it will be easier later on to find opportunity to pass legislation extending State control out to the limits of the Continental Shelf.

This proposal would be less dangerous if it defined where the State boundaries are. Attorney General Brownell's suggestion that a line showing the boundaries be drawn on a map was a good one. Unfortunately, the committee did not see fit to accept it. If they had, we would be able to accept, in our turn, the thesis advanced by the proponents that the sums involved are really much less than the $50 billion figure representing the value of oil and natural gas in the entire Continental Shelf.

Not having a line on the map, we must content ourselves with the statement of the Senator from Oregon who in reporting the bill declared the resolution says what the State boundaries are, but not where they are.

I would prefer knowing where they are. So would the people of America. So would the people of the Middle West who have no Continental Shelf to comfort them. So would the people of Iowa who have neither tidelands nor marginal seas, but who do have a substantial interest in the offshore oil assets of the Nation.

It has seemed to me that one important factor in determining how we shall vote on this resolution is to know what the people of our own States stand to gain or lose by our action. Naturally, the national interest at large comes first, but each of us has also been elected to represent the interests of our own constituents.

Senators will surely have been interested in the table of figures placed in the RECORD on April 10 by my esteemed colleague and neighbor from Illinois [Mr. DOUGLAS]. I call attention again to this table, on page 2936 of the RECORD. Rather than read through the entire table, let me select from it figures significant for the people of Iowa, as well as for the people of the States that border on Iowa.

What is the stake in this property of these eight Middlewestern States? What do they stand to lose if the offshore oil lands under the sea are handed over to the interested coastal States?

What do they stand to gain if the Federal Government retains title and if development takes place under Federal leases with royalties flowing into the Federal Treasury as the Anderson bill provides, and with the fund thus accumulated being used to defray national defense and educational costs, as the Hill amendment would provide? It is on the basis of the answers to these questions that people in my part of the country are making up their minds on this question, and I will say that their views have a very great influence with me.

On the basis of the accepted minimum estimate of $50 billion as the capital value of offshore oil and gas deposits under the Continental Shelf, Iowa's share in the table submitted by Senator DOUGLAS is shown as $900 million.

On the basis of a value of $125 billion, as estimated by Mr. L. G. Weeks, the petroleum expert, Iowa's share rises to $2,250,000,000.

And on the basis of total reserves valued at $300 billion by the former vice president of the Standard Oil Co. of New Jersey, Iowa's share amounts to $5,400,000,000.

Our neighbors in the Midwest, of course, have a proportionate stake in preventing this giveaway.

Illinois, for example, has a share in the $50 billion reserve amounting to more than $2,600,000,000.

Wisconsin's share comes to about $1,165,000,000.

Minnesota's share is just over $1 billion.

South Dakota has a stake that amounts to over a quarter of a billion.

Nebraska's share is nearly $450 million—just under half a billion.

Kansas stands to be deprived of a share worth $630 million.

Missouri's share is valued at about $1¼ billion.

Adding these together, on the basis of the low estimate of total value of $50 billion, we see that Iowa and the seven other States contiguous with our borders have an overall stake in this battle amounting to a total of $8.7 billion. If the offshore oil giveaway program finally goes through, we States in the heart of the Middle West stand to lose a share in a national resource under the sea worth to us, at a minimum, nearly $8¾ billion.

This, Mr. President, is in the face of the fact that the entire State budget of Iowa for school purposes last year was $117 million. What could our State not do with the revenues from her proper share of this undersea petroleum?

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

Mr. GILLETTE. I shall be glad to yield to the Senator for a question.

Mr. CASE. In view of the fact that a great many of the States which the Senator has cited were carved out of the original Louisiana Purchase, and in view of the fact that the interest of the State of Louisiana in the joint resolution must stem from its relationship to the Louisiana Purchase—I, coming from a State which was carved out of the Louisiana Purchase, feel a very special interest in the figures which the Senator has cited. Has the Senator compiled a statement for the area of the Louisiana Purchase, grouping those States together?

Mr. GILLETTE. No, I have not. However, it would be very significant.

Mr. CASE. It would be significant, because obviously, unless at sometime or other the Louisiana Territory had been carved up, the States which comprise the Louisiana Purchase would be able to share in what it is proposed to assign forever to Louisiana under the pending joint resolution.

Mr. GILLETTE. Mr. President, I ask unanimous consent that I may have printed in the RECORD, at this point in my remarks, a compilation of the figures asked for by the Senator from South Dakota.

The PRESIDING OFFICER (Mr. KUCHEL in the chair). Is there objection? The Chair hears none, and it is so ordered.

The table referred to is as follows:

Table showing share in offshore petroleum reserves of the Continental Shelf of the 13 States which were formed entirely or mostly from the Territory of the Louisiana Purchase, based on each State's percentage of enrolled school children aged 5 through 17, in accordance with the Hill amendment to use resources for education, and figured on the most conservative estimate of the United States Geological Survey, $50 billion:

State	Percentage, children aged 5 to 17	Share in capital value of oil and gas reserves in Continental Shelf
Louisiana	2.05	$1,025,000,000
Arkansas	1.54	770,000,000
Oklahoma	1.68	840,000,000
Missouri	2.48	1,240,000,000
Iowa	1.80	900,000,000
Kansas	1.26	630,000,000
Nebraska	.89	445,000,000
South Dakota	.47	235,000,000
North Dakota	.48	240,000,000
Minnesota	2.05	1,025,000,000
Colorado	.88	440,000,000
Wyoming	.24	120,000,000
Montana	.42	210,000,000
Total		8,120,000,000

Mr. GILLETTE. Mr. President, I do not comprehend, I cannot comprehend, why we in the Middle West should give a second's thought to the proposal that we should knowingly and willingly deprive ourselves of such a sum for the benefit of three coastal States. We in the Middle West are neighborly people, but this is surely carrying neighborly generosity beyond the realm of the conceivable.

Yes; when we from the Middle West study the pending proposal for any length of time, we ask ourselves how in the world it could come about that anyone from our part of the country could ever find reason to support it. We have no coastline. We have no tidelands. We have no offshore oil deposits. Nobody is threatening our oysters, our clams, our crabs, our kelp; and nobody is going to seize our piers, our jetties, our wharves, or our filled-in lands, for the simple reason that we have none to be threatened or seized. What we do have is sufficient reason to oppose this giveaway of our property—a substantial stake in the national oil reserves offshore.

There is no use repeating to us that somebody has doubts about title over lands beneath our streams and ponds. There is no doubt at all. But if there were, Mr. President, if there were, the place to settle those doubts would be in

the courts and not in the Halls of Congress. That is why we have a judicial system.

There is no need to confirm State title in our inland submerged areas, because for as long as the courts have judged cases in this field they have said title rested with the State. Since this scarecrow has been set up to frighten people into giving away the Nation's oil properties, it is no doubt wise policy to eliminate the scarecrow by placing an otherwise unnecessary affirmation of State title on the statute books.

But we can lay this ghost much more easily by the Anderson substitute amendment than by the Holland resolution and do it without costing any of us a single penny. Why must the Middle Western States sign away their rights to a share in the Nation's offshore wealth merely to settle in a few lawyers' minds the question of title to lands under streams and ponds? Why must we do this small job so expensively?

If there remain these fabricated doubts, if Miami Beach trembles that some ogre in Washington might reach out and seize its beautiful hotels, if other coastal States quiver with dread lest the cold hand of Federal bureaucracy is going to clamp itself around their shorelines—if these fears have any reality and are not pure phantasmagoria seen through the mists hovering over the oil derricks off Texas—then let the matter be resolved in a manner that will not cost us $50 million or more. If there are States whose people want to redouble their insurance, they do not have to deprive themselves of part of their patrimony to do so.

In conclusion, Mr. President, let me repeat that all that is at issue here is whether 45 of the 48 States are willing to yield to the demands of 3 of the 48 States and authorize disposal to them of the Federal property underlying the submerged lands.

This is a question of policy and of politics, not of rights or of doctrine. The issue of rights has been settled by the Supreme Court. Our friends who seek this oil for their States do not like the Court's decision. They are seeking a legislative enactment to overrule the judicial decision. They have been seeking to obtain through political means what they have failed to obtain through the judicial process. This proposal reeks of oil, and in our time where there is oil it is wise to look for politics.

As the able majority leader took pains to point out here a few days ago, this was a political issue in the recent campaign and, in his words, a "vital element of difference between the Candidate Eisenhower, on the Republican ticket, and the Candidate Stevenson, on the Democratic ticket." My distinguished colleague, the Senator from Arkansas [Mr. FULBRIGHT], then made note of the fact that "inasmuch as the great State of Texas has already delivered its vote, I think now the matter can be considered on its merits, from the point of view of whether it is good for the country."

It cannot be denied that the candidate for President of the Republican Party reaped political advantage in certain States by his support of their claims to this Federal property, no more than there can be doubt that, by the same token, the Democratic candidate for President suffered political losses because of his forthright refusal to bow to political expediency. The claim has been made that we should rush this measure through the Congress because the "people have spoken" last November.

That is a most specious claim. We can argue all year about what constitutes a mandate from the people, but I, for one, will never believe that the Republican Party received a mandate from the American people to ram this grab bill through the Congress as the first major legislative step of the new administration.

In that connection, I call attention to the list of must legislation presented by the President of the United States. Here is the list:

First, appropriation bills. Of course, they are not yet before the Senate, but they are listed first.

Second, Hawaiian statehood.

Third, Taft-Hartley amendments.

Fourth, Defense Production Act extension.

Fifth, tidelands oil.

Four items of proposed legislation were listed by the President of the United States as being paramount or must before there was to be consideration of proposed submerged lands legislation. I am unable to understand the zeal—perhaps praiseworthy zeal, but certainly zeal—with which the majority leader insists that the pending measure be kept before the Senate as the first major bill to be enacted by the 83d Congress at this session, while everything else must wait, when the President himself had the submerged lands measure fifth on his list. I cannot understand it. It does not ring true. Something is wrong. There must be some reason for this action, which I, for one, am unable to fathom.

The Republican candidate may have received a mandate from those in Texas and Florida or 1 or 2 similar States who voted for him because of his stand on what was then blithely called "tidelands," and if so, the attempt to force through this measure is to be regarded merely as the payment of a political debt. But I deny that the votes for the Republican candidate in Iowa went to him because he had promised our people to strip them of their share in the offshore oil.

No, Mr. President, the place for political bargaining is in the campaign, and the place for calm deliberation on national policy is in the Congress. Our deliberation so far has made it unchallengeably clear that this is one political bargain too costly to the country to permit our approving it.

The value of the oil at stake in this battle ranges upward from $50 billion, and I am not impressed to hear that only one-tenth or one-sixth or some such fraction is immediately involved in this particular measure. The issue far transcends this resolution, and every Senator knows it.

If we dispose of this Federal property, we will establish a precedent for the spoilation of everything the United States now owns. If sufficient political glamor can be wrapped around a given piece of Federal property, it will be handed out by the Congress. If this particular measure does not give away the entire Continental Shelf, it is only because we have been able temporarily to check the relentless march of those who plan to despoil the Nation of every dollar's worth and every acre of the public domain.

Already an appeal is being made to the Western States to grab the minerals under the public lands. The oil lobby is but the vanguard in this invasion of America's heritage.

Behind the oil lobby stand marshaled in greedy readiness the forces of the ranchmen's lobby, the lumber lobby, the utility lobby, and the whole army of lobbies of the one big lobby to which they all belong, the "grab lobby."

Mr. President, the boodle battalions are on the march, and this oil grab is only a preliminary skirmish. The plunder-bund sees a new chance in the new scheme of things, and this measure is a scouting expedition to reconnoiter how much booty can be carried off without awakening the sentinels guarding the public interest. Their method is legalized looting of the Federal Treasury. The result will be impoverishment of the public domain, ruin of our forests, destruction of our land, and disaster for the entire people.

Mr. President, let us stop this invasion. Let us turn back those who would commit this piracy—piracy not on the high seas, but under them. Let us defeat this giveaway resolution, and let us enact legislation that will develop the rich underseas resources for the good of all the people.

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

Mr. GILLETTE. I am very glad to yield for a question.

Mr. DOUGLAS. I ask the Senator from Iowa if he is familiar with article III of the Constitution.

Mr. GILLETTE. Yes; I am reasonably familiar with it.

Mr. DOUGLAS. Is it not true that article III, dealing with the judicial powers, provides that disputes concerning controversies to which the United States shall be a party shall be subject to judicial determination?

Mr. GILLETTE. Absolutely.

Mr. DOUGLAS. Were not these disputes cases in which the United States was a party?

Mr. GILLETTE. That is correct.

Mr. DOUGLAS. Were not these disputes cases which did not involve statutes?

Mr. GILLETTE. That is correct.

Mr. DOUGLAS. Was not the proper place, therefore, to decide those cases the Supreme Court of the United States?

Mr. GILLETTE. That is correct. Jurisdiction was not placed in the Congress of the United States.

Mr. DOUGLAS. Therefore would not Congress be usurping judicial power if it were to constitute itself as a sort of super-Supreme Court?

Mr. GILLETTE. Definitely. That is the burden of what I have tried to say. The Senator has put it clearly and succinctly. That is what is behind this entire question.

Mr. DOUGLAS. May not the Holland measure, if passed, lead to disputes between American States and foreign states?

Mr. GILLETTE. Certainly.

Mr. DOUGLAS. In the last clause of section 2 of article III is it not provided that the judicial power shall extend to cases involving disputes between States and foreign states?

Mr. GILLETTE. That is correct.

Mr. DOUGLAS. Therefore, should not the decision of this matter be left to the courts and not to the Congress?

Mr. GILLETTE. Definitely.

Mr. DOUGLAS. So does not the Senator feel that this proposal is tantamount to an act on the part of Congress to take away the judicial powers and to destroy the principle of separation of powers upon which the Republic is based?

Mr. GILLETTE. That is clearly put. That is such a danger as to constitute a sword of Damocles which is hanging over us now. If we pass this proposed legislation we shall have transformed the legislative body into an appellate court to hear appeals from the decisions of the Supreme Court of the United States.

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

The PRESIDING OFFICER. Does the Senator from Iowa yield for that purpose?

Mr. GILLETTE. I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

Aiken	Gore	McClellan
Anderson	Green	Millikin
Barrett	Griswold	Monroney
Beall	Hayden	Morse
Bennett	Hendrickson	Mundt
Bricker	Hickenlooper	Murray
Bridges	Hill	Neely
Bush	Hoey	Pastore
Butler, Md.	Holland	Payne
Butler, Nebr.	Humphrey	Potter
Byrd	Hunt	Purtell
Capehart	Ives	Robertson
Carlson	Jackson	Russell
Case	Jenner	Saltonstall
Clements	Johnson, Colo.	Schoeppel
Cooper	Johnson, Tex.	Smathers
Cordon	Johnston, S. C.	Smith, Maine
Daniel	Kefauver	Smith, N. C.
Dirksen	Kennedy	Stennis
Douglas	Kilgore	Symington
Duff	Knowland	Taft
Dworshak	Kuchel	Thye
Eastland	Langer	Tobey
Ellender	Magnuson	Watkins
Ferguson	Malone	Welker
Flanders	Mansfield	Wiley
Frear	Martin	Williams
George	Maybank	Young
Gillette	McCarran	
Goldwater	McCarthy	

Mr. SALTONSTALL. I announce that the Senator from New Jersey [Mr. SMITH] is necessarily absent.

Mr. CLEMENTS. I announce that the Senator from New Mexico [Mr. CHAVEZ] and the Senator from Alabama [Mr. SPARKMAN] are absent by leave of the Senate.

The Senator from Arkansas [Mr. FULBRIGHT], the Senator from Missouri [Mr. HENNINGS], the Senator from Oklahoma [Mr. KERR], the Senator from New York [Mr. LEHMAN], and the Senator from Louisiana [Mr. LONG] are absent on official business.

The PRESIDING OFFICER (Mr. KUCHEL in the chair). A quorum is present.

The question is on agreeing to the amendment proposed by the Senator from Alabama [Mr. HILL], for himself and other Senators, to the amendment in the nature of a substitute, proposed by the Senator from New Mexico [Mr. ANDERSON] to the committee substitute.

Mr. ANDERSON. Mr. President, again I ask unanimous consent that I be privileged to make a motion to have the unfinished business temporarily laid aside, and to have the Senate proceed to the consideration of Senate bill 1081.

The PRESIDING OFFICER. Is there objection?

Mr. TAFT. Mr. President, reserving the right to object, will the Senator from New Mexico state again exactly what it is for which he seeks to obtain unanimous consent? He is free to make a motion to have the proposed Defense Production Act taken up, if he wishes to do so.

Mr. ANDERSON. Yes, but that would displace the so-called tidelands joint resolution or offshore oil joint resolution; and we have agreed that we do not wish to lose the benefit of all the discussion of it that has taken place.

Therefore, it would seem to me that the simpler thing to do would be to have the Senate take up the so-called economic controls bill; and thereafter, as soon as that bill is disposed of, resume consideration of the so-called offshore oil joint resolution.

Mr. TAFT. Mr. President, I may not object. Will the Senator from New Mexico repeat the proposal he wishes to submit, although it is out of order, so that I may determine whether I wish to consent?

Mr. ANDERSON. I shall be happy to do so.

I move that the Senate temporarily lay aside the unfinished business, and proceed to the consideration of Senate bill 1081, the Capehart bill, to provide authority for temporary economic controls; and that it be agreed that at the conclusion of action on said bill, there shall be not to exceed 1 hour's debate on the Hill amendment, to be followed at once by a vote on said amendment; and thereafter not to exceed 1 hour's debate on the Anderson substitute, to be followed at once by a vote on that amendment, provided that the time on said amendments shall be equally divided between the proponents and opponents thereof; and provided further, that no vote shall be taken on either amendment before Monday, April 27, 1953.

Mr. TAFT. Mr. President, does the proposal of the Senator from New Mexico contain no provision about debate on the joint resolution itself?

Mr. ANDERSON. No.

A suggestion has been made that the vote on these amendments should occur on Monday. We feel that the time available is sufficient to permit of a discussion of the bill proposing to extend economic controls. The procedure now proposed would not in any way change the time on the discussion of the submerged-lands measure; it would merely give the Senate an opportunity to dispose of the bill relating to economic controls. If final action on that bill could not be taken by Monday, consideration of the bill could continue on Tuesday; and if final action could not be taken on Tuesday, consideration of the bill could continue on Wednesday; and if final action could not be taken on Wednesday, consideration of the bill could continue on Thursday, or until the controls expire. However, no opponent of Senate Joint Resolution 13 would then be taking up the time of the Senate, while the controls were expiring.

Mr. TAFT. Mr. President, reserving the right to object, I should like to propound an inquiry. If we do not object, would the Senator from New Mexico agree to have the debate on this particular motion limited to 20 minutes to a side, or a total of 40 minutes, so that the vote could be taken promptly this afternoon?

Mr. ANDERSON. Yes, or to 10 minutes to a side, or to whatever amount of time the distinguished majority leader might desire.

Mr. TAFT. I believe we had better provide for 20 minutes to a side, if the Senator from New Mexico is agreeable to having that done.

Mr. President, although this motion is out of order, and although it obviously is a dilatory motion, and although obviously the only effect of the motion would be to make it possible for the other side to continue their filibuster without being required to speak on the joint resolution, nevertheless I agree to the unanimous-consent request on the basis stated.

Mr. ANDERSON. Then, Mr. President, I offer my motion.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from New Mexico?

Mr. JOHNSON of Texas. Mr. President, reserving the right to object, let me inquire whether the request of the Senator from New Mexico also includes a time limitation on debate on the motion of the Senator from New Mexico.

Mr. TAFT. Yes.

Mr. JOHNSON of Texas. The motion has been so amended; is that correct?

Mr. TAFT. I understand so.

Mr. ANDERSON. If there is no objection, Mr. President, I do offer that amendment.

Mr. BUSH. Mr. President, will the Chair please have the pending question stated?

The PRESIDING OFFICER. The Chair will endeavor to have the unanimous-consent request stated.

Mr. ANDERSON. Mr. President, I send to the desk the motion I offer.

The PRESIDING OFFICER. The unanimous-consent request will be read.

The Chief Clerk read as follows:

It is moved that the Senate temporarily lay aside the unfinished business, and proceed to the consideration of Senate bill 1081, the Capehart bill, to provide authority for temporary economic controls; and that it be agreed that at the conclusion of action on said bill, there shall be not to exceed 1 hour's debate on the Hill amendment, to be

in his swan song. Mr. Clawson's statement itself had a political coloring.

I would like to say for the record that Mr. Woozley has made such an enviable record as Land Commissioner of the State of Idaho that he has gained national recognition. He has administered the State lands in such a manner that their returns to the State in many instances have far exceeded returns to the Federal Government on similar public lands. Mr. Woozley has a reputation for operating the most efficient department in the State Government of Idaho and certainly we need the fullest degree of efficiency in the administration of the Bureau of Land Management.

I want to say that Mr. Woozley's appointment was a wise choice. He will, I am confident, prove to be an able administrator and an outstanding public servant. That has been his record in the past.

I make these observations at this time because I ask unanimous consent to place in the RECORD at this point an editorial which appeared in the Intermountain and Alameda Enterprise, a weekly newspaper in Idaho, concerning the appointment of Mr. Woozley. The editorial was written by Mr. Perry Swisher, a veteran newspaperman and strongly independent journalist.

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

[From the Intermountain and Alameda Enterprise of April 17, 1953]

WOOZLEY WILL BE WONDERFUL

It was a lucky choice and a wise one for the Eisenhower administration this week when Edward Woozley, of Malad, was appointed to be Director of the United States Bureau of Land Management.

Few people knew Woozley and even fewer were aware of his abilities when he became Idaho land commissioner in 1947.

Until then, Idaho's land office had been run mostly for politics, in the worst sense of the word. It was an agency through which the faithful could be rewarded in leases, easy rentals, and land deals, where timber and mineral rights were usually disbursed by maneuver and not on merit.

Under Woozley, a policy of conservation, maximum use, and constant development was evolved. Patronage and exploration gave way to a sound system which multiplied State income from State land. Woozley took advantage of rising demand for new land and when State tracts were sold they brought the highest possible returns.

The State land board deserves credit for its support and its contributions to Woozley's administration. The lawmakers deserve credit for the State land reforms written into the law during his service. Stockman, timber, and lessee interests deserve credit for acknowledging Woozley's skill instead of going after his scalp.

If the national administration gives the genial Ed Woozley half a chance, he will be outstanding in his new office. If he repeats his Idaho record, Woozley will boost the income from the public domain, see that it is more widely utilized and make sure that it will be in better shape when he finally leaves Washington than when he arrived.

And for those in Government circles who want relief from stuffed shirts and big hat sizes, Ed Woozley will be as refreshing as a whiff of pure oxygen.

If we were Secretary of Interior McKay, under whom Woozley now serves, we would give this man a free hand—he would help to make us look very good to the people in the West, to the President and to Congress.

It should be noted that in this case Washington's gain is not Idaho's loss. Uncle Sam owns 64 percent of Idaho's land area. While we have no breakdown handy, we are quite sure that through the BLM Woozley will manage more of the public domain in this State than he did as land commissioner.

Everybody gains. Ed Woozley has been wonderful for Idaho. He's apt to do it all over again. That would be wonderful for the whole country.

TITLE TO CERTAIN SUBMERGED LANDS

The Senate resumed the consideration of the joint resolution (S. J. Res. 13) to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, and to provide for the use and control of said lands and resources.

Mr. KILGORE. Now that the lamentations of Jeremiah have been concluded, I will proceed. The United States today is a Nation of 157,848,000 people. I like to compare it to a corporation with that number of stockholders, each of whom owns but one share of stock. It is true that a great part of those stockholders cannot attend the stockholders' meetings for the purpose of voting, but the action we take today certainly affects those stockholders.

Each of the stockholders owns one share of the vast, but not unlimited, public wealth of the Nation. The capital assets of the Nation stand back of the bonded indebtedness of this corporation of ours, as the capital assets of any great corporation stand back of its bonded indebtedness. The Government owes an obligation to its people, who are its stockholders, to preserve the capital assets. The public wealth includes the great public domain, with a total area of approximately 409 million acres. Those of us in the Congress of the United States—the 96 Members of this body and the 435 Members of the other House—have been chosen by these shareholders as directors of this enterprise. We constitute the board of directors, so to speak. We are not selected, as are the directors of private corporations, by reason of the ownership of quantities of stock. We simply have the same stockholdings as all other citizens of the country. We are selected because the so-called stockholders of certain States and districts have reposed in us special confidence, a confidence which we must in no wise ever betray.

We have been chosen to administer this great enterprise in the interest of all the shareholders, in the public interest, not in the interests of a favored few of the shareholders, not for the benefit of a small minority, not for special interests.

We have been elected as directors of this great enterprise not because we own any more stock in it than any other shareholder. Each of us share equally with every other citizen in this enterprise. Our selection as Members of the Congress—as directors of this enterprise—has been on the basis of our devotion to the general welfare. We have been chosen as representatives of the stockholders, to serve, so far as we are able, the best interests of the greatest number of all the shareholders.

What we are being asked to do in the bill before us is to take an enormous part of the assets of all the stockholders—assets of all the people of the United States—and turn them over to a favored group of the stockholders, in this case to the people of three States.

Mr. President, I wonder what would happen if the directors of one of our great corporations should decide to do a similar act with respect to that corporation. I wonder what the stockholders and the bondholders would think.

The argument which is advanced as a reason for doing this, when it is stripped of all the fancy phrases, is simply that these assets which belong to all the people of the United States happen to be located off the shores of these three States.

Mr. President, I desire to discuss that phrase "off the shores." I well remember when the question first came up.

Let me say, first, that I grew up in the oil industry and I know a little about it. I remember reading of the exploration for oil under the Gulf of Mexico. I read about it with a great deal of interest, because it looked to me like a potential defense asset.

The next time it was called to my attention, I think, was about 1947, when the head of one of the big oil companies in California came to me on behalf of what he called tidelands oil. That man used the correct phrase, because in California at that time leases were granted in the area between high tide and low tide, and the companies had been doing what we call offset drilling, which means drilling at an angle. Possibly a quarter of a mile offshore the ground would be tapped.

That phrase has continued to be used. I hate to say it has been used deliberately to mislead the people of the United States, and I was glad when the majority leader used the phrase "the so-called tidelands oil." It is offshore oil.

There is no more reason for taking the offshore lands than there would be to take that part of the public domain which happens to be located within a given inland State and turning it over to that State for private exploitation.

Indeed, Mr. President, that is exactly what could be expected to follow if this giveaway program with reference to our offshore resources is not stopped dead in its tracks.

As a boy, Mr. President, I used to like to have firecrackers on the Fourth of July, and my favorite purchase was little tiny squibs. The fuses were plaited together. I bought them for a nickel a pack. I worked in the garden, weeding the onion beds and the lettuce beds, and hoeing, in order to amass some nickels for the purchase of firecrackers for the Fourth of July. If I had been able to secure enough money I would occasionally take the wrapping off a whole bundle and light the plaited fuse. Then I would stand off and hear the consecutive shooting of the firecrackers as the fuses successively reached the different squibs.

I am afraid, Mr. President, that we are lighting a plaited fuse in this instance.

Mr. President, proposed legislation has already been introduced to grant all the minerals and all the mineral rights in the public lands of the United States to the States in which they are located. That proposed legislation is in the hopper. That is the second squib, but this, unfortunately, happens to be a bundle of cannon crackers or sticks of dynamite.

Proposals have already been advanced to turn over the grazing lands of the public domain of the United States to private exploitation. Those of us who have been in the West will recall the troubles we have had to repair the enormous amount of damage which has been done to private grazing lands by reason of the uncontrolled grazing by sheep and cattle, damage which has almost ruined the land. We know what is going to happen if the lands of the public domain are turned over to private exploitation.

My home State is West Virginia, and I am very proud of it. But the exploitation which has occurred in that State is something of which I am not proud. We once had some of the best white oak in the world, but now it has been practically destroyed. For each white oak tree that was taken, some 20 to 25 other trees in the process of development were killed. We have purchased a quantity of land that was being eroded away, and we have the help of the National Forest Service of the Department of Agriculture. That Service last year returned to the Treasury $260 million with an expenditure of $100 million.

Mr. President, let us consider for a moment what is involved in the pending joint resolution which has been discussed for some days on the floor of the Senate. One would think that all the people would have a very good idea of the subject, but, unfortunately, I do not believe that is the case.

I have in my hand an article which appeared in the Washington Post of April 12, 1953, and I ask unanimous consent to have it printed at this point in my remarks, as I expect to invite attention to portions of it during the course of my speech.

The PRESIDING OFFICER (Mr. COOPER in the chair). Without objection, it is so ordered.

The article is as follows:

TIDELANDS ISSUE LINKED TO ALL NATURAL RESOURCES

(By Oscar Chapman, former Secretary of the Interior)

A short time ago I had occasion to participate in a radio debate concerning the submerged lands legislation currently being debated in Congress. This legislation would give to a few States tremendously valuable assets now held by the Federal Government.

I don't know the Hooper rating of the particular program, but I think it is reasonable to assume that when the program was announced, somewhere, let us say in Burlington, Vt., a housewife promptly switched to her favorite comedy program, a cabinetmaker in Topeka turned on the fights, and the publisher of a small weekly newspaper in Utah sought a livelier source of possible news for his columns. It is reasonable to assume that they, and thousands like them, were not interested in the subject matter under discussion, in the complacent belief that they were not materially concerned or affected.

Yet the chances are that that very day the housewife had had occasion to be outraged at the high cost of beef, that the cabinetmaker was concerned about the shortage of top-quality lumber, and that the publisher could deliver quite a discourse on the perilous position of small independent newspapers because of the newsprint crisis. All might be somewhat incredulous to hear that their immediate problems are not only closely interrelated, but also part of the same basic problem involved in the submerged lands debate—the problem of achieving the most productive and efficient utilization of our natural resources.

WASTE AFFECTS COST

It is all part of one package. Wasteful exploitation of grazing lands in Wyoming affects the housewife's food budget in Vermont. Wasteful cutting practices in the forests of California set up a chain reaction which affects not only our cabinetmaker and our publisher but thousands of others engaged in hundreds of occupations on farm and in factory. Moreover, unwise utilization of our mineral resources has a direct and heavy impact on every phase of our great industrial machine, and upon our national security as well.

All of us are concerned intimately in this interplay of forces; we are all in the same boat. Our ultimate physical well-being, our standard of living, depends on the sum total of our physical assets and the ingenuity with which they are put to use. Certainly we would not allow our neighbor to set fire to his own house, because he would thus endanger the entire community. Yet often we are unconcerned when he wastes our water and wears out our soil and our mineral resources.

So far as the role of Government is concerned, it should be clear that the Government should bring its influence to bear on resource utilization problems to protect the interest of all of the people and not just some of the people. When the Government engages in giveaway programs of its own Federal assets, you may not realize it, but it is your pocket that is being picked.

It is difficult for Americans to take these problems seriously. Our Nation grew up in a tradition of unparalleled abundance. It is hard for us to realize there is a bottom to the barrel. I do not suggest we are on the brink of disaster. It must be recognized, however, that to a considerable extent our tremendous growth and economic development were achieved by expenditure of resource capital, which is irreplaceable.

SELF-SUFFICIENCY GONE

In the period encompassing the two world wars, our economy consumed more mineral resources than in all our previous history. We have shifted from a position of the world's largest exporter of raw materials to a position of almost complete dependence on import for such vital materials as chromium and manganese, and to significant dependence on import for lead, zinc, and copper. We have become an oil-importing nation to the tune of 1 million barrels a day.

We are cutting 3 saw-timber trees for every 2 we grow to replace them. According to the United States Forest Service, about 60 percent of the Nation's private forest lands are subjected to poor cutting practices, with consequent cost, not only in lumber, but in soil erosion and flood damage. Most of our range lands have been overgrazed. Moreover, precious water is running short and the water table is sinking in many areas.

These examples could be multiplied page upon page. I do not cite them, however, as evidence of impending doom. I cite them only to try to emphasize the importance of an enlightened natural resources policy for the United States. The report of President Truman's Materials Policy Commission summarizes the situation as follows:

"In area after area we encounter soaring demands, shrinking resources, the consequent pressure toward rising real costs, the risk of wartime shortages, the strong possibility of an arrest or decline in the standard of living we cherish and hope to share. As a Nation, we are threatened but not alert. The materials problem now demands that we give new and deep consideration to the fundamental upon which all employment, all daily activity, eventually rests: The contents of the earth and its physical environment."

RULE OF NATURE

I am not one of those who sees the shadow of poverty and ruin in every shovelful of material extracted from the earth. On the contrary, I can foresee continued growth and development of this Nation on an unprecedented scale, if our assets are wisely employed. Such productive utilization, however, does not come about by itself. It must be carefully planned and executed.

"Nature," wrote Francis Bacon in the 17th century, "to be commanded, must be obeyed."

Perhaps President Theodore Roosevelt had this bit of Baconian philosophy in mind when he sounded the alarm against ruthless and destructive exploitation of our natural resources and set us on the road toward a productive national policy in this field. A great deal of progress has been made.

In 1902 Congress passed the Reclamation Act, designed to promote the development of the small family-sized farm and the conservation and proper use of water in the West. In 1905 the Forest Service was set up, and additional parts of the public domain were withdrawn so that forests might be preserved. In 1906 the General Dam Act was enacted to guide and govern water-power development.

In 1933, with the birth of the Tennessee Valley Authority, the interrelationship among resources was given specific recognition. Flood control, navigation developments, soil conservation, power development, restoration of forest and wildlife resources, all became part of a single plan. The Southeast has become a fertile source of strength for the entire Nation during the past 20 years.

Similar progress has been achieved in the Pacific Northwest, through the Bonneville and Grand Coulee Dams and related projects. Shasta and Friant did the same for the now rich, once poor, central valley of California. Moreover, a start has been made on the biggest and most needed job of all—that of controlling the waters of the great Missouri for the benefit of the region and the Nation.

CONSERVATION GAINS

Since 1934 the wasting public domain has been greatly rehabilitated. Over 9 million head of livestock and some 740,000 big-game animals now depend on these lands for about one-third of their annual forage requirements. Vast deposits of oil, oil shale, gas, coal, and other minerals on these lands have been administered in the public interest.

More and more the full force of modern science and technology has been brought to bear on the problems of conserving our mineral resources and finding new ones.

Thus our raw-materials picture is neither as black as the prophets of despair would paint it, nor as bright as painted by those rugged individualists who debunk all the warning signs. We have not yet become a "have not" nation, nor need we become one in the foreseeable future. That is not to say, however, that we may not become one nevertheless.

The determining factor will be the natural-resources policy we adhere to as a Nation. As always, there will be a clash between the immediate commercial and industrial pressures upon our resources, and our long-run economic and security objectives. It is often difficult for a farmer to understand that a bumper crop does him little good if it undermines his soil and thus destroys his capital. Similarly cattlemen who cannot get unrestricted access to grazing lands or lum-

bermen to forests may rant against an unfeeling Government.

In the same way, our hungry industry would like to rush in and swallow up our richest materials sources in tremendous, rapid bites, to get more production and more income now. But we must hold the line, or eat ourselves up. The plain fact is that what is good for a given industry at a given time may not always be good for the country.

Can we hold the line? I don't know. In my testimony before the Senate Interior Committee considering the submerged-lands legislation, I stated that I feared this legislation not solely because it was unwise and unfair to give these assets away, but also because of the pattern that it establishes. That pattern has not been long in taking shape.

Legislation has been introduced granting all minerals and mineral rights in the public lands of the United States to the States within which they are situated. A move has been begun to put control of public grazing lands into private hands. At least one Senator has even suggested that we sell the TVA to private interests.

These are signs of our times. There are many and diverse views as to the best way to get the most out of our natural resources. There are many legitimate differences of opinion even on fundamentals. Some things, however, should in my opinion be very clear.

One is that this is everybody's fight—no one is unaffected. A second is that the Congress, before it engages in giveaway programs, owes the people of the United States an accounting of the stake they have in our nationally owned resources.

No businessman in his right mind would enter into a deal to dispose of properties without knowing exactly what those properties contain and how much they are worth. Yet, that is precisely what Congress is threatening to do today. No one really knows how many billion barrels of oil, how many trillion cubic feet of gas, how many billion tons of coal, to mention only a few examples, are contained in our nationally held lands. No one knows how much they are worth, although it is certain that the sum would stagger the imagination.

That is why I urged the Senate to establish a commission to inventory and appraise our nationally held natural resources before proceeding with a program to dispose of them. I renew that recommendation now. It is just plain business sense.

Finally, another fact should be clear and undisputed. That is that the Federal Government should use its powers to protect the interests of all the people in their great national heritage, and not just some of the people. If we ever lose sight of that we will have lost our greatest resource of all.

Mr. KILGORE. Mr. President, in the first part of the article by Oscar Chapman, a great Secretary of the Interior, he suggests why the people are not aware of the facts. He speaks of a radio discussion he had and says:

> I don't know the Hooper rating of the particular program, but I think it is reasonable to assume that when the program was announced, somewhere, let us say in Burlington, Vt., a housewife promptly switched to her favorite comedy program, a cabinetmaker in Topeka turned on the fights, and the publisher of a small weekly newspaper in Utah sought a livelier source of possible news for his columns. It is reasonable to assume that they, and thousands like them, were not interested in the subject matter under discussion, in the complacent belief that they were not materially concerned or affected.

The lack of understanding is well illustrated by a statement made in my presence by a taxi driver yesterday. He said, "Well, the oil companies are still fighting it out over who is going to get the tidelands oil."

It is not merely a question of fighting over who is going to get it. It is a question of from whom it is going to be taken away.

As I have said, the very phrase "tidelands oil" is a misleading one. The tidelands are not involved as an issue in any sense of the word. What is involved in the so-called tidelands question is the land under the ocean off the coasts of the United States and Alaska, the underwater lands, which extend for miles seaward from the low-water mark, or from the mouths of harbors, sounds, and other inland waters.

The question of the ownership of these lands did not become an important public issue until the 1930's, and then for a very simple reason. It was then that oil was discovered in the offshore lands.

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

Mr. KILGORE. I yield for a question.

Mr. KEFAUVER. I wonder if the Senator from West Virginia is of the opinion, as I am, that perhaps one reason why the term "tidelands" is used by the proponents of the proposed legislation in the discussion about it may be for the purpose of leaving the impression among the people of the country that it is the tidelands which are involved, whereas actually, as the Senator has said, that is not the case, but it is the lands under the sea which are involved, not simply tidelands.

Mr. KILGORE. The public-relations gang—and I use the word "gang" advisedly—have promoted the use of the word "tidelands," and they did so intentionally to mislead the public, and they have been most successful in their effort.

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

Mr. KILGORE. I yield.

Mr. KEFAUVER. Does not the Senator feel that the switch a number of years ago from the use of the term "submerged lands" to the word "tidelands" was a public-relations stunt, designed to try to mislead the American people?

Mr. KILGORE. I think the Senator from Tennessee is unquestionably correct. I thank him for his question.

It was not until the 1930's that oil was discovered offshore, and some of the coastal States, particularly Florida, proceeded to lease oil rights in the offshore lands to private companies.

The Secretary of the Interior, Harold Ickes, a notable champion of the conservation of our natural resources, challenged the ownership of the States in these offshore lands, and urged that the matter be determined by the courts.

In 1945 President Truman issued a proclamation asserting Federal jurisdiction, and ordered a suit to be brought against California.

In 1946 Congress passed a quitclaim bill to concede title to the States. The President vetoed the bill, and it did not become law.

Mr. President, I used to do title work in Kentucky and West Virginia. Whenever I ran into the word "quitclaim," I knew that somewhere skulduggery was involved in the title. I think any lawyer who has practiced law in many of our States would recognize that to be so.

In 1947 the Supreme Court handed down a decision in the case of the United States of America, plaintiff, against the State of California, defendant, setting forth the paramount rights of the Federal Government, and rejecting the claims of California.

In 1948 the House of Representatives passed a bill to restore the leasing power to the States, but the Senate failed to act on the bill, and it died.

In 1948 a second suit was instituted by the United States against the States of Texas and Louisiana, and in 1950 the Supreme Court again ruled against the States, and in favor of the United States—shall I say in favor of all the stockholders of this great corporation we call the United States?

My good friend and colleague, the senior Senator from Alabama [Mr. HILL], has ably summed up the situation. He has said:

> With the best legal talent that ample funds could employ, the three States put forward their claims for these underseas resources in the Supreme Court and lost. Now this dissatisfied minority of States, with the help of certain private oil interests, are carrying on a relentless campaign to get this national wealth for themselves by means of a bill in Congress.

Less than 30 years ago a member of the President's Cabinet was prosecuted and imprisoned for turning loose the public domain for private operation by oil companies. Of course, Congress could, by the enactment of legislation, attempt to legitimatize such an illegitimate act. But if it should do so, I would question the constitutionality of such an attempt at legitimization.

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

Mr. KILGORE. I yield for a question.

Mr. DOUGLAS. Is the Senator from West Virginia aware of the 16th century English verse which is as follows:

> The law locks up both man and woman
> Who steal the goose from off the common,
> But lets the greater felon loose
> Who steals the common from the goose.

Mr. KILGORE. Yes. I thank the Senator for reminding me of that 16th century rhyme. I think it certainly applies in this instance.

The campaign to which I have referred has been, indeed, relentless. In 1951 the House of Representatives approved a bill to give to the States the ownership of submerged lands to the 3-mile limit.

Mr. President, I have heard much discussion about historical boundaries, and such talk gets under my skin. As a nation, we have set up a historical claim to jurisdiction over the seas to a line 3 miles off our shores. That claim was first disputed by England, but since then there has not been any controversy. On the other hand, we fought the War of 1812 over the question of freedom of the seas. Now an attempt is being made to quitclaim to certain States land under the seas.

When we quitclaim land, we say to the grantee, "In the deed that is being turned over to you, we do not guarantee that we have any interest in the land. It is

up to you to protect and defend it. If you can make anything from it, do so." That was the basis for the old squatter titles.

How can we quitclaim to a State a piece of land belonging to the United States? I ask that question of the distinguished Senators who propose to do so.

The Constitution forbids States to enter into treaties with foreign powers. The only ground on which the Government holds any property is by reason of international agreements or by might and power.

So I do not see how, on the one hand, we can quitclaim, and on the other hand, defend the Constitution. Or are we, as I sometimes think is proposed by the Bricker resolution to change the Constitution, proposing to delegate, for instance, to the States of Texas, Louisiana, and Florida, the right to negotiate a treaty with the Republic of Mexico, with respect to the drilling of wells under the Gulf of Mexico? Is it proposed that that be done? It seems to me that that must be the next step. Otherwise the United States must negotiate a treaty, because I do not believe the Republic of Mexico would look with favor on our moving into the Gulf of Mexico without an international agreement of some kind to protect Mexico's rights.

They have plainly evidenced that by their actions in expropriating oil leases granted to American corporations in Mexico when they felt they had been unfairly treated.

Let me get back to the 1951 bill.

The bill proposed to reserve to the Federal Government control of the Continental Shelf beyond the 3-mile limit; but under the terms of the bill, the Federal Government was to pay to the States 37½ percent of all revenues derived from such lands within the 3-mile limit.

To show how far we are going, there is one bill in the House which would allow the States to charge a severance tax on oil clear out to the edge of the Continental Shelf, far beyond even any so-called historical claim.

In the Senate, the Committee on Interior and Insular Affairs conducted hearings on a so-called interim measure. This proposed to validate the leases which had already been executed by the States, and permit the production of oil under Federal control pending the determination of the exact boundaries and responsibilities for the submerged lands.

The Senate committee discussed the House-approved bill and the interim measure and voted to postpone action until January 1952.

Early in 1952, this again became a live issue in the Senate.

But to the House-approved bill and the Senate interim proposal a third choice was added. Senator HILL made an appeal to the committee for support for his bold proposal to use the oil revenues for Federal aid to education.

Today I attended a committee hearing on vocational education. Under the recent reduction made by the Budget Director the people of the various States contend that it would be impossible to carry on the vocational and agricultural educational program we have carried on in the past.

What effect would revenues from oil have on such programs? The figures with regard to oil show that for my State alone the royalties would amount to $1,850,000,000 if that resource were properly developed over a period of 30 years.

On January 14, former Senator Connally, of Texas, a stanch advocate of nullifying the Supreme Court decisions by congressional action, introduced a resolution to take the House-approved bill out of the hands of the committee and bring it to the floor of the Senate for action.

Shortly afterward, in order to bring the whole question to the floor of the Senate, the committee favorably reported the interim proposal.

As reported by the committee, the interim proposal would validate the leases which had been made by the States, and permit continued oil production under Federal control. Senator O'Mahoney championed the bill as one "to postpone controversy and produce oil."

The bill which was in fact approved by the Senate, after a series of amendments, was however quite a different one.

Debate began on the Senate floor early in March of last year.

Arguments were advanced which, it seems to me, can be described only as irrelevant.

It was suggested, for example, that if the Supreme Court decision were not nullified by congressional action, then the title to ocean-front filled lands, piers, and other construction would fall to the Federal Government.

Finally, early in April, the Senate passed a bill which was substantially like the House bill, to give title to the offshore lands to the seaboard States.

I say "seaboard States." Let me say to the representatives of seaboard States along the Atlantic coast that, in my humble opinion, based upon geological formations in the East, they will not receive any windfall in oil. There are tremendous under-water supplies of oil in the Gulf of Mexico area, possibly some around the tip of the coast of Florida, and offshore in southern California.

The only thing I can see for New Jersey to do would be to require a fishing license for anyone who wanted to fish offshore and a swimming license for anyone who wanted to swim offshore, if New Jersey expects to get anything from offshore land.

The bill passed by the Senate was the bill which, after further refinements in conference, was sent to the President on May 16 of last year.

President Truman denounced the bill the next day as "robbery in broad daylight."

Shortly afterward the President sent his veto message to the Senate.

After some maneuvering in the Senate, plans to get a vote on overriding the President's veto were abandoned.

President Truman's veto message of May 29, 1952, has been violently denounced, but it has received little public analysis.

It deserves, I think, a careful consideration, as one of the best summaries of the public interest in the whole tidelands question.

In what is almost the opening sentence of the message, the President said:

> I have concluded that I cannot approve this joint resolution, because it would turn over to certain States, as a free gift, very valuable lands and mineral resources of the United States as a whole—that is, of all the people of the country. I do not believe such an action would be in the national interest, and I do not see how any President could fail to oppose it.

We now have the same issue before us once again, a year later.

It was a political issue, to a certain extent, in the last campaign, but very much submerged—almost as much submerged as the lands are.

Since the veto message of last year has had so little attention, I should like to summarize it briefly here. The issues which it raises are the most basic ones.

The burden of the message is this:

Whatever the merits of the legal controversy, that controversy has been resolved in the only way that such a question can properly be resolved under our Constitution—in the courts.

The tidelands question has been considered by the Supreme Court of the United States, not once but three times. First in 1947, in the case of California, and twice more in the cases of Louisiana and Texas in 1950.

Three times the Supreme Court has held that the submerged lands and mineral resources under the open waters of the ocean off the coast of the United States are lands and resources of the United States, and that the various coastal States, as such, do not have and have never had any title to, or any property interest in, such lands or resources.

I wish to illustrate that point a little. Does anyone ever obtain a fishing license to fish within the 3-mile limit off the coast of the State of Florida? No. If he fishes in Lake Okeechobee or in the inland waters or rivers, he obtains a fishing license, but he does not obtain a fishing license to fish offshore.

Texas, before it became a State, and while it was an independent republic, had whatever rights existed in the submerged lands off its coast, as a nation, not as a State, because it is a national issue. But the Supreme Court ruled that any such rights were transferred to the United States under the annexation agreement when Texas entered the Union, and by virtue of the fact that Texas, in entering the Union, agreed to live under the Constitution of the United States, which makes these international matters ones for the Nation and not for the States.

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

Mr. KILGORE. I yield for a question.

Mr. DOUGLAS. Is it not a fact that the joint resolution of Congress whereby Texas was admitted to the United States provided that Texas should be admitted "on an equal footing in all respects whatever with the original States"?

Mr. KILGORE. That is a correct quotation. The only variance from that was a specific grant to Texas of the lands within the State in return for which the State itself assumed the obligation to pay the debts it had incurred as a nation.

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

Mr. KILGORE. Yes. Incidentally, let me say to the Senator that those lands were granted to the Lone Star State in order to enable the State to pay its bonded and other indebtedness. Naturally they said, "We will hold them to pay debts." I now yield to the Senator from Illinois for a question.

Mr. DOUGLAS. Is it not true that the specific lands which were allowed to remain in the hands of Texas were lands on the continental land mass, so to speak, and were in no sense submerged lands beyond the low-water mark?

Mr. KILGORE. That is absolutely correct. There was never any claim, historical or otherwise, for anything offshore until oil was discovered. There was no mention of any offshore lands. It referred only to the land mass of the Republic of Texas.

Mr. DOUGLAS. Mr. President, will the Senator from West Virginia yield further?

Mr. KILGORE. I am glad to yield.

Mr. DOUGLAS. Do I correctly understand the Senator from West Virginia, therefore, to be arguing that whatever rights Texas may have had to boundaries 9 miles off its coast as an independent republic, that those rights ceased to exist when Texas no longer was an independent republic but voluntarily and of her own free will joined the United States of America under the resolution which contained the equal footing clause?

Mr. KILGORE. That is a correct interpretation. It is the interpretation which was placed on the case by the Supreme Court. It is the only interpretation I can place on it. When we get to the question of international seas, it becomes an international question, not a State question.

Mr. DOUGLAS. Mr. President, will the Senator from West Virginia yield further?

Mr. KILGORE. I yield.

Mr. DOUGLAS. Is it not a fact that Florida and Iowa were admitted in 1845 under the same provision, namely, they were admitted on an equal footing in all respects with the original States?

Mr. KILGORE. That is correct.

Mr. DOUGLAS. Therefore, is it not true that Florida had no greater rights than the original States when she was admitted to the Union?

Mr. KILGORE. No more than any other State. No more than Iowa or any other State.

Mr. DOUGLAS. Mr. President, will the Senator further yield?

Mr. KILGORE. I yield.

Mr. DOUGLAS. I ask the Senator from West Virginia whether it is possible for Florida, after seceding from the Union 23 years later, to claim 3 leagues instead of 3 miles on her west coast, and to have that claim properly recognized by the Federal Government? Is that possible or legal?

Mr. KILGORE. It is not legal, of course. It may be possible for them to make the claim. It is not legal. This is becoming a claiming race, Mr. President, as it is called around racetracks, and as some of my good friends from Kentucky understand the term. It is a claiming race. It is a question of who claims the most, and whoever can find some words to use to back it up.

Mr. DOUGLAS. Mr. President, will the Senator yield further?

Mr. KILGORE. I yield.

Mr. DOUGLAS. While it is undoubtedly true that the Senator from West Virginia, like the Senator from Illinois, believes that the punitive policy of reconstruction, which was followed by Thaddeus Stevens and others after the Civil War, was wrong, nevertheless should States which seceded be allowed to come back into the Union with greater rights than States which did not secede, and with greater rights than they possessed when they seceded?

Mr. KILGORE. No; and they were not permitted to do so. The States had to come back into the Union before they could have representation in Washington.

Mr. DOUGLAS. Mr. President, will the Senator from West Virginia yield further?

Mr. KILGORE. I yield.

Mr. DOUGLAS. Does not the Senator from West Virginia, therefore, regard the claims of Texas and Florida, for a 9-mile boundary, as ill-founded, illegal, and improper?

Mr. KILGORE. I most certainly do.

Mr. President, I got to thinking the other day that if we go ahead with this sort of giveaway program, what is to prohibit the Legislature of Mexico, for instance, from claiming the historical boundaries of the Spanish Empire, which run clear across the Gulf of Mexico and include Florida and Cuba? What is to prohibit the Parliament of the Dominion of Canada from claiming that the traditional boundaries of Newfoundland include the Grand Banks, and thereby eliminate our fishing industry up there?

I could go on and cite other instances. In fact, Mr. President, getting back into ancient history, Italy, which is the inheritor of the Roman Empire, could say that "Mare Nostrum" means exactly what it says, and therefore the whole of the Mediterranean Sea belongs to them.

Mr. DOUGLAS. Mr. President, will the Senator yield further?

Mr. KILGORE. I yield.

Mr. DOUGLAS. Am I to understand the Senator from West Virginia to say that "Mare Nostrum" might become "Mare Clausum," or a closed sea?

Mr. KILGORE. Yes; and it might become "Mare Noisome" in the international picture, I might say.

Mr. DOUGLAS. Mr. President, will the Senator yield further?

Mr. KILGORE. I yield.

Mr. DOUGLAS. I understand that the Senator from West Virginia is arguing, first, that Florida and Texas do not have legitimate claims to boundaries 3 leagues from their coasts. Is that correct?

Mr. KILGORE. That is correct.

Mr. DOUGLAS. Does the Senator from West Virginia say that they actually have any ownership out to 3 miles at sea?

Mr. KILGORE. I do not think they or any other States have ownership out to 3 miles. I think ownership of a State goes to the low-tide mark on the ocean front, or, in the case of a major body of water like the Gulf of Mexico, to the gulf front. After all, a 3-mile limit can be held only by 2 methods. One is by force of arms, the power to hold. The other is by international agreements, such as we have in the Bering Sea, with Canada, Russia, and England.

Mr. DOUGLAS. Mr. President, will the Senator yield further?

Mr. KILGORE. I yield.

Mr. DOUGLAS. Is it not true that the United States has on the whole been able to maintain the 3-mile limit through international agreements with most of the major powers of the world?

Mr. KILGORE. That is the only way it has been able to maintain such limit. In fact, the 3-mile limit was disputed at one time by England, and it was only after negotiations that England finally agreed to withdraw its objections.

Mr. DOUGLAS. Mr. President, will the Senator yield further?

Mr. KILGORE. I yield.

Mr. DOUGLAS. May I ask the Senator from West Virginia whether it has been the separate States which have asserted their rights to the territorial sea to the extent of 3 miles, or whether it has been the United States.

Mr. KILGORE. It was the United States. In fact, the States have disclaimed responsibility, and they have demanded that the law be enforced within this area by United States officials. The question of navigation comes into the question. The lighthouse service and other services must be maintained by the United States Government.

Mr. DOUGLAS. Do the States provide the shore batteries and coastal defenses to protect the 3-mile area, or is that the responsibility of the Federal Government?

Mr. KILGORE. The States provide nothing. The only thing they do is ask the Federal Government to dredge channels into their harbors.

Mr. DOUGLAS. Mr. President, will the Senator from West Virginia yield further?

Mr. KILGORE. I yield.

Mr. DOUGLAS. Do the States provide the lighthouse service?

Mr. KILGORE. No.

Mr. DOUGLAS. Do the States provide the Coast Guard?

Mr. KILGORE. No. The Federal Government must even buy the land for the Coast Guard station or lighthouse from the private owners within the States.

Mr. DOUGLAS. Mr. President, will the Senator from West Virginia yield further?

Mr. KILGORE. I yield.

Mr. DOUGLAS. If the States, particularly the States of California, Texas, and Louisiana, are successful in getting this giveway program through Congress, does the Senator from West Virginia believe that it would be poetic justice if we were to ask them to bear the expense of maintaining the Coast Guard and the lighthouse service and the coastal defenses, and to pay for all the river and harbor improvements?

Mr. KILGORE. I think it would be poetic justice to do so. However, it

would be very unfair to the rest of the Nation in case of war, because the States would not have the ability to perform that service. Incidentally, the Constitution would prohibit it, because the Federal Government is the only government that can provide for the common defense under the Constitution.

Mr. DOUGLAS. Mr. President, will the Senator from West Virginia yield further?

Mr. KILGORE. I yield.

Mr. DOUGLAS. Might it not be proper to lodge the costs of the lighthouse service and Coast Guard service, whose primary functions are not to defend or protect commerce, against the States if they take away the submerged lands from the Federal Goverment?

Mr. KILGORE. Unquestionably it would be fair to do so.

Incidentally, I may say to the distinguished Senator from Illinois that I wonder particularly about the claim of Louisiana. The United States of America as a corporation bought Louisiana from France. The purchase price was not paid by the citizens of Louisiana. It was paid by the original group of States. It was paid in cash, not in bonds. When Louisiana was set up as a State it got only what we gave to it. We made other purchases like that at various times in our history.

When we get back to historical boundaries, I wonder what would be said if the State of Virginia were to claim its historical boundary, which was the Western Sea, taking in all of West Virginia, Ohio, Illinois, Indiana, Iowa, and all the way to the west coast.

The State of Massachusetts, for example, would encroach slightly upon southern Canada. So would the State of Connecticut. The reason I mention it is that a distinguished Member of this body seems to have the idea that the royal patent of his State granted a 3-mile limit to his State.

I think the most liberal royal patent ever granted was the one granted to the crown colony of Virginia, and I know that that patent did not include a grant of the land extending 3 miles into the sea off that colony, although the grant did include the land extending westward across this country to the western sea.

So I say that these lands under the open sea are, as is also true of the public domain of this country, the property of all the people of the Nation.

However, if we were to allow persons high-handedly to exploit the lands extending into the Gulf of Mexico, and if Mexico disputed that action, we would again hear the South American Republics and the Central American Republics and the Republic of Mexico refer to us as "the colossus of the north which seeks to take our property from us." Those countries might be justified in saying that, in that event, because unless this matter can be amicably settled with Mexico and with the other countries to the south of us, oil exploitation in the Gulf of Mexico might, and no doubt would, become a very serious international problem which would destroy the effect of all the good-neighbor work that has been done in the last 20 years during which we have sought to build up among the neighboring Republics to the south of us a realization that we are not trying to take from any of them property which belongs to them.

However, if oil exploitation in the Gulf of Mexico were permitted by our country, as a result of the ensuing international difficulties we might find ourselves an isolated nation.

In fact, if the proposal now made were to go into effect, the ultimate result might be that we would find that control of the lands up to the high-water mark, rather than just up to the low-water mark, would be in question.

The issue is whether an asset which belongs to all the people of the United States shall be given to the States which happen to border on the ocean.

Despite the various arguments which have been advanced, the real purpose and the sole effect of the present proposal is to give to a few States the undersea lands and mineral resources which belong to the entire Nation.

The President said:

> I cannot agree that this would be a wise or proper way to dispose of these lands and mineral resources of the United States. Instead, I think the resources in these lands under the sea should be developed and used for the benefit of all the people of the country, including those who live in the coastal States.
>
> I would not agree to any proposal that would deprive the people of the coastal States of anything that rightfully belongs to them. By the same token, I cannot be faithless to the duty I have to protect the rights of the people of the other States of the Union.

Mr. President, it seems to me that that statement makes sense. It seems to me that it reflects the only possible stand for a President of all of the people of the United States to take.

The President could find no sound reason for the Federal Government to make a gift, for the benefit of several States, of property which belongs to all of the people.

This property is a part of the priceless national heritage of all of the people. This national wealth, like the other lands owned by the United States, is held in trust for the welfare and security of the Nation as a whole. The future revenue from this wealth should be revenue for the benefit of all the people.

Mr. President, let me say to you that the people of the coastal States who would receive this gratuity—unconstitutional as I consider that it would be—would feel in honor bound to agree to have the States in which public lands are located given those public lands; and the States which would receive this gratuity no doubt would agree to have that done. Thus the Federal Government would lose control of the national forests and other resources of the public lands. It should be pointed out that at present the public domain is so valuable that it constitutes ample security for our present public debt; in fact, it would be ample security for an even larger debt. However, that security would then be thrown open to exploitation, waste, and profiteering.

Mr. President, the revenues from these lands should belong to the entire country. In the last session of Congress I submitted an amendment providing that the revenues derived from these lands be devoted to the payment of the public debt. That amendment, like other worthy amendments, lost out in the shuffle.

Mr. DOUGLAS. Mr. President, will the Senator from West Virginia yield for a question?

The PRESIDING OFFICER (Mr. PURTELL in the chair). Does the Senator from West Virginia yield to the Senator from Illinois for a question?

Mr. KILGORE. I yield.

Mr. DOUGLAS. Is it not true that the estimates of the capital value of the oil, gas, and mineral resources in the submerged lands range from $50 billion to $300 billion?

Mr. KILGORE. That is correct. Based upon the lowest figure, as I stated a short time ago, the share of my State, whose population comprises only one-seventy-fifth of the total population of the United States, would be $1,800,000,000, even at the minimum estimate of the revenues; and on the basis of the maximum estimate, the share of my State would be so great that it would be difficult to estimate.

President Truman's veto, and the failure of the Congress to pass the measure over his veto, left the Supreme Court decisions undisturbed and left the title to the offshore lands in the Federal Government.

On January 16, 1953, President Truman issued Executive Order No. 10,426, which set aside the submerged lands of the Continental Shelf as a naval petroleum reserve.

Mr. President, let me say that if this joint resolution is enacted into law, Teapot Dome will look like a tempest in a teakettle.

The Executive order issued by President Truman in January of this year provides that the lands of the Continental Shelf of the United States and Alaska, lying seaward of the line of mean low tide and outside the inland waters, and extending to the furthermost limits of the rights and dominion of the United States, be set aside as a naval petroleum reserve to be administered by the Secretary of the Navy.

Of course, Mr. President, the Cabinet disgrace back in the 1920's was brought about when control of the naval petroleum reserve was taken out of the hands of the Secretary of the Navy and was placed in the wrong hands.

Mr. DOUGLAS. Mr. President, will the Senator from West Virginia yield to me for a further question.

Mr. KILGORE. I yield.

Mr. DOUGLAS. Is the Senator from West Virginia aware of a little verse which was composed by the former Governor of Illinois, Mr. Stevenson, who was the Democratic Party's candidate in the last election—as follows:

> Hush, little mink coat; don't you cry.
> You'll be Teapot Dome bye and bye!

Mr. KILGORE. I remember that very well, and let me say that Mr. Stevenson was certainly correct in making that prophecy.

The Executive order to which I have referred provides that the naval petroleum reserve thus established in the lands of the Continental Shelf shall ex-

tend only to oil and gas, and shall not interfere with the use of the lands or waters within the reserved area for any lawful purpose not inconsistent with the reservation.

The Executive order provides that remittances shall be deposited in a suspense account within the Treasury of the United States, subject to the control of the Secretary of the Navy, the proceeds to be expended in such manner as may hereafter be directed by an act of Congress.

As I have said, in 1952, I submitted two alternative amendments for the use of the royalties from these Federal oil deposits. One amendment would have applied all revenues to the national debt; the other would have granted 30 percent of the revenues to aid the schools, with the rest of the revenue to be applied to reducing the national debt.

Mr. President, at this time I wish to speak for a few minutes about the national defense. I fear that most of the Members of this body are not sufficiently conversant with two things in that connection. I wonder if any of my colleagues has ever had to fight an oil fire on the water. Let me say that I have had to do that, and I have seen the results of such a fire. I know how fast such a fire can spread and I am aware of the enormous damage that such a fire can do.

We are constantly reminded that our known oil reserves are diminishing. If we had a workable treaty with Mexico, we could proceed with a proper leasing progam and we could arrange to have these lands properly tested for oil. Then we would know what oil was available. Much time and expense would thus be saved in connection with the operations leading to the production of oil.

However, without such a satisfactory treaty, and in the absence of a workable arrangement in that connection, uncontrolled auctioning of leases to these oil lands would undoubtedly begin. I am told that in the fair State of Texas alone, $2 million worth of leases were sold in 1 day, at 1 auction, only 5 or 6 years ago; and those leases were not for lands inside the 9-mile limit, either.

In the oil fields an old expression was, not that there was an oil development, but that there was "an oil excitement."

I have seen oil wells drilled in back lots and through back porches, because someone had located a deposit of oil and everyone wanted to get in on that known deposit.

Thus it is that in the case of these submerged lands, if general exploitation is permitted, someone will spend money in drilling a well for oil; and if he discovers a deposit of oil, everyone else in that area will buy leases around that spot, although the value of those leases will not then be known, for, as the old oilmen used to say, "oil is where you find it."

Of course, it is possible to test electronically for oil, and it is possible to ascertain whether an oil formation exists in a certain location; but whether deposits of oil actually lie there can be determined only after actual drilling operations have been conducted.

Mr. President, let us suppose that a number of oil wells producing oil were developed in the Gulf of Mexico, and let us suppose that a war broke out.

I wish to refresh the recollection of my colleagues about the situation which existed at the beginning of World War II.

We remember the submarine warfare which broke out in the Caribbean off the southern tip of Florida. That warfare was directed against our oil supplies. Some of our shipping was sunk by enemy submarines operating almost in the mouth of the Mississippi River. In such an area, one submarine could blow up every bit of shipping in the Gulf of Mexico by one direct hit on, shall we say, a $10,000 well. The submarines were kept in that area, and that indicates the possible danger. Careful supervision of the entire area is indicated.

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

Mr. KILGORE. I am glad to yield to the Senator from Illinois for a question.

Mr. DOUGLAS. I should like to ask the distinguished Senator from West Virginia whether there is not also a danger that escaping oil may poison the waters, killing off enormous quantities of fish?

Mr. KILGORE. That is unquestionably true.

It would not exactly poison the water, I may say to the Senator from Illinois, but oil creates a film over the water which cuts off the supply of oxygen. That is how we get rid of mosquitoes. A film of oil on the water would not only kill the fish; it would have a tendency to kill all marine line. A runaway well, so-called—a well out of control—might have such results. To guard against that, dikes are built around such wells when they first come in, in order to catch the oil. To cap a well is a difficult task. It can be done, though it is expensive. It would require a full-sized tanker to contain the oil from a well for the first 2 or 3 days and that involves great expense. The tanker must stand by until the drilling is completed, though the drillers are never certain as to whether they will strike oil.

Mr. DOUGLAS. Does that not indicate the need for extreme care and close supervision of the drilling of the wells? In other words, the coming in of the wells may kill off the fishing industry. Is that not true?

Mr. KILGORE. The danger of runaway wells is one reason why the oil companies do not want to drill under Federal supervision. They do not want to be put to the expense of providing against such contingencies as a runaway well. They would rather lose 45,000 barrels of oil than gamble on the cost of keeping a tanker standing by.

Mr. DOUGLAS. Will the Senator from West Virginia say that is the reason for their preferring State control, or one of the reasons?

Mr. KILGORE. I think it is one of the reasons. It has always been an influence. I have been told that oilmen prefer the leasing of privately owned land to the leasing of Government land, under the control of the Navy or the Department of the Interior, whichever one may have jurisdiction over the land.

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

Mr. KILGORE. I yield gladly for another question.

Mr. DOUGLAS. Do I correctly understand the Senator from West Virginia to be saying that the oil companies prefer looser requirements in connection with drilling, even though it might result in killing off the fish industry, because they would not have to bear any of the costs of the destroyed industry?

Mr. KILGORE. I have seen a great deal of good land ruined as a result of oil flowing over it. The concern of the driller is to get the oil into the pipelines. That is the whole concern of the oilmen.

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

Mr. KILGORE. I yield.

Mr. DOUGLAS. Is not that a strong argument for Federal control and Federal supervision rather than State control and State supervision?

Mr. KILGORE. Unquestionably it is. The oilmen also prefer concentration in the hands of one leasing agency, in order that the land may be properly explored and developed.

The Senator from Alabama [Mr. HILL], I may say, looks upon the problem as I do. It is a question of how the oil reserves can best be developed and used in the national interest. Senators and Representatives from the coastal States in some instances apparently disregard the decisions of the highest court and seek an outright gift of the bulk of the oil and gas to the three States, California, Texas, and Louisiana.

I am happy to be a cosponsor of the challenging proposal of the Senator from Alabama to use the revenues from the submerged lands for American education. The Senator from Alabama desires, as I do, to provide the best way in which to use the offshore oil in the national interest. He has pointed out that of the various proposals, the most fantastic of them all is for some strange reason the one most in danger of acceptance. This is the suggestion that the Senators and Representatives from the 48 States disregard the decisions of our highest court and make an outright gift of the bulk of this oil and gas to 3 States, California, Texas, and Louisiana.

The provisions of the education amendment are simple:

First, the money from this oil, this great natural resource of the Nation, is to be dedicated now for the long-range needs of the education of the Nation's children—all its children—and placed in a special account in the Treasury of the United States.

During the present critical period, the funds may be used for national defense purposes. They shall be employed only for urgent developments to be specifically determined by the Congress. Thereafter, this special account shall be devoted to our children's education as grants-in-aid of primary, secondary, and higher education.

Second. Every State or political subdivision which has issued any mineral leases or grants covering submerged lands of the Continental Shelf, and every

grantee of such State or political subdivision, shall file with the Attorney General of the United States by December 31, 1953, a statement of the money or other things of value received by the State, or by the political subdivision or by a grantee, from such leases or grants. The Attorney General shall submit these statements to the Congress not later than February 1, 1954. The object of this provision is to find out what benefit particular States have already had from this property which belongs to all the people.

Mr. President, the two points which I have been discussing are the essence of the education amendment.

The oil-for-education amendment proposes no new departure into uncharted areas. It is simply a continuation of one of our oldest and wisest national policies—the use of revenues from public lands for educational purposes.

Millions upon millions of acres of our public lands were in the early days granted to the States to establish and to support grammar schools and high schools, State universities, and our land-grant colleges in every State.

There is, to my mind, not the slightest doubt that legally and morally these great offshore resources of the United States are the property and should remain the property of all the people of the United States.

There is equally, to my mind, not the slightest doubt that the most desirable use to which the revenues from them could be put is to use them to expand the educational opportunities for all the people of the United States.

I say that, Mr. President, in all sincerity. Only the United States can maintain them; only the United States can negotiate various treaties to make the resources operative. Suppose the treaties regarding the Bering Sea should be denounced by Russia or Canada or England? We would then face a serious difficulty. We are establishing, in my humble opinion, if we enact the proposed legislation, one of the most dangerous precedents ever established.

When the Supreme Court decides that a certain bill is unconstitutional, the Congress can reconsider it and amend it to make it fit the Constitution. But here we undertake by legislation to overrule the Supreme Court of the United States on a question involving the constitutional rights of the United States. I say that is one of the most dangerous precedents ever sought to be established since the inception of the Republic. It will affect generations of American stockholders yet unborn who will have to shoulder the burden of the national debt because, as sure as I am standing on this floor, Mr. President, we shall be giving away the rights in the public domain if we pass this proposed legislation.

The chain of firecrackers has been lighted and the squibs will be exploding all around us.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

Aiken	Gore	McCarthy
Anderson	Green	McClellan
Barrett	Griswold	Millikin
Beall	Hayden	Monroney
Bennett	Hendrickson	Morse
Bricker	Hickenlooper	Mundt
Bridges	Hill	Murray
Bush	Hoey	Neely
Butler, Md.	Holland	Pastore
Butler, Nebr.	Humphrey	Payne
Byrd	Hunt	Potter
Capehart	Ives	Purtell
Carlson	Jackson	Robertson
Case	Jenner	Russell
Clements	Johnson, Colo.	Saltonstall
Cooper	Johnson, Tex.	Schoeppel
Cordon	Johnston, S. C.	Smathers
Daniel	Kefauver	Smith, Maine
Dirksen	Kennedy	Smith, N. C.
Douglas	Kilgore	Stennis
Duff	Knowland	Taft
Dworshak	Kuchel	Thye
Eastland	Langer	Tobey
Ellender	Magnuson	Watkins
Ferguson	Malone	Welker
Frear	Mansfield	Wiley
George	Martin	Williams
Gillette	Maybank	Young
Goldwater	McCarran	

The PRESIDING OFFICER. A quorum is present.

The question is on agreeing to the amendment proposed by the Senator from Alabama [Mr. HILL] to the amendment in the nature of a substitute offered by the Senator from New Mexico [Mr. ANDERSON] for the committee amendment.

Mr. NEELY obtained the floor.

Mr. DOUGLAS. Mr. President, will the Senator from West Virginia yield to me for the purpose of making a unanimous-consent request, with the understanding that he will not lose his rights to the floor, and that my remarks will not be counted as a speech?

Mr. NEELY. I yield with that understanding.

Mr. DOUGLAS. Mr. President, I ask unanimous consent that there be printed in the RECORD at this point as a part of my remarks a copy of my reply to Mr. Patrick Murphy Malin in response to a letter which Mr. Malin wrote to me, and which the Senator from Ohio [Mr. TAFT] did me the honor of including in the RECORD yesterday. It fully answers the points raised by the Senator from Ohio.

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

WASHINGTON, D. C., *April 23, 1953.*

Mr. PATRICK MURPHY MALIN,
Executive Director,
American Civil Liberties Union,
New York, N. Y.

DEAR MR. MALIN: I appreciated your letter of April 21 emphasizing the principle that Senate debate should not be carried to the point of preventing a vote.

With this principle I am in full agreement, as I have frequently stated in the Senate.

Furthermore, the current debate on the offshore oil giveaway bill has been conducted in a manner fully consistent with that principle, as the record of the debate will show. We, who are opposing the bill, have not presented irrelevant, time-consuming material. Our debate has been germane. We have not resisted the motion to bring up the bill, or sought to prevent a vote on Senator TAFT's proposed motion to table the Anderson bill, or on any other matters. Our objective has simply been to make the vote more intelligent and better informed when it comes.

It is important to recall that the press coverage and the attendance in the Senate have fallen far short of what we had hoped this historic and far-reaching issue would attract. In addition, we have had a 7-year campaign of misinterpretation to counteract. Under these circumstances, it has been necessary for us to debate this issue fully, involving as it does values estimated at from 50 to 300 billion dollars, and setting a precedent for the loss of other gigantic public resources. I believe you would agree that democracy cannot function successfully if the people, or their representatives, are poorly informed or misinformed on crucial issues.

It is ironical that Senators who consistently fought our efforts in 1949, in January of this year and at other times, to adopt an effective antifilibuster rule, should now label our debate a filibuster and insist that we should terminate it. It might be poetic justice if we did employ the filibuster against the oil giveaway and anti-civil-rights advocates, who do not hesitate to use it themselves. After all, we should remember that the Savior of mankind correctly stated that they who take the sword shall perish by the sword. But by any fair test our debate is not in fact a filibuster, despite the repetition of the charge.

It is also ironical to note that only since this mistaken charge of filibustering has been made have most of the press begun to give prominent news treatment to this debate. From all parts of the country I have had complaints of the comparative news blackout. In this situation I am confident you will understand the justification, nay necessity, for extending the discussion sufficiently to get the issues to the people, even though some persons who oppose us may try to give it the appearance of a filibuster.

It is regrettable that despite your explicit refusal to characterize the debate in this manner, Senator TAFT should have referred to your letter on the Senate floor yesterday as commenting on and regretting the fact that the Senator from Illinois should be engaged in a filibuster. I immediately denied the charge and pointed out that we have not sought to prevent a vote. After you have reviewed the debate and my participation in it, I trust you will agree he was mistaken in citing your letter in support of his charge.

I have written you at some length both to set the record straight, and because I believe the American Civil Liberties Union will not wish to be alined, even by inference, with those who would shut off, or condemn, or ignore honest, germane debate on an issue of far-reaching importance to the country. The democracy, in whose name you wrote in addressing me, will best be served by apprising the Senate and the people of the great interests now at stake. We are fortified in this conviction by the rising tide of public sentiment against the quitclaim bill now that news of the proposed giveaway is circulating more widely.

Faithfully yours,

PAUL H. DOUGLAS.

Mr. NEELY. Mr. President, the old Romans kept a burning lamp in the tomb of Tullia, the daughter of Cicero, for 1,500 years. Cowper wrote with reference to this unusual method of commemorating the memory of the dead the following lines:

Our wasted oil unprofitably burns
Like funeral lamps in old sepulchral urns.

If the effort which is now being made in the Senate to give to certain States the oil underlying their offshore areas succeeds, all the people of the Nation except those of California, Louisiana, Florida and Texas can justifiably chant these poetic lines as applicable to their loss of a heritage of oil and gas worth at least fifty billion dollars.

Mr. President, what would the people of any city in the United States—except those of the voiceless, voteless city of Washington—think and say and do if their real estate dealers were to prevail upon the city council or other governing body to give their parks and everything pertaining to them to California, Louisiana, Florida and Texas?

What would we do if a foreign government should attempt to seize the submerged lands off the shores of the United States and the priceless resources underlying them? Does anyone doubt that the Congress would, if necessary, declare war against any country that might attempt such aggression against the American people?

Mr. President, let me make it plain that I charge no Member of this body with either improper motive or improper conduct. Yet, the preceding inquiries indicate what, in effect, is happening or will happen if the pending legislation becomes the law of the land. The public and private lobbies of the States of California, Louisiana, Florida and Texas are apparently succeeding in their efforts to take for their own use, without a penny's compensation, fabulously valuable oil, gas and mineral resources which belong to all the people.

Mr. DOUGLAS. Mr. President, I respectfully request that the Senate be in order.

The PRESIDING OFFICER (Mr. BUSH in the chair). The Senate will be in order.

Mr. NEELY. Mr. President, if this legislative effort succeeds, the people of West Virginia will lose a billion eight hundred million dollars. This vast sum of money should be expended for the healing of West Virginia's sick, for the education of her children, the relief of her aged and needy, the improvement of her highways and the promotion of the welfare of all her people.

Not since the days of the Teapot Dome scandal of the Harding administration has Washington witnessed such an outrageous attempt as the one now on foot to impoverish a hundred fifty million praiseworthy people for the purpose of greatly enriching a favored, wealthy few.

Three times in the past 6 years the Supreme Court of the United States has held that "the Federal Government has paramount rights in and full dominion over" the submerged lands and everything underlying them in the area off the United States in the Pacific Ocean and the Gulf of Mexico.

The coastal States do not own and never did own the submerged lands adjacent to their boundaries. These belong to the United States—to all the people of the Nation—not because any Member of this body has said so, but because the Supreme Court has, with absolute finality, settled this question beyond the shadow of a doubt.

Mr. DOUGLAS. Mr. President, will the Senator from West Virginia yield for a question?

Mr. NEELY. I yield to the Senator from Illinois.

Mr. DOUGLAS. Does the Senator from West Virginia refer to the so-called Nye resolution?

Mr. NEELY. Yes; that is the resolution to which I refer.

Mr. DOUGLAS. That was in 1937, was it not?

Mr. NEELY. Yes; it was unanimously adopted by the Senate on the nineteenth of August, 1937. It was my privilege and pleasure to support it.

No voice from California was heard against it. The Senators from that State, at the time in question, were the great Hiram Johnson and the distinguished William G. McAdoo. They were always not only alert, but ready to fight at "the drop of a hat" for the defense and preservation of everything that pertained to California.

Never shall I forget that during the filibuster against Senator Johnson's battle for Boulder Dam, proceedings were halted at three o'clock on a certain morning by the suggestion of the absence of a quorum. The request of the Sergeant at Arms for the attendance of absent Members failed to produce the desired result. On my motion, a warrant of arrest was issued by virtue of which the absentees were compelled to leave their beds and come to the Senate. To my regret, the famous "Jim" Reed, one of the greatest debaters of all time, was so angered by what I had done that for two months he refused to speak to me.

Neither Senator Johnson nor his colleague, Senator McAdoo, by voice or vote, objected to the adoption of the Nye resolution, which asserted that the coastal submerged oil lands between the low-water mark and the three-mile limit, including those of California, belonged to the Federal Government or, in other words, to all the people of the United States.

At that time, Florida's distinguished Senators were Claude Pepper and Charles Andrews. They were loyal and diligent in representing their State. Neither of them opposed the Nye resolution.

At the time in question, Louisiana's Senators were the distinguished John H. Overton and the distinguished Allen J. Ellender. They never failed to discharge their duty to the State they so ably represented. Neither of them opposed the resolution, which asserted that our coastal lands belonged to all the people instead of to those of three or four States of the Union.

At that time, the distinguished Morris Sheppard and Tom Connally represented the great State of Texas. In the ability, diligence and efficiency with which they represented their people they were unsurpassable. Neither of these outstanding statesmen, by voice or vote, opposed the Senate's assertion that all the people owned the coastal lands and everything underlying them.

But notwithstanding the repeated official determinations that the submerged coastal lands between the low-water mark and the three-mile limit belong to all the people of the Nation, there is grave danger that the Congress, with the approval of the President, will give both this treasure house and its treasure to three or four States, to the irreparable injury of a hundred fifty million people.

The total value of the vast resources underlying the sixteen million acres or more of underseas land which are under consideration has never been accurately ascertained. But the estimates of competent authority range from fifty billion to three hundred billion dollars. If Senate Joint Resolution 13 should unfortunately become a law, every man, woman and child in the States of California, Louisiana and Texas would, directly or indirectly, receive a donation of from $2,500 to $10,000, at the expense of the men, women and children of all the other States.

Secretary of the Treasury Humphrey recently had made an inventory of the gold buried at Fort Knox, Kentucky. On this side of the aisle, we are glad that Republican fears that Democrats might have lost or stolen some of this gold proved to be unfounded. We appreciate the Republican administration's certification that after twenty years of Democratic custody of the Nation's hoarded gold, it has been found that not a single penny's worth is missing.

Mr. President, let us hope that at the end of the great General's term in the White House it can be shown by an inventory that he has guarded the Nation's treasures, including its offshore oil and gas, as faithfully as these treasures were guarded by the immortal Franklin D. Roosevelt and the distinguished Harry Truman.

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

The PRESIDING OFFICER (Mr. BUSH in the chair). Does the Senator from West Virginia yield to the Senator from Illinois?

Mr. NEELY. I gladly yield to the distinguished Senator from Illinois.

Mr. DOUGLAS. Is it not true that the gold at Fort Knox is commonly believed to be worth a little less than $25 billion?

Mr. NEELY. Yes; that is true.

Mr. DOUGLAS. Is it not true that the estimated value of the oil and gas in the lands of the Continental Shelf ranges from 2 times to 12 times as much as the value of the gold at Fort Knox, which now has been counted, inventoried, and found to be all there?

Mr. NEELY. Mr. President, in my opinion, the Senator from Illinois has, as usual, spoken correctly. Indeed, I think he has spoken conservatively, because within the past 10 days I read an article in which a scientist asserted that instead of the value of all the minerals and other substances under the offshore lands being estimated in billions of dollars, it probably should be stated in trillions.

Mr. LANGER. Mr. President, will the Senator from West Virginia yield to me for a question?

Mr. NEELY. I gladly yield to my distinguished friend, the Senator from North Dakota.

Mr. LANGER. Is there a possibility that the value of the oil and gas deposits in these submerged lands amounts to even enough to pay the entire national debt?

Mr. NEELY. There is no doubt of the existence of that possibility.

Mr. President, I am not a prophet except upon the poetic ground:

'Tis the sunset of life gives me mystical lore,
And coming events cast their shadows before.

But I nevertheless predict that if the oil in the submerged lands is taken from the people of the Nation and given to California, Louisiana and Texas, when the inventory is thereafter taken and the magnitude of the Nation's loss is fully realized, the Eisenhower administration will be condemned as bitterly as the Harding administration was condemned for its participation in the rascality commonly called Teapot Dome.

This preposterous proposed oil "giveaway," if it becomes a reality, will prove to be the death and funeral of the Republican Party, and the funeral will be without flowers, without music, without mourners, and without resurrection of the body. And may a merciful Providence have mercy on the Republican Party's wicked soul.

Mr. DOUGLAS. Mr. President, will the Senator from West Virginia yield for another question?

Mr. NEELY. I gladly yield.

Mr. DOUGLAS. Does the Senator from West Virginia remember the lines on the burial of Sir John Moore after the battle of Corunna?—

Not a drum was heard, not a funeral note.

Mr. NEELY. Mr. President, I remember not only the quoted line, which expresses the author's lament concerning the unbeaten drum and the unsounded funeral note, but also the additional lines from which we learn that at Sir John Moore's obsequies there was no coffin to enclose his breast or sheet or shroud to wind about him. But at this point, in relating these funerals to each other, the similitudes end. Sir John was laid down in the field of his fame with his glory. For the subject of the funeral to which I have referred, there will be no fame and there will be no glory.

Mr. President, we have been taught that the "big lie" often succeeds because of its very magnitude and repetition. We tend to accept as true even a preposterous falsehood after it has been long and frequently repeated. Thus we have been led to regard as unimportant technicalities the issues of which Senate Joint Resolution 13 is the progenitor.

Mr. President, these issues are not technical; they are not unimportant; they are tragically real; they involve sums of money so vast that they stun the mind and stagger the imagination.

The value of the mineral resources which lie off the shores of California, Louisiana, and Texas may, as suggested by the Senator from North Dakota, be sufficient to pay the national debt in full. The fact that the Congress would even consider giving away public property that has been estimated to be worth a quarter of a trillion dollars defies the credulity of common sense. Yet legislation designed to accomplish this very result has twice been passed by the Congress. Fortunately for the American people, a patriotic, Democratic President twice vetoed the "giveaway" bills the Congress had approved. Unhappily there is now no Democratic President to protect the people against such outrageous legislation.

Since Thomas Jefferson, as Secretary of State, almost a hundred and twenty-five years ago, first enunciated the 3-mile limit doctrine in behalf of the Federal Government, no coastal State has ever laid claim to the Federal offshore oil or other resources. Jefferson's action established the Federal Government's dominion over the coastal areas adjacent to our shores more than a hundred years before any State in the Union ever thought of asserting ownership of any part of the coastal lands beyond the low-water mark.

Only after oil was discovered in the offshore area—about 20 years ago—did it occur to any of the States to challenge the Federal Government's ownership of the submerged lands now in controversy. When the question was raised, the issue was presented to the Supreme Court of the United States, which rejected the claim of the States and decided in favor of the Federal Government.

Now California, Louisiana, Texas and Florida are urging the Congress to overrule the Supreme Court. They are seeking to seize for themselves the multi-billion dollar resources owned by all the people—resources which are greatly needed to relieve our enormous tax burdens, heal our sick, educate our children, provide for the national defense and promote the welfare of all instead of that of a favored few.

Senate Joint Resolution 13 will, if adopted, strip the people of forty-five States of every scintilla of their share of the vast oil and gas resources under the submerged offshore lands.

Mr. HUMPHREY. Mr. President, will the Senator from West Virginia yield to me for a question?

Mr. NEELY. I gladly yield to the able Senator from Minnesota.

Mr. HUMPHREY. Is it the contention of the Senator from West Virginia—as I understand his argument to be—that the resources which are to be found buried in the earth beneath the ocean and the marginal seas are the property of the people of the United States in all the 48 States, with the Federal Government acting more or less as trustee?

Mr. NEELY. That is correct.

Mr. HUMPHREY. A while ago the Senator from West Virginia referred to the gold at Fort Knox. Of course, the Senator from West Virginia is aware of the fact that the gold at Fort Knox is buried there.

Mr. NEELY. That is true.

Mr. HUMPHREY. Mr. President, will the Senator from West Virginia yield for a further question?

Mr. NEELY. I gladly yield.

Mr. HUMPHREY. Would it not be just as logical—if we can properly use the word "logical" in this instance—or just as reasonable or just as unreasonable, as the case may be, for the Congress of the United States to propose the enactment of a measure which would give to the State of Kentucky the gold which is buried in the bowels of the earth at Fort Knox, Ky.—because the gold is, is it not, a resource belonging to all the people of the United States, and it was taken to Kentucky by means of an act of sovereignty on the part of the Government of the United States—as it would be for the Congress to pass a measure giving to the States of California, Louisiana, and Texas the oil lying in the submerged lands off their shores, which likewise came to be the property of the people of the entire Nation by an act of sovereignty on the part of the Federal Government? Is not there some analogy between the two?

Mr. NEELY. Mr. President, I weigh my words, refrain from exaggeration, and speak the language of extreme moderation, when I say that, in my opinion, in law and justice, there would not be any difference between action by the Congress in giving to the State of Kentucky the gold buried at Fort Knox, and its action in giving to three States or to any other number of States the oil, gas, and other substances underlying the submerged, valuable coastal lands, which, according to the Supreme Court, the Government of the United States owns just as much as it own the Fort Knox gold. In principle, one would be as indefensible as the other. But on the basis of the value of the gold and oil in question, it would be ten times as reprehensible to give away the latter to three or four States as it would be to give the former to the State of Kentucky.

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

Mr. NEELY. Certainly.

Mr. HUMPHREY. Can the Senator imagine what would happen if some Member of the Senate, or someone outside the Senate, if perhaps some lobbyist group, should propose that the Congress of the United States by joint resolution give title to and ownership of the gold bullion, which represents at least symbolically the credit and the wealth of the United States of America? Can the Senator imagine what an uproar there would be in this country?

Mr. NEELY. Mr. President, if any Senator were to offer a resolution of that kind, one or more of the three or four following things would happen: He would be sent to an insane asylum; expelled from the Senate; or tarred and feathered and "drummed out" of Washington. If, in the days of Andrew Jackson, a Senator had committed such an offense, he would have probably been hanged on the nearest tree.

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

Mr. NEELY. I gladly yield.

Mr. HUMPHREY. It is my understanding, and it is my belief, that the Senator is a very able lawyer. Has the Senator, in the study of the law, ever found any evidence in the law, any instances in the court decisions, any information supported by law, that the bottom of the ocean, the bed of the sea, along the shores of the United States, belongs to any sovereignty except the Federal Republic?

Mr. NEELY. No. Mr. President, there is nothing of that kind in the law, and if I had ever found such a provision during my fifty years of study and practice of the law, I would have declared, as did Mr. Bumble in Oliver Twist, "The law is a ass."

Mr. HUMPHREY. Mr. President, will the Senator yield for another question?

Mr. NEELY. I gladly yield to the Senator for a question.

Mr. HUMPHREY. When a case involving a State versus the United States of America comes to the Supreme Court under the provisions of article III, section 1, of the Constitution, and a decision of the Court is handed down, would the Senator regard the decision as the law of the land? Is that the Senator's opinion?

Mr. NEELY. Mr. President, there is no more doubt about the soundness of the distinguished Senator's observation than there is about the night following the day.

Mr. HUMPHREY. Mr. President will the Senator yield further for a question?

Mr. NEELY. Gladly.

Mr. HUMPHREY. Does the Senator believe, or does he agree with me, that when cases involving property rights, disputes over the ownership of properties, particularly controversies between States, or between a State and the Federal Government, are to be adjudicated or are to be settled, the proper place to make the adjudication or settlement is in a court, not in a political body?

Mr. NEELY. That is true; but those who are in favor of the pending legislation have exhausted all court remedies. Consequently, they are now appealing to the Congress to override the judicial branch of the Government. Happily the most powerful lobbyists can not influence courts. Unhappily they can and do influence legislative bodies.

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

Mr. NEELY. I yield.

Mr. HUMPHREY. The Senator is very familiar with the Constitution. Does the Senator feel, or does the Senator concur with the views, that one of the express purposes of the establishment of the judiciary as one of the three equal parts of our Government was to preserve stability in the Union, and to protect the rights of individuals and States as against the power and rights of the Federal Government? Does the Senator agree with that?

Mr. NEELY. Certainly, a hundred per cent.

Mr. HUMPHREY. Does the Senator agree that one of the purposes in giving the Supreme Court original jurisdiction in cases involving States versus the Federal Government was to take such cases out of the area of political discussion, and put them into the responsible and respectable area of judicial decision?

Mr. NEELY. Absolutely.

Mr. HUMPHREY. Does the Senator agree with me, then, that when one tampers with the judicial process, when his action involves State relationships with the Federal Government, he may very well be tampering with the entire structure of the Federal Government?

Mr. NEELY. Yes, Mr. President; if the present attempt to set aside the decisions of the Supreme Court by congressional action succeeds, it will, in my opinion, establish a precedent that will plague the people of the United States till the end of time.

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

Mr. NEELY. I yield to the able chairman of the Judiciary Committee.

Mr. LANGER. Is it not true that some of the very Senators who are now arguing for the overruling of the Supreme Court by enactment of the pending measure, only a few short months ago were saying, in the Steel seizure case, what a wonderful Supreme Court we had? Is it not true that the very same interests which were praising the court at that time are now trying to overrule a decision given upon three separate occasions?

Mr. NEELY. That is a very profound contribution for which I thank the Senator from North Dakota.

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

Mr. NEELY. I gladly yield to the distinguished Senator from New Mexico for a question.

Mr. ANDERSON. In the Senator's 50 years of law practice, did he ever file a lawsuit, win his case, and obtain judgment, and then, after having won, offer to give back to the loser everything for which he sued?

Mr. NEELY. Never.

Mr. ANDERSON. Well, is that not the case here? Did not the Government bring suit with reference to the lands in question? Did it not win that suit? And does not the pending measure propose to give back to the people who lost the suit everything for which the suit was filed?

Mr. NEELY. Of course. And if we of the Congress improvidently give away untold billions of dollars worth of oil and gas which belong to all the people, even the accomplished lobbyists, who are feverishly demanding the adoption of the pending resolution will, after the manner of Puck, justifiably say of us, "What fools these mortals be."

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

Mr. NEELY. With pleasure, I gladly yield to the distinguished Senator from Texas.

Mr. DANIEL. I would ask the Senator whether, even assuming for the purpose of argument that the lands in question are federally owned lands, if we assume that that is what the Court said, does the Senator contend that it is morally wrong for the Federal Government to convey lands to the States for public purposes?

Mr. NEELY. Oh, no, not at all. If the pending resolution were designed to serve a public purpose and provide benefits for the people generally, I should enthusiastically support it. If it provided a conveyance of the submerged oil lands to the States of California, Texas, Louisiana and Florida, to be held by them as trustees for the use of all the people of the United States, I should unhesitatingly vote for it. But the proposal before us is to take from the Government and its people untold billions of dollars worth of property and give it to three or four States for their exclusive benefit and to the resulting irreparable injury of all the other States.

Mr. DANIEL. Because the grants are made to the States?

Mr. NEELY. No, but because they are to be made for an improper purpose. I refuse to argue the question of the ownership of the submerged oil lands. The Supreme Court of the United States has rightly settled that question to my entire satisfaction.

The Senator from Texas is an eminent lawyer as well as a distinguished Member of this body. I am sincerely sorry that he is not supporting, instead of attempting to nullify, the decision of the highest judicial tribunal in the land concerning the ownership of the Government's submerged coastal oil and gas.

Mr. DANIEL. I prefaced my question along that line with the assumption that the Federal Government owns the land, and asked if it was the Senator's argument that it was morally wrong for the Federal Government to convey title to 16 million acres of federally owned land to the State of Minnesota, and 12 million acres to the State of New Mexico? A total of 245 million acres of land have been conveyed by the Federal Government to individual States. My question is: Is it the contention of the distinguished Senator that that was morally wrong?

Mr. NEELY. No. It certainly is not. The grants to the States mentioned were made for public purposes—for the benefit of all the people. Among these purposes were the reclamation of sterile land; the encouragement of migration from the populous East to the sparsely settled West; the encouragement of the construction of railroads and public highways for the use of all the people. There is no more similarity or relationship between the irrational "giveaway" oil legislation and the grants to which my able Texas friend refers than there is between his serene highness, the Man in the Moon, and Puccini's Girl from the Golden West.

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

Mr. NEELY. I yield.

Mr. LANGER. It is true, is it not, that the land was not conveyed to Minnesota and New Mexico after the United States Supreme Court had three times held that the land should not be conveyed?

Mr. NEELY. That is true.

Mr. HUMPHREY. Mr. President, will the Senator from West Virginia yield for a question?

Mr. NEELY. I yield.

Mr. HUMPHREY. The Senator is aware, is he not, that there is a great deal of difference in the terms of the law pertaining to the external boundaries of the United States and the law pertaining to the internal area of the United States?

Mr. NEELY. That is certainly true.

Mr. HUMPHREY. Mr. President, will the Senator from West Virginia yield for a further question?

Mr. NEELY. I gladly yield.

Mr. HUMPHREY. The Senator is, of course, aware of the fact that those who

have tried to confuse the issue have consistently attempted to cite cases with reference to inland waters and lands under navigable rivers which are under internal jurisdiction, and have tried to make them identical with the external jurisdiction in the open sea and in the marginal sea? The Senator is aware of that, is he not?

Mr. NEELY. Yes, beyond the shadow of a doubt.

Mr. HUMPHREY. Is the Senator also aware of the fact that the courts have ruled entirely differently on those two kinds of areas? The Senator is aware, is he not, that there is one doctrine with reference to the internal areas of the United States and an entirely different rule pertaining to external areas of the United States because they are governed solely by the Federal Government and by the rules of international law?

Mr. NEELY. Of course, that is true. The property under consideration has belonged to the Federal Government ever since the days of Thomas Jefferson.

Mr. HUMPHREY. Is the Senator aware that a part of the general propaganda surrounding this attempt to give away the submerged lands to certain coastal States has been to try to confuse the legal doctrine and the legal decisions in certain court cases so that there would apparently be an identity in the minds of people as between rulings pertaining to domestic law in connection with the internal jurisdiction of the United States and to international law and the matter of national sovereignty in the external aspects of the matter?

Mr. NEELY. It is obvious to all concerned that distinguished attorneys such as the Senator from Louisiana (Mr. LONG), the Senator from Florida (Mr. HOLLAND), and the Senator from Texas (Mr. DANIEL) have not failed to utilize everything known to legal and legislative strategy in behalf of the adoption of the oil and gas "giveaway" resolution before the Senate. The argumentation of these learned advocates has been such as to entitle each of them to the compliment Timon of Athens paid an ancient natural philosopher when he said,

"The two-edged tongue of mighty Zeno, who,
Say what one would, could argue it untrue."

Mr. HUMPHREY. Does the Senator recall that in the case of United States against California the Court made a distinction between the ruling and decisions which pertained to the so-called submerged lands under inland lakes, navigable rivers, and bays, as compared with the submerged land under the territorial seas?

Mr. NEELY. I know that the distinction was made. It is my purpose to read the decision containing it into the RECORD tonight in the hope that the people may learn, before the final vote on the oil "giveaway" resolution is cast, what is at stake in the United States Senate. So far as the general public is concerned, the decision in the offshore oil case might as well have been written in the hieroglyphics of ancient Babylon.

Mr. HUMPHREY. Mr. President, will the Senator from West Virginia yield for a further question?

Mr. NEELY. I yield.

Mr. HUMPHREY. In view of the fact that the Senator desires to read those decisions, is he familiar with this language in the California case which applies directly to the colloquy:

> None of the foregoing cases, nor others which we have decided, are sufficient to require us to extend the Pollard inland-water rule so as to declare that California owns or has paramount rights in or power over the 3-mile belt under the ocean.

The Senator is aware, is he not, that in the California case a very definite distinction was made between the rule of the Court as it pertains to inland areas of the United States and the rule of the Court as it applies to the national sovereignty and the paramount rights of the Federal Government?

Mr. NEELY. I am fully aware of that important fact.

Mr. HUMPHREY. Is the Senator also aware of the fact that when it comes to the public lands, there has never been any official determination that the lands under the territorial waters are public lands?

Mr. NEELY. There can be no question about that.

Mr. HUMPHREY. Mr. President, will the Senator from West Virginia yield for a further question?

Mr. NEELY. I yield.

Mr. HUMPHREY. Is the Senator aware that in the Texas case the Court said that political rights of sovereignty and proprietary rights seem to coalesce?

Mr. NEELY. I am.

Mr. HUMPHREY. And that in the California case the Court discussed paramount rights of the Federal Government and dominium and imperium, and held that the Government's sovereignty carries with it control over the entire area as well as the ownership of it?

Mr. NEELY. That is correct.

Mr. HUMPHREY. Mr. President, will the Senator from West Virginia yield for a further question?

Mr. NEELY. Certainly.

Mr. HUMPHREY. Will the Senator agree with me that any effort made to identify public lands within the United States of America with submerged lands under the territorial seas or marginal seas is but an effort to becloud, confuse, and compound confusion on this issue?

Mr. NEELY. Mr. President, in my opinion, what the Senator from Minnesota has just said is as true as the Gospel itself.

Mr. HUMPHREY. I wish to thank the Senator from West Virginia.

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

Mr. NEELY. I yield.

Mr. LANGER. Is the Senator aware of the fact that a former Attorney General of the United States, who came from Texas, Tom Clark, gave it as his opinion that the Government of the United States had a paramount interest in this property?

Mr. NEELY. I am aware of that fact, and I am delighted that he so held. Likewise, I am delighted that the great lawyer from North Dakota, who is now the distinguished chairman of the Senate Committee on the Judiciary, the greatest committee of its kind in the world, concurs in the opinion of Mr. Justice Clark on that point.

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

Mr. NEELY. I yield.

Mr. DANIEL. Is the Senator from West Virginia aware of the fact that before the President of the United States asked him to file a lawsuit, Mr. Justice Tom Clark, while Attorney General, said that these lands were owned by Texas and were retained by Texas when Texas entered the Union?

Mr. NEELY. No; I am not familiar with that fact.

Mr. DANIEL. That statement appears in the hearings. I merely wished to make this statement for the RECORD.

Mr. NEELY. It is not in the decision. I have not had time to read all the hearings.

Mr. DANIEL. It is not in the decision, but his statement is in the hearings at page 220. Mr. Justice Clark took no part in the decision.

Mr. NEELY. Mr. President, from what has just been said by the Senators from North Dakota and Texas, I assume that before Mr. Justice Clark studied the question he, like some other illustrious persons from his State whom I have known, believed that Texas owned the submerged coastal lands and everything above them and everything beneath them, but that after he had thoroughly investigated the matter he learned, as some have not yet learned, the everlasting, golden truth that the coastal oil and gas belong to the Nation and not to Texas or any other State.

In my opinion, Senate Joint Resolution 13 is in violation of existing international law. If passed, it might involve us in serious foreign complications. It repudiates the joint resolution unanimously adopted by the Senate in 1937, to which reference has already been made. That resolution authorized the Attorney General of the United States to establish the title and possession of the United States to the submerged lands.

The resolution before us contravenes three decisions of Supreme Court. It contravenes the advice of the Department of Justice to the effect that Congress lacks constitutional power to give the title to the marginal seabed to certain States. If the Congress can lawfully give away the Nation's submerged oil and gas, it can lawfully give Yellowstone National Park to the State of Wyoming; it can lawfully give the Tennessee Valley Authority to the State of Tennessee.

It is argued that Senate Joint Resolution 13 is needed to clear the title of the States to tidelands and to the land beds beneath the inland waters. But the real issue relates to offshore areas, not to tidelands at all. The States already possess unqualified rights to the lands beneath inland waters. In any event, why is it necessary to transfer title to offshore areas in order to clear title

to lands beneath inland waters in North Dakota, South Dakota, West Virginia, or any other State in the Union?

It is also argued that these coastal States have "always owned" the offshore oil lands in the Continental Shelf. By the term "Continental Shelf" is meant submerged lands, beyond the low-water mark, which represent a gradual sloping off of the North American continent at the point of the sharp drop to the ocean floor. The answer is that the Supreme Court has unequivocally held that the coastal States do not own and have never owned any lands or had any rights in the Continental Shelf. It is not a question of restoration of ownership. The Congress cannot restore to California, Louisiana, and Texas what they have never owned or possessed.

The only defense of the "giveaway" monstrosity consists of diversion and confusion. We are witnessing a master propaganda effort to becloud the true issue, skillfully organized and fabulously financed by unlimited public and private wealth. As a simple illustration of the effectiveness of this unparalleled effort, many identify this controversy as the tidelands problem. Yet not a square inch of tidelands oil or tidelands surface is involved. Tidelands are the areas alternately covered and uncovered by the ebb and flow of the tide of oceans, seas, bays or gulfs. The Supreme Court ruled more than a hundred years ago that tidelands are owned by the States and no one has successfully challenged that ruling. No one challenges it now. What is involved is not the tidelands, but the minerals in areas beyond the tidelands under the marginal seas.

In my opinion, the royalties from the oil-rich submerged lands lying off our coasts should never be given to three or four States, or any other number of States less than the whole, but should be used for aid to education, public improvements, and public service, in every State of the Union.

For this reason I have joined with the Senator from Alabama [Mr. HILL] and 20 other Senators in sponsoring what has been called the oil for education amendment to Senate Joint Resolution 13. It would dedicate the oil royalties from our federally owned submerged lands to urgent defense needs during the national emergency and then to the perpetual endowment of grammar schools, high schools, and colleges throughout the Nation.

Our educational system today faces the severest crisis in its history. Our schools are inadequate in number; they are suffering from progressive dilapidation. Our school population is increasing at an overwhelming rate and our underpaid teachers are leaving their profession in search of other employment that will enable them to maintain themselves and their families in accordance with reasonable living standards.

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

Mr. NEELY. I gladly yield.

Mr. LANGER. Has the Senator read in the press today that the United States Commissioner of Education has resigned?

Mr. NEELY. No. I have not seen today's newspapers.

Mr. LANGER. He has resigned because there is not adequate financing of his agency because of cuts in its budget. He could not run the educational activity of which he was the head unless he had more money.

Mr. NEELY. I am certain that the Senator from North Dakota, has, as usual, accurately stated the facts.

Mr. LANGER. Mr. McGrath tendered his resignation this morning. Is the Senator aware of that fact?

Mr. NEELY. That simply emphasizes the importance of utilizing the resources under the submerged lands, for the benefit of all the people to whom they belong, and not for that of a few who selfishly seek to acquire them.

Our children are crowded into obsolete classrooms in dangerous and unsanitary buildings. State and local governments cannot sufficiently finance presently needed improvements. Many States do not have the taxable wealth to produce the essential revenues required to educate their children. New sources of revenue must be found. On the most conservative basis, the mineral resources of the disputed submerged lands are, as pointed out and emphasized again and again, worth many billions of dollars. For example, Ohio's share of this capital value would be more than $2½ billion. The share of the nearby State of Maryland in this vast wealth would be more than $750,000,000. West Virginia's share would be more than $1,800,000,000, and it might be many times that amount.

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

Mr. NEELY. Certainly.

Mr. LANGER. Does the Senator remember that during the drought, from one end of the Nation to the other, school districts became insolvent? They could not pay the teachers. They could not pay for the buses to transport the children.

Mr. NEELY. That is correct.

Mr. LANGER. Does the Senator remember also that at that time the Government granted gifts to practically every State in the Union, in order that the schools might be kept open?

Mr. NEELY. I certainly do. I particularly remember a delegation that came here from Chicago to obtain money with which to operate the city's schools.

Mr. LANGER. Does the Senator remember that in the State of North Dakota, 1,178 school districts were insolvent? The heads of the Departments of Education came before the proper committee, the then Committee on Labor and Education, the committee which made grants to the States for educational purposes. While they were here, it was shown that in one school district, after the State of North Dakota had bought the coal, the school district did not even have a shovel with which to shovel the coal. It did not even have the money to buy a shovel. Does the Senator remember that testimony?

Mr. NEELY. I also remember that.

Mr. LANGER. I was Governor of my State at that time. I came to Washington and interceded on behalf of the schools.

Mr. WELKER. Mr. President, I call for the regular order.

The PRESIDING OFFICER (Mr. KUCHEL in the chair). The Senator from Idaho calls for the regular order. The regular order is that the Senator from West Virginia has the floor.

Mr. NEELY. Mr. President, the Senator from North Dakota asked me a question.

Mr. LANGER. I am asking questions. I asked the Senator if he remembered my coming to Washington, as Governor of my State, and begging for money to keep the schools of North Dakota open.

Does the Senator remember that at that time I appeared before the appropriate committee and stated that 1,178 school districts in North Dakota were insolvent? Does the Senator remember that I stated at that time that, although the State had given the Stark County School District all the coal it needed, the officials of the school district stated that they did not have a shovel with which to shovel the coal, and asked for aid to obtain a shovel?

Mr. NEELY. Mr. President, I did not hear the Senator's testimony, but I am sure that it was just what he has indicated it was. That again emphasizes the necessity for Federal aid to the public school system. It also emphasizes the necessity for defeating Senate Joint Resolution 13.

Mr. President, the oil-for-education amendment would serve in our generation the same lofty purposes served by public lands many years ago. With the aid of land grants, colleges were erected throughout the Colonies, beginning in Virginia in 1618. After the American Revolution Congress enacted legislation which specifically set aside a part of the public lands west of the mountains for the establishment and maintenance of schools.

Speaking of the ordinance of 1787, Daniel Webster declared:

> I doubt whether one single law of any lawgiver, ancient or modern, has produced effects of more distinct, marked and lasting character than the ordinance of 1787. * * * It set forth and declared it to be a high and binding duty of the Government to support schools and advance the means of education.

With the admission of Ohio to the Union in 1802 the Congress set aside lands in townships for school support. As other States formed from the public domain were admitted, land grants for schools were continued.

In 1862 Congress passed the Morrill Act, signed by President Abraham Lincoln, which granted additional public lands to each State in order to spur the establishment and maintenance of colleges for the benefit of agricultural and mechanical arts.

Mr. President, it is regrettable that in this important case which is now before the Senate a large number of Republican Senators are not, like the able Senator

from North Dakota, following the example of one of the greatest of all Presidents, and by far the greatest Republican President, Abraham Lincoln. Apparently they have no intention of opposing the pending joint resolution. If they were following Abraham Lincoln's footsteps, they would be unanimously opposed to the resolution.

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

Mr. NEELY. I yield for a question.

Mr. LANGER. Does the distinguished Senator remember that it was a man from South Dakota, General Beadle, who came to Congress and had the odd numbered sections set aside for educational purposes all over the West?

Mr. NEELY. I did not know that, but I commend him for it. I consider that an additional honor for North Dakota.

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

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

Mr. NEELY. I gladly yield.

Mr. LANGER. Does the distinguished Senator know that right now in Statuary Hall there is a life-sized statue, erected by the citizens of the State of North Dakota to the memory of General Beadle?

Mr. NEELY. I did not know that, but I shall go to see it tomorrow. I wish that we could move it into the Senate Chamber to remain here until this debate is concluded. It might inspire some additional Members on the Republican side of the aisle to vote right on one of the most important issues ever debated in Washington or the world.

I now yield to my distinguished colleague and friend from South Dakota.

Mr. CASE. Mr. President, permit me to keep the RECORD straight. The statue in Statuary Hall, erected in memory of Colonel Beadel, was placed there not by North Dakota, but by South Dakota.

Mr. LANGER. I intended to say South Dakota.

Mr. CASE. Then I misunderstood.

Will the Senator from West Virginia permit me to say that the reason the statue was placed there——

The PRESIDING OFFICER. The Senator from West Virginia can yield only for a question, the Chair will advise the Senator from South Dakota.

Mr. CASE. The Senator from South Dakota is asking a question.

Mr. NEELY. Mr. President, I ask unanimous consent that I may yield to the Senator from South Dakota as long as he wishes, to make observations on this subject without prejudice to my right to the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senator may proceed.

Mr. CASE. While that may simplify the form of my phraseology a little, nevertheless, the whole matter could be stated in a question. Inasmuch as I now have the consent of the Senate to make a statement on that subject, which is a very pertinent point in this discussion, I point out that there is a college in South Dakota, Beadle Teachers College, named for General Beadle. It is located at Madison. General Beadle was responsible for the provision in the enabling act, not merely for South Dakota, but for 5 States of the Northwest, namely, Washington, Idaho, Montana, South Dakota, and North Dakota, under which sections 16 and 36, and the lieu lands or indemnity lands, could not be sold for less than $10 an acre. That is responsible for the fact that those States have an educational endowment for their common schools which has resulted in the creation of a great trust fund.

I may say to the distinguished Senator from West Virginia that it was because of the inspiration of General Beadle and what he meant to the school children of my State that in 1949, some years before this question ever reached the floor of the Senate, I introduced in the House of Representatives a bill proposing essentially what the Hill amendment here proposes.

It was that we should create a Federal water lands reserve, in which the land would be reserved for the benefit of education. It was the forerunner of the so-called Hill amendment of today. It grew out of the fact that General Beadle did for the five States of the Northwest what we are proposing be done in the case of the revenues from the submerged lands. We are trying to preserve some of the land for the benefit of the school children of the country. I thank the Senator from West Virginia and the Senate for their indulgence.

Mr. NEELY. I commend the Senator from South Dakota for his outstanding service. I only regret that he is not on our side of the case.

Mr. CASE. Would the Senator from West Virginia permit me to ask him a question on that score? Did the Senator consult the record of my vote on this matter when the question was before the Senate previously?

Mr. NEELY. No; I did not.

Mr. CASE. I suggest that he do so.

Mr. NEELY. If I have misunderstood the Senator's position, I retract what I said.

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

Mr. NEELY. I gladly yield.

Mr. CASE. Will the Senator consult my voting record on it?

Mr. NEELY. I would never seek corroboration of anything the Senator from South Dakota might say, because his word is always 100 percent good so far as I am concerned.

Mr. President, the oil-for-education amendment would be another milestone in our historic policy of using our national resources heritage for educational purposes.

Let us emulate the example bequeathed us by our forefathers, who seized similar opportunities to dedicate millions of acres of public lands to the exalted cause of all our country and of all its generations, including our own.

Let us now have the wisdom to use the revenues from public lands under the seas to give our educational system the high standards envisioned by Jefferson, Madison, and Lincoln, and thus assure, as we could in no other possible way, the continuing prosperity, happiness, and peace of the American people.

Mr. President, the decisions of the Supreme Court with regard to the issue now before the Senate have been quoted times without number during the course of this debate. Arguments have been made on this floor by able lawyers as to the meaning of certain phraseology in some of the opinions.

In order that all may have the benefit of knowing exactly what the Supreme Court decided, and in the hope that the people of the United States may learn from the CONGRESSIONAL RECORD what they will never endeavor to find in a law library, I now read from the first of the Court's decisions in this important matter. The case was decided on the 23d day of June 1947. Its title is United States against California. The decision is self-explanatory.

The syllabus is as follows:

1. That complaint filed in this case by the United States against the State of California to determine which Government owns, or has paramount rights in and power over, the submerged land off the coast of California between the low-water mark and the 3-mile limit and has a superior right to take or authorize the taking of the vast quantities of oil and gas underneath that land (much of which has already been, and more which is about to be, taken by or under authority of the State) presents a case or controversy over which this Court has original jurisdiction under article III, section 2, of the Constitution.

2. The fact that the coastal line is indefinite and that its exact location will involve many complexities and difficulties presents no insuperable obstacle to the exercise of the highly important jurisdiction conferred on this Court by article III, section 2, of the Constitution.

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

Mr. NEELY. I yield.

Mr. LANGER. I wonder whether the Senator would be so kind as to give the citation of the case.

Mr. NEELY. The case is reported in the 332d United States Reports, at page 19.

Mr. KEFAUVER. Mr. President, while the Senator from West Virginia is being interrupted, I wonder whether he would yield to me.

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Tennessee?

Mr. NEELY. I gladly yield if I may do so without prejudice to my right to the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. KEFAUVER. Mr. President, I should like to ask unanimous consent that I may make an insertion in the Appendix of the RECORD, without prejudicing the rights of the Senator from West Virginia to the floor.

Mr. FERGUSON. Mr. President, unless it is done with the understanding that it will not be considered transaction of business, I shall have to object.

The PRESIDING OFFICER. The Chair is informed that business has been transacted since the last quorum call.

Mr. FERGUSON. With that understanding, I shall not object.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

(The article submitted by Mr. KEFAUVER appears in the Appendix under

the heading "The Failure of Leadership.")

Mr. NEELY. Mr. President, I now continue to read the syllabus as follows:

3. Congress has neither explicitly nor by implication stripped the Attorney General of the power to invoke the jurisdiction of this Court in this Federal-State controversy, pursuant to his broad authority under 5 United States Code, sections 291, 309, to protect the Government's interests through the courts.

4. California is not the owner of the 3-mile marginal belt along its coast; and the Federal Government rather than the State has paramount rights in and power over that belt, an incident to which is full dominion over the resources of the soil under that water area, including oil.

(a) There is no substantial support in history for the view that the Thirteen Original Colonies separately acquired ownership to the 3-mile belt beyond the low-water mark or the soil under it, even if they did acquire elements of the sovereignty of the English Crown by their revolution against it. *Pollard's Lessee* v. *Hagen* (3 How. 212) distinguished.

(b) Acquisition of the 3-mile belt has been accomplished by the National Government, and protection and control of it has been and is a function of national external sovereignty.

(c) The assertion by the political agencies of this Nation of broad dominion and control over the 3-mile marginal belt is binding upon this Court.

(d) The fact that the State has been authorized to exercise local police power functions in the part of the marginal belt within its declared boundaries does not detract from the Federal Government's paramount rights in and power over this area.

(e) *Manchester* v. *Massachusetts* (139 U. S. 240); *Louisiana* v. *Mississippi* (202 U. S. 1); *The Abby Dodge* (223 U. S. 166) distinguished.

5. The Federal Government's paramount rights in the 3-mile belt have not been lost by reason of the conduct of its agents, nor by this conduct is the Government barred from enforcing its rights by reason of principles similar to laches, estoppel or adverse possession.

(a) The Government, which holds its interests here as elsewhere in trust for all the people, is not to be deprived of those interests by the ordinary court rules designed particularly for private disputes over individually owned pieces of property.

(b) Officers of the Government who have no authority at all to dispose of Government property cannot by their conduct cause the Government to lose its valuable rights by their acquiescence, laches, or failure to act.

6. The great national question whether the State or the Nation has paramount rights in and power over the 3-mile belt is not dependent upon what expenses may have been incurred by public or private agencies upon mistaken assumptions.

7. It is not to be assumed that Congress, which has constitutional control over Government property, will so execute its powers as to bring about injustices to States, their subdivisions, or persons acting pursuant to their permission.

8. The United States is entitled to a decree declaring its rights in the area in question as against California and enjoining California and all persons claiming under it from continuing to trespass upon the area in violation of the rights of the United States.

The case is stated in the first paragraph of the opinion, and the conclusion that the United States is entitled to the relief prayed for is reported at page 41.

Attorney General Clark and J. Howard McGrath, then Solicitor General, were for the United States on the motion for leave to file the complaint, and on the complaint and other pleadings, including a motion for judgment on the pleadings.

Robert W. Kenny, then attorney general of California, was for the defendant on its answer and other pleadings.

Attorney General Clark and Arnold Raum argued the cause for the United States. With them on the brief were Acting Solicitor General Washington, Assistant Attorney General Babelon, Stanley M. Silverberg, J. Edward Williams, Robert E. Mulroney, Robert M. Vaughan, Abraham J. Harris, and Thomas L. McKevitt.

Fred N. Howser, attorney general of California, and William W. Clary, assistant attorney general, argued the cause for the defendant. With them on the brief were C. Roy Smith, assistant attorney general, Homer Cummings, Max O'Rell Truitt, Louis W. Myers, and Jackson W. Chance.

Mr. CASE. Mr. President, will the Senator from West Virginia yield to me for a question?

The PRESIDING OFFICER (Mr. WILLIAMS in the chair). Does the Senator from West Virginia yield to the Senator from South Dakota for a question?

Mr. NEELY. I yield.

Mr. CASE. A short time ago I was interrogating the Senator from West Virginia. Did he understand me to say that there were 5 States whose school lands were saved by the action of General Beadle? If so, I wish to point out that I should have said there were 6 States whose school lands were saved by the action of General Beadle.

Mr. NEELY. I do not remember the number stated by the Senator from South Dakota.

Mr. CASE. Mr. President, will the Senator from West Virginia yield, to permit me to propound a unanimous-consent request, if it is understood that in yielding for that purpose, the Senator from West Virginia will not prejudice his right to the floor?

Mr. NEELY. I gladly yield, if I may do so without prejudice to my right to the floor.

The PRESIDING OFFICER. Is there objection to the request of the Senator from South Dakota? Without objection, it is so ordered.

Mr. CASE. Mr. President, I understand that permission has been given to me to submit a unanimous-consent request. That request is that I may correct my previous remarks, in connection with my earlier interruption of the remarks of the Senator from West Virginia, by now reading into the RECORD the inscription under the statue of General Beadle. It will take me only half a minute to do so.

The PRESIDING OFFICER. Without objection, the Senator from South Dakota may proceed.

Mr. CASE. Mr. President, the inscription under the statue of General Beadle, in Statuary Hall, reads as follows:

WM. H. H. BEADLE

He saved the school lands.

Then, on the pedestal on the side, is the following inscription:

BRIG. GEN. WILLIAM H. H. BEADLE, 1838–1915

Educator, conservationist, statesman, soldier.

Through his leadership, 20 million acres of school lands were saved for posterity in South Dakota, Montana, Idaho, North Dakota, Washington, Wyoming.

Presented to South Dakota and the United States by the children and teachers of South Dakota, 1938.

Mr. NEELY. Mr. President, I resume where I left off:

By special leave of court, Price Daniel, attorney general of Texas, argued the cause for National Association of Attorneys General, as amicus curiae, urging dismissal of the complaint.

Mr. President, let me digress to say that if our colleague, the junior Senator from Texas [Mr. DANIEL], argued the case as effectually before the Supreme Court as he did before the Senate, he must have had an attentive and a highly entertained audience on the bench.

I read further.

With him on the brief were Walter R. Johnson, attorney general of Nebraska; Clarence A. Barnes, attorney general of Massachusetts; Nathan B. Bidwell and George P. Drury, assistant attorneys general; Hugh S. Jenkins, attorney general of Ohio; Fred S. LeBlanc, attorney general of Louisiana; John L. Madden, special assistant attorney general; Edward F. Arn, attorney general of Kansas; A. B. Mitchell; Elton M. Hyder, Jr., assistant attorney general of Texas; Grover Sellers and Orrin G. Judd.

Mr. President, if all that legal array of unsurpassable talent could not win the case for California in the Supreme Court of the United States, it could hardly be expected that it could be won in the United States Senate. If all that array of brilliant lawyers could not prevail upon that great branch of the Government, so as to make it see the case through their eyes, why should Senators assume the responsibility of attempting to nullify what that great independent branch of the Government has done; and why should they now say, in effect, "The Supreme Court was wrong; only we in the Senate and we in the Congress can be in the right?"

Mr. President, I read further:

By special leave of Court, Leander I. Shelley argued the cause for the American Association of Port Authorities, as amicus curiae, urging dismissal of the complaint. With him on the brief was Eldon S. Lararus and Reuben Satterthwaite.

James E. Watson and Orin deM. Walker filed a brief for Robert E. Lee Jordan, as amicus curiae, in support of the United States.

Briefs of amici curiae in support of the defendant were filed by Nathaniel L. Goldstein, attorney general, and Wendell P. Brown, solicitor general, for the State of New York; T. McKeen Chidsey, attorney general, M. Vashti Burr, deputy attorney general; and Harry F. Stanbaugh for the Commonwealth of Pennsylvania; Herman C. Wilson, Horace H. Edward, Walter J. Mattison, Ray L. Chesebro, and Charles S. Rhyne for the National Institute of Municipal Law Officers; Ray L. Chesebro, W. Reginald Jones, Irving M. Smith, and Hugh M. MacDonald, for the California Association of Port Authorities; Archibald N. Jordan for the Lawrence Wards Island Realty Co.; and A. L. Weil and Thomas A. J. Dockweiler.

Mr. Justice Black—

a former illustrious Member of this body—

delivered the opinion of the Court.

The United States by its Attorney General and Solicitor General brought this suit against the State of California invoking our original jurisdiction under article III, section 2 of the Constitution which provides that "in all cases * * * in which a State

shall be a party, the Supreme Court shall have original jurisdiction." The complaint alleges that the United States "is the owner in fee simple of, or possessed of paramount rights in and powers over, the lands, minerals, and other things of value underlying the Pacific Ocean, lying seaward of the ordinary low-water mark on the coast of California and outside of the inland waters of the State, extending seaward 3 nautical miles and bounded on the north and south, respectively, by the northern and southern boundaries of the State of California."

Mr. WELKER. Mr. President, if the Senator from West Virginia will yield to me, let me say that it is difficult for me to hear my distinguished friend as he is speaking. Could he speak louder? I cannot hear him.

Mr. NEELY. Mr. President, I now accommodate the Senator from Idaho by raising my voice, and continue to read the words of wisdom uttered by the court.

It is further alleged that California, acting pursuant to State statutes, but without authority from the United States, has negotiated and executed numerous leases with persons and corporations purporting to authorize them to enter upon the described ocean area to take petroleum, gas, and other mineral deposits, and that the lessees have done so, paying to California large sums of money in rents and royalties for the petroleum products taken. The prayer is for a decree declaring the rights of the United States in the area as against California and enjoining California and all persons claiming under it from continuing to trespass upon the area in violation of the rights of the United States.

California has filed an answer to the complaint. It admits that persons holding leases from California, or those claiming under it, have been extracting petroleum products from the land under the 3-mile ocean belt immediately adjacent to California. The basis of California's asserted ownership is that a belt extending three English miles from low-water mark lies within the original boundaries of the State, California Constitution article XII (1849), that the Original Thirteen States acquired from the Crown of England title to all lands within their boundaries under navigable waters, including a 3-mile belt in adjacent seas; and that since California was admitted as a State on an "equal footing" with the original States, California at that time became vested with title to all such lands. The answer further sets up several affirmative defenses. Among these are that California should be adjudged to have title under a doctrine of prescription; because of an alleged long-existing congressional policy of acquiescence in California's asserted ownership; because of estoppel or laches; and finally, by application of the rule of res judicata.

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

Mr. NEELY. I yield to the Senator from Illinois.

Mr. DOUGLAS. Did I correctly understand the Senator, in his reading from the decision, to say that California claimed a 3-mile zone on the principle that she came into the Union on an equal footing with the original States?

Mr. NEELY. That is correct.

Mr. DOUGLAS. So does it now follow that the equal-footing clause, which is now discarded by Texas and Florida, was used by California in order to get a 3-mile limit?

Mr. NEELY. In my opinion, that is correct.

Mr. DOUGLAS. Even though it is rejected by Texas and Florida in their attempt to get, not a 3-mile limit, but a 9-mile limit. Is that correct?

Mr. NEELY. Undoubtedly that is correct.

Mr. President, I continue to read:

After California's answer was filed, the United States moved for judgment as prayed for in the complaint on the ground that the purported defenses were not sufficient in law. The legal issues thus raised have been exhaustively presented by counsel for the parties, both by brief and oral argument. Neither has suggested any necessity for the introduction of evidence, and we perceive no such necessity at this stage of the case. It is now ripe for determination of the basic legal issues presented by the motion. But before reaching the merits of these issues, we must first consider questions raised in California's brief and oral argument concerning the Government's right to an adjudication of its claim in this proceeding.

First. It is contended that the pleadings present no case or controversy under article III, section 2, of the Constitution. The contention rests in the first place on an argument that there is no case or controversy in a legal sense, but only a difference of opinion between Federal and State officials. It is true that there is a difference of opinion between Federal and State officers. But there is far more than that. The point of difference is as to who owns, or has paramount rights in and power over several thousand square miles of land under the ocean off the coast of California. The difference involves the conflicting claims of Federal and State officials as to which government, State or Federal, has a superior right to take or authorize the taking of the vast quantities of oil and gas underneath that land, much of which has already been, and more of which is about to be, taken by or under authority of the State. Such concrete conflicts as these constitute a controversy in the classic legal sense, and are the very kind of differences which can only be settled by agreement, arbitration, force, or judicial action.

Please note that the Court held that the only way the controversy could be settled was by one of these methods: By agreement, arbitration, force, or judicial action. It apparently studiously avoided suggesting that it should be settled by legislation.

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

Mr. NEELY. I yield.

Mr. DOUGLAS. Is it not true that under article III, section 2 of the Constitution, this is the very type of case which is given to the judicial branch to settle, namely, disputes to which the Federal Government shall be a party, disputes between States, or disputes between a State and citizens of another State?

Mr. NEELY. Mr. President, although the Senator from Illinois denies the charge that he is a lawyer, he nevertheless speaks like a second Daniel come to judgment.

I further read:

The case principally relied upon by California, *United States* v. *West Virginia* (295 U. S. 463), does not support its contention. For here there is a claim by the United States, admitted by California, that California has invaded the title or paramount right asserted by the United States to a large area of land and that California has converted to its own use oil which was extracted from that land. *Cf. United States* v. *West Virginia, supra,* 471. This alone would sufficiently establish the kind of concrete, actual conflict of which we have jurisdiction under article III. The justiciability of this controversy rests therefore on conflicting claims of alleged invasions of interests in property and on conflicting claims of governmental powers to authorize its use. *United States* v. *Texas* (143 U. S. 621, 646, 648), *United States* v. *Minnesota* (270 U. S. 181, 194); *Nebraska* v. *Wyoming* (325 U. S. 589, 608).

Nor can we sustain that phase of the State's contention as to the absence of a case or controversy resting on the argument that it is impossible to identify the subject matter of the suit so as to render a proper decree. The land claimed by the Government, it is said, has not been sufficiently described in the complaint since the only shoreward boundary of some segments of the marginal belt is the line between that belt and the State's inland waters. And the Government includes in the term "inland waters" ports, harbors, bays, rivers, and lakes. Pointing out the numerous difficulties in fixing the point where these inland waters end and the marginal sea begins, the State argues that the pleadings are therefore wholly devoid of a basis for a definite decree, the kind of decree essential to disposition of a case like this. Therefore, California concludes, all that is prayed for is an abstract declaration of rights concerning an unidentified 3-mile belt, which could only be used as a basis for subsequent actions in which specific relief could be granted as to particular localities.

We may assume that location of the exact coastal line will involve many complexities and difficulties. But that does not make this any the less a justiciable controversy. Certainly demarcation of the boundary is not an impossibility. Despite difficulties this Court has previously adjudicated controversies concerning submerged land boundaries. See *New Jersey* v. *Delaware* (291 U. S. 361, 295 U. S. 694); *Borax Ltd.* v. *Los Angeles* (296 U. S. 10, 21–27); *Oklahoma* v. *Texas* (256 U. S. 70, 602).

Mr. DOUGLAS. Mr. President, will the Senator from West Virginia yield for a question?

Mr. NEELY. I yield.

Mr. DOUGLAS. Is it not true that the court based its decision on general principles, and then submitted to a master in chancery the question as to where the precise low-water mark lay along the coast of California?

Mr. NEELY. That is correct.

Mr. DOUGLAS. Is it not true that the Court made its ruling on general principles, and then allowed the concrete application of those general principles to be made by a master?

Mr. NEELY. That is a fact.

Mr. President, I further read:

And there is no reason why, after determining in general who owns the 3-mile belt here involved, the Court might not later, if necessary, have more detailed hearings in order to determine with greater definiteness particular segments of the boundary. *Oklahoma* v. *Texas* (258 U. S. 574, 582). Such practice is commonplace in actions similar to this which are in the nature of equitable proceedings. See e. g. *Oklahoma* v. *Texas* (256 U. S. 602, 608–609; 260 U. S. 625; 261 U. S. 340). California's contention concerning the indefiniteness of the claim presents no insuperable obstacle to the exercise of the highly important jurisdiction conferred on us by article III of the Constitution.

Second. It is contended that we should dismiss this action on the ground that the Attorney General has not been granted power either to file or to maintain it. It is not denied that Congress has given a very broad authority to the Attorney General to institute and conduct litigation in order to establish and safeguard Government rights and properties. The argument is that Congress has for a long period of years acted in such

a way as to manifest a clear policy to the effect that the States, not the Federal Government, have legal title to the land under the 3-mile belt. Although Congress has not expressly declared such a policy, we are asked to imply it from certain conduct of Congress and other governmental agencies charged with responsibilities concerning the national domain. And, in effect, we are urged to infer that Congress has by implication amended its long-existing statutes which grant the Attorney General broad powers to institute and maintain court proceedings in order to safeguard national interests.

An act passed by Congress and signed by the President could, of course, limit the power previously granted the Attorney General to prosecute claims for the Government. For article IV, section 3, clause 2 of the Constitution vests in Congress "power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States." We have said that the constitutional power of Congress in this respect is without limitation. *United States* v. *San Francisco* (310 U. S. 16, 29–30. Thus neither the courts nor the executive agencies could proceed contrary to an Act of Congress in this congressional area of national power.

But no act of Congress has amended the statutes which impose on the Attorney General the authority and the duty to protect the Government's interests through the courts. See *In re Cooper* (143 U. S. 472, 502–503). That Congress twice failed to grant the Attorney General specific authority to file suit against California is not a sufficient basis upon which to rest a restriction of the Attorney General's statutory authority. And no more can we reach such a conclusion because both Houses of Congress passed a joint resolution quitclaiming to the adjacent States a 3-mile belt of all land situated under the ocean beyond the low water mark, except those which the Government had previously acquired by purchase, condemnation, or donation. This joint resolution was vetoed by the President. His veto was sustained. Plainly, the resolution does not represent an exercise of the constitutional power of Congress to dispose of public property under article IV, section 3, clause 2.

Neither the matters to which we have specifically referred, nor any others relied on by California, afford support for a holding that Congress has either explicitly or by implication stripped the Attorney General of his statutorily granted power to invoke our jurisdiction in this Federal-State controversy. This brings us to the merits of the case.

Third. The crucial question on the merits is not merely who owns the bare legal title to the lands under the marginal sea. The United States here asserts rights in two capacities transcending those of a mere property owner. In one capacity it asserts the right and responsibility to exercise whatever power and dominion are necessary to protect this country against dangers to the security and tranquillity of its people incident to the fact that the United States is located immediately adjacent to the ocean. The Government also appears in its capacity as a member of the family of nations. In that capacity it is responsible for conducting United States relations with other nations. It asserts that proper exercise of these constitutional responsibilities requires that it have power, unencumbered by State commitments, always to determine what agreement will be made concerning the control and use of the marginal sea and the land under it. See *McCulloch* v. *Maryland* (4 Wheat. 316, 403–408); *United States* v. *Minnesota* (270 U. S. 181, 194). In the light of the foregoing, our question is whether the State or the Federal Government has the paramount right and power to determine in the first instance when, how, and by what agencies, foreign or domestic, the oil and other resources of the soil of the marginal sea, known or hereafter discovered, may be exploited.

California claims that it owns the resources of the soil under the 3-mile marginal belt as an incident to those elements of sovereignty which it exercises in that water area. The State points out that its original constitution, adopted in 1849 before that State was admitted to the Union, included within the State's boundary the water area extending three English miles from the shore. California Constitution (1849) article XII. That the enabling act which admitted California to the Union ratified the territorial boundary thus defined; and that California was admitted "on an equal footing with the original States in all respects whatever" (9 Stat. 452).

Mr. DOUGLAS. Mr. President, will the Senator from West Virginia yield for a further question?

Mr. NEELY. I yield.

Mr. DOUGLAS. Is it not true that what California claimed was three land miles?

Mr. NEELY. That is true.

Mr. WELKER. Mr. President, a point of order.

The PRESIDING OFFICER (Mr. WILLIAMS in the chair). The Senator will state it.

Mr. WELKER. Does not the Senator from West Virginia lose the floor by sitting down?

Mr. NEELY. I have not yielded the floor. I yielded for a question.

The PRESIDING OFFICER. The Chair is advised that the Senator from West Virginia must stand.

Mr. NEELY. Mr. President, I was under the impression that when a Senator yields to another Senator for a question, the rule does not apply.

The PRESIDING OFFICER. The Chair is advised that it is the practice that a Senator can be required to stand at all times.

Does the Senator from West Virginia yield at this point to the Senator from Illinois?

Mr. NEELY. I yield.

Mr. DOUGLAS. May I ask the Senator from West Virginia whether it is not true that what California claimed in its constitution was 3 land miles, whereas what Jefferson asserted was 3 nautical miles?

Mr. NEELY. The Senator is correct.

Mr. DOUGLAS. Is it not true also that since a nautical mile is equivalent to approximately 1,154 land miles, therefore California's claim is something less than a half mile below the claim of the United States?

Mr. NEELY. That is correct.

The opinion of the Supreme Court continues:

With these premises admitted California contends that its ownership follows from the rule originally announced in *Pollard's Lessee* v. *Hagen* (3 How. 212); see also *Martin* v. *Waddell* (16 Pet. 367, 410). In the Pollard case it was held, in effect, that the original States owned in trust for their people the navigable tidewaters between high and low water mark within each State's boundaries, and the soil under them, as an inseparable attribute of State sovereignty. Consequently it was decided that Alabama, because admitted into the Union on "an equal footing" with the other States, had thereby become the owner of the tidelands within its boundaries. Thus the title of Alabama's tidelands grantee was sustained as valid against that of a claimant holding under a United States grant made subsequent to Alabama's admission as a State.

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

Mr. NEELY. I yield for a question.

Mr. DOUGLAS. Therefore, is it not true that Alabama used the equal-footing clause as an argument why she should have the same rights over tidelands proper, or filled land, as the original States had, namely, that those lands should belong to the States rather than to the Federal Government?

Mr. NEELY. That is true.

Mr. DOUGLAS. Is it not true that the Court granted that right in the Pollard case?

Mr. NEELY. It is.

Mr. DOUGLAS. But also is it not true that the Pollard case in no sense involved ownership of submerged lands seaward from the low-water mark?

Mr. NEELY. That is correct.

Mr. DOUGLAS. I thank the Senator from West Virginia.

Mr. NEELY. I continue with the opinion of the Supreme Court in the California case:

The Government does not deny that under the Pollard rule, as explained in later cases, California has a qualified ownership of lands under inland navigable water such as rivers, harbors, and even tidelands down to the low water mark. It does question the validity of the rationale in the Pollard case that ownership of such water areas, any more than ownership of uplands, is a necessary incident of the State sovereignty contemplated by the "equal footing" clause. Cf. *United States* v. *Oregon* (295 U. S. 1, 14). For this reason, among others, it argues that the Pollard rule should not be extended so as to apply to lands under the ocean. It stresses that the 13 Original Colonies did not own the marginal belt; that the Federal Government did not seriously assert its increasingly greater rights in this area until after the formation of the Union; that it has not bestowed any of these rights upon the States, but has retained them as appurtenances of national sovereignty. And the Government insists that no previous case in this Court has involved or decided conflicting claims of a State and the Federal Government to the 3-mile belt in a way which requires our extension of the Pollard inland water rule to the ocean area.

It would unduly prolong our opinion to discuss in detail the multitude of references to which the able briefs of the parties have cited us with reference to the evolution of powers over marginal seas exercised by adjacent countries. From all the wealth of material supplied, however, we cannot say that the 13 Original Colonies separately acquired ownership to the 3-mile belt or the soil under it, even if they did acquire elements of the sovereignty of the English Crown by their resolution against it. *Cf. United States* v. *Curtiss-Wright Export Corp.* (299 U. S. 304, 316).

At the time this country won its independence from England there was no settled international custom or understanding among nations that each nation owned a 3-mile water belt along its borders. Some countries, notably England, Spain, and Portugal, had, from time to time, made sweeping claims to a right of dominion over wide expanses of ocean. And controversies had arisen among nations about rights to fish in prescribed areas. But when this Nation was formed, the idea of a 3-mile belt over which a littoral nation could exercise rights of ownership was but a nebulous suggestion. Neither the English charters granted to this Nation's settlers nor the treaty of peace with England, nor any other document to

which we have been referred, showed a purpose to set apart a 3-mile ocean belt for colonial or State ownership. Those who settled this country were interested in lands upon which to live, and waters upon which to fish and sail. There is no substantial support in history for the idea that they wanted or claimed a right to block off the ocean's bottom for private ownership and use in the extraction of its wealth.

It did happen that shortly after we became a Nation our statesmen became interested in establishing national dominion over a definite marginal zone to protect our neutrality. Largely as a result of their efforts, the idea of a definite 3-mile belt in which an adjacent nation can, if it chooses, exercise broad, if not complete dominion, has apparently at last been generally accepted throughout the world, although as late as 1876 there was still considerable doubt in England about its scope and even its existence. (See *The Queen* v. *Keyn* (2 Ex. D. 63). That the political agencies of this Nation both claim and exercise broad dominion and control over our 3-mile marginal belt is now a settled fact. *Cunard Steamship Co.* v. *Mellon* (262 U. S. 100, 122-124). And this assertion of national dominion over the 3-mile belt is binding upon this Court. See *James* v. *United States* (137 U. S. 202, 212–214); *In re Cooper* (143 U. S. 472, 502–503).

Not only has acquisition, as it were, of the 3-mile belt been accomplished by the National Government but protection and control of it has been and is a function of national external sovereignty. See *Jones* v. *United States* (137 U. S. 202); *In re Cooper* (143 U. S. 472, 502). The belief that local interests are so predominant as constitutionally to require State dominion over lands under its land-locked navigable waters finds some argument for its support. But such can hardly be said in favor of State control over any part of the ocean or the ocean's bottom. This country, throughout its existence has stood for freedom of the seas, a principle whose breach has precipitated wars among nations. The country's adoption of the 3-mile belt is by no means incompatible with its traditional insistence upon freedom of the sea, at least so long as the National Government's power to exercise control consistently with whatever international undertakings or commitments it may see fit to assume in the national interest is unencumbered. See *Hines* v. *Davidowitz* (312 U. S. 52, 62–64); *McCulloch* v. *Maryland*, supra. The 3-mile rule is but a recognition of the necessity that a government next to the sea must be able to protect itself from dangers incident to its location. It must have powers of dominion and regulation in the interest of its revenues, its health, and the security of its people from wars raged on or too near its coasts. And insofar as the nation asserts its rights under international law, whatever of value may be discovered in the seas next to its shores and within its protective belt, will most naturally be appropriated for its use. But whatever any nation does in the open sea, which detracts from its common usefulness to nations, or which another nation may charge detracts from it, is a question for consideration among nations as such, and not their separate governmental units. What this Government does, or even what the States do, anywhere in the ocean, is a subject upon which the nation may enter into and assume treaty or similar international obligations. See *United States* v. *Belmont* (301 U. S. 324, 331–332). The very oil about which the State and Nation here contend might well become the subject of international dispute and settlement.

The ocean, even its 3-mile belt, is thus of vital consequence to the Nation in its desire to engage in commerce and to live in peace with the world; it also becomes of crucial importance should it ever again become impossible to preserve that peace. And as peace and world commerce are the paramount responsibilities of the Nation, rather than an individual, state, so, if wars come, they must be fought by the Nation. See *Chy Lung* v. *Freeman* (92 U. S. 275, 279). The State is not equipped in our constitutional system with the powers or the facilities for exercising the responsibilities which would be concomitant with the dominion which it seeks. Conceding that the State has been authorized to exercise local police power functions in the part of the marginal belt within its declared boundaries, these do not detract from the Federal Government's paramount rights in and power over this area. Consequently, we are not persuaded to transplant the Pollard rule of ownership as an incident of State sovereignty in relation to inland waters out into the soil beneath the ocean, so much more a matter of national concern. If this rationale of the Pollard case is a valid basis for a conclusion that paramount rights run to the States in inland waters to the shoreward of the low-water mark, the same rationale leads to the conclusion that national interests, responsibilities, and therefore national rights are paramount in waters lying to the seaward in the 3-mile belt. Cf. *United States* v. *Curtiss-Wright Corp.* (299 U. S. 304, 316); *United States* v. *Causby* (328 U. S. 256).

As previously stated, this Court has followed and reasserted the basic doctrine of the Pollard case many times. And in doing so it has used language strong enough to indicate that the Court then believed that States not only owned tidelands and soil under navigable inland waters, but also owned soils under all navigable waters within their territorial jurisdiction, whether inland or not. All of these statements were, however, merely paraphrases or offshoots of the Pollard inland-water rule, and were used, not as enunciation of a new ocean rule, but in explanation of the old inland-water principle. Notwithstanding the fact that none of these cases either involved or decided the State-Federal conflict presented here, we are urged to say that the language used and repeated in those cases forecloses the Government from the right to have this Court decide that question now that it is squarely presented for the first time.

There are three such cases whose language probably lends more weight to California's argument than any others. The first is *Manchester* v. *Massachusetts* (139 U. S. 240). That case involved only the power of Massachusetts to regulate fishing. Moreover, the illegal fishing charged was in Buzzards Bay, found to be within Massachusetts territory, and no question whatever was raised or decided as to title or paramount rights in the open sea.

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

The PRESIDING OFFICER (Mr. PAYNE in the chair). Does the Senator from West Virginia yield to the Senator from Illinois?

Mr. NEELY. I yield.

Mr. DOUGLAS. Is it not true that the very able Senator from Texas [Mr. DANIEL] quoted the Manchester case as an indication that the States had control and paramount rights in the waters seaward from the low-water mark in the open sea; but is it not a fact, as the court recognized, that Buzzards Bay, which was under dispute, was an inland water?

Mr. NEELY. That is true. The language of the court is:

Moreover, the illegal fishing charged was in Buzzards Bay, found to be within Massachusetts territory, and no question whatever was raised or decided as to title or paramount rights in the open sea.

Continuing, the Court said:

And the Court specifically laid to one side any question as to the rights of the Federal Government to regulate fishing there. The second case, *Louisiana* v. *Mississippi* (202 U. S. 1, 52), uses language about "the sway of riparian States" over "maritime belts." That was a case involving the boundary between Louisiana and Mississippi. It did not involve any dispute between the Federal and State Governments. And the Court there specifically laid aside questions concerning "the breadth of the maritime belt or the extent of the sway of the riparian States. * * *" (id. at 52). The third case is *The Abby Dodge* (223 U. S. 166). That was an action against a ship landing sponges at a Florida port in violation of an act of Congress (34 Stat. 313) which made it unlawful to land sponges taken under certain conditions from the waters of the Gulf of Mexico. This Court construed the statute's prohibition as applying only to sponges outside the State's territorial limits in the gulf. It thus narrowed the scope of the statute because of a belief that the United States was without power to regulate the Florida traffic in sponges obtained from within Florida's territorial limits, presumably the 3-mile belt. But the opinion in that case was concerned with the State's power to regulate and conserve within its territorial waters, not with its exercise of the right to use and deplete resources which might be of national and international importance. And there was no argument there, nor did this Court decide, whether the Federal Government owned or had paramount rights in the soil under the gulf waters. That this question remained undecided is evidenced by *Skiriotes* v. *Florida* (313 U. S. 69, 75), where we have occasion to speak of Florida's power over sponge fishing in its territorial waters. Through Mr. Chief Justice Hughes we said: "It is also clear that Florida has an interest in the proper maintenance of the sponge fishery and that the [State] statute so far as applied to conduct within the territorial waters of Florida, in the absence of conflicting Federal legislation, is within the police power of the State."

None of the foregoing cases, nor others which we have decided, are sufficient to require us to extend the Pollard inland-water rule so as to declare that California owns or has paramount rights in or power over the 3-mile belt under the ocean. The question of who owned the bed of the sea only became of great potential importance at the beginning of this century when oil was discovered there. As a consequence of this discovery, California passed an act in 1921 authorizing the granting of permits to California residents to prospect for oil and gas on blocks of land off its coast under the ocean (Cal. Stats. 1921, ch. 303). This State statute, and others which followed it, together with the leasing practices under them, have precipitated this extremely important controversy, and pointedly raised this State-Federal conflict for the first time. Now that the question is here, we decide for the reasons we have stated that California is not the owner of the 3-mile marginal belt along its coast, and that the Federal Government rather than the State has paramount rights in and power over that belt, an incident to which is full dominion over the resources of the soil under that water area, including oil.

Fourth. Nor can we agree with California that the Federal Government's paramount rights have been lost by reason of the conduct of its agents. The State sets up such a defense, arguing that by this conduct the Government is barred from enforcing its rights by reason of principles similar to laches, estoppel, adverse possession. It would serve no useful purpose to recite the incidents in detail upon which the State relies for these defenses. Some of them are undoubtedly consistent with a belief on the part of some Government agents at the time

that California owned all, or at least a part of the 3-mile belt. This belief was indicated in the substantial number of instances in which the Government acquired title from the States to lands located in the belt; some decisions of the Department of Interior have denied applications for Federal oil and gas leases in the California coastal belt on the ground that California owned the lands. Outside of court decisions following the Pollard rule, the foregoing are the types of conduct most nearly indicative of waiver upon which the State relies to show that the Government has lost its paramount rights in the belt. Assuming that Government agents could by conduct, short of a congressional surrender of title or interest, preclude the Government from asserting its legal rights, we cannot say it has done so here. As a matter of fact, the record plainly demonstrates that until the California oil issue began to be pressed in the thirties, neither the States nor the Government had reason to focus attention on the question of which of them owned or had paramount rights in or power over the 3-mile belt. And even assuming that Government agencies have been negligent in failing to recognize or assert the claims of the Government at an earlier date, the great interests of the Government in this ocean area are not to be forfeited as a result. The Government, which holds its interests here as elsewhere in trust for all the people, is not to be deprived of those interests by the ordinary court rules designed particularly for private disputes over individually owned pieces of property; and officers who have no authority at all to dispose of Government property cannot by their conduct cause the Government to lose its valuable rights by their acquiescence, laches, or failure to act.

We have not overlooked California's argument, buttressed by earnest briefs on behalf of other States, that improvements have been made along and near the shores at great expense to public and private agencies. And we note the Government's suggestion that the aggregate value of all these improvements are small in comparison with the tremendous value of the entire 3-mile belt here in controversy. But, however this may be, we are faced with the issue as to whether State or Nation has paramount rights in and power over this ocean belt, and that great national question is not dependent upon what expenses may have been incurred upon mistaken assumptions. Furthermore, we cannot know how many of these improvements are within and how many without the boundary of the marginal sea which can later be accurately defined. But beyond all this we cannot and do not assume that Congress, which has constitutional control over Government property, will execute its powers in such way as to bring about injustices to States, their subdivisions, or persons acting pursuant to their permission. See *United States* v. *Texas* (162 U. S. 1, 89, 90); *Lee Wilson & Co.* v. *United States* (245 U. S. 24, 32).

Mr. DOUGLAS. Mr. President, will the Senator from West Virginia yield for a question?

Mr. NEELY. I yield.

Mr. DOUGLAS. Is it not apparent that in the sentences which have been frequently quoted by the proponents of the Holland joint resolution the Supreme Court is merely saying that Congress should do justice (a) to lessees drilling for oil under State laws, and (b) to public bodies and private persons who have filled land along the low-water mark adjoining the open sea?

Mr. NEELY. That is correct.

Mr. DOUGLAS. Mr. President, will the Senator from West Virginia yield for a further question?

Mr. NEELY. I yield.

Mr. DOUGLAS. Is it not true that the Anderson bill meets both of these tests, and is it not true also that it provides that all existing leases taken out under State power shall be continued under the Federal control envisioned by the Anderson bill?

Mr. NEELY. That is true.

Mr. DOUGLAS. Mr. President, will the Senator from West Virginia yield for a further question?

Mr. NEELY. I yield.

Mr. DOUGLAS. Is it not further true that the Anderson bill provides that all land which has been filled in the past by public bodies or private persons, whether on inland waterways or on the open sea, shall have title vest in those public bodies or private persons?

Mr. NEELY. That is true.

Mr. DOUGLAS. Mr. President, will the Senator from West Virginia yield for a further question?

Mr. NEELY. I yield.

Mr. DOUGLAS. Is it not further true that the Anderson bill provides that all lands which are filled in the future on inland waters, whether by public bodies or private persons, shall have their title secure?

Mr. NEELY. There can be no doubt about that.

Mr. DOUGLAS. Mr. President, will the Senator from West Virginia yield for a further question?

Mr. NEELY. I yield.

Mr. DOUGLAS. Is it not true also that under the Anderson bill all lands filled on the open sea on tidewaters, by public bodies, will have their title secure?

Mr. NEELY. That is true.

Mr. DOUGLAS. Is it not true that all considerations of equity which the Court enjoined the Congress to consider have been met in the drafting of the Anderson bill?

Mr. NEELY. Without question, that is true.

Mr. DOUGLAS. Mr. President, will the Senator from West Virginia yield for a further question?

Mr. NEELY. I yield.

Mr. DOUGLAS. Therefore it is not necessary, is it, for Congress to pass the Holland joint resolution in order to meet the advice and injunctions and trusts imposed by the Court upon Congress?

Mr. NEELY. In my opinion, there is no cause or justification for the adoption of the Holland joint resolution.

The concluding paragraph in the majority opinion is as follows:

> We hold that the United States is entitled to the relief prayed for. The parties, or either of them, may, before September 15, 1947, submit the form of decree to carry this opinion into effect, failing which the Court will prepare and enter an appropriate decree at the next term of Court.
>
> It is so ordered.

There is a note to the effect that Mr. Justice Jackson took no part in the consideration or the decision of the case.

Mr. President, I purpose at a later date, to read to the Senate two other decisions of the Supreme Court on this important question. For the present, I postpone that task, and now suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. PAYNE in the chair). The clerk will call the roll.

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

Aiken	Gore	McCarthy
Anderson	Green	McClellan
Barrett	Griswold	Millikin
Beall	Hayden	Monroney
Bennett	Hendrickson	Morse
Bricker	Hickenlooper	Mundt
Bridges	Hill	Murray
Bush	Hoey	Neely
Butler, Md.	Holland	Pastore
Butler, Nebr.	Humphrey	Payne
Byrd	Hunt	Potter
Capehart	Ives	Purtell
Carlson	Jackson	Robertson
Case	Jenner	Russell
Clements	Johnson, Colo.	Saltonstall
Cooper	Johnson, Tex.	Schoeppel
Cordon	Johnston, S. C.	Smathers
Daniel	Kefauver	Smith, Maine
Dirksen	Kennedy	Smith, N. C.
Douglas	Kilgore	Stennis
Duff	Knowland	Taft
Dworshak	Kuchel	Thye
Eastland	Langer	Tobey
Ellender	Magnuson	Watkins
Ferguson	Malone	Welker
Frear	Mansfield	Wiley
George	Martin	Williams
Gillette	Maybank	Young
Goldwater	McCarran	

The PRESIDING OFFICER. A quorum is present.

Mr. MAGNUSON. Mr. President, at the outset I wish to refer to the fact that some suggestions have been made in the debate on the pending joint resolution, and the amendments offered to it, that some who are speaking might be engaged in some kind of an effort to delay the final vote. I do not know whether that is true or not, but I do know that many of us are vitally and deeply interested in the subject, and I want the RECORD to show that, insofar as I am concerned, feeling as I do about the pertinent matters involved in the joint resolution, I would have made the remarks for the RECORD I am about to utter tonight whether the debate had taken 2 days or 2 months, or as long as it might last.

Mr. President, many times during my service as a Member of Congress, both in the House of Representatives and in the Senate, I have had occasion many times not only to pass on bills similar to the measure now before the Senate but to engage in debates and discussions regarding the whole tidelands matter, and on all occasions I have consistently opposed proposals which have been submitted to Congress, during the many years, similar to that now before the Senate. So, at least, I can plead guilty to being very consistent.

The Hill amendment to the Anderson substitute proposes that revenues from the offshore oil, or any other natural resources which may be found in the bed of the ocean, shall be dedicated to the schools and the schoolchildren of this Nation.

In my State alone, Mr. President, the funds needed in the next 8 years total more than $250,000,000, as estimated by our superintendent of public instruction, and I assume that particularly in those States which have a growing population the ratio would be of a somewhat similar pattern.

Mr. President, to justify my figures I should like to read at this point a portion of a letter from a very able superintendent of public instruction in my own

State, Pearl A. Wanamaker, dated February 26, 1953. She writes:

I am pleased to inform you that the State of Washington will require $263,000,000 for public school construction during the next 8 years. Cash and investment assets in the permanent school fund as of March 31, amounted to $56,161,456.51. The interest accruing from the investments in this fund amounted to $1,497,771.08 for the period April 1, 1951, to March 31, 1952.

That is a recent statement of a conservative estimate by the Superintendent of Public Instruction of the State of Washington. I suspect that the figure as applied to the State of Washington would be somewhat comparable in other States, based upon population and school enrollments.

Historically, we have used public lands of this Nation to support the schools. The Hill amendment conforms to this basic principle. In a real sense, though perhaps not legally, the submerged lands within our territorial waters are public lands.

Mr. President, I am opposed to Senate Joint Resolution 13—the quitclaim measure. I intend to vote against it, as I have voted against similar measures. I support the substitute offered by the junior Senator from New Mexico [Mr. ANDERSON]. I shall vote for the Hill amendment to make revenues of offshore oil available to the schools of the Nation.

Our school population is a growing population. Many of the States are finding great difficulty in meeting the growing financial needs of the schools. As a matter of fact, I think we shall find that a study of the legislation passed by State legislatures which are now in session will disclose that most of their problems have revolved around the growing need for school funds.

In my opinion, Mr. President, the Anderson substitute would do a great deal to relieve the financial burdens of the various States of the Union which have this very serious problem. It will do a great deal to equalize within the 48 States the school revenues and Federal aid to States for educational purposes on which this Congress and preceding Congresses have time and time again placed their stamp of approval.

It seems to me that the Hill amendment is not only consistent with our school policy of Federal aid to education, but it also parallels many of the other things we have done, even in the beginning, when our public lands were first devoted to school purposes.

In my State the school lands which were conveyed to the States by the Federal Government at the time of entering statehood have done much to add to the revenue of the schools and have given us one of the finest educational systems not only in this country, but in the world. I think the Hill amendment follows through on that same pattern. It will help not only some of the States which have been backward, because of financial problems, in establishing good school systems, good schoolhouses, good maintenance, and good pay to teachers, but it will help considerably in other ways.

Mr. President, Senate Joint Resolution 13 has been called many names. It has been called the tidelands oil bill, the submerged lands bill, the giveaway bill, the oily bill, the oil-grab bill, the Holland bill, and the Submerged Lands Act. By whatever name, the measure is detrimental to the best interests of the people of the United States. It should not be enacted, not even to salvage campaign promises, whether they were made by Republicans, Democrats, or the President of the United States.

It is commonly known, of course, as the Holland joint resolution. There is no reflection on our distinguished friend from Florida [Mr. HOLLAND] in that connection. It has been given many names in our discussion of it.

Mr. LANGER. Mr. President, will the Senator from Washington yield for a question?

Mr. MAGNUSON. I yield.

Mr. LANGER. Does the distinguished Senator from Washington recollect that during the drought there was a terrible situation confronting the schools throughout the Northwest?

Mr. MAGNUSON. Yes. It was very pathetic. The more we can get for the schools the greater they can build the educational system we have started in America, so that such a situation cannot happen again.

Mr. LANGER. Does the Senator remember that delegations from all over the Northwest came to Washington begging for assistance?

Mr. MAGNUSON. That is correct.

Mr. LANGER. Does the Senator remember that in my State, at least, they received nearly $2 million?

Mr. MAGNUSON. We received a substantial amount comparable to our population. Without it we would have had a terrible time, as would the State of North Dakota if it had not received such assistance.

Mr. President, as I have said, the Holland joint resolution has been given a great many names, but whatever names it has been called, it seems to me it is detrimental to the interests of the people of the United States. I do not think it should be passed, in spite of the fact that it is in response to a campaign promise.

In the past session of the Congress, with reference to the quitclaim bill, pressure came from some friends in my own State. Pressure has come from California, Texas, and from many representatives armed with maps, seeking to demonstrate that Congress could give to Texas, California, or any other State a 10-mile strip and still have plenty of natural resources left over on the edge of the Continental Shelf.

Mr. President, on several occasions, when similar bills have been before the Congress, many of the people in my own State came to me, I think, under a misapprehension. I suppose the same is true in the case of North Dakota. A great deal of pressure was brought. I think many persons had a complete misunderstanding as to the meaning of the proposed legislation. Some of its proponents, on the outside, spread a great deal of propaganda in many States, particularly coastal States, intimating that if the measure were not passed—that was even prior to the Supreme Court's decisions—the title to lands of the inland waterways, of which there are hundreds of square miles in my State, namely, in Puget Sound, would be in doubt. Many persons thought the titles to the oyster beds and clam beds would be in doubt. Of course, they now know that nothing is further from the truth. Those who oppose the tidelands bill and those who are in favor of it never claimed that it should apply to any of the inland waterways of the United States. But they stirred up propaganda in the States. The issue before the Senate now has completely settled that matter, and I think it is clearly understood by the people that the title of the proposed legislation is a misnomer.

The tidelands are generally spoken of, legally and otherwise, as the lands between high and low tide. We are not even speaking of that land. The question of title to it has been agreed upon by the proponents and opponents of the pending issue. It has been agreed that such lands are not included in the joint resolution. So we are speaking only about lands below low tide and the lands out in the ocean, around the actual ocean area of the United States. We are not referring to inland waterways.

Mr. President, it is as though the advocates of the pending proposal were saying, "You can give away, to 3 or 4 States, submerged lands containing millions of barrels of oil, and still have plenty left over for the other 44 or 45 States." That statement has been made propagandawise, and it may be true. But I know it has been used often, not only as a means of pressure, but as an argument for the pending joint resolution.

The question thus stated becomes one which no Senator could conscientiously support. Such an argument has no solid foundation either in law or in equity.

The real issue, if there is any issue at all, is whether it is sound public policy for Congress to reverse the Supreme Court of the United States by dividing, splitting, and sharing national sovereignty and related wealth with the coastal States to the detriment of all 48 States. I think that is the simple question here involved.

Among other things, the proponents of Senate Joint Resolution 13 and its predecessors have sought to make this a States' rights issue. Letters in my file from my own governor, the Governor of the State of Washington, and the attorney general of my own State, both of them personal friends of mine, indicate that they have misunderstood the issue. We have discussed the situation on many occasions. However, I have found that the understanding at home now is a great deal better than it was 2, 3, 4, or 5 years ago, when similar proposals were before Congress, because the people are now beginning to understand all the facts involved. Some persons still disagree. I have no quarrel with them, as long as all the facts are laid on the table, and they can reach their own conscientious conclusions. However, there are letters in my file from the Governor and the attorney general of the State of Washington which allege that the issue before Congress is whether the States shall be absorbed by the Federal Government or whether the rights of the States will be observed. In effect, these letters state that the States own the submerged

lands seaward of the low-water mark, that the Federal Government is trying to take those lands away from the States, and that the States' rights must be protected. If that contention were correct, I should be the first to rise on the floor of the Senate to insist that the rights of the States should be protected. But it seems to me that the truth is that States' rights are not involved at all.

Under our Constitution, the Founding Fathers established a Supreme Court and clothed it with the responsibility of deciding controversies between States, and between States and the Federal Government. Pursuant to its high responsibility, the Supreme Court of the United States has spoken on the issue now under consideration, not once, but three times.

Speaking on the contention that the States own the submerged offshore oil lands—perhaps I should say not only oil lands, but should include any other resources off shore—the Supreme Court, in the California case, said:

> The State of California has no title thereto or property interest therein.

Likewise, I quote from the Supreme Court decision in the Texas case:

> The State of Texas has no title thereto or property interest therein.

In another case, that of the State of Louisiana, the Supreme Court said:

> The State of Louisiana has no title thereto or property interest therein.

I must say that that is not only a flat, clear, and unequivocal statement, but surely it is consistent, so far as legal wording is concerned. The Supreme Court said, without hedging and without qualification, that those States did not own submerged lands. It said they had no property rights in such lands. Therefore the highest tribunal in the United States has decided the issue of States' rights.

The rights of States are not in jeopardy, and they never have been, so far as past, present, or future ownership of submerged lands is concerned. The Federal Government is not taking anything away from the States. We cannot take away that which the States never owned in the first place; nor, may I add, can we "restore" lands concerning which the Supreme Court has said the States of Texas, Louisiana, and California have "no title thereto or property interest therein."

We would not be giving this land to the Federal Government. The joint resolution would take land away from the Federal Government and would give it to other people. So it seems to me that the States rights question is not an issue in this case.

Of course, I know that the loser of a lawsuit never likes the verdict. Nevertheless, in this matter, the Supreme Court rendered its verdict not once, but three times. I know that sometimes after a court has rendered a verdict it is said, "Well, I was not adequately represented. There were some things to be said that were not said."

As a matter of fact, in our judicial procedure there is provision for a retrial upon new evidence. Judges sometimes grant new trials when new evidence can be presented. Sometimes, if a person is poorly or inadequately represented, courts have the right to grant new trials. But if Senators consider the type of representation that was had by the States, and also by the intervenors, they will find that there was not only the best representation in the United States, but also the highest priced. I am certain all the facts were presented to the Court. These cases took a long time to present. There was not a single matter involved in the whole issue that was not brought up and discussed before the Court, not only for weeks, but for months.

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

Mr. MAGNUSON. I yield.

Mr. DANIEL. I feel certain the Senator would not want his statement to stand without having it called to his attention that in the Texas case the court denied Texas the right to introduce evidence. So the facts which Texas placed before the Senate committee in the hearings were not heard or considered by the court before its decision was rendered against Texas.

Mr. MAGNUSON. But Texas had the right to produce evidence so far as it presented legal briefs. Briefs usually contain some evidence.

Mr. DANIEL. Only the law.

Mr. MAGNUSON. The Senator is a lawyer, and a good one. He knows that evidence may be introduced.

Mr. DANIEL. Mr. President, will the Senator again yield?

Mr. MAGNUSON. I yield.

Mr. DANIEL. Does the Senator know of any way in which to get evidence before a court, when the court votes to deny the litigant the right to introduce evidence?

Mr. MAGNUSON. I should say to my distinguished friend, the Senator from Texas that when I speak of evidence, I am speaking of all the legal facts involved. Of course, it is not evidence as we know it in a civil or a criminal case as to what happened or did not happen with respect to the actions of persons. But all the legal evidence that was available was included in all the briefs. I do not mean evidence in the sense of what persons did. Undoubtedly the Senator presented all the legal facts involved, together with all the legal documents, constitutions, and enabling acts, pertinent to the issue.

Mr. DANIEL. So that the Senator may clearly understand me, I went before the Supreme Court with two large cardboard boxes full of documents, including diplomatic correspondence between the Republic of Texas and the United States, and other evidence in writing, which showed that those who made the agreement with Texas intended that Texas should retain the lands under the waters as well as the dry land.

The Court refused to hear that evidence, and by a vote of 4 to 3 decided the case on the pleadings alone, saying that "equal footing" was all that it was necessary to consider. The court did not hear the evidence which is now before the Congress. I merely wished to make myself clear.

Mr. MAGNUSON. There is a little greater latitude in what the Senator has just said, but I am sure the distinguished then attorney general of Texas argued at least the substance of the facts which he had in the boxes.

Mr. DANIEL. I asked the Court to hear the evidence, but the Court refused to do so.

Mr. MAGNUSON. The Court heard the Senator, I am sure. The Court said, "We will not take that into consideration." However, I think the Court heard the Senator.

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

Mr. MAGNUSON. I yield for a question.

Mr. MURRAY. It is common practice in the courts to give judgment on the pleadings. That is to say, the pleadings set forth the claims which are made, and the proof which it is claimed the parties have. The report will say, "Notwithstanding that, decision is rendered on the basis of what the pleadings show."

Mr. MAGNUSON. I am sure the distinguished then attorney general from Texas did everything he could. The point I make is that in all these cases the subject was well considered by those involved on both sides. It was not considered lightly. The decision was not made without a great deal of deliberation, a great deal of study, and a great deal of controversy.

As I have previously stated, it seems to me that the States' rights issue in this connection is covered to some extent by the three Supreme Court decisions. It seems to me that that question has been decided, and that the States' rights issue should not be a part of this argument.

There is another line of argument running through some of the letters which I have personally received on this subject. I presume other Senators have also received letters. I have received letters from officials and people of my State, and I presume other Senators have received similar letters from the people of their States, States in which no oil has been discovered and nothing of value is known to exist beyond low tide out to the 3-mile limit, or out to any Continental Shelf which may exist.

Some officials in my State have said that we might discover gas or oil in the submerged lands off the State of Washington or the State of Oregon or other States which have seacoasts. They say, "You Senators should vote for this measure, because if we strike oil the treasury of the State will benefit in proportion."

In effect they are saying, "Whether we have the right to these lands or not, you, Senator MAGNUSON, should vote for this measure because the State of Washington might possibly benefit therefrom." I think this line of argument is entirely specious. In effect, it places the dollar sign ahead of what is just, what is right, what is equitable, and what is best for the country at large. As a matter of fact, Mr. President, the dollar sign is written all over this joint resolution.

I do not think any Senator should vote for this or any other legislation merely because his State might get a few more dollars at the expense of the people of

other States. I do not believe that thinking people in my State who understand the problem would want any of their representatives in Congress so to vote, even if they did benefit financially. The truth of the matter is that, having had some legislative experience, it is my judgment that if the Hill amendment were passed and we did find some resources or oil off the State of Washington, we might fare better under the provisions of that amendment than if we were to take it on ourselves. At least we would be protected.

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

Mr. MAGNUSON. I yield for a question.

Mr. DOUGLAS. Is it not true that under the Anderson amendment 37½ percent of all Federal revenues derived inside the three-nautical-mile limit would go to the adjoining coastal States?

Mr. MAGNUSON. That is true. However, with all due respect to State legislatures—and I once served in the State legislature—if we should discover oil or gas I do not believe that the State legislature could make any better deal for the State of Washington with respect to something which I think belongs to the 48 States than we would make under the provisions of the Hill amendment. The people of the State of Washington would be protected. The Anderson substitute would do that. I think the people of the State of Washington would probably be glad to avoid the necessity of having to negotiate. The Anderson amendment represents a protection for them.

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

Mr. MAGNUSON. I yield for a question.

Mr. HOLLAND. The Senator is, of course, familiar with the provisions of the constitution of his own State. I am sure he knows that one of the very strongest, if not the strongest, constitutional claim to tidelands under navigable waters possessed by any State is possessed by his State.

Mr. MAGNUSON. Yes. I have the constitution before me.

Mr. HOLLAND. Would the Senator mind reading into the RECORD paragraph 17 of the constitution of his State, and commenting on the meaning of it?

Mr. MAGNUSON. If the Senator from Florida will bear with me, a portion of my address tonight is devoted to that subject, as related both to the enabling act and the constitution.

Mr. HOLLAND. Would the Senator be gracious enough to discuss not only section 17 of the constitution of his State, which specifically claims for his State actual ownership of everything under navigable waters in his State, but also section 24, which specifically states that the boundary of the State is 1 marine league off the coast of the State in the Pacific Ocean, and comment with reference to those two sections?

Mr. MAGNUSON. I have some comment regarding those two sections. Also I should like to discuss the enabling act and the section of the constitution relating to title.

As I have previously stated, I do not believe that any thinking people in my State who understand all the facts would want any representative from that State to vote for a measure merely because, leaving aside all other considerations, it would give the State some extra dollars. I should think the people of my State would be willing, as right-thinking people, which they are, to forego any such activity on the part of any of their representatives in the Congress, and allow them to do what they think is the just and right thing to do, as it relates to all their neighbors in the 47 other States. That is what this measure seems to be all about.

If I were thinking only of the dollars involved, I might well vote against Senate Joint Resolution 13 on that basis alone. It is possible that there may be some oil or gas off the coast of Washington State. To date, however, it has not been definitely proved. Whether or not there is oil or gas in the submerged lands, or how much there is, is, of course, still a matter of speculation. The quitclaim bill, however, proposes to give to the States of Texas, California, and Louisiana a definitely known asset in which the State of Washington, I believe, has a just share. On the basis of school population, the share is estimated at from almost $745 million to $1,862,000,000. Some estimates run as high as $4 billion. That figure represents the share of the asset itself, and not royalties.

On the basis of the dollar sign, therefore, the question should be, "Should I vote to retain for Washington State its share in the known oil reserves, or should I vote to give those away now in the hope that at some future date greater quantities of oil or gas may be discovered in our own submerged lands in the Pacific Ocean?"

I refuse to base my decision upon the dollar sign. As I have previously stated, the question here really is, "What seems to be equitable, and what is best for the 48 States of the United States?"

While we are on the subject of Washington State and its welfare, I wish to comment briefly on the legal claims which have been advanced asserting State ownership in the submerged lands off the coast of Washington.

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

Mr. MAGNUSON. I yield for a question.

Mr. GORE. Before the distinguished Senator from Washington embarks upon a discussion of the legal claims of the States, would he express his opinion, either in agreement or disagreement with the junior Senator from Tennessee that, even though we assume, for the sake of argument, that the Congress has the power to dispose of these properties, however great they may be now, and whatever their potential values may be, would we not still come back to the basic question which the Senator has just stated, that is, whether it is right or wrong, and what are the equities involved as between the 48 States and the peoples thereof?

Mr. MAGNUSON. I think the distinguished junior Senator from Tennessee is entirely correct. I think that should be the basis of our vote on the joint resolution. I said before that I did not think my people would want me to do other than that, despite the fact that we might—and I use the word "might" with capital letters—that we might someday find some oil out there. Just the same, I still think we should do what is right and just.

I will say to my friend from Tennessee that we have something else out there that we want to develop. We have some great assets in the State of Washington. We have a lot of Federal land, and we have a lot of minerals on that land. We may even have oil. We have never adopted the policy of retaining the right to the oil and the gas and minerals under those lands. I say, if we are going to start on this question, let us give every State the whole business. We have some other big and valuable assets, which are even more valuable to us in some respects than all the oil that could possibly be discovered off the coast of Texas or Louisiana. We have some great hydroelectric dams that will continue to exist. They will not run out like oil will someday. They exist for two or three or four hundred years. Why not give them away? The distinguished Senator from Idaho [Mr. WELKER], if the press quoted him correctly, said that we should sell some power dams to private interests. He has a perfect right to feel that way about it. However, the citizens of my State disagree with him.

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

Mr. MAGNUSON. I yield.

Mr. GORE. Are those hydroelectric dams to which the Senator has made reference within the historic boundaries of the State of Washington?

Mr. MAGNUSON. Oh, yes.

Mr. GORE. There is no question that they are not 3 leagues beyond the boundary of the State?

Mr. MAGNUSON. No; they are inside the State.

Mr. GORE. Can the distinguished Senator see them, or are they submerged under several fathoms of water?

Mr. MAGNUSON. No; one can look at them in all their glory. They rise up high.

Mr. GORE. Then the distinguished Senator from Washington thinks that in the event Congress, in its generosity, if the Court decides that Congress has the right to dispose of the people's rights to properties, and in its largess gives this property to the people of a few States, the senior Senator from Washington, along with his distinguished colleague, may come to Congress and suggest that the State of Washington would accept title to those dams?

Mr. WELKER. Mr. President, I ask for the regular order. The Senator may yield only for a question.

The PRESIDING OFFICER (Mr. CAPEHART in the chair). Does the Senator from Washington yield for a question? The Senator may yield only for a question.

Mr. MAGNUSON. I think the Senator from Tennessee asked a question.

Mr. GORE. I asked a question.

The PRESIDING OFFICER. It was a rather long question, the Chair thinks.

Mr. WELKER. Mr. President, does my distinguished colleague yield?

The PRESIDING OFFICER. Does the Senator from Washington yield for a question?

Mr. MAGNUSON. I yield for a question.

Mr. WELKER. Did the Senator from Washington ever hear——

Mr. GORE. Mr. President, a point of order. The distinguished Senator from Idaho made a statement. He did not ask a question.

Mr. WELKER. I started to ask a question.

The PRESIDING OFFICER. The Chair will decide that it is a question. We do not want to become too technical tonight. It is getting a little late.

Mr. WELKER. Did the Senator from Washington ever hear the junior Senator from Idaho advocate the sale of any powerplant or multipurpose dam in the State of Washington, Idaho, or anywhere else, other than the TVA in Tennessee?

Mr. MAGNUSON. No. I said that the newspapers quoted the Senator from Idaho, as I read the report, to the effect that he had made the statement in Chattanooga, Tenn. Perhaps the Senator from Tennessee is familiar with it. I agree with the Senator from Idaho that he did not refer to the dams in the Pacific Northwest.

Mr. WELKER. Mr. President, will the Senator from Washington yield further?

Mr. MAGNUSON. As I recall, the article referred to the Tennesese Valley Authority, I believe. However, I do not see much difference between a Federal dam on the Tennessee River and one on the Columbia River.

Mr. WELKER. Mr. President, will the Senator from Washington yield further?

Mr. MAGNUSON. I yield.

Mr. WELKER. Is the Senator from Washington in favor of the Columbia Valley Authority?

Mr. MAGNUSON. I am in favor of it.

Mr. WELKER. Does the Senator from Washington know that the Senator from Idaho differs with him on that question?

Mr. MAGNUSON. Oh, yes; very much so. That is a broad problem, of course. I introduced a bill 2 or 3 years ago in that connection. I am in favor of some administration for the valley. It was a long bill. There are a great many provisions in it. I have stated on many occasions that we had no pride of authorship in the bill. We felt that perhaps the time had come when we should have some sort of management established, not necessarily word for word or blueprint for blueprint with the TVA, but that some kind of management should be established. Of course, we have different problems out there.

We were talking about the Columbia River Authority. I have made many statements on the subject in the CONGRESSIONAL RECORD and on public platforms and in newspapers, and everywhere else, that many of us felt that way about it. We introduced a bill with the idea that we would hold lengthy hearings in the field out there, but with no intention of going ahead with it until we could get all our heads together and consider amendments, and so forth. We felt that the time was coming, or perhaps had arrived, where we must have some kind of management established. We have had a great deal of duplication involving many Government agencies. We were going to provide for local control. That is what I am in favor of, and I have always been in favor of it.

Mr. WELKER. Mr. President, will the Senator yield further?

Mr. MAGNUSON. I yield.

Mr. WELKER. I will ask the Senator from Washington if it is not a fact that the Senator from Idaho has always advocated the Government's not going into the power business, the law business, or any other business?

Mr. MAGNUSON. So far as I know, the Senator from Idaho has always advocated that. I think the senior Senator from Washington has always advocated that also, except where a great natural resource was going to waste, and private enterprise did not do anything about it, or did not want to do anything about it, or when it was too big for private enterprise to handle or it could not handle it.

Mr. WELKER. Mr. President, will the Senator from Washington yield further?

Mr. MAGNUSON. That is my policy, and I have stuck to it all the time that I have been in the Senate, and I still stick to it now. I think, without the Federal Government going into the Columbia River, we would not have had dams, which have been the whole basis of our economic foundation and have been the basis of developing thousands of jobs and the hundreds of corporate free enterprises that dot our countryside out there.

Mr. WELKER. Mr. President, will the Senator from Washington yield further?

Mr. MAGNUSON. I yield. Incidentally, it has given us the cheapest hydroelectric power rate in the whole world.

Mr. WELKER. Paid for by the American taxpayer.

Mr. MAGNUSON. Mr. President, I do not yield for that.

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

Mr. MAGNUSON. I will yield in a minute for a question.

Mr. JACKSON. Mr. President, will the Senator from Washington yield?

Mr. MAGNUSON. It was not paid for by the American taxpayers. The Federal Government loaned us money with which to build it, and we are paying it back with interest, and we are about 7 years ahead of schedule.

Mr. WELKER. Mr. President, will the Senator yield further?

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Idaho?

Mr. MAGNUSON. Yes; I yield for a question.

Mr. WELKER. I will ask my distinguished colleague from the State of Washington, since he believes in Federal control through a Columbia Valley Authority power business, if he would not then agree to have all the timber resources or the mineral resources, and all other natural resources which have been given to us by God, controlled by the Government of the United States?

Mr. MAGNUSON. There is no more comparison there than why we do not have a public road. It is because public power is in the nature of a public utility. Of course, private industry has developed our timber resources and they have done a good job of it. Private industry has developed our mines, and they have done a good job. But the private power people, until 20 years ago, did not do a good job in developing that great natural resource in our area.

Mr. WELKER. Mr. President, will the Senator from Washington yield further for a question?

Mr. MAGNUSON. I yield.

Mr. WELKER. Does the Senator from Washington mean to indicate that private power corporations have not done a pretty good job in the Northwest?

Mr. MAGNUSON. I do not indicate any such thing. I did not say that. I said they did not do a good job in developing great dams. They did not do a good job in developing rural electrification.

Mr. WELKER. If they had the advantages of TVA or CVA—which the Senator from Washington advocates—let me ask the distinguished Senator why they could not do a good job.

Mr. MAGNUSON. In many cases the job was too big—for instance, as in the case of the financing of a very large multiple-purpose dam. I do not believe the financing of a large project, such as Grand Coulee, could have been undertaken 20 years ago by the private utilities. That was not their fault. Such projects, involving flood control and all the other features and programs which go with a multiple-purpose dam, such as those in the Columbia Basin project and in other multiple-purpose projects, were simply too large for the private groups to undertake. That was not their fault. They did a good job as far as they could. However, that section of the country was developing, and the whole area needed more development.

I never have said that the private groups did not do a good job within their limited means, but they were quite limited in what they could do.

But, by the same token, they opposed the other developments.

Mr. WELKER. With the taxpayers of the United States putting up the money and paying the interest, how could anybody fail to do a good job?

Mr. MAGNUSON. I do not think the taxpayers are paying the interest.

Mr. WELKER. Who built them then, if not the American taxpayers?

Mr. MAGNUSON. They were built with the use of Federal Government funds, provided by the American taxpayers; but I just got through telling the Senator from Idaho that those funds were not made available as appropriations to the people of our section of the country. Those funds were made available merely in the form of a loan, which we are paying back with interest.

Mr. WELKER. Could not private enterprise do the same thing, if the same conveniences and the same grants were made available to them, under the same principle, and with no requirement to pay interest?

Mr. MAGNUSON. There has been no failure to pay interest; we are paying interest.

Mr. JACKSON. Mr. President, will my colleague yield to me for a question?

Mr. MAGNUSON. I yield.

Mr. JACKSON. Is it not a fact that in the past there has never been a proposal by a private-power company to build a multiple-purpose project of any size on the Columbia River?

Mr. MAGNUSON. That is correct. Of course, my colleague and I know—as does the Senator from Idaho, I am sure—that private groups could not undertake the multiple-purpose projects, merely by virtue of the very nature of those projects.

Mr. JACKSON. Mr. President, will my colleague yield to me for another question?

Mr. MAGNUSON. I yield.

Mr. JACKSON. Is it not a fact that in the case of Grand Coulee Dam, with a total estimated cost, when completed, of $750 million, all the power features of the dam will be paid for with interest, and, of course, including the principal cost of the project? Is it not also a fact that the reclamation features will be paid back without interest?

Mr. MAGNUSON. That is correct.

Mr. JACKSON. Is it not also a fact that the only item charged off, so to speak—of a total cost of $750 million—is $1 million for flood control?

Mr. MAGNUSON. Yes; namely, the portion of the project which the engineers decide, after study, is properly allocable to flood control.

Mr. JACKSON. Is it not a fact that although the Columbia River has been threading its way through British Columbia, Montana, Washington, and Oregon for centuries, no private power company ever took the trouble to build a dam on that river, except for a very, very small project which was constructed by the Puget Sound Power & Light Co. at Rock Island?

Mr. MAGNUSON. That is correct. As I have said, I do not wish to be critical of the private groups.

In this connection, let me refer to the reclamation developments. The first reclamation law was passed in 1902; we have just celebrated the 50th anniversary of reclamation in the United States. That law was passed under the administration of President Theodore Roosevelt.

I say to my friend, the Senator from Idaho, that the explanation of the situation in these cases is that no private group would do the entire job that is done by a multi-purpose dam.

Mr. JACKSON. Mr. President, will my colleague yield to me for a further question?

Mr. MAGNUSON. I yield.

Mr. JACKSON. Would it not be unfair to ask a private utility to build a multi-purpose project which would involve more than the production of power—in other words, which would involve navigation, flood control, and irrigation?

Mr. MAGNUSON. Of course it would.

Mr. JACKSON. Is it not a fact that a private utility that is interested in building a dam, builds the dam for the obvious purpose of producing power?

Mr. MAGNUSON. That is correct. Of course, in many cases there is question about the site of the dam.

Of course the private groups could not handle multiple-purpose projects. I merely point out that the Government has done this job, and has done it well; and the result has motivated to the great benefit of the interests and welfare of the people of that immediate area and the people of all parts of that area, including Washington, Idaho, California, and many other areas, and also including Arizona, of course. For instance, I understand there is a project known as the Central Arizona project. I have voted for it on many occasions, because I think all the other sections of the country should have the benefits that our section of the country has been able to obtain by means of this program.

Mr. JACKSON. Mr. President, will my colleague yield for another question?

Mr. MAGNUSON. I yield.

Mr. JACKSON. Is it not a fact that the first multiple-purpose project, namely, Roosevelt Dam, in the State of Arizona, which provides power and irrigation outside the city of Phoenix, Ariz., was initiated by a great Republican, Theodore Roosevelt?

Mr. MAGNUSON. That is what I have read. I know that project has done a great job for the people of Arizona; and I suspect that that project, too, could not have been initiated or completed by private groups.

Mr. JACKSON. Is it not a fact that in the case of that project and in the case of other fine undertakings in the West of a multiple-purpose nature provision was made, in connection with the sale of power, for preference for municipal purposes? Furthermore, is it not a fact that the preference provision was recommended, and later was enacted into law, during the administration of President Theodore Roosevelt.

Mr. MAGNUSON. Yes; and it is a part of the basic law; and I think it has been a good part. It has made it possible for cheap power to be produced, particularly at Government dams, or in connection with a power pool composed of power from both Government sources and private sources; and that arrangement has made it possible to allow municipalities and rural-electrification cooperatives to obtain power first. If there is sufficient power, the preference clause does not mean so very much; but in many cases it is most important.

Mr. JACKSON. Is it not a fact that the next multiple-purpose project—and, incidentally, one of the largest in the United States—was the Boulder Dam project on the Colorado River, now referred to as the Hoover Dam project, which project provides power, irrigation, and flood control; and is it not a further fact that that project was initiated by former President Herbert Hoover, with Federal funds?

Mr. MAGNUSON. That is correct. That is why I was so astounded by Mr. Hoover's statement of the other day, during a nationwide broadcast—it was a week ago Sunday, I believe—when he advocated that all these power-producing dams and multiple-purpose dams, including the one he so brilliantly initiated, be turned over to private interests. I think those were the words he used.

Mr. WELKER. Mr. President, will the Senator from Washington yield to me?

Mr. MAGNUSON. I yield.

Mr. WELKER. The Senator from Washington has referred to Hoover Dam or Boulder Dam.

Mr. MAGNUSON. I did not speak of it; my colleague called it to my attention.

Mr. WELKER. Well, both Senators from Washington are together in connection with this matter, so I assume that what the Senator from Washington just said is correct.

Mr. MAGNUSON. Yes; fortunately we are.

Mr. WELKER. I ask the Senator from Washington if it is not a fact that at Boulder Dam, or Hoover Dam, private enterprise is permitted to buy the power at the bus bar and to sell it to the public at a reasonable rate, instead of being totally shut out of the picture by a Federal authority setup controlled by executive rulings?

Mr. MAGNUSON. I do not know; I cannot answer the question of my friend, the Senator from Idaho. I simply do not know what the arrangement is in connection with the sale of power at Hoover Dam. I do know the arrangement in connection with the sale of power in the case of the Bonneville Authority, but I am not familiar with the arrangement at Hoover Dam.

However, I have alway been opposed to the sale of power at the bus bar, so long as public bodies, such as municipalities or rural electrification units, needed the power. I have always been opposed to having the private power groups purchase power at the bus bar, and then distribute it. Of course, invariably today the private power groups wish to have the Government build the dams and then sell the power from the dams to the private groups at the bus bar, and then permit the private groups to distribute the power. I have always thought the people could have cheaper power if that policy were not followed.

What is done at Hoover Dam, I do not know.

Mr. WELKER. Mr. President, will the Senator from Washington yield for another question?

Mr. MAGNUSON. I yield.

Mr. WELKER. Will the Senator from Washington please tell the Senate the exact market price obtained for power at Grand Coulee?

Mr. MAGNUSON. I do not think the market price at one dam can be estimated.

Mr. WELKER. I have asked the question. Can the Senator from Washington answer the question, or can he not answer it?

Mr. MAGNUSON. I am trying to answer the question the Senator from Idaho has asked. However, the power is put into a pool. As the Senator knows, in our section of the country the power comes from the Seattle City Light Co., from Rock Island Dam, which is a private dam, and from Grand Coulee; and

in December power will come from the first generator at McNary Dam. It is going to come from all those sources. I do not know whether there are figures as to what each dam charges per kilowatt. I know what the figure is when it is sold. It is $17.50 per kilowatt a year.

Mr. JACKSON and Mr. WELKER addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Washington yield; and if so, to whom?

Mr. MAGNUSON. I yield to my colleague, the junior Senator from Washington.

Mr. WELKER. Mr. President, I do not think that is fair, when I am asking a series of questions. I submit I should be permitted to continue. I really intend to make my questions brief.

The PRESIDING OFFICER. Does the Senator from Washington yield; and if so, to whom?

Mr. MAGNUSON. I yield further to the Senator from Idaho.

Mr. WELKER. I ask the Senator to tell me whether Bonneville Power Company or Grand Coulee, or any of the multiple-purpose institutions or dams in the Northwest, pay any interest on the money advanced to them by the taxpayers of the United States.

Mr. MAGNUSON. Why, certainly they do.

Mr. WELKER. How?

Mr. MAGNUSON. They pay it into the Treasury of the United States.

Mr. WELKER. I want the Senator to tell me how it is paid, and how much.

Mr. MAGNUSON. It is paid into the Treasury of the United States as revenues and receipts from the Bonneville Authority.

Mr. WELKER. Can the Senator tell me how much interest has been paid since the construction of Grand Coulee Dam?

Mr. MAGNUSON. I will get the figures for the Senator and put them in the RECORD.

Mr. WELKER. If the Senator will do that, I will appreciate it very much.

Mr. MAGNUSON. I cannot give it in dollars and cents, but I will give that information to the Senator. I now yield to my colleague.

Mr. WELKER. Mr. President, will the Senator yield for one further question?

Mr. MAGNUSON. I have yielded to my colleague.

Mr. JACKSON. Mr. President, is it not a fact that in amortizing the power features of a dam, consideration is given to the fact that the principal, the capital investment, must be paid back over a period of, say 40, 50, or 60 years, whatever the amortization period may be?

Mr. MAGNUSON. It is 40 years.

Mr. JACKSON. It is 40 years in some cases, and, I assume, 50 years in others. Is it not a fact that in computing the amortization, allowance is made for the going rate on servicing the debt—in other words, what Uncle Sam has to pay in servicing the debt? Is not that true?

Mr. MAGNUSON. That is correct, yes; and I will get the figures as to what the rate is.

Mr. JACKSON. Is it not a fact, therefore, that in connection with all power features of all dams constructed by the Government, either through the Corps of Engineers or through the Bureau of Reclamation, outside of the TVA area, the entire costs, including interest, are paid back to the American taxpayer through payments into the Treasury?

Mr. MAGNUSON. Of course, that is so. That is what we have been doing for years.

Mr. JACKSON. Is it not a fact that after 40 years the Government recovers its investment, and it becomes an additional asset to the United States Treasury and to the Government of the United States?

Mr. MAGNUSON. And a very valuable asset, I may say to my colleague.

Mr. JACKSON. Is it not a fact that at the present time the Bonneville Power Administration is not only meeting the amortization schedule—that is, payment on the capital investment and interest—but is ahead of schedule, and is it not also a fact that there is an overall net to the United States Treasury after allowance for the capital investment and the interest?

Mr. MAGNUSON. Bonneville is not only ahead of schedule, it is away ahead of schedule; and 2 years ago, as I recall, they had accumulated sufficient revenues to put them 7 years ahead of schedule.

Mr. JACKSON. Is it not a fact that in the Pacific Northwest, in many instances, the private utilities are obtaining most of their power from the Bonneville Power Administration, so that it cannot be said that there is discrimination in that regard?

Mr. MAGNUSON. Oh, that is correct. They are a part of the pool. The power from certain dams goes into the pool from which private utilities take it out and sell it to the consumers.

Mr. JACKSON. In the case of the Portland General Power Co. is it not true that almost two-thirds of all the power it sells comes from the Bonneville Power Administration?

Mr. MAGNUSON. I do not know the figures, as perhaps my colleague knows them, but I know about the others who are in the pool. As a matter of fact, in my section of the country there is very little controversy between the private power people and the public power people as to the distribution of the cheap electrical power developed at Bonneville.

The Bonneville Power Administration has been very successful in selling the cheap power to its customers, and, as my colleague has said, not only has money been made for the Government, but the dams are being amortized. They are going to become a valuable asset to all the people of the country. They have made life much more pleasant in the Pacific Northwest, where many industries obtain the cheapest rate in the world. I may say that to my friend from North Dakota, and I know his State is rapidly approaching a similar situation, since the REA really serves about 97 percent of the people in that area. I suppose the percentage might be 100, but there may still be about 3 percent of the people who do not have electricity, though it is still there for them if they want it.

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

Mr. MAGNUSON. I yield.

Mr. GORE. Does the senior Senator from Washington recognize, as I do, that the distinguished junior Senator from Idaho is a very generous and fair man?

Mr. MAGNUSON. I did not catch the first part of the question, but I agree with the latter part of it.

Mr. GORE. The junior Senator from Tennessee inquired whether the senior Senator from Washington recognizes that our distinguished colleague, the junior Senator from Idaho, is very fair and generous.

Mr. MAGNUSON. Oh, yes; I do so recognize him.

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

Mr. MAGNUSON. I yield.

Mr. GORE. Is the senior Senator from Washington aware of the fact that the distinguished Senator from Idaho received an invitation to come to the great State of Tennessee a few weeks ago, and that he accepted the hospitality?

Mr. MAGNUSON. I read about that, too.

Mr. GORE. Is the senior Senator from Washington aware of the fact that Tennessee went Republican last November?

Mr. MAGNUSON. Well, I am aware that there were several States that did. [Laughter.]

Mr. GORE. In view of that, how can the Senator explain the fact that our distinguished, generous, and fair colleague wants to pick on Tennessee and to sell the TVA?

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

Mr. MAGNUSON. I yield for a question.

Mr. WELKER. I think I have the explanation.

Mr. GORE. The Senator will require unanimous consent for that. I ask unanimous consent that the distinguished senior Senator from Washington be permitted to yield to the junior Senator from Idaho for the purpose of making a brief statement, without prejudicing his right to the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none. The Senator from Idaho.

Mr. WELKER. Mr. President, I enjoyed very much my visit to Chattanooga, Tenn., in the very heart of the TVA belt. In a press release issued prior to my Lincoln Day speech, I stated I felt that the TVA should be sold to independent bondholders of the United States as one way of reducing the huge national debt. I never believed that the Chairman of the Democratic National Committee, Mr. Mitchell, should, within a few hours thereafter, go out to the capital of my State to make a willfully false statement about the remarks I made there. I may say to my friend, the Senator from Tennessee, that not once in my remarks on the occasion of the Lincoln Day address did I ever even discuss the Government's going into business, or anything of the kind. But since the Senator has requested it, I may say my whole philosophy is that the Government should not engage in any

more business activity. We have too big a Government as it is.

Now, Mr. President, if the senior Senator from Washington will yield, I would like to ask him a question.

The PRESIDING OFFICER. The Senator has the floor.

Mr. MAGNUSON. Is the Senator through with the floor, now?

Mr. WELKER. Oh, no; let the Senator yield to me. I have heard his great debate with respect to Bonneville, Grand Coulee, and other big projects in the Northwest. I ask the Senator whether he can tell the taxpayers of the Nation how much for upkeep and maintenance the different dams or authorities have paid into the Treasury of the United States.

Mr. MAGNUSON. I do not understand the Senator's question. How much upkeep and maintenance?

Mr. WELKER. Yes.

Mr. MAGNUSON. How much have they paid?

Mr. WELKER. Yes.

Mr. MAGNUSON. To the United States?

Mr. WELKER. Yes. Do they pay anything for it?

Mr. MAGNUSON. Does the Senator refer to upkeep and maintenance of the dams?

Mr. WELKER. Yes.

Mr. MAGNUSON. That is taken care of by their own revenues.

Mr. WELKER. Yes.

Mr. MAGNUSON. I can get the figures. We will have the figures in the Appropriations Committee next week, I think. The authorities generally come in with the report.

Mr. WELKER. I am sure the Senator can obtain the figures. Will the Senator yield for one more question?

Mr. MAGNUSON. I yield for a question.

Mr. WELKER. I am sorry I have interrupted the Senator.

Mr. MAGNUSON. Oh, I am glad to have the Senator interrupt, in view of the fact that the hands of the clock are moving around.

Mr. WELKER. As acting majority leader, I certainly know that the Senator, and all other Senators like him, are interested in the clock, and in nothing else, as they have certainly proved for the past 2 weeks—call it a filibuster or what you choose.

Let me ask the Senator this question: Can the Senator tell the people of the United States how much money in taxes the Bonneville Power Authority, the Grand Coulee Power Authority, or any other such installation in the Northwest, has paid to the Government of the United States—to the people whom the self-proclaimed liberals are forever claiming they want to aid and assist?

Mr. MAGNUSON. They do not pay taxes at all.

Mr. WELKER. Of course not. Then that would be a pretty nice field for anyone to get into these days.

Mr. MAGNUSON. I will say to my friend from Idaho that I have been a long time in the public-power field and I have heard that argument for many years on the part of private power people opposing the building of power dams and opposing the public furnishing of city lighting. They used to publish big full page advertisements with reference to the taxes paid. But they never told the people that they were not paying the taxes, that they were taken care of every month when the people paid their electric light bills. I remember that in my own home town of Seattle, when we installed city lights, there was something like 29 rate reductions within a period of 3½ years. The private people made money and everyone got along very well. Of course the utility companies do not pay taxes. We know that any public-utility company pays its taxes through the people who consume the gas, electricity, or water, whatever it may be. I suppose we would have to go a long way in the United States to find a private waterworks today. The cities have taken over water distribution. Electricity has got into the same category.

Mr. WELKER. Mr. President, will the Senator from Washington yield further?

Mr. MAGNUSON. Before I yield I will say to the Senator that I made a facetious remark about watching the clock. But I have an interest in watching the clock. I said in the beginning of my talk that I was going to make these few remarks, whether the debate lasted 2 hours or 2 months. The only reason why I am watching the clock is because the distinguished acting majority leader wants to keep us here. I should be glad if the Senate would take a recess, and I can resume tomorrow, when everyone is fresh and can listen to the debate. I am watching the clock only because it is getting late.

Mr. WELKER. That is very enlightening, since two Senators from Washington, and Senator GORE from Tennessee are teamed up against me.

Mr. MAGNUSON. The Senator is a formidable man; we have to team up against him.

Mr. WELKER. I should like to ask this question: Since the Senator has stated that no taxes are paid by the public utility companies, I will ask if it is not a fact that no private enterprise, corporation, partnership, or individual, actually receives taxes from the taxpaying people who do business with that corporation, partnership, or individual?

Mr. MAGNUSON. That is correct; yes.

Mr. WELKER. So that there is a real difference between Government and private enterprise in that respect, is there not?

Mr. MAGNUSON. There is quite a big difference, I would say. I do not want to go into that. If I am doing business with the Senator, I do not have to do business with him; I can do business with someone else down the street. But the little householder who needs light or water or gas has got to do business with someone who furnishes those products.

Mr. WELKER. Someone has to pay taxes; is that correct?

Mr. MAGNUSON. Yes. I think the Senator and I could sit down sometime and have a long discussion of that question. I could produce a whole library of books on both sides of the question. I think the Senator and I are on different sides of it. There has been a great deal said about it in the past 35 years.

Mr. WELKER. I am quite sure of that. We will agree that someone has to pay taxes, but when it comes to Grand Coulee or any other multipurpose dams in the Northwest, the only one who gets socked is the American taxpayer, is that not correct?

Mr. MAGNUSON. I do not want to go into that. In the first place, he does not get socked. More taxes have come into our area from the building of those dams, 20 times over, than we obtained without them.

Mr. JACKSON. Mr. President, will the Senator from Washington yield for a question?

Mr. MAGNUSON. I yield.

Mr. JACKSON. Is it not a fact that there is a vast difference between private enterprise and monopoly?

Mr. MAGNUSON. Yes.

Mr. JACKSON. Is it not a fact that private enterprise is predicated on competition, and that that is something peculiar to American capitalism, which exists practically alone in the United States of America? In other countries cartels are the basis of their operation.

Mr. MAGNUSON. There is not a State in the Union which does not have a public-utility commission. When the commodity the people want becomes part of the family life of the people of America, such as water, light, telephones, and things of that nature, we have seen fit to regulate the rates, because in many cases where there was a monopoly, where the people had to buy from certain companies, it was found that the people were not getting a fair break, and, therefore, every State in the Union has had to regulate the rates on these things which have become public utilities. Electricity and electric power have reached that stage. I do not think there is any argument about that. In many cases in the past half century there was no competition. We went through many investigations, sometimes finding situations reaching the proportions of scandals, where a private monopoly furnishing public utilities not only had watered stock, but was charging high rates. That gave rise to the creation of public-utilities commissions in the States of the Union, and the creation of our Federal Power Commission. So there is a great deal of difference between that and private enterprise of which we are all in favor.

Mr. JACKSON. Is it not a fact that private utilities are permitted to include in their operating expenses all their local, State, and Federal taxes, and that those taxes, being a part of their operating expenses, are charged off to the consumer who pays the bill?

Mr. MAGNUSON. That is correct. In all the applications for rates before public utility commissions, all the costs, including taxes, are taken into consideration in determining the rate base.

Mr. JACKSON. Is it not a fact that after those items are charged off, to the consumers, the companies are allowed a fair net return of 6, 7, or 8 percent on the investment?

Mr. MAGNUSON. Of course. Most of the so-called private utilities are under the jurisdiction of a public utilities commission.

I think they fare very well in returns to the stockholders. Some of the common stock in those utilities is good stock; it is "blue chip" stock, because the commissions have given them a fair break in their costs and their charges to the people.

Mr. WELKER. Mr. President, will the Senator from Washington yield for a further question?

Mr. MAGNUSON. I yield.

Mr. WELKER. The statement was made a moment ago by the Senator's junior colleague from Washington, Senator JACKSON, who said that there are a great many private monopolies in the Northwest. Will the Senator be kind enough to state the name of one private monopoly in the Northwest?

Mr. MAGNUSON. I did not hear my colleague mention a private monopoly existing in the Pacific Northwest. I am sure he did not say so. Therefore, I cannot give the Senator the name of any private monopoly.

Mr. WELKER. I am sorry if I misunderstood the Senator.

Mr. MAGNUSON. The Senator was speaking about private monopolies in broad terms.

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

Mr. MAGNUSON. I yield.

Mr. JACKSON. Is it not a fact that what I said was that there is a vast difference between private enterprise and private monopoly?

Mr. MAGNUSON. That is what I understood the Senator to say.

Mr. JACKSON. Is it not also a fact that I made the specific distinction that private enterprise presupposes competition, and that in the case of a private monopoly there is no competition?

Mr. MAGNUSON. That is what I understood my colleague to say. I hope that clears it up in the mind of the distinguished Senator from Idaho.

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

Mr. MAGNUSON. I yield.

Mr. GORE. Now that that misunderstanding is cleared up, what about the sale of TVA?

Mr. MAGNUSON. I feel sure that I would be opposed to that. I know that my good friend, the junior Senator from Tennessee, whom I have known for many years, both in the House and in the Senate, has always been steadfast in protecting the interests of the people of Tennessee and the great Tennessee Valley, which has recently come into its own because of the great power development.

Mr. GORE and Mr. WELKER addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Washington yield; and if so, to whom?

Mr. MAGNUSON. I yield to the Senator from Tennessee.

Mr. GORE. Does the Senator know of any reason why Congress should seriously consider the sale of the Tennessee Valley Authority project?

Mr. MAGNUSON. I know of no reason whatsoever. If I were to have anything to say about it, I should vigorously oppose any such suggestion.

Mr. GORE. Does the Senator know why there should be any more reason to suggest the sale of the TVA to a private power trust than there should be to sell Bonneville, Grand Coulee, or any of the other big power projects?

Mr. MAGNUSON. Or Hoover Dam.

Mr. GORE. Or any other power project?

Mr. MAGNUSON. No. I think all of them are doing a very decent job in the interest of the people, and I know of no reason for selling them.

I wish to be fair about this matter. I personally do not know what the Senator from Idaho said. I merely prefaced my remarks in the matter by saying that I had read a newspaper account of what the Senator said. Naturally, the account was published in our section of the country because of a deep interest in the power question. It was news to me and news to the people in my part of the country.

Mr. GORE and Mr. PURTELL addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Washington yield; and, if so, to whom?

Mr. MAGNUSON. I yield first to the Senator from Tennessee; then I shall yield to the Senator from Connecticut.

Mr. GORE. Does the Senator from Washington realize that the Tennessee Valley Authority earned in the last fiscal year a net profit, after taxes, after payment of interest on its bonds, and after depreciation, more than $25 million, which became the property of the Treasury of the United States?

Does the Senator from Washington agree with me that while private utilities pay a part of their earnings in taxes, all of the net earnings of the vast power programs and projects owned by the people of the United States are the property and the asset of the Treasury of the United States?

Mr. MAGNUSON. The Senator is correct. The record of the Tennessee Valley project is a most excellent one, and I know it will continue to be so. It is comparable with the one at Bonneville. Perhaps it is because those projects are doing so well that private persons wish to get hold of them.

Mr. GORE and Mr. PURTELL addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Washington yield; and if so, to whom?

Mr. MAGNUSON. I yield first to the Senator from Tennessee; as soon as he has finished, I shall yield to the Senator from Connecticut.

Mr. GORE. Is the senior Senator from Washington aware of the fact that many members of the Republican Party who serve in both Houses of Congress, including at least two former chairman of the Republican National Committee, support, and have supported, the Tennessee Valley Authority?

Mr. MAGNUSON. Yes; I recall that.

Mr. GORE. Is the Senator aware of the fact that, in conformity with a law advocated by me, the Tennessee Valley Authority is required to amortize every project it has, whether dams or steam-plant construction, within 40 years?

Mr. MAGNUSON. The Senator is correct.

Mr. GORE. Further, is the Senator aware of the fact that when those projects are paid for the entire property will still belong not to a reclamation district in the Tennessee Valley but to the people of the United States of America?

Mr. MAGNUSON. That is correct.

Mr. GORE. Does the Senator agree with me that a project which in the critical, crucial period of World War II, supplied power to make aluminum which was used on 51 percent of our warplanes—power which provided the energy with which to make the atomic bomb—was a good investment for the people of the United States to have made?

Mr. MAGNUSON. Of course. On many occasions I have said that the same is true with respect to the Grand Coulee Dam. If Grand Coulee Dam had done nothing else but furnish the crucial power needed during the war days by the Hanford atomic plant, it would have been well worth its cost.

Mr. GORE. Will the Senator pardon me——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Tennessee?

Mr. MAGNUSON. Yes; I yield for a question.

Mr. GORE. Will the Senator from Washington please pardon me for diverting him from his line of thought relevant to the issue before the Senate, in order that I may question him about the comparative value and the comparative entitlement of his State not only to the dams within the historic borders of his State, but also to the resources 10½ miles beyond the State borders, under many fathoms of ocean water?

Mr. MAGNUSON. The Senator from Tennessee does not need to ask my pardon.

I think if we started to pass laws to give these lands away, after the courts of this country have said the lands never belonged to the States, a camel's nose would be under the tent, regarding not only hydroelectric power, but also forests and mineral lands.

I now yield to the Senator from Connecticut.

Mr. PURTELL. Mr. President, at the present moment I am too tired, too exhausted, and too bewildered to take advantage of the Senator's kindness.

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

The PRESIDING OFFICER. May the Chair suggest that the Senator from Washington be very careful to yield only for a question?

Mr. MAGNUSON. I yield for a question.

Mr. WELKER. I always respect the advice of the Chair.

A moment ago the distinguished junior Senator from Tennessee made a specific statement to the effect that I advocated sale of the TVA to a private power trust. The Senator knows that that is not the

truth. I never uttered such a statement in my life, and he should know it, if he knows what is going on in his own State.

Mr. MAGNUSON. Mr. President, I yielded only for a question.

Mr. WELKER. Now we shall have the question. What portion of Grand Coulee Dam or Boulder Dam was charged off as an outright grant in the construction of those dams? Can the Senator give me that information now or furnish it later?

Mr. MAGNUSON. Charged off to whom?

Mr. WELKER. Charged off to the American people as an outright grant, and a mighty expensive one.

Mr. MAGNUSON. There was no such thing as a grant. The money is reimbursable. I keep trying to say to the Senator that all these projects are reimbursable projects. The funds used in their construction were in the nature of a loan. There has been nothing charged off to the American people. We are paying back the principal with interest. So far as the hydroelectric phase is concerned, we are paying the money back with interest, and we are ahead of schedule. Not only are we paying it back, but I find that we are doing better than we believed we would do when the projects were first built.

Mr. WELKER. Mr. President, will the Senator yield for a few more questions?

Mr. MAGNUSON. The money was not given as a grant. In the Senator's own State the funds for irrigation and reclamation were not grants. In those cases, the money is reimbursable without interest; but in the case of power projects, it is reimbursable with interest.

Mr. WELKER. Does the Senator agree with me that if private enterprise were given assistance in building dams, public works, and projects to aid in flood control, if it were given the same or comparable public-fund grants, and did not have to pay or charge for taxes, local, State, or national, it might be able to sell power as cheap as does the Bonneville Power Authority or the Grand Coulee, which is a part of Bonneville, or even cheaper?

Mr. MAGNUSON. I do not know, but my sad experience has been that it has never done so.

Mr. WELKER. Would the Senator be able to furnish me the pertinent figures to support his statement?

Mr. MAGNUSON. I shall be glad to have someone from the Bonneville Authority furnish them. I am no authority on figures. I do not know whether the Senator would take my figures or not.

Mr. WELKER. I am quite frank to say that I would not.

Mr. MAGNUSON. I shall have someone else provide the figures for the Senator.

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

Mr. MAGNUSON. I yield for a question.

Mr. GORE. Does the senior Senator from Washington recall that the junior Senator from Tennessee made any charge with respect to what was said or was not said by the distinguished junior Senator from Idaho, my friend and colleague?

Mr. MAGNUSON. I did not understand the Senator from Tennessee to make any such charge. I must say that my attention was diverted for a moment. I was about to suggest that, in order that this question may be cleared up, in all fairness to the Senator from Idaho, we obtain the clipping from the Chattanooga Times.

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

Mr. MAGNUSON. I yield for a question.

Mr. GORE. Would the Senator be willing to ask unanimous consent that the junior Senator from Tennessee be permitted to make a brief reply to the distinguished junior Senator from Idaho, without prejudicing his right to the floor?

Mr. MAGNUSON. I shall be glad to ask for such permission.

Mr. WELKER. I will object to that.

Mr. MAGNUSON. Let me make the request, first.

Mr. WELKER. Very well.

Mr. MAGNUSON. I ask unanimous consent that the junior Senator from Tennessee be allowed to occupy the floor for a few moments to answer the Senator from Idaho, without prejudicing my right to retain the floor.

The PRESIDING OFFICER. Is there objection?

Mr. WELKER. I certainly object.

The PRESIDING OFFICER. Objection is heard.

Mr. MAGNUSON. Does the Senator from Idaho wish me to yield to him again?

Mr. WELKER. I want to challenge the RECORD as to whether or not the junior Senator from Tennessee——

Mr. MAGNUSON. I yield for a question.

Mr. WELKER. I ask the Senator if it is not a fact that the junior Senator from Tennessee made the statement that I advocated, in a Lincoln Day speech at Chattanooga, Tenn., the sale of TVA to a private power trust. I repeat, a private power trust. I will check the record against him right now. I challenge the statement.

Mr. MAGNUSON. I cannot be an arbitrator to decide what the Senator from Idaho said in Tennessee and what the junior Senator from Tennessee said; but I think the record will speak for itself. I suggest that for our own edification we obtain a copy of the clipping. As I stated, I read only the newspaper article. I am sure that if the newspaper article was wrong, the Senator from Idaho would be glad to correct it. I hope he will.

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

Mr. MAGNUSON. I yield for a question.

Mr. GORE. Would the Senator be willing to have me state to him that to the best of my recollection I made no such charge? Would the Senator be willing for me to say to him that all I know about the statement which the distinguished and able junior Senator from Idaho is supposed to have made is from reading a newspaper published in Chattanooga, Tenn., plus the fact that a telegram was passed around here among my colleagues, to the effect that a certain gentleman in Kentucky who had also noticed the newspaper report of what the Senator from Idaho said, or was reported to have said, stated that if the TVA was for sale he wanted also to put in a bid on the gold buried at Fort Knox.

Mr. WELKER. Mr. President, will the Senator yield in order that I may ask my friend from Tennessee a question?

Mr. MAGNUSON. I want the RECORD to be clear. I wish to say to my friend from Tennessee, that I am perfectly willing to have him make that statement.

Mr. WELKER. Mr. President, will the Senator yield in order that I may ask my friend the Senator from Tennessee a question?

Mr. MAGNUSON. I will yield if I do not lose the floor.

Mr. WELKER. Of course not. I do not want the Senator to lose the floor.

The PRESIDING OFFICER. Is there objection?

Mr. MAGNUSON. I yield for a question.

Mr. WELKER. Oh, no—I will ask to answer the junior Senator from Tennessee.

Mr. MAGNUSON. I ask unanimous consent that my friend from Idaho be given the right for a few moments to answer the Senator from Tennessee, without prejudicing my right to the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senator may proceed.

Mr. WELKER. Mr. President, I dislike to delay my colleagues, but I am not going to sit here idly and listen to a bunch of statements which are not based upon fact.

The so-called telegram which the junior Senator from Tennessee has seen circulated among the New Deal-Fair Deal side of the aisle was sent by some rank stranger, who stated to the chairman of the Democratic senatorial campaign committee that I, in my Lincoln Day speech in Chattanooga on February 8, I believe, advocated the sale of the Federal Post Office to private enterprise.

Mr. President, nothing could be further from the truth. Notwithstanding that falsehood, the chairman of the Democratic National Committee—Mr. Mitchell—went into the capital city of my State and told that story to a group of my friends, many of whom are Democrats, that I had done so. I telegraphed him, as did the chairman of the Senatorial Campaign Committee for the Democrats, that it was a willful falsehood. Moreover, he did not repudiate that statement, but, after having due notice of the falsehood, the next night he went over into Helena, Mont., in a State where I once lived, and repeated that I had refused to admit what he, Mr. Mitchell, had claimed, falsely, that I had said.

I say that I do not like that kind of business. I challenge anyone, Mr. President, to check with the radio and television recorder in Chattanooga, Tenn. Check with the New Deal newspaper reporter in Chattanooga who, being angry at the assertion made by the chairman of the Democratic National Committee, wrote him fully that he had committed an injustice and a falsehood against the junior Senator from Idaho, the speaker

as of this moment. Not one iota of a reply or apology have I received from him, the chairman of the Democratic National Committee, Mr. Mitchell. As a result of my brief tour and experience in politics, I might expect that. But I certainly do not expect the junior Senator from Tennessee to compound such a statement as that, as he has done in this debate. I am more than willing to discuss the merits of the issues currently involved, but I have no intention of being grossly misrepresented on a question of a past statement. That is the old Charley Michelson technique so beloved of the Roosevelt regime, and it is a technique which has no place on this floor.

Those are the facts. If they are not the truth, I certainly will publicly apologize to the Senator from Tennessee, or any other Member of this body.

Mr. MAGNUSON. Mr. President, I am grateful for the very enlightening colloquy which has taken place here tonight as it relates to the entire problem of natural resources in this country, including the tidelands oil, which subject is presently before the Senate.

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

Mr. MAGNUSON. I yield for a question.

Mr. GORE. Would the Senator be willing to ask unanimous consent that the junior Senator from Idaho be given permission to place in the CONGRESSIONAL RECORD the statement he is reported to have made in Chattanooga, plus any additional statements he may wish to include?

Mr. MAGNUSON. I shall be glad to ask for such permission if the Senator from Idaho will request it of me. I would not take it upon myself to ask unanimous consent on his behalf to place something in the RECORD.

Mr. WELKER. The Senator need not feel sorry for me. Mr. President, I am very happy, indeed, to submit the transcript of my speech at Chattanooga, Tenn. Furthermore, to show that a willful falsehood was told about me as visitor to Chattanooga, Tenn., I shall be glad to submit the entire speech which I made, which was recorded on television and radio. I defy the junior Senator from Tennessee, who ought to know the facts, or anyone else to find one word which contradicts the statement I have made tonight.

I am tired of this abuse. I am ready to enlighten the Senator, and I suggest he bring the transcription in here and play it to the American people.

Mr. MAGNUSON. Mr. President, I do not know whether the Senator was talking to me or to the junior Senator from Tennessee.

Mr. WELKER. I am talking to both Senators, because you are both together in your attempt to smear and ridicule the Senator from Idaho—at the same time in furtherance of your desire to filibuster this bill before the Senate in a plainly transparent and deliberate attempt to block a piece of legislation after every possible avenue of discussion has been explored and exhausted.

Mr. MAGNUSON. I do not recall that I made any such statement, I do not know what the Senator is defying me about. All I know is what I read in the newspaper. If the newspaper was incorrect, he will have to take it out on the newspaper, not on the Senator from Washington.

Mr. WELKER. I do not believe that a word-for-word transcription of the radio and television program would be incorrect. I challenge the Senator from Washington and the Senator from Tennessee to produce that word-for-word transcription to my colleagues—could I be more fair?

Mr. MAGNUSON. I will say to the Senator from Idaho that I did not suggest he put the transcript into the RECORD. I was asked by the junior Senator from Tennessee if I would be willing to ask that it be done. I said I would if the Senator from Idaho suggested that it be done.

Mr. WELKER. I challenge the Senator from Washington and the Senator from Tennessee to send to the radio station at Chattanooga, Tenn., for the complete transcript of my remarks so made. I will have some apologies forthcoming soon from the able Senators who have called into question the accuracy of my memory and the remarks I made.

Mr. MAGNUSON. If anyone said anything that the Senator said, and it is wrong, I am sure that the person who said it will be willing to apologize to the Senator from Idaho. The Senator from Washington has no apologies to make. He merely quoted the Senator from Idaho, according to what was said in a newspaper article. I am sure that is done every day in the week in the Senate, when Senators quote articles from newspapers. I do not know, but it may very well be that if we look back into the RECORD a Senator or Representative may have put the article into the RECORD at the time the article was printed. I do not know. I have no apologies to make. I suggested that the tidelands bill perhaps may be like the camel's nose under the tent flap. It may be an attempt to extend the same rights to minerals, forest lands, and Federal hydroelectric dams.

I said that there was a school of thought along that line. The Senator from Idaho was in the Chamber at the time, and I said that there might be such a school of thought, because I read in the newspaper that he had suggested in Chattanooga it might be a good idea to sell the TVA to private interests. I did not say that the Senator from Idaho had made the statement. If the Senator from Idaho did not say it, he should sue the newspaper.

Mr. WELKER. Mr. President, will the Senator from Washington yield?

Mr. MAGNUSON. I yield.

Mr. WELKER. I hold in high esteem my very distinguished colleague from Washington. I know that he would not willingly misrepresent what I had said.

Mr. MAGNUSON. Of course not.

Mr. WELKER. The Senator from Washington has been in my State and has campaigned against me many times—twice, as I recall.

Mr. MAGNUSON. Only once.

Mr. WELKER. Only once?

Mr. MAGNUSON. I can say to my friend from Idaho that apparently I was not very effective, because he is in the Senate.

Mr. WELKER. He can say that again. However, although the Senator from Washington believes what he reads in the New Deal press about a friend, why could he not have given me the common courtesy of calling me and saying, "Senator WELKER, did you say such and such?" I would have extended that courtesy to you, Senator MAGNUSON.

Mr. MAGNUSON. I did not even quote what the Senator from Idaho said.

Mr. WELKER. I am of a different opinion.

Mr. MAGNUSON. I have never been in the State of Idaho when I have mentioned the Senator by name. I have not done that on any occasion. I thought I had made a good Democratic speech.

Mr. WELKER. It was not, apparently.

Mr. MAGNUSON. But I never mentioned the Senator by name. I do not recall ever being in Idaho when he was campaigning. I was over there last fall campaigning for Hells Canyon Dam, which the Senator from Idaho, I know, opposes. Of course he has a right to oppose it. I am in favor of it.

Mr. WELKER. How does the Senator from Washington know that? [Laughter.]

Mr. MAGNUSON. I understand that the Senator from Idaho is opposed to it.

Mr. WELKER. Mr. President, will the Senator from Washington yield for a question?

The PRESIDING OFFICER. Does the Senator from Washington yield for a question?

Mr. MAGNUSON. I yield.

Mr. WELKER. Where did the Senator from Washington get that information?

Mr. MAGNUSON. Well, I thought the Senator from Idaho had said on many occasions that he was not in favor of the Hells Canyon Dam. I stand corrected. I am glad to know that he is in favor of it.

Mr. WELKER. Just 1 minute, please. I have never made such a statement as the Senator well knows.

Mr. MAGNUSON. I apologize, if the Senator from Idaho is not opposed to Hells Canyon Dam, because then he is on my side.

Mr. WELKER. Just a minute, Mr. President. I think my disinguished colleague, who appeared 40 miles from me in Idaho last fall when he made the speech, which all of us in behalf of Hells Canyon and CVA, remember so well, found me very vigorously opposed to any authority set up in Idaho, but I challenge the Senator from Washington or any of his New Deal friends to prove that I have ever refused to consider the possible merits of Hells Canyon Dam or any other dam. I have reserved my right to speak on it without final commitment one way or the other when the issue comes to the floor of the Senate. So I ask the Senator from Washington to please not try to give an incorrect impression.

Mr. MAGNUSON. Mr. President, I yielded only for a question.

Mr. WELKER. The Senator from Washington should not give the impression that I am in favor of Hells Canyon Dam as it has been proposed in legislation up to now either. [Laughter.]

Mr. MAGNUSON. The Senator from Idaho has taken a very strong position. [Laughter.]

Mr. GORE. Mr. President, will the Senator from Washington yield for a question?

Mr. MAGNUSON. I yield.

Mr. GORE. Does the Senator from Washington know that the telegram, to which I made brief reference and to which our distinguished colleague the junior Senator from Idaho made further reference, also referred to a proposal to place a bid on the United States Mint, if it was for sale?

Mr. MAGNUSON. I did not see the telegram. I merely heard about it. I am sure that if the Mint were for sale a lot of us would like to place a bid on it. I suspect that if we could get that far along the line, at least we would have the courtesy of opening it to bids.

Mr. GORE. Mr. President, will the Senator yield for one more question?

Mr. MAGNUSON. I yield.

Mr. GORE. Before we close this colloquy, I hope the senior Senator from Washington, with whom I served for 10 years in the United States House of Representatives, will realize that whatever colloquy has occurred here between the junior Senator from Tennessee and the junior Senator from Idaho has been, on the part of the junior Senator from Tennessee, in the best of spirit and in the full high regard in which the junior Senator from Tennessee holds the junior Senator from Idaho.

Mr. MAGNUSON. I think the junior Senator from Idaho and the junior Senator from Tennessee, and all of the Senators on the floor—and I am sure I speak for our absent brethren—all hold the same opinion. I am sure that is true of all 96 Senators.

Mr. President, I got down to the point in my speech in which I was going to discuss and comment briefly on the legal claims that have been advanced which assert State ownership of submerged lands off the coast of Washington. Some of our State officials and our Attorney General did at one time make such assertion.

Mr. LANGER. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. MAGNUSON. Our attorney general and Governor have asserted that Washington State acquired ownership of its submerged lands when it came into the Union, by virtue of certain provisions in our constitution.

Last year, when this controversy was before us, I suggested to the Governor that the State probably should press the claim in court. As a matter of fact, I have made that suggestion on many occasions during this whole controversy, namely, that the State of Washington, particularly after the States of Louisiana, Texas, and California had been pressing their legal claims. I suggested if we had any doubt about it in our State, the matter should be pushed in the court.

I got no results from that suggestion, but merely the hope that Congress would take some action as to the whole matter. It seems to me that it might have clarified our position as much as it has clarified the position of the other States if we had gone into court on this matter. If any State, including the State of Washington, has any valid claim to offshore lands, it seems to me the State would have the responsibility of pushing such a claim. Certainly we have known since 1947 that any legal claim our State may have was placed in jeopardy by the Supreme Court's decision in the California case. That became even more evident in 1950, when the Louisiana and Texas cases were decided.

To this hour we have had no such adjudication in the courts of the land. It seems to me that that is the proper place in which to settle matters of this kind.

What are the facts?

The State of Washington was admitted to the Union in 1889, almost 100 years after the then Secretary of State, Thomas Jefferson, first asserted United States sovereignty over the ocean "to the distance of 1 sea league, or 3 geographical miles from the seashore." Thomas Jefferson, at the request of President George Washington, stated this policy in 1793.

Mr. President, as I said, the State of Washington was admitted to the Union in 1889, which was almost 100 years after Secretary of State Thomas Jefferson first asserted United States sovereignty over the ocean to the distance of one sea league or three geographical miles from the seashores. Thomas Jefferson, at the request of President George Washington, stated this policy in 1783.

Certainly by 1889 this doctrine applied to the Pacific coast as well as to the Atlantic coast.

Before Washington became a State, it was a part of the Northwest Territory. The Northwest Territory belonged to the United States. The submerged lands, therefore, were a part of the United States long before the State of Washington could possibly have obtained any interest in them. That is sound legal doctrine. Any State claim to these lands therefore must have been acquired from the United States at the time when Washington came into the Union. No other method of acquisition was possible.

Our State constitution contains two sections pertinent to the present discussion. Article XVII is entitled "Tidelands." Article XXIV describes "Boundaries."

In article XVII, the State of Washington asserted its ownership to the beds and shores and banks of all navigable rivers and lakes and to the lands over which the tide ebbs and flows.

In article XXIV, the boundaries of the State were delineated. This section on boundaries contains no assertion of ownership. In fact, the word "ownership" or "title" does not appear at any point in article XXIV.

The question arises, Why did not the authors of the State constitution lay claim to the 3-mile strip one marine league offshore? Perhaps they recognized that national sovereignty must prevail in this offshore strip.

I do not undertake to interpret our State constitution; but if the legal claim is there, the Governor of Washington State most certainly should have pressed it. Beyond question, the boundaries of the State of Washington extend "one marine league offshore." The question is, Does the establishment of a boundary carry with it title and ownership? The Supreme Court has said there is a difference.

Mr. President, I have before me section XVII of our State constitution. In that section the boundaries of the State were established. Furthermore, tidelands were given the benefit of a special section, in which there is no mention of anything regarding ownership. Again I assume that that was based on the fact that the national sovereignty must be recognized.

Therefore, Mr. President, it seems to me that our State constitution, which, of course, was formulated after the enabling act, does not make any attempt to lay claim to the 3-mile strip, the strip one marine league offshore.

As a matter of fact, the State constitution goes to most unusual lengths in setting forth a separate article, entitled "Tidelands." In that article, tidelands are defined. I wish to read that section of the State of Washington constitution:

XVII. TIDELANDS

SECTION 1. Declaration of State ownership—The State of Washington asserts its ownership to the beds and shores of all navigable waters in the State up to and including the line of ordinary high tide in waters where the tide ebbs and flows, and up to and including the line of ordinary high water within the banks of all navigable rivers and lakes: *Provided*, That this section shall not be construed so as to debar any person from asserting his claim to vested rights in the courts of the State.

In other words, article XVII of our State constitution, which followed the enabling act which attempted to establish some boundaries, goes to most unusual lengths in defining tidelands. We have lived under this constitution ever since 1889, and it has been the legal basis for any claim to tidelands.

So it seems to me that any interpretation we might make in the case of our legal problem would be to the effect that the national sovereignty which prevailed offshore apparently was recognized in the writing of section XVII of our State constitution.

Mr. President, it seems to me that in voting against the Holland joint resolution, and in favor of the Anderson substitute, I would not be foreclosing the right of the State of Washington to establish, in court, whatever legal claim it has to the submerged lands lying seawards from our low-water mark. The way will still be open for the Governor and the Attorney General to test this proposition in the district, circuit or Supreme Court.

Mr. President, I turn now to another aspect of quitclaim proposed legislation which gives me great concern.

A few minutes ago, I alluded to the fact that our first Secretary of State, Thomas Jefferson, and our first President, George Washington, asserted sovereignity over the open ocean "to the distance of one sea league, or three geographic miles from the seashore." Repeatedly since that time, succeeding

Secretaries of State, irrespective of party affiliation, have sustained and reiterated this historic position.

In 1875, Secretary of State Hamilton Fish wrote as follows to the British Minister, in Washington:

> We have always understood and asserted that, pursuant to public law, no nation can rightly claim jurisdiction at sea beyond a marine league from the coast.

At that time our Secretary of State, reasserting Thomas Jefferson's doctrine, reiterated that—

> No nation can rightly claim jurisdiction at sea beyond a marine league from the coast.

In 1953, this very year, Assistant Secretary of State Thruston B. Morton has said:

> If this Government were to abandon its position on the 3-mile limit, it would perforce abandon any ground for protest against claims of foreign states to greater breadths of territorial waters * * *. Hence, a realistic appraisal of the situation would seem to indicate that this Government should adhere to the 3-mile limit until such time as it is determined that the interests of the Nation, as a whole, would be better served by a change or modification of policy.

That statement was made by the present Assistant Secretary of State, who was expressing great concern at any attempt on the part of Congress to claim any greater breadths of territorial waters beyond the 1 marine league or 3-mile limit.

Mr. President, if the pending quitclaim joint resolution is enacted—contrary, apparently, to the present policy of the present Secretary of State—the United States will be changing and modifying its policy, which was established way back in the time of Thomas Jefferson, when it was determined that we should adhere to the 3-mile limit until such time as it might be determined that the best interests of the Nation as a whole would be better served by a change or modification of that policy.

Senate Joint Resolution 13 would extend our territorial waters to 10½ miles off the coasts of Texas and western Florida. In addition, the joint resolution contains a provision which would open the way for other States, or even for those two States, in my opinion, to extend State boundaries even farther, by later action of the Congress.

It is elementary logic that the seaward boundaries of the States and the Nation are indivisible—that they must be coextensive. Mr. Jack Tate, when testifying for the present Secretary of State, stated the matter in this way:

> In international relations, the territorial claims of the States and of the Nation are indivisible. The claims of the States cannot exceed those of the Nation.

I am very fearful of the consequences if the Congress, in an effort to please Texas and Florida, abandons our historic position on the extent of the Nation's territorial waters.

We have one of the greatest merchant fleets in the world. We have perhaps the greatest naval fleet in the world. The movement of these vessels is vital to our commerce and our security. Extension of our territorial waters for 10½ miles is an open invitation to other nations to follow suit. It is impossible to assess the damage that could result.

In addition, Mr. President, we have a great fleet of commercial and military aircraft. The historic position of this Nation is that the airspace above our own territorial waters is subject to our own national sovereignty—conversely, we contend that our aircraft have the right to unmolested use of the airlanes above, but outside, the territorial waters of other nations.

This concept, too, is vital to our commerce and national security. By extending our territorial waters, other nations could, and I believe would, deny to us airspace vital to the best interests of our people.

These are serious questions, Mr. President. They are questions which should not be settled in the tidelands submerged lands, or giveaway measures.

The pending proposal was reported by the Interior Committee of the Senate, yet it deals with questions which require most careful study and consideration by the Foreign Relations Committee of the Senate, yes, and the House of Representatives.

Let me demonstrate the point by referring to our fishing industry. Important segments of our fishing industry have been concerned about the implications of Senate Joint Resolution 13. I think they have a right to be.

The proposed extension of seaward boundaries in the interest of two States, and the possible extension by Congress later of the seaward boundaries of other States, as provided in the resolution, is, in my opinion, a distinct change from our historic policy. That policy, since the time of Thomas Jefferson, has recognized the principle of freedom of the seas.

Mr. John J. Real, manager and attorney for the Fishermen's Cooperative Association of San Pedro, Calif., put the point very well, I think, in his testimony before the Senate Interior Committee. According to Mr. Real, four important boatowners associations, representing the owners of approximately 600 tuna clippers, purse seiners and albacore vessels which fish for tuna off the shores of Latin America, joined in his statement.

Five labor organizations representing approximately 14,600 California fishermen and cannery workers, also joined, as did organizations representing 15 canners of tuna, mackerel, and sardines.

In fairness to Mr. Real, I must point out that he made it clear to the committee that he did not oppose the Congress giving to the coastal States certain rights to submerged resources. He did oppose, and very ably, legislation that would expand the historic claims of the United States to territorial waters in a way that would bring newly acquired waters traditionally considered to be high seas, within the sovereignty of the several coastal States.

Mr. Real proposed several amendments to the pending resolution which, in his opinion, would preserve our historic policy of freedom of the high seas, while yielding to the States certain submerged oil resources. The committee did not see fit to incorporate these amendments in its joint resolution, which now, as it did before Mr. Real submitted his proposed amendments, would expand the historic claims of the United States to territorial waters, wherein lies the danger.

In his testimony before the committee Mr. Real pointed out that the legislation, as it stood without his proposed amendments, and, I may add, as it stands today, becomes a matter of international concern because, said he, "it represents a change in United States policy toward the principle of the freedom of the seas." That policy was first enunciated by Thomas Jefferson, and it has continued to be the policy of the United States throughout the years, even up to the present time. The present Secretary of State has stated he thought there was serious danger in making such a change and in extending the territorial waters of the United States, for the reason that it might invite other nations to do the same. Elsewhere Mr. Real stated:

> Before pointing out specifically wherein the pending tidelands bills create the situation we have mentioned, it is important to consider why the United States should not lead or join in any movement which changes in any manner the doctrine of freedom of the seas.
>
> The United States policy has always been to claim coastal water sovereignty over the narrowest possible belt of water. In the furtherance of this policy it has claimed a 3-mile wide territorial sea measured from lines which, except in the case of bays and certain coastal indentations, closely hugged its beaches.

I do not suppose that Mr. Real had in mind that the particular extension to 12½ miles, in the case of Texas or Florida, in itself would endanger the freedom of the seas, but that the fact of going beyond the 3-mile limit would encourage us to go even farther, or at any rate would surely invite Mexico, for instance, to go as far out into the Gulf of Mexico as she wished. Perhaps he thought it would encourage California, Washington, or Oregon to claim the lands seaward as far as Hawaii, although our historic doctrine was based on the 3-mile limit.

Mr. Real told the committee that there has been of late a definite tendency by many nations to usurp more and more of the high seas, and added:

> If this form of acquatic imperialism remains unchecked, the temptation will be present to make this newly claimed sovereignty more fruitful to the claiming nation by abridging the right of innocent passage and forcing maritime nations to pay tribute or route their ships and planes far out to sea.

Then Mr. Real made what I consider the most significant statement of his entire testimony:

> The easiest way to start the ball rolling in this direction is for the United States, as a world leader, to push its own boundaries farther seaward.

As I stated earlier, Mr. Real suggested certain amendments which the committee did not choose to incorporate in its joint resolution. Later in this debate I expect to present these amendments to the Senate so that the Senate may act on them as a whole, with a view to determining whether or not the proponents of the pending proposal are agreeable to changes in the Resolution which, in the

opinion of the principal spokesman who appeared before the Senate Committee in behalf of the fisheries industry, are important for the protection of their interests, but are dangerous amendments which might bring about a major change in our foreign policy, causing other nations to retaliate—not necessarily to retaliate in a literal sense, but causing them to do something about it.

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

Mr. MAGNUSON. I yield to the Senator for a question.

Mr. JACKSON. Is it not a fact that half the fish that are caught by American fishermen are caught off the 3-mile limit of other countries?

Mr. MAGNUSON. That is correct, and I think I have the figures. I think it is more than half the fish.

Mr. JACKSON. It is not a fact that it is at least 50 percent?

Mr. MAGNUSON. It is at least half. In fact, most of the tuna are caught off the coasts of Mexico, Costa Rica, and Peru.

Mr. JACKSON. Is it not a fact that most of our Puget Sound fishermen, from the State of Washington, do so-called bottom fishing in Queen Charlotte Sound and Hecate Strait?

Mr. MAGNUSON. Yes, in British Columbia waters.

Mr. JACKSON. Is it not a fact that if the State boundary lines are extended beyond 3 miles, the Canadians will then be in a position to interfere with Puget Sound fishermen, residents of the State of Washington, in the fishing areas of British Columbian waters in which they have been fishing for a long time?

Mr. MAGNUSON. Yes. I think they might be able to point to the fact that we have abandoned, apparently, our historic policy, our policy since the days of Washington and Jefferson, to which all other nations have adhered, of 3 miles seaward. If we abandon it, there is no reason for criticizing other nations for pushing out their boundaries 15 or 20 miles, which means a great deal in the fishing industry. We have enough trouble, as it is, negotiating treaties with Costa Rica, Mexico, and Peru. Even on the Newfoundland banks Nova Scotia, as an independent province of Canada, could probably pass a law extending its boundaries seaward, if we did not adhere to the historic policy which all nations have respected, and which we ourselves have respected.

The fishing industry has expressed great concern.

On February 13, 1953, the National Fisheries Institute, Inc., had this to say in their trade periodical:

FISHERIES INVOLVED IN TIDELANDS LEGISLATION

As far as we know, there never has been any question but that the State governments have jurisdiction over their fisheries. Supreme Court decisions have so held, time and time again. Nevertheless, some legislation designed to guarantee State control over oil and minerals under the subsurface of the sea has been expanded to include all natural resources within the lands and waters involved.

Bills by Senators HOLLAND, of Florida (S. J. Res. 13), DANIEL, of Texas (S. 294), and others, define natural resources as including "without limiting the generality thereof, fish, shrimp, oysters, clams, crabs, lobsters, sponges, kelp, and other marine animal and plant life." Other language provides that States would be entitled to claim boundaries extending into the sea as existed at the time the State became a member of the Union "or as heretofore or hereafter approved by the Congress." This language means that any State could make claims without limitation and ask Congress to approve the same.

There may be danger in this language insofar as the fishing industry is concerned since free navigation could be interfered with, such as the imposition of tolls and duties by State governments for vessels passing through their waters. Another real danger lies in the fact that legal precedents might be established whereby other nations might extend their limitations to sea and further complicate an already complicated picture with regard to jurisdiction over fishing waters.

Public hearings will begin on February 16. A number of Senators from fishing States have voluntarily contacted NFI, to inquire whether the proposed language might be troublesome to the fishing industry.

The PRESIDING OFFICER. May the Chair ask from what publication the Senator is reading?

Mr. MAGNUSON. It is a news letter sent to members of the National Fisheries Institute. It is dated February 13, 1953.

The PRESIDING OFFICER. The Chair thanks the Senator from Washington.

Mr. MAGNUSON. As an example of what I am talking about and how an abandonment of the 3-mile limit would open the door to troubles, the news letter of March 6, 1953, has this to say:

CANADIAN BILL DEFINES TERRITORIAL WATERS

Pending before the Canadian Parliament is a bill entitled "An Act To Protect the Coastal Fisheries," the purpose of which is to revise completely the present Customs and Fisheries Protection Act. It is interesting to note that Canadian territorial waters are defined in the new bill as "any waters designated by an act of the Parliament of Canada or by the Governor in Council as the territorial waters of Canada, or any waters not so designated being within three marine miles of any of the coasts, bays, creeks, or harbors of Canada and includes the inland waters of Canada." Under the authority of this provision it would obviously be possible for the Canadian Government, at such time as it might deem opportune, to designate as Canadian territorial waters any coastal waters whatever.

In the debate in the House, various members expressed the desirability of extending Canadian territorial waters as far out as possible in order to preserve the inshore fisheries. One member from Newfoundland, referring to the Norwegian case in which the Hague Court endorsed the principle of headland to headland in delineating territorial waters, suggested that this principle be applied in Canada by drawing a line from Cape Sable, Nova Scotia, to Cape Race, N. F., thus enclosing as inland waters the entire Gulf of St. Lawrence. A member from British Columbia in turn stated that he thought it imperative that Queen Charlotte Sound and Hecate Strait be included and designated as Canadian territorial waters by drawing a straight line from the western shore of Vancouver Island to Queen Charlotte Island.

In the subsequent committee hearings, Hon. James Sinclair, the Minister of Fisheries, emphasized that the bill gave the government the power to designate territorial waters, but did not itself alter the practice as to territorial waters. "The practice we have followed is continued," he said, "but it does provide authority to change the practice if it is ever decided by the government to do so." Some countries, he added, had hastily, perhaps too hastily, attempted to apply the principles which they thought the judgment in the United Kingdom-Norway dispute announced but the Canadian Government was proceeding more cautiously because of the complexity of the problems involved and had set up an interdepartmental committee, with Prof. George Curtis, dean of the faculty of law of the University of British Columbia, as its legal adviser, to study the implications of the judgment of the court and the subsequent steps taken since then by various countries. The minister pointed out that Dean Curtis, as a former resident of the Maritimes and a present resident of British Columbia, was well acquainted with the problems and views of both sections of the country in regard to fisheries.

In other words, Mr. President, there is a movement under way in the Canadian Parliament which may be serious and which may jeopardize the principle to which all nations have adhered. In such a situation we cannot say that Mexico should not extend her territorial boundaries. Very soon our territorial boundaries will be out in the middle of the Pacific Ocean, the Atlantic Ocean, and the Gulf of Mexico.

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

Mr. MAGNUSON. I yield.

Mr. JACKSON. Is it not true that it would be particularly dangerous to United States fisheries when, as was earlier pointed out, more than 50 percent of our fisheries are dependent upon offshore fishing operations off the shores of friendly neighbors of the United States?

Mr. MAGNUSON. Yes, it would. I pointed out as an example that every Secretary of State, regardless of political party, right up to the present time, has been in agreement with the present Secretary of State, that unless we are going to have an overall change in our national policy, the passage of the joint resolution would be very dangerous.

As my colleague has pointed out, there is a requirement to have treaties in respect to the territorial waters of other countries as well as our own.

(At this point Mr. MAGNUSON, by unanimous consent, yielded to Mr. MALONE for the purpose of making an insertion in the RECORD, which appears elsewhere in today's Senate proceedings under the appropriate heading.)

Mr. MAGNUSON. Mr. President, I have just read statements from the National Fishery Institute News Letter, which show the danger of any proposal to extend our sovereignty beyond the 3-mile limit, because to do so might affect the fishing rights accorded to us by other countries. Particularly is that important, when, as my colleague, the junior Senator from Washington, has pointed out, considerably more than 50 percent of our fishing is done in foreign waters.

I assure the Senate that by presenting these amendments I am entirely conscientious and consistent. My concern for the protection of our American fisheries is a matter of record.

I have been diligent in my undertakings in behalf of the salmon industry, and participated in the preparation of the fisheries provision of the Japanese

Peace Treaty with a view to protecting our Alaska and coastal fisheries from encroachment by Japan.

In my opinion the commercial value of our American fisheries is too great to be jeopardized by any change in our traditional policy with respect to seaward boundaries and/or the Freedom of the Seas.

In 1950, the latest year for which I have complete records, the value of our tuna catch amounted to more than $61 million; that of our salmon catch to $37 and a half million, a decline, I am sorry to say, of almost $10 million from 1949 record.

Landings of tuna and mackerel last year at San Pedro, Calif., alone were valued at $38 million, and at San Diego, tuna only, at $17 million.

Is it any wonder that the representative of the Fishermen's Cooperative Association of San Pedro is concerned?

In the event that someone may presume that I am going afield from the State I represent, let me say that important tuna fisheries are being developed by companies of my State in addition to our valuable salmon, halibut, and bottom fish industries.

Should Canada, following the example which passage of the pending resolution would present to them, decide to extend the boundaries of British Columbia 10½ miles, or to incorporate within their boundaries the waters between Queen Charlotte Island and the mainland, then these industries would be seriously affected.

Let me amplify this point. A portion of the Seattle and Puget Sound fishing fleet, consisting of some 200 boats and 1,500 fishermen, fish for salmon, halibut, and bottom fish off the coast of Canada.

The fishing season runs approximately from April 15 to October 15. Naturally, our people fish outside the Canadian 3-mile limit. One of the important fishing grounds is Hecate Straits, lying between Queen Charlotte Island and the Canadian mainland. The straits are about 50 to 60 miles wide, and constitute one of the most fertile fishing grounds off the coast of Canada.

I think the importance of these particular fishing grounds to Seattle and other of our fishery ports on Puget Sound can be illustrated by the fact that the annual catch by our fishing fleets in and around the banks in Hecate Straits amounts to approximately $2,500,000 a year of all species.

We take from the area approximately 13,000,000 pounds of salmon, halibut, and bottom fish. The value of our entire catch off the western coast of Canada approximates $7,500,000 annually.

An extension of Canada's seaward boundary 10½ miles would do great harm to our fisheries industry, and closure of the Straits would cause irreparable damage to it.

I should point out here that certain Canadian interests from time to time have threatened to close these important banks to our fishing fleet, contending that the straits constitute inland waters.

I think they have been deterred by our adherence in the past to the traditional 3-mile limit in our own waters.

In my opinion, the threat to our Pacific Northwest fisheries would be augmented, and seriously augmented, by enactment of Senate Joint Resolution 13.

For the tuna industry to the south the enactment of the joint resolution would constitute an even greater threat.

Testimony was presented to the committee, and is embodied in its printed hearings, that nine-tenths of the yield in tuna comes from areas of the high seas which are contiguous to the 10 American Republics south of San Diego on the Pacific coast.

Not only are the fisheries off the Pacific coast vulnerable to any retaliatory moves that other nations might make as a result of extension, or seeming extension of seaward boundaries, but our New England fisheries might not be exempt.

In this connection I wish to cite testimony presented before the House Committee on Merchant Marine and Fisheries at hearings held in 1950, by Dr. W. M. Chapman, then special assistant to the Under Secretary of State, and a recognized authority on fisheries. I quote:

> The great fisheries that have been prosecuted by New Englanders for 300 years lie for the most part in the high seas contiguous to the coast of Canada. All expansion that is anticipated lies in the direction of being farther and farther from our coasts, northward and eastward around the corner of Newfoundland and up Davis Strait past Greenland and Labrador.

Elsewhere Dr. Chapman stated that—

> If we permit the loss of our fisheries that now exist in the high seas contiguous to the coasts of foreign countries we lose the biggest half of our fishing industry at one stroke.

Dr. Chapman was talking about fisheries and not offshore oil resources, I will agree, but he was talking about more than that. He was talking about our seaward boundaries, and Mr. Real quoted Dr. Chapman also in his, Mr. Real's testimony about seaward boundaries.

Mr. Real quoted, in particular, this statement by Dr. Chapman:

> If one nation can unilaterally extend its sovereign territory out to sea by as much as a quarter of a mile then there is no reason why it or any other nation cannot extend its boundaries seaward by 200 miles, by 400 miles, or by such distance it may desire.
>
> In the chaotic situation that such claims and counterclaims would bring about the United States would not stand to be the gainer nor, I believe, would mankind generally.

Mr. Real in his testimony commented on the Chapman statement. He said:

> For the reasons given above by Dr. Chapman, the United States has an obligation to its own fishing industry to prevent maritime aggression by others. In its role as a world leader it owes a like obligation to other fishing nations. It can't fulfill these obligations by attempts to expand its claims no matter how subtly they be disguised.

Mr. President, the very thing these eminent authorities on American fisheries fear is being done in this Senate joint resolution, however subtle the disguise.

In my opinion the disguise is not even subtle.

As Mr. Real testified at the time of his appearance before the Senate committee:

> Title I, section 2 (a), of the bill bill recognizes a power in Congress to extend a State boundary farther seaward than 3 miles. A serious question, as yet not completely answered in the realm of international law, arises as to whether any nation having once made its claim to its seaward boundaries can thereafter expand them.
>
> Regardless of the legal answer to that question, it would certainly be ill advised for the United States, as a matter of policy to say to the world that seaward boundaries can be expanded.

Should we pass the pending joint resolution it surely would be ill-advised, as a matter of policy, for the United States to say, for example, to Canada, "You cannot extend your boundaries in the inland waters in which we now fish and claim them as your territorial waters."

Title I, section 2 of the bill before us certainly recognizes such power, both now and in the future. The power and authority of any State to so extend its boundaries is stated even more emphatically in section 4 of the present bill, under the subtitle "Seaward Boundaries."

Let me quote just one sentence of that section:

> Nothing in this section is to be construed as questioning or in any manner prejudicing the existence of any State's seaward boundary beyond 3 geographical miles if it was so provided by its constitution or laws prior to or at the time such State became a member of the Union, or if it has been heretofore or is hereafter approved by Congress.

If we should undertake to go out to the 12½-mile limit, there is no reason why my own State could not say, "We own 70 miles out to sea. We own the halibut banks, with respect to which we have a treaty with Canada." There is no reason why Nova Scotia and Newfoundland should not say, "You have extended your boundaries. You have violated the 3-miles limit to which you have adhered with other nations for all the years of your history." There is no reason why they should not enact a law saying that the Newfoundland banks belong to them.

As Mr. Real stated, the broad method of determination of boundaries permitted by the bill is not consistent with present United States policy. He said:

> In our opinion the present bills should be amended so as to eliminate all possible conflicts with the present United States policy on territorial waters. Each of the States which would gain from quitclaim legislation has some interest in fishing or other maritime pursuits. There is no need to place those interests in jeopardy. The affected States can accomplish their primary purpose without doing that. They can gain their cod without losing a whale.

Mr. Real then proposed certain amendments which, as I stated earlier in the debate, were not incorporated in the legislation now before us.

Mr. President, some of our inland friends may consider the American fisheries one of our minor industries, inconsequential when placed against the anticipated—and very much anticipated,

I might add—wealth of our offshore oil resources.

But in terms of human beings who gain their livelihood from fisheries I hazard the observation that more people are actively connected with commercial deep-sea fishing than in our deep-sea oil operation.

If I could be furnished with accurate data on how many people are engaged in offshore oil activities, other than oil company lobbyists or representatives who are now in Washington, I would welcome them. The comparison might be of great value to these debates.

I do have some data on the number of commercial fishermen, their production in terms of catch, and the value of that catch and of fishery products at various states of production.

It is contained in a leaflet, revised last month and published, its heading states, "By the United States Department of the Interior, Douglas McKay, Secretary, and by the Fish and Wildlife Service, Albert M. Day, Director." I commend it to my colleagues. For purposes of identification they will find it listed as Fishery Leaflet 393.

Because I do not want to extend this debate longer than I feel is necessary to bring facts which I believe important before the Senate, I will touch only on a few of the highlights.

In 1950, the last year for which there is a complete record, America's commercial fishermen landed some 4,884,000,000 pounds of fish, valued at $343,876,492.

California fishermen led the Nation by landing 1.3 billion pounds of fish, valued at $81,605,112 to them; Massachusetts was second among the States with more than half a billion pounds of fish valued at $40 million; Alaska yielded almost half a billion pounds of fish with a value to fishermen of more than $30 million, and Louisiana came next with 316,250,000 pounds worth $23,644,000 to its fishermen.

(At this point, by unanimous consent, Mr. MAGNUSON yielded to Mr. GOLDWATER for the purpose of asking questions of Mr. JACKSON, which colloquy, on request of Mr. MAGNUSON, and by unanimous consent, was ordered to be printed at the conclusion of Mr. MAGNUSON's speech.)

Mr. MAGNUSON. Mr. President, fishermen of my own State of Washington landed more than 100 million pounds of fish, with a value of over $19 million.

The report published under the names of Secretary McKay and Director Day further informs us that 599,000 persons were employed last year in the fishery industry, that some 94,600 fishing craft were utilized, and that the Nation had 3,500 fishery shore establishments.

At the retailers level, the report states, the estimated value of fishery products last year was nearly $1 billion; and in 1951, the year previous, it exceeded $1 billion.

The publication which Secretary McKay and Director Day have issued under their names also undertakes to estimate the capital valuation of fishing industries in 1951, stating that the figures were arrived at under accepted principles of evaluation among businessmen. They are:

To fishermen and boat owners	$6,281,250,000
To manufacturers and processors	1,551,303,000
To wholesalers of fishery products	1,189,971,000
To retailers of fishery products	2,054,556,000
Total	11,077,080,000

Of course, Mr. President, I would not undertake to assume that all of this capital value is predicated on fisheries in seas contiguous to foreign nations. But on the basis of testimony placed before committees of Congress, I can assume that at least half of it is.

Dr. Chapman, in his testimony before the House Committee on Merchant Marine and Fisheries, and repeated this year by Mr. Real at Senate committee hearings on the pending joint resolution, stated:

> If we permit the loss of our fisheries that now exist in the high seas contiguous to the coasts of foreign countries, we lose the biggest half of our fishing industry at one stroke.

Personally, I do not see how we can reconcile this threat to a basic and historic industry by approving the pending proposed legislation.

That the enactment of any legislation which would permit the extension of traditionally accepted boundaries would constitute a threat, I think there can be no doubt. The threat was aptly stated by the Stanford Law Review, of Stanford University, in its issue of July 1952, as follows:

> It may be that in the long run a policy of extending territorial waters would be detrimental to the United States. If we do this we could not complain if other nations did likewise. Our military and economic interests might be harmed as a result.

Certainly the economic interest that would be first harmed is that of our fishing industry.

It, of all our economic interests, is most dependent on the preservation of historically accepted seaward boundaries and the freedom of the seas.

For that reason I wish to submit two amendments to the joint resolution (S. J. Res. 13), and I ask that they be printed and lie on the table.

The PRESIDING OFFICER. The amendments will be received and printed, and will lie on the desk.

Mr. MAGNUSON. The amendments were proposed to the committee by the spokesman for the Pacific coast fishing industry during hearings on this resolution.

The net effect of these amendments is to restrict the application of Senate Joint Resolution 13 to a strip of marginal sea, extending 3 miles oceanward from low tide on all coasts—Pacific, Atlantic, and gulf.

If Senate Joint Resolution 13 were to pass with these amendments included, the measure would be brought into conformity with the historic position of the United States with respect to territorial waters. We would avoid, in this legislation, those problems which will arise—and the injury to industry and national security which may be done—if territorial waters off the coasts of Texas and western Florida are extended 10½ miles seaward.

The Supreme Court stated that when the low-water mark is passed, we enter the international domain. I say that when you pass our historic 3-mile limit in any quitclaim legislation, you invite untold and unforeseen international complications. It seems to me, therefore, that if Senate Joint Resolution 13 is to be passed at all, we should reserve for future and thorough consideration by the Foreign Relations Committee of the Senate and Foreign Affairs Committee of the House, this entire question of extending seaward boundaries beyond the 3-mile limit.

Now, I realize that what I am proposing will not satisfy the States of Texas and Florida. It is my conviction, however, that those States would not want the Congress to take action today which might jeopardize the shipping and fishing industries and—further—might have far-reaching consequences to the movement of our Navy and military aircraft.

It seems to me that the Foreign Relations Committee is the proper committee of the United States Senate to consider the wisdom of extending the seaward boundaries of any State—whether it be 1 mile, 2 miles, or 7½ miles beyond the 3-mile limit—a limit first enunciated by Thomas Jefferson in 1793.

I reiterate what I have said earlier in these remarks, namely, the seaward boundaries of the United States and the coastal States are coextensive, are indivisible. You cannot extend the boundaries of 1, 2 or more States without simultaneously extending the boundaries of the United States.

I will have more to say on these amendments at a later date.

Mr. President, I have stated some of the reasons which cause me to take the position I do. There are many other reasons which I do not wish to take the time of the Senate to discuss now, but, as I stated in the beginning, I had intended to make the remarks I have made to indicate my position on this very important piece of legislation, regardless of whether the debate continued for 2 days or for 2 months. I had no intention of delaying the Senate. I shall have more to say regarding the amendments later.

I feel as do several other Senators in regard to the debate. I would at any time vote for a motion to lay aside temporarily the pending measure, in order that the Senate might take up the very important controls bill, which I do not wish to delay. I think the pending measure is a very serious and important matter, not necessarily one on which the vote should be delayed, but, as one Senator stated it, one concerning which an effort should be made to convince the people of the soundness of our position and to provide an adequate knowledge of the facts for the people of the Nation and for a number of people who, I know, during past debates on similar legislation, did not have a complete understanding of all the facts.

That includes certain members of the present administration. The Attorney General, a lawyer of note, during the recent campaign found himself saying one thing, and, when he came before

the Committee on Interior and Insular Affairs of the Senate, found, after looking into the matter, good lawyer that he is, that a great many legal complications were involved in the pending measure that had not been discussed previously when similar legislation was before the Senate. There may arise a great many international complications as well as economic complications. But above all, in my opinion, the pending resolution violates the principle of doing what is right for the 48 States, and violates, also, I think, our historic policy. If it does not violate that policy, it at least presents, so to speak, an endeavor to get the camel's nose under the tent so that many of our other great natural resources, which have been set aside for the benefit of all the people, not merely for the benefit of the people of three States of the Union, may be exploited.

ALBERTA JACQUES, PRIZE WINNER—EMPLOYMENT OF THE PHYSICALLY HANDICAPPED

During Mr. MAGNUSON's address.

Mr. MALONE. Mr. President, a junior high-school student, 16-year-old Alberta Jacques, of Sparks, Nev., won third place in a five-award national contest for an essay on the employment of the physically handicapped.

National attention is directed and emphasized to the employment of physically handicapped persons due to the third war during the lifetime of many of us.

Thousands of physically handicapped boys are returning from Korea. Thousands returned from World War II from 1942 to 1946.

The veteran who is physically handicapped is only one part of the problem. Other thousands of persons are disabled or partially disabled from disease or other natural causes.

The problem is for society to realize the problem and turn to useful employment the physically handicapped persons.

The first prize, $1,000, was provided by the Disabled American War Veterans. Other prizes were provided by voluntary contributions.

Miss Jacques, of Sparks, Nev., one of the winners, is a member of the Rainbow Girls and of the debating club of her school. She is a typical, active American girl and intends to enter the University of Nevada, at Reno, upon graduation from high school. She intends to major in psychology.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point, as part of my remarks, a newspaper account of the essay contest, including the essay that won for Miss Jacques a prize in the contest. The article is entitled "The Physically Handicapped—A National Asset" and was published in the Nevada State Journal of March 29, 1953.

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

SPARKS HIGH SCHOOL JUNIOR WINS STATE ESSAY CONTEST

Sixteen-year-old Alberta Jacques, of Sparks, will soon receive a State prize of $250 and a school prize of $25 for her essay urging employment of the physically handicapped.

Miss Jacques' essay, The Physically Handicapped—A National Asset, was judged winner in a statewide contest sponsored by a governor's committee headed by George Hamilton, of Reno. Her prizes will be awarded in the near future by Gov. Charles Russell at a Sparks school assembly.

The essay which won Miss Jacques the State and school contests has also been entered in a nationwide contest sponsored by the President's Committee on Employment of the Physically Handicapped of the United States Department of Labor. The national prize of $1,000 has been provided by the Disbled American War Veterans. Local prizes were made available by volunteer contributors.

SPARKS HIGH SCHOOL JUNIOR

Miss Jacques is the only daughter of Mr. and Mrs. Albert Edward Jacques, of Sparks. She is a junior at Sparks High School, where her activities include membership in the Rainbow Girls and the Pep Club as well as participation in debate programs and school plays. She hopes to enter the University of Nevada when she is graduated from Sparks High School, and intends to major in psychology, get a teacher's degree, and perhaps enter welfare work.

Her prize-winning essay, which was the unanimous choice of the judges, follows:

"THE PHYSICALLY HANDICAPPED: A NATIONAL ASSET

"The door closed behind him with shocking finality. He moved slowly down the hall—the way he had done down so many halls in the past 2 months.

"Bill's head was down and his shoulders drooped as he came out on to the street. Refused again. The last opening was the place he had just left. Why should they not give him a chance—a chance to prove he could make good?

"Suddenly Bill was jolted back to reality by a man's gruff voice, 'Why don't you watch where you're going—you almost knocked me down.'

"Then came an embarrassing silence as the man noticed the white cane in Bill's hand and the dark glasses that he wore. He stammered a meek apology. 'I—I'm sorry—I mean I didn't notice that you-er-that is.' Bill made a small winching smile. 'Sure; forget it.'

"The man spoke, his face slowly regaining its natural color. 'Would you like to come down to the corner with me for a cup of coffee? I would like to do something to—' Bill cut in quickly and a bit impatiently. 'Look, you've apologized—now just forget it and leave me alone—please.'

"The man walked a few steps away, then stopped to watch as a woman hurried up to Bill. 'Sorry I'm late, but your mother wanted some things—did you get the job?'

" 'No, I haven't—he wouldn't even speak to me—his secretary said that they didn't need any help.' Bill's wife was glad that at this moment he could not see the disappointment that showed on her face as she spoke.

" 'Well, I guess we'll just have to make the best of it, your mother likes having us with her and that's one good thing—besides the Johnston firm isn't the only place in town that needs good men.'

"The man's face reddened as he became aware of the fact that they were talking about him, and that he had refused to even see Bill because of one word written on his application card—disabled. Still he might be able to make amends if he talked to Bill. After all he didn't have to hire Bill if he could not meet the qualifications required of him. In an apologetic explaining manner, Mr. Hobart Johnston thrust out his hand and introduced himself. He led the way to his office and asked them to be seated.

" 'You see,' Mr. Johnston began slowly, 'I have always thought that a man who was disabled, especially someone who was blind, could do nothing except sell pencils on a street corner or just sit idly in a chair and be taken care of—I never really knew.' A wry half-smile came to Bill's face.

" 'Yes, I know few people ever ask what my abilities are, instead they see only my disability.'

" 'I must confess, Bill, that I too am one of those people—I'm afraid I don't even know what it is that you are capable of doing.'

" 'I was in law school until the war came and I enlisted in the Army.'

" 'Then you were never able to finish law school?'

" 'But I did, sir; Jenny helped me to pass—I only had 1 year left in school,' Bill replied eagerly.

" 'He was the fourth highest in the class, too,' Bill's wife added.

" 'Good, good. Bill, I think I can find a place for you in my firm. I only have a small business but you can do some of the less important cases and find material for some of my cases.'

" 'When may I start, sir?' Bill's face radiated his eagerness.

" 'Monday morning, if you like.' Mr. Johnston was extremely pleased with Bill's wonderful attitude.

"Monday morning came and Bill was at the office right on time, eager to begin his new job. The days passed, and then the weeks; soon Bill had been there a month. After the first week Bill began to arrive before even Mr. Johnston arrived at the office building. Sometimes when the day was to be a full one, Bill would bring his lunch instead of going down to the cafeteria on the corner. Bill was dependable and good, he always did more than his share of work. Mr. Johnston was happily surprised to find Bill doing so well and often called Bill into his office to tell him so. He had never seen a man adapt himself to a job quite as well as Bill had done.

"The months passed and turned into a year. Still Bill's progress increased. He received a raise, then another one, then one day Mr. Johnston called Bill into his office: 'Bill, I have watched the progress that you have made and I think that it is wonderful. I hope you will keep it up.'

" 'Thank you, sir. I will try to.' Bill was thoughtful for a minute, then he spoke again. 'Sir, I wonder if you would help me with something I'm trying to do.'

" 'Yes, I will, Bill, if I can help.' Mr. Johnston was puzzled at Bill's look of deep thought.

" 'Well, I have been trying to get jobs for my disabled buddies who are still in hospital or have just gotten out of there recently. I need some employer to talk to the other employers.'

"Mr. Johnston had never seen Bill so serious except while on the job. 'I understand and I will personally do all I can to help—but all this serious talk has taken me from what I was going to say—Bill, I want to take you in as a partner.'

"Bill looked startled and unbelieving, then he let out a small yell, 'Thank you, sir. Oh, but I've got to call my wife.'

"After Bill had left his office, Mr. Johnston removed the yellowing picture from his desk drawer. Along with it came a tattered telegram. 'We regret to inform you.' He carefully folded the paper and put it in his desk drawer again. He stared at the picture a long while. His son had resembled Bill in many ways. His son would have been a lawyer too but for the war. The only real difference in them was that his son did not come back, but Bill had become like a son to him now.

"After a while he placed the picture in his desk and turned to the morning mail. The second letter that he opened was from the United States Department of Labor. 'Consider their abilities, not their disabilities—they can work.' How true this was, if only

readmission to the United States after peacefully residing here for 25 years. The Supreme Court has held that under the law the Attorney General can bar him without a hearing and without even disclosing the reasons; and the effect of its 5-to-4 decision is apparently to condemn him to Ellis Island for the rest of his life by administrative action, unless he receives special dispensation at the hands of Congress.

The harsh procedures permissible under our immigration law badly need revision; and we are confident that the President will not forget his campaign promise to repeal "the unfair provisions of the McCarran Act" as he pursues his wholly commendable purpose of seeking admission of an additional 240,000 persons to the United States.

ENDORSEMENT OF SCHOOL-LUNCH PROGRAM

Mr. LANGER. Mr. President, I ask unanimous consent to have printed in the RECORD, a telegram received by me from the Parent-Teachers Association, of Hazen, N. Dak., advocating an appropriation for the school-lunch program.

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

HAZEN, N. DAK., *April 20, 1953.*

Senator WILLIAM R. LANGER,
Senate Office Building, Washington, D. C.:

Parent-Teachers Association hundred strong urge eighty-three millions for school lunch.

HAZEN PARENT-TEACHERS ASSOCIATION.

OWNERSHIP OF THE SUBMERGED LANDS—EDITORIAL FROM THE ST. LOUIS POST-DISPATCH

Mr. ANDERSON. Mr. President, the St. Louis Post-Dispatch has been most keenly interested in the controversy regarding the natural resources in the offshore lands. In the issue of the St. Louis Post-Dispatch for Sunday, April 19, appeared an editorial entitled "A Matter of Sovereignty." Since the editorial is pertinent to the unfinished business of the Senate, I ask unanimous consent that the editorial be printed at this point in the body of the RECORD.

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

A MATTER OF SOVEREIGNTY

One of the most momentous decisions in the history of the country may be made by the Senate in the coming week.

It is the decision whether the belt of seas bordering the continental United States is subject to national sovereignty or State ownership.

The immediate legislation on which the decision will rest is Senate Joint Resolution 13. It would give California, Texas, and Louisiana the oil and natural gas in the bed of the seas off their coasts out to the distance which they regard as their historic boundaries seaward.

The House has already passed the measure. President Eisenhower has announced that he will sign it. A majority of the Senate is evidently ready to vote for it. A small group of Senators, led by DOUGLAS, of Illinois, LEHMAN, of New York, and HILL, of Alabama, and including HENNINGS and SYMINGTON, of Missouri, as well as two Republicans, TOBEY, of New Hampshire, and LANGER, of North Dakota, are holding the thin line of defense. They hope the arguments they are advancing will persuade enough Senators to defeat the resolution, or will persuade the President to veto it.

It is a small hope, but the only remaining one. In 1946 and again in 1952 President Truman stood singlehanded against the intended plunder of the national domain, saving it with the Presidential veto.

There are many cogent reasons why the United States should not surrender any part of its national sovereignty to any one of the 48 States, as it would do in this resolution.

The area involved is one of the most delicate international diplomacy, in which the peace of the world may at any moment hang in the balance. This is a governing reason why the Supreme Court has thrice decided, in cases covering all the claimants to offshore oil, that the United States exercises and must continue to exercise sovereignty over this resource as well as all other resources of the seabelt. "The problems of commerce, national defense, relations with other powers, war and peace focus there," said the Court. "National rights must therefore be paramount."

The oil in the marginal seas—the 3-mile belt out from low-tide mark—and in the Continental Shelf—the submerged skirt of the continent where the waters are relatively shallow before plunging into the abysses of the sea—is necessary for national defense.

These undersea fields must be developed by private initiative under Federal control. When they have been drained down to what should be their reserves for national defense, someone must have the will and the authority to put the lid on. The States cannot be expected to do this; they bear no responsibility for national defense—that responsibility is the Government's.

If the reserves were dangerously depleted under State ownership, the United States might be compelled to expend much blood and treasure to keep open or reopen lines of supply from the Middle East or elsewhere, for oil which could, by the exercise of foresight, have been kept available within easy reach of our own shores.

There are grave doubts that the proposed giveaway would be constitutional. Senator ANDERSON, of New Mexico, and former Solicitor General Perlman doubt the constitutionality of the measure. Attorney General Brownell has implied doubt on the same constitutional point by trying to avoid collision with it. The Supreme Court's own words in the California case, reaffirmed in the Texas and Louisiana cases, appear to support the conception that offshore oil is an adjunct of national sovereignty and that Congress therefore is powerless to give it away. The Rhode Island Legislature has directed the Attorney General of that State to contest the resolution if it is enacted.

Adoption of Senate Joint Resolution 13, accordingly, might paralyze the development of the undersea oil lands indefinitely. Existing and possible future efforts of States to extend their boundaries farther seaward could also provide additional fruitful fields for prolonged litigation. The proponents of giving the oil to the States have argued long and loudly that it is the most expeditious way of getting the fields developed. The exact opposite proves to be the case.

In a nation struggling to make financial ends meet under a crushing burden of national defense, giving away an estimated $80 billion or more of national assets does not make sense. To Missouri alone, its share of the national assets involved amounts to the equivalent of at least a $1¼ billion endowment for the State's public schools.

Giving away offshore oil would be only the opening move to a giveaway of the minerals in public lands and the grasses of the western range, involving a grand total of more than a trillion dollars. No wonder Perlman called the offshore oil bill "the largest wholesale looting in history of national assets."

If the United States recognized Texas and Louisiana claims to 10½ miles seaward, it would be embarrassed in its efforts to preserve the international convention of a 3-mile limit. Other nations might retaliate with extensions of their boundaries seaward such as would endanger the freedom of the seas, as the State Department has warned.

American States would be invited by the terms of the pending resolution to extend their borders seaward to the limits of their imaginations. Texas has extended its claim in advance to 150 miles. Senator CORDON, of Oregon, floor leader for the resolution, has admitted that no one knows where the coastal boundaries of the States were when they were admitted into the Union.

There is no foreseeable end to the dispute which this resolution would open up between States and Federal Government over the contents of the seabed. An estimated $3 billion' worth of sulfur is known to exist in addition to the oil and natural gas. Still other valuable national assets as yet unknown may be present. As the Supreme Court said: "Today the controversy is over oil. Tomorrow it may be over some other substance or perhaps the bed of the ocean itself."

The Post-Dispatch has been in the battle over offshore oil since it began in earnest 8 years ago. We said on October 17, 1945, that "against any effort to use our fighting oil to any smaller purpose than the defense of our Nation, the only course is to fight." Nothing has happened in the world to lend that intention less urgent in the intervening years, and much has happened to lend it more.

The President ought to give studious and serious consideration to the accumulation of logic which speaks against this measure. He should not consider himself bound to error by opinions expressed when by his own admission he knew little of either the facts or the law. He cannot want to give the color of his signature to a quid pro quo of oil for votes in Texas and California, which cast their electoral ballots for him, and in Louisiana, a traditionally Democratic State which he narrowly lost to Governor Stevenson.

It is a decision of the gravest moment for the Senate, and for the President, as for the Nation.

The PRESIDING OFFICER. The Chair believes that the so-called morning hour is now concluded.

ORDER OF BUSINESS

Mr. MORSE rose.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MORSE. Mr. President, this is Friday——

Mr. TAFT. Mr. President——

The PRESIDING OFFICER. For what purpose does the Senator from Ohio address the Chair? Does the Senator from Oregon yield?

Mr. TAFT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Ohio will state the parliamentary inquiry—with the understanding, of course, that the Senator from Oregon will not lose whatever right he may have to the floor.

Mr. TAFT. Has the Senator from Oregon already spoken twice on the unfinished business?

The PRESIDING OFFICER. Will the Senator from Ohio please state the times when the Senator from Oregon is supposed to have spoken on the unfinished business?

Mr. TAFT. I merely inquired whether the Senator from Oregon has spoken twice on the unfinished business.

cance of the revolution that is going on? It is not a political revolution. I think we could be stupid enough to let Russia turn it into one, but as of the present time the people in the backward areas, for the most part, do not know the difference between or among the political ideologies. However, they know the difference between hunger and food satisfaction.

Mr. MALONE. Mr. President, I should like to ask the Senator if he would yield to me for a unanimous-consent request that I may introduce a bill and make a short statement for the RECORD.

Mr. MORSE. Mr. President, you have heard what the Senator from Nevada has asked. As I understand, he is asking unanimous consent that I may yield in order that he may introduce a bill and make a short statement in connection therewith.

Mr. MALONE. It would be a short statement.

Mr. MORSE. I shall not yield for that purpose, unless I can have unanimous consent from the majority leader that I be allowed to do so without in any way violating or losing my rights on the floor of the Senate, because I said earlier today to the majority leader that I would not yield for such a purpose in his absence, and I am not going to yield for it in his presence, unless I have his consent. I know nothing about the statement which the Senator from Nevada wishes to make.

The PRESIDING OFFICER. The question is, Is there objection to the Senator from Oregon yielding to the Senator from Nevada?

Mr. TAFT. Mr. President, reserving the right to object, I shall object unless the yielding is limited to the usual 2 minutes which has been customary during the morning hour. I shall have no objection to the Senator from Oregon yielding for the purpose of allowing the Senator from Nevada to make an insertion in the RECORD and then to make a short statement in connection therewith, provided it does not exceed 2 minutes.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request by the Senator from Oregon to yield for 2 minutes to the Senator from Nevada, with the understanding that the Senator from Oregon shall still retain his right to the floor? The Chair hears no objection, and the Senator from Nevada may proceed.

MEMBERSHIP FOR NEVADA IN COLUMBIA INTERSTATE COMPACT COMMISSION—BILL INTRODUCED

Mr. MALONE. Mr. President, I introduce for appropriate reference a bill to amend Public Law 572, 82d Congress, in order to permit the State of Nevada to enter into a compact with the States of Idaho, Montana, Oregon, Washington, and Wyoming for the disposition, allocation, diversion, and apportionment of the waters of the Columbia River and its tributaries.

At a meeting of the Columbia Interstate Compact Commission in Boise, Idaho, December 11, 1952, a motion was made and passed proposing that Nevada be invited to participate actively in all phases of the compact.

Mr. TAFT. Mr. President, I think the distinguished Senator from Oregon will have to stand if he is to retain the floor.

Mr. MORSE. If that is the wish of the majority leader, I shall be glad to do so. I was merely sitting down in order to obtain a little rest.

Mr. MALONE. My State of Nevada should be a member of the Columbia Interstate Compact Commission. The Owyhee River flowing out of northern Nevada drains into the Snake River in Idaho and contributes water to the Columbia supply. The area of the Columbia River Basin in Nevada is approximately 5,500 square miles. At the present time approximately 64,000 acres are irrigated using about 89,000-acre feet of water annually. It is possible to increase the irrigated acreage in that area of northern Nevada to more than 100,000 acres therefore, it is in the best interest of the State of Nevada to have the right to use all the water that will be needed in that area for beneficial consumptive use.

Mr. President, I introduce the bill for appropriate reference to the proper committee, to permit the State of Nevada to join the Columbia Interstate Compact Commission.

Mr. President, I ask unanimous consent that the bill and a copy of a letter addressed to me by Hugh A. Shamberger, State engineer, State of Nevada, be printed in the RECORD as a part of my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred, and, without objection, the bill and letter will be printed in the RECORD.

The bill (S. 1761) to include the State of Nevada among the States authorized to negotiate a compact for the disposition, allocation, diversion, and apportionment of the waters of the Columbia River and its tributaries, introduced by Mr. MALONE, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD as a part of his remarks, as follows:

Be it enacted, etc., That the act entitled "An act granting the consent of Congress to the States of Idaho, Montana, Oregon, Washington, and Wyoming to negotiate and enter into a compact for the disposition, allocation, diversion, and apportionment of the waters of the Columbia River and its tributaries, and for other purposes," approved July 16, 1952 (66 Stat. 737) is amended by inserting after "Montana," the following: "Nevada."

The letter presented by Mr. MALONE is as follows:

STATE OF NEVADA,
OFFICE OF STATE ENGINEER,
Carson City, Nev., April 21, 1953.

Hon. GEORGE W. MALONE,
United States Senator from Nevada,
Senate Chamber, Washington, D. C.

DEAR MOLLY: Pursuant to the suggestion in your letter of March 24, regarding Nevada's entry as a member of the Columbia River Compact Commission, I have prepared a simple amendment, copy of which I am enclosing herewith. It might be necessary for you to put this in better form and if so it will be appreciated.

At a meeting of the Columbia Interstate Compact Commission in Boise, Idaho, December 11, 1952, a motion was made and passed that Nevada be invited to participate actively in all phases of the compact. The States represented at this meeting were Idaho, Oregon, Washington, and Wyoming. There should be no objection in Congress to Nevada being made a member of the Columbia Interstate Compact Commission.

Quite recently, at my request, the Soil Conservation Service made a study of the consumptive use of water in the irrigable areas of the Columbia River Basin in Nevada. For your information and records I am sending you two copies of this report under separate cover. You will note from the report that the area of the Columbia River Basin in Nevada is approximately 5,500 square miles; that the present number of acres being irrigated is approximately 64,000 acres which utilizes about 89,000 acre-feet of water annually. There is definite possibility for increased acreage in Nevada and my estimate at the moment is that the element irrigated acreage will be at least 100,000 acres, perhaps more. Nevada is interested in having the right to use all the water that is ever needed for beneficial consumptive use.

I would appreciate the introduction of this amendment at the earliest possible time.

Kind personal regards.

HUGH A. SHAMBERGER,
State Engineer.

Mr. MALONE. Mr. President, it is an established practice for all States within a river basin to be a part of any conference dealing with the water supply and development of the natural assets of the area.

The Columbia River Basin should be no exception—and all of the States of the basin have agreed upon that principle.

TITLE TO CERTAIN SUBMERGED LANDS

The Senate resumed the consideration of the joint resolution (S. J. Res. 13) to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, and to provide for the use and control of said lands and resources.

Mr. MORSE. Mr. President, I was saying that I feel that the revolution that is now going on is not a political revolution in the backward areas. We should not permit it to become one. We should not follow a course of action that would let Russia turn it into one. We should recognize it for what it is. It is an economic revolution, it is a revolution on the part of these people for a better way of life, and they are going to get it. As the Senator from Nevada [Mr. MALONE] has implied in some of his remarks on this question, it is a revolution against colonialism, against the economic materialism of the western powers, against the exploitation of natural resources of the backward areas by the western nations.

To my way of thinking, a dangerous sort of nationalism is coming to characterize these countries in revolt. We are seeing it happen in Africa. We see signs of it not far from us, in Latin-America. Of course, we see many signs of it across North Africa and throughout the still free segments of Asia.

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

Mr. MORSE. I yield for a question.

Mr. MALONE. I should like to ask the distinguished Senator from Oregon

if he has noticed the statement by Gen. Douglas MacArthur on the Far Eastern situation, which appears in the evening newspapers.

Mr. MORSE. No. I have not had an opportunity to read the evening newspapers. I have not seen them.

Mr. MALONE. If the Senator will further yield, I should like to ask him if he agrees with the statement that has been made by Gen. Douglas MacArthur, that what should be done is to destroy the supply lines between Red China and Russia, since that, in his opinion, would end the Korean war.

Mr. MORSE. I should like to have much more time than I have tonight in which to discuss that extraneous subject.

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

Mr. MORSE. On that subject I should like to confer with the Senator from Nevada. Then, perhaps at a later date, the two of us could discuss on the floor of the Senate, and I think in complete agreement, the whole subject of the Korean war. I, too, have some ideas on it. Certainly I think, as I have said so many times, that we ought to stop letting our allies feed into Red China supplies that go down the supply line into Korea and result in the death of American boys.

I do not care to get into that argument tonight, as the Senator from Nevada knows, but I have not been convinced that we ought to follow a course of action in Asia that will involve us in a unilateral war with Red China in Asia. I think we ought to get a much better agreement out of our allies than we have had to date. We ought a get a great deal more support from our allies than we have been able to get to date on the entire Red China matter.

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

Mr. MORSE. I yield for a question.

Mr. MALONE. I should like to ask the distinguished Senator from Oregon if he does not think it is about time we displaced some of the political generals we have by someone who at least knows the score?

Mr. MORSE. I would feel more competent to answer that question if I were on the Armed Services Committee. [Laughter.]

I was very much interested, before I left the Armed Services Committee, in fact, I did a great deal of work on the subject, in what I considered to be a great deal of inefficiency in the administration of the military program of the country. I may be wrong, but I have some evidence that satisfies me that I am right. I have the feeling that partly because of my criticisms of the inefficiency of the military, I am no longer on the Armed Services Committee.

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

Mr. MORSE. I yield for a question.

Mr. MALONE. I should like to ask the distinguished Senator if he believes that if the war were properly prosecuted none of these questions could possibly arise, such as questions of sufficiency of ammunition, or questions as to the manner of conducting the war—whether we are in it to win it, or for the purpose of murdering the boys sent to the front.

Mr. MORSE. I am very critical of our whole program in connection with the Korean war and I am very critical of the ammunition situation. I spoke at some length earlier today on the ammunition question. At this late hour I would not want to repeat that discussion, because I have so much material here yet to get into the RECORD. I am very fond of my friend from Nevada. For the time being I should like to ask a personal favor of him. I do not want him to take offense. I should like to proceed with the point which I was discussing, in trying to apply the question of the revolution to the four points I have mentioned. Then I shall yield later for questions if the Senator will permit me.

Mr. MALONE. I thank the Senator.

Mr. MORSE. Going back to the discussion of the revolution, I think we ought to see the implications of it in connection with a natural resource program in the United States. One of the great problems in connection with the economic phase of the revolution is the problem of food supply and the development in backward areas of scientific agricultural techniques and the know-how of the American capitalistic system, to develop the economic facilities that will permit of the raising of the standard of living of those people, so that they will not be constantly pressed by a shortage of food supply. That is why I have been heard to say that we had a great opportunity in the field of American foreign policy, to bring the scientific know-how of American capitalism to the backward areas of the world, not on a giveaway program basis but on the basis of a sound investment program, by way of a cooperative arrangement between our Government and American business, which will lead to the economic development of those countries so that they will not fall into the arms of totalitarianism, but will have a demonstration, in terms of economic betterment, of the capitalistic system and the political freedom which goes along with economic freedom.

Of course, that means that we must be satisfied with a fair profit. It means that we must be satisfied with bringing to an end exploitation of their natural resources. It means that we cannot give support to allies in those countries that have been giving, and still give, too much evidence of wanting to continue to exploit the resources of those countries.

Mr. President, that is one reason why I say that the maintenance of a surplus food supply in our own country is one of the best diplomatic instruments we have for international negotiations in the field of foreign policy. To the extent that we can produce food over and above our needs, to that extent have we a great bargaining asset in the field of foreign policy. That is why I fear the Eisenhower program in respect to so-called surplus food. I think it is a great asset. Not only that, Mr. President, but I am very much interested in and concerned about maintaining a production level and the development of the agricultural production forces, together with the conservation of the great agricultural potential of our country, so that as the population figure moves upward, future generations of American boys and girls will never be concerned about the danger of not having an adequate food supply.

Mr. President, may I propound a parliamentary inquiry without in any way losing my right to the floor?

The PRESIDING OFFICER. The Senator will state it.

Mr. TAFT. Mr. President, I did not hear the remarks of the Senator.

Mr. MORSE. I asked the Presiding Officer if I might raise a parliamentary question without in any way losing my right to the floor.

Mr. TAFT. Certainly. I have no objection.

The PRESIDING OFFICER. The Senator will state it.

Mr. MORSE. A note has just been handed me to the effect that I ought to ascertain from the Chair if I am in any way in violation of the rules if I pass beyond this aisle, or pass beyond this chair.

The PRESIDING OFFICER. The Senator will proceed in order. No point has been raised so far.

Mr. MORSE. I understand that I will be protected, in case a point is raised, until I have had due notice from the Chair that I am not at liberty to exercise a muscle or two by a little walk.

The PRESIDING OFFICER. The Senator will proceed in order.

Mr. MORSE. I thank the Presiding Officer.

To return to the discussion of the revolution in the backward areas of the world, it is very important, I think, as the population trend moves upward, not only in the other parts of the world but in our own country in the decades ahead, that we follow a course of action which will protect future generations of American boys and girls in the maximum of food-producing potential in the agricultural resources of our country.

That is why some of us are very fearful about a letdown in soil-conservation practices in this country. I see on the floor my distinguished friend the Senator from Georgia [Mr. RUSSELL]. He is one of the great experts of the Senate in the field of agriculture. I can recall, 2 or 3 years ago, when he was chairman of the Subcommittee on Agriculture of the Appropriations Committee, he made a very valiant fight on the floor of the Senate, and it was my pleasure, upon his invitation—and I was honored by that invitation, because it is not very often that the Senator from Georgia bestows such an honor upon the junior Senator from Oregon, at least—to participate with him in debate one afternoon on the soil-conservation issue.

The Senator from Illinois [Mr. DOUGLAS] did not see eye to eye with either one of us on what we considered to be an adequate appropriation for soil conservation. I can remember, as if it was yesterday, the brilliant argument which the Senator from Georgia made in support of adequate funds to protect the precious topsoil of this country, not alone for the holders of the farms now living on those farms, but for the benefit of future generations of Americans.

I was proud to walk over to the Democratic side of the aisle and join my distinguished friend from Georgia, in my feeble way, in support of the position he was taking, and I was very proud, Mr.

President, although I deserved little, if any, of the credit for the ultimate victory, that when the roll was called on the issue, the Senator from Georgia was sustained by a substantial vote in this body, as he was entitled to be sustained, because he was fighting, as I am fighting tonight, in the interest of following a course of action which will cause no reduction in the great conservation program in the field of soil conservation.

Mr. RUSSELL. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. I yield for a question.

Mr. RUSSELL. I should like to ask the Senator from Oregon if he would not refresh his recollection and recall that the proposal was not carried by a substantial vote, but by the margin of one vote?

Mr. MORSE. The Senator from Georgia is correct.

Mr. RUSSELL. I should also like to ask the Senator from Oregon if he would permit me to invite him again, in this good year 1953, to join me in the same fight, because it appears it will be harder this year than it has been for some time.

Mr. MORSE. It will be an honor to do so. In the same spirit of complete reciprocity I now invite the Senator from Georgia to join me in this fight. I am sure he will want to come to my rescue.

Mr. RUSSELL. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. For a question only.

Mr. RUSSELL. I shall endeavor to put my thought into the form of a question. I should like to ask the Senator from Oregon whether he thinks he needs any help. Any man who has carried on for 10½ or 11 hours, as he has done, would seem to be in a very poor position to ask for help, and would seem to be able adequately to take care of himself.

Mr. MORSE. O Mr. President, we need a lot of help, and a lot of votes, too. My particular little round is important in its way, but it is just the beginning. It is just the beginning, Mr. President. It deals with the type of filibuster that we have been talking about, or the filibuster technique connected with prolonged debate on issues such as this, and it deals with the whole question of protecting our natural resources.

There is one point that I wish to make in connection with the importance of maintaining our surplus-food supplies. We must protect our surplus-food supplies in the interest of the welfare of an increased population in our country, which, from all indications, in the absence of some act of God, such as a pestilence or plague sometime in the future, which scientific discoveries may not be able to stop, will increase and not decrease.

We must see to it, Mr. President, that we leave as a heritage to future generations of Americans the maximum possible food supply resources that we are capable of leaving to them. It means that we must conserve our soil. It means that we must conserve our natural resources. It means that we cannot exploit them. It means that we cannot give them away.

Take the joint resolution, for example. We ought to leave to future generations of Americans this great last oil reserve, which is so vital for our defense, and which was placed under the jurisdiction of the Navy by one of the last acts of President Truman. I think we ought to leave it there, for wise conservation development by the representatives of the people in Congress, and away from the selfish and greedy exploiting desires of economic interests in this country, who, unless they are controlled by the Government, as our history shows, will not stop to exploit the treasures of the people in the public domain and the natural resources of this great land.

O Mr. President, you may think it is idealistic. You may think it is too theoretical. However, that is what history teaches us. If we follow a course of action which will let the great public domains of the Western States become turned into replicas of eroded China, that is exactly what we will get. If we walk out on Roosevelt and Gifford Pinchot, in this session of Congress on natural resources legislation, and if we let the topsoil of America go down the rivers into the sea, that is what will happen. If we do not pay heed to such soil conservationists as the great Senator from Georgia [Mr. RUSSELL] and if we do not continue to support the great battle he has made in the Senate, ever since I have been in it, for a sound conservation program; if we let the forests become denuded, and if we turn over to private monopolies the people's interests in the maximum electric power potential of the streams, we shall not only sell short the people of our generation, but we shall sell short the destiny of our country.

In that event, Mr. President, historians writing 100 years from now will record—and this is just as certain as it is that we are here tonight—that in our generation the Congress, by means of the beginning made by such legislation as that now proposed, began to write the first chapter of the volume on the decline of American civilization. That is what is involved in this debate.

Certainly I know it will be difficult to get the American people to understand all this matter at once, but someone has to dare to stand up and state the situation. The little band of liberals in the Senate has been stating it for weeks, and we shall continue to state it, because we are not through.

So I am frank to state our position. I have been very frank in the confessions I have made today about the tactics and strategy of this little band of liberals. We have nothing to conceal.

We say that one of the reasons for the prolonged debate on the joint resolution is that we believe it important that we serve notice that those who try to take away from the people of the United States their heritage in the natural resources of the Nation will find the going very tough. That is one of the reasons for this prolonged debate. We see what lies ahead in this issue and we see what lies ahead in connection with other issues. By means of this debate, we are serving notice on the Eisenhower administration that it will have to conduct a fight in the Senate if it plans to continue with any proposed legislation based on the principle of the giveaway program that is involved in the pending joint resolution.

We do not care what happens to us personally. Some persons seem to find it difficult to believe that simply because one is engaged in politics he cannot be counted upon ever to sacrifice his own interest for the common good. I do not know why that conception of politicians is so common in the thinking of the American people, but I know it is common in their thinking. I know that from the conversations I have in various parts of the country and I know it from my meetings with student groups. I can detect that sentiment when I participate in open-forum discussions. Too many of our people believe that politicians think only of their political skins, only about being reelected, only about yielding to pressures. That simply is not so, Mr. President. It is true of some, but it is not true of most.

The members of our little band of liberals are perfectly willing to sacrifice their political futures, if they are called upon to do so, and if that is to be the result of the fight we are making, in order to make this fight to preserve for all the people the natural resources of the Nation. We are not going to stop this fight. No personal, selfish consideration will stop us.

Let me be very personal about this matter for a moment; and I think I can speak for my colleagues in this little band of liberals, because I participated in the discussions. I do not think one of them would not be willing to follow a course of action which would result in his defeat for political office, if he believed that in following that course of action he could help block a program of giving away the natural resources which belong to generations of American boys and girls yet unborn. We consider that to be our patriotic duty. I think such a sacrifice is a small one to make for one's country, if a sacrifice it is, when so much greater sacrifices are being made by the young men who are fighting to preserve our freedom. When many of our young men are sacrificing their very lives in that fight, and when many other of our young men who are engaged in that fight are making the sacrifice that they make when, if they survive in that war, they return from it with mutilated bodies, we should not hesitate to sacrifice our political careers, once we become convinced that the issue is worth that sacrifice.

Believe me, Mr. President, this issue is worth that sacrifice; and I refer to the issue of keeping faith with Theodore Roosevelt, Gifford Pinchot, William Howard Taft, and the great George Norris, in connection with the entire matter of conserving the natural resources of the Nation for the welfare and benefit of our people, so that we shall keep faith with the great principle of Lincoln that we, as the elected representatives of the people, should be willing through our Government to do for all the people what needs to be done, and what they cannot do for themselves, or what they cannot do so well for themselves. That is an unanswerable Republican tenet.

It is a Republican tenet that I have. However, I am all alone in that position. That is why I am an Independent, Mr. President. I am an Independent because I have found myself without a party.

So I thought I had better form a party of my own. I found myself outside the Republican Party, because I believed in the principles of Lincoln, and I thought we should practice them. But because I became an Independent, Mr. President, I am not going to break faith with the Republican principles of Lincoln. And they were the same principles Jefferson followed. Both of those great political philosophers stand, so far as many of their political principles were concerned, upon Burke. That is why I have been heard to say so many times that I am a Burkian, because I believe in representative government. I really believe in it. I think we ought to practice it.

So, Mr. President, I say that one of the reasons, among many others which I have outlined today for this prolonged debate, one of the reasons why this little band of liberals, whom I regard it an honor to join in this fight, has been participating in this prolonged debate is, I frankly confess, what we talked about in our conferences, that we merely desire to serve notice on the majority that the going will be tough, if the majority thinks it is going to continue to repeat this kind of giveaway program in other legislation. We have tried to make it a little tough for them this time; but we are going to make it tougher the next time, because we will have learned as a result of much experience in this fight.

I do not want anyone to interpret that remark as indicating that the battle is going to be over within the near future. It has really only started. We are still going to wait for the public reaction; and again I want to be frank about it. We are still going to wait for the public reaction to the offer that we have made; and if the pending measure be laid aside until the emergency legislation is passed, and if we then pick it up again, on the basis of the same parliamentary status that existed at the time it was laid aside, what is wrong with that? I think it is very fair. Every speech already made will have counted against the individual who made it, under the rule. We will have carried out the public's business in the way of the emergency legislation, and then we will have returned to legislation which it must be admitted was nonemergency. There is nothing of an emergency nature about the pending proposal.

Mr. President, where did the Senator from South Dakota go? [Laughter.] My good friend from South Dakota indicated by a good-natured comment to me a little while ago that he thought there was a great deal of interest in daylight-saving legislation. I think there is, too. If we are going to have daylight saving, we cannot wait until next fall, Mr. President. [Laughter.] Senators had better get the bill providing for it before the Senate. I do not know how it will be possible to get daylight saving without laying the pending measure aside, under our offer.

There is a whole list of legislation on economic controls and rent control. I think we ought to take action on it, because, as I said earlier, on the basis of what I have overheard in the cloakroom, I just have a feeling that a majority of my colleagues do not want this debate to end until after May 1, because they think that will save them from standing up to be counted against the legislation; and I think they are in the majority. I may be wrong, but I think they are in the majority. We shall wait for the roll call, but that is what I think.

I make my mistakes, too. I do not think I am wrong in this opinion. I do not think my prediction will prove to be a mistake. I do not think there is a majority vote in the Senate to pass this emergency legislation. And so, for those who do not want to stand up and be counted on it, it is probably convenient if this debate shall continue beyond May 1.

But that is not going to take the responsibility off shoulders of the majority, Mr. President, when people come to reflect on it. Oh, let us give the public more credit than that. What will be the attitude of the public when it comes to reflect upon and contemplate the offer made by this little band of liberals to lay the pending measure aside so we can take up the emergency legislation, and not in the slightest—I repeat, not in the slightest—affect the parliamentary status of the pending legislation, so the same parliamentary status, whatever it may be, will be resumed when it is taken up again.

When I get through with this speech tomorrow morning, it will be my second one. I will not be able to talk again on the pending amendment. I have numerous other amendments I can discuss. [Laughter.] It will be my final speech, thanks to the generosity and fairness of the majority leader, which we have discussed earlier today.

My point is, Mr. President, that the parliamentary situation will be exactly the same when the pending measure is again taken up, after having been laid aside; the parliamentary situation will be as it is now. And that is fair. I am willing to venture to guess what will happen. I was going to say I was willing to bet, but I do not think I ought to talk about betting on the floor of the Senate. I do not bet very much anyway. I may make just a little friendly bet—although I got taken a little, did I not, on that steer bet? I lost a whole steer on the election to a couple of my colleagues here. I was going to say, "I am willing to bet." I am willing to put it this way, Mr. President, I am willing to predict that the American people will place the responsibility where it belongs, for no action on the emergency legislation; and it will not be on the little band of liberals, who made this fair offer. It has got to be on the shoulders of those who refused to accept our offer.

There is plenty of time in which to pass the emergency legislation, if the Senate lays the pending measure aside and to take it up again when we get through with the emergency legislation. But now, Mr. President, to be perfectly frank about it, we simply do not like to be put in a position where the position of the pending measure on the calendar at the desk may be used as a parliamentary whip, to try to whip us into line, to get us to agree to vote on the pending measure before we feel that we have made our case on it, merely because of the pressure of the clock and the calendar. We do not like that. We are pleasant about it, we are good natured about it; but we are very firm in our expression of the fact that we do not like it. And let me say that is not a wise way of getting cooperation out of us. Cooperation in a controversy such as this could be obtained much better if there were a little give and take.

Mr. President, that covers for the time being my position on the so-called use of filibuster techniques as a part of the prolonged debate on the merits. So that there may be no misunderstanding about it, I again confess, as I confessed at the beginning of the debate today. So far as I know, I am the only one who has done it. But I had to do it in order to satisfy my own conscience, Mr. President, because I simply refuse to pretend. I had to confess that I think filibuster techniques are involved in the current debate. But they are filibuster techniques that are being used for the purposes I have outlined this afternoon and evening.

They are not filibuster techniques for the purpose of preventing a vote from ever occurring on the proposed legislation. We have no such intention, and I would be opposed to what I have defined today as the ultimate filibuster. The ultimate filibuster I think is a great evil, and I shall continue to urge that we amend rule XXII of the Senate so the ultimate filibuster cannot be practiced on the floor of the Senate.

While I am on that subject, Mr. President, let me say that I should be glad to lay the pending measure aside for the consideration of my antifilibuster resolution, and then we can follow up and get a vote under my resolution. Under that resolution, Mr. President, there is no way of preventing a vote. What does it provide? I think this is a good place to put it into the RECORD, because, having confessed, Mr. President, that I am participating in filibuster techniques in connection with a discussion of the merits of the pending joint resolution and for the purposes of delay which I have outlined here today, but not for the purpose of preventing a vote from occurring on the joint resolution, I think I should review for the RECORD the provisions of my antifilibuster resolution. I know them very well, because I have offered the resolution for years in the Senate, but have been unable to get a hearing. I shall keep on offering it. I have said, Mr. President, that I will agree to modifications; I will go along with the Lehman bill, although I like mine better. I am perfectly willing to compromise.

The same provision in my resolution for filing a cloture petition will prevail. Sixteen Senators can sign the petition. It has to stay on the desk for the same length of time, 2 days. Then it can be taken up, and then we can vote cloture by a majority vote of those present and voting, a minimum of a quorum, of course, being necessary.

That is majority rule, Mr. President. I say it is in keeping with the meaning

of representative government. I do not see any reason why we should have any rule in the Senate that prevents the majority from coming to a vote. Why kid ourselves? The ultimate filibuster, the one aimed at preventing any vote from ever occurring on the floor of the Senate on a piece of proposed legislation—that is minority rule. Of course, as I have said many times, the great evil of the ultimate filibuster is not only on the floor of the Senate but it is in committee. The American public does not see behind the committee doors. They are not aware of what goes on in the executive sessions of a committee. Oh, how many times, Mr. President, have I sat in committee and someone with the power to deliver on the threat offered an amendment which, in my opinion, really cut the heart out of a bill. When he saw he was going to get beaten in committee, he and usually one or two other Senators said, "You beat it, and you will never get it to a vote on the floor of the Senate. We will give you a prolonged debate that will prevent its ever coming to a vote."

How many times in committee, Mr. President, have I seen men agree to compromise on proposed legislation that they knew they should not agree to. They probably had to agree to it because if they did not, the bill would be filibustered to death when it reached the floor of the Senate. I think that is the greatest evil of the filibuster threat. It is bad enough on the floor, but it is worse in committee.

So, Mr. President, my antifilibuster resolution provides that after the cloture petition is filed by 16 Members and remains on the table for 2 days, it can be voted upon and the majority can pass cloture. Then, Mr. President, it guarantees after that 1 hour of debate for each Member of the Senate who wants to discuss the bill on the merits after cloture, with the right to farm out his time if he does not want to talk.

Why did I put that provision in the resolution? Because I, too, believe in minority rights and their protection. I, too, believe in free speech in the Senate, because I think it is one of the greatest safeguards to the liberties of the American people. The power of a United States Senator to walk onto this floor and discuss any issue he wants to discuss is a precious right, not of the Senator himself, but of the American people. Read the history of the Senate. The exercise of this right has resulted in the public disclosure of malfeasance in office, scandalous inefficiency, and miscarriage of justice. Oh, Mr. President, do not let us do anything that will destroy that right.

That is why many of my liberal friends throughout the country are a little disturbed with me these days because I do not believe that the protection of immunity on the floor of the Senate should be destroyed, either. Certainly, Mr. President, it will be abused from time to time. That is one of the risks of living in a democracy. But let me say, Mr. President, the greater right, the greater value in the principle of immunity, the right of a Senator to walk onto the floor of the Senate and tell the American people what he, in his honest opinion, thinks they should be told about any problem affecting the country, is the exercise of a farseeing wisdom on the part of our constitutional fathers.

Mr. President, they saw the importance of free expression on the floor of the Senate and the protection of the public interest, as the Senator, according to his sight, saw the interest. The public has its check. If a Senator abuses the immunity privilege, the check is the voting booth. It is up to the people, in the exercise of the greatest freedom they have, that of the free ballot, to check the abuse. That is why I have been heard to say in recent months and years that I will be no party to any program that seeks to destroy the privilege of immunity on the floor of the United States Senate. I provided for an hour of debate for each Senator, with the right to farm out his time if he did not want to speak, because I think it is important to protect minority rights on the floor of the Senate, and to protect the minority in the Senate from the steamroller tactics of a partisan majority. I have seen such tactics happen. During my 8 years in the Senate, on more than one occasion I have seen a proposal made within a very short period of time, sometimes within only a matter of relatively few minutes or hours, for a unanimous-consent agreement to vote on a bill. I spoke earlier today at some length of the experience we had in 1947 in connection with the President's veto message on the Taft-Hartley bill. The demand was made on the floor of the Senate that we either give our unanimous consent to enter into an agreement to vote that very day on the bill, or start talking. That was what we were told. We started to talk. By the next afternoon, the persons who had forced us into the talkathon had decided better, and accepted the very terms for a vote the next Monday at 2 o'clock as had been originally proposed.

I cite that instance to show that we must be on guard to protect minority rights in the Senate by a fair rule. Likewise, there is nothing in the rules to prevent the bringing up of a bill, the filing of a cloture petition, and the forcing of a vote, provided that cloture can be voted, before there has been practically any debate on the merits of the bill itself. We have to be on guard against that.

So I have provided for a 96-hour interval, with the right of a Senator, if he does not wish to talk, to farm out his time. Let me say to the public that may read these remarks that there is a great system of unwritten rules of courtesy in the Senate. I hope the time will never come when they are violated. Rightly or wrongly, I feel that I have not had the full enjoyment of them this year. But be that as it may, they are a very important part of the unwritten rules of the Senate. That is important in connection with my antifilibuster resolution. Under my resolution if Senator X feels that he would like to talk more than 1 hour, he could go to Senator Y and say, "Are you going to speak on the bill?"

If Y says, "No; I am not going to speak on the bill," Senator X could then say, "Do you mind if I use a half, three fourths, or a full hour of your time?"

Mr. President, in my judgment, do you know what would happen in every case? If Y had not already pledged his time to some other Senator, Y would say, "Of course, if you would like to have it."

He would say it if he were on the opposite side of the issue. That is the way we deal with one another in the Senate. I hope the time will never come when we do not deal with one another in that way.

Some people have criticized my antifilibuster resolution because they think that 96 hours is too long. I would rather err in the direction of allowing what everybody would have to agree is very adequate time for discussion after cloture, than to be placed in a position where anyone could say, with the slightest justification, that we did not allow enough time.

Mr. President, do you know what I think would happen after passage of my antifilibuster resolution? It would be like so many legal controversies. Prior to decision, the situation simply looks like an awful mess. Everybody is all stirred up and embroiled. But when a decision is rendered by a court of competent jurisdiction, it has a very calming and settling effect on everyone. In most controversies, the very process of the decision, the very granting or handing down of the decision, has a tremendous effect on human relations.

In connection with my antifilibuster resolution I think it would be found that once a cloture petition was filed, once the parties to the debate in the Senate realized that that was it, that there was the finish line, 96 hours away after the vote for cloture, that 96 hours was the maximum, there it is, nothing can stop it now, there will be a vote at least at the end of 96 hours, in most cases the debate would be over in 20 hours; in many cases, in 10 hours.

In most cases where there had been ample debate before the filing of cloture, I think the very filing of and voting on a cloture petition, and the passage thereof, would result in a vote within 10 to 20 hours. That would not be too long; I have provided my safeguard in case at some time, during some period, there should be undue excitement in the Senate. We have all experienced a situation when feelings have run high for a little while, until we all went into the cloakroom and laughed with and at each other, and said, "Well, after all, that is another one over the dam. Let us go to the next one."

I think, Mr. President, that except for those few instances in which the 96-hour reservoir of time is needed to protect the minority in case some excited majority at some time should ram through cloture in the Senate without ample debate in advance of cloture, my rule would result in a decision of the case, and debate would probably end in 10 or 20 hours at the most.

That is my resolution. I have offered it for a number of years. I think I offered it first in 1946. I am not so sure that I did not offer it the first year I was in the Senate. But at least I offered it by 1946. I modified it a little here and there over

the years, but it was always a majority-vote resolution.

The Lehman resolution goes along with the provision requiring the vote of two-thirds of the Senators present and voting. I would compromise on that point. I would not like to be compelled to do so. I would put up the best argument I could for my own proposal, and if I lost on that I would vote for the Lehman proposal.

Before closing this particular subject, let me make it very clear that the greatest feature of my antifilibuster resolution is that it would completely revise rule XXII, so that there would be no out in the rules for a filibuster. Nothing could be filibustered. Nothing could be used as a basis for a filibuster. Neither an appeal nor the reading of the Journal, nor a so-called nonmotion could be used as a basis for a filibuster. Everything is included under the terms of my resolution, so that no filibuster could possibly be conducted. I must admit one thing. Of course, the same is true of the resolution which I understand the Rules Committee has just reported. I must admit that none of the resolutions—either mine or any of the others—could prevent a filibuster in the first instance, that is, at the time of getting the filibuster resolution adopted. Such a resolution would have to be based on the present rule. I think the present rule makes a filibuster certain, because I doubt very much if, in connection with an antifilibuster resolution, there would ever be 64 Senators who would vote to close debate. That would have to be done.

As I have always said, there is only one way really to break a filibuster if men are determined to filibuster for the objective of the ultimate filibuster, which I have described and defined here today. There is only one way to break it, and that is to meet 24 hours a day for as many weeks as necessary to break it. How many times I have stood on the floor of the Senate and pleaded in vain for that kind of support in the fight I was making against a filibuster on civil rights.

But I think that is worth the price. I think we ought to do it some time. I thing the best time to do it is at the beginning of a session, the first day of a session of Congress. That is why I supported the Anderson resolution this year. I said that I did it not on the basis of the argument which was made, that the Senate was or was not a continuing body. I thought that was a fallacious argument, and I said so.

I had to laugh at my friend DICK RUSSELL when the debate was in progress. I am sure he does not mind my referring in a very friendly fashion to the pleasant conversation I had with him at that time. He said, "I have not heard you yet in this debate on the issue of whether or not the Senate is a continuing body." I said, "You are not going to hear me on that issue either. You are not going to hear me support the proposition that the Senate is not a continuing body, because it is a continuing body in a great many respects."

One cannot read the history of the Senate or the rules either, in my judgment, and have any doubt on that question. I said to the Senator from Georgia, "Dick, I will tell you what you are going to hear me discuss before I get through. It will not take me very long, either. It will be one of the shortest speeches I ever made. It will be less than 5 minutes." He said, "It is certainly going to be your shortest, not one of the shortest." It was less than 5 minutes, as Senators may recall. They can check the record.

I said at that time: "The reason I support the Anderson motion is that I think it is in the public interest that on the first day of the session of the Senate we ought to proceed to amend the rules under which we operate. We ought to proceed with rule XXII." Of course, that was the reason of the Senator from New Mexico as well.

I made that argument at that time. That is my position tonight. I think the best time to try to get through any of the antifilibuster resolutions is the first day of the session of Congress. I hope, if we are unsuccessful in getting such a resolution through this particular session—and I am not too much encouraged about it—that at the beginning of the next session we shall make it the first item of business. I think it would be a very good thing for the Senate. Of course, there are a good many other rules which I think we ought to revise, too.

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

Mr. MORSE. I yield only for a question.

Mr. HENDRICKSON. Why the lack of encouragement?

Mr. MORSE. I see very little evidence that there is any intention in the Senate to make a fight to amend the rules this session. I hope I am mistaken, but I confess that I am rather discouraged over the prospect. The Senator knows me well enough to know that I am not very easily discouraged, either.

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

Mr. MORSE. I yield for a question only. I must protect myself. I know that the Senator from New Jersey would not want to do anything but protect me, too; so I yield for a question.

Mr. HENDRICKSON. Does the Senator's lack of encouragement arise because of the present filibuster?

Mr. MORSE. Oh, no. I have nothing but encouragement from this filibuster. The Senator has not been present part of the time today when I was discussing the filibuster technique which is being used in this debate.

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

Mr. MORSE. I yield for a question only.

Mr. HENDRICKSON. Is the Senator unaware that the junior Senator from New Jersey was sitting in the gallery throughout much of his debate?

Mr. MORSE. Oh, yes; I was unaware of that. If the Senator has ever watched me, he knows that I do not speak to the galleries. I speak to the Presiding Officer, and I speak to my colleagues. That is what I was sent to the Senate to do. I speak to the public when I am out in the country, but not in the Senate.

Mr. HENDRICKSON. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. For a question.

Mr. HENDRICKSON. Does the Senator speak for the galleries?

Mr. MORSE. Well, Mr. President, I certainly hope that the galleries will cogitate, contemplate, and give careful consideration to the facts I present and the propositions I lay down in my speeches on the floor of the Senate. I do on the floor of the Senate what, as a lawyer, I do when I speak before a judicial tribunal. I happen to think that it is one of the proprieties of professional conduct. Of course, when one argues a case he is cognizant and hopeful, under the American constitutional system of public trials, that the public will take note of his position. I believe the fact that Senate hearings are held in public is in keeping with the intention of the framers of the Constitution, namely, that controversial matters involving the welfare of the people, be they in the administration of justice or in the functions of the legislative branch of the Government, should be public in nature; but that representatives of the people participating in debates should do their speaking to their colleagues and to the Presiding Officer, not to the public.

That happens to be the view of the junior Senator from Oregon. I leave it to my colleagues to judge whether that has always been my practice. I have never intentionally spoken to the galleries in any speech I have ever made in the Senate.

Mr. President, I have about concluded my discussion of my antifilibuster resolution. I repeat that I am perfectly willing to enter into a unanimous-consent agreement to lay the pending joint resolution aside for such period of time as may be necessary to act either on my antifilibuster resolution or on any one of the other reasonably good ones now pending in the Senate, to end not only the use of the filibuster technique in connection with this prolonged debate, but to end it for all time, or for as long as the rule remains a rule of the Senate, I think that is fair.

Mr. President, before I turn to my major speech of the day, I wish to take up the next item of my committee work. I will be very brief on it, because I have spoken at length on it for many weeks now.

We will get to a matter I now have in mind. I have not talked to the majority leader about it as yet, but I believe I can take judicial notice that we will get to it, because I have complete confidence in his fairness. I refer to the report of the Committee on Rules and Administration on my resolution concerning committee assignments. I have talked to some members of the Committee on Rules and Administration about their report. I do not propose to speak for them, but I am inclined to believe they will welcome final clarification of the resolution by my discussion of it when the report comes before the Senate.

I am not easily hurt, Mr. President, but I must confess I am deeply hurt that the Committee on Rules and Administration proceeded to make its report with much of the report based upon a

typographical error, which was corrected by the junior Senator from Oregon after the Senator from South Dakota interrupted the junior Senator from Oregon on the floor of the Senate during the course of the discussion of the amendment which the junior Senator from Oregon added to his resolution.

It is a typographical error which was called to the attention of the staff of the Committee on Rules and Administration, a typographical error which a member of that staff has assured my office was called to the attention of the Committee on Rules and Administration, a typographical error which reduced the membership of the Committee on Public Works from a committee of 11 to a committee of 8, when the intention of the junior Senator from Oregon obviously was to reduce the membership of the committee by one member, from 11 to 10, that committee having been confused with Committee on the District of Columbia.

Yet, Mr. President, one of the main reasons the Committee on Rules and Administration in its report gives for rejecting my resolution, is that the proposed reduction of the Committee on Public Works from a committee of 11 to a committee of 8, instead of from 11 to 10, as indicated, would result in some Democrats being removed from assignments which they already hold.

Of course, as I said the other day, if any member of the Committee on Rules and Administration had stopped at my desk and questioned me about it, it would have been cleared up; or if the Committee on Rules and Administration had called me before the committee for conference while the resolution was under consideration—which it did not—it would have been cleared up.

I dislike to think that any colleague of mine, irrespective of differences, would wish an adverse report to stand, even in part, on the basis of a clear typographical error, when I thought I had done all that needed to be done to correct the error. If I had to do it over again I would send in a corrected amendment. I have talked to the Parliamentarian about it. I am satisfied that I quote him accurately when I say he told me I had done all I needed to do under the practice of the Senate, so far as correcting a mistake was concerned.

Be that as it may, I wish I had insisted on having the document itself returned to me, and had stricken the numeral 8 and inserted the numeral 10, as intended.

I simply do not wish to think that, after reflection, my colleagues will desire to rule adversely against me on the basis of a mathematical mistake which takes the form of a typographical error.

Now let me move to the next argument, namely, that what I propose will change the ratio of Democrats and Republicans on committees. Well, it will; it will by less than 1 percent. But I think it should, if my colleagues are willing to accept a reality. It should if they are willing to accept the fact that I am no longer a member of the Republican Party.

All the argument of the Democrats is based, I respectfully submit, on the false assumption that I should be counted among the Republicans. The moment we face the reality that I am not a Republican, of course the ratio system is changed. There is no mathematical way of avoiding that. Let us forget about me personally, and let us consider an imaginary Senator X. Let us assume that he is neither a Republican nor a Democrat. However, not only is he entitled to committee assignments, but the law provides that he shall be assigned to committees. So my proposal will change the ratio, but in what way will the ratio be changed? Certainly Senator X is not a member of the majority party. He is a member of a minority. Of course, my proposal will change the minority ratio; but my proposal will change it, as is shown by the statistics I have previously placed in the RECORD, by less than 1 percent. As we lawyers say, it is a de minimis matter. I simply do not think it is fair or right to take the position that because my proposal will have that slight effect on the ratio of the Democrats, therefore, I should not be assigned to committees in accordance with my seniority record in the Senate.

I do not know what more can be said than what I have said, namely, that there simply is no precedent for the action, save and except the one in 1871, when Senator Sumner, of Massachusetts, was "kicked off" his committees, at the beginning of Grant's administration. That is the only precedent.

We cannot ignore the importance of Senate precedents, or we should not. I believe they are very valuable to us; at least, I believe that when we change one, we should do so on the basis of a uniform application. However, that has not been done. I have already argued, and I repeat the argument tonight, that so long as the Senate follows the course of action it has followed in connection with my committee assignments, I believe the Senate violates the principle of equal representation of States in the Senate, as guaranteed by the Constitution. In this case, the equal representation of the State of Oregon will have been violated. I do not believe one rule can be applied to me and a different rule can be applied to other Senators, without violating the principle of equal representation in the Senate that is due the million and one-half people of the sovereign State of Oregon.

I hope that when we dispose of the pending joint resolution and when we dispose of the emergency legislation, the majority leader will bring before the Senate the report of the Committee on Rules and Administration, and that then we can have a discussion of it and a vote on it.

Mr. President, I am very pleased to be able to say tonight that a relatively large number of Senators on both sides of the aisle have come to me in recent days and have told me that they have given careful consideration to this matter and that they think some solution along the lines of my resolution should be worked out.

I have no desire to shirk my committee obligations in the Senate. I have pointed out several times, and I repeat tonight, that under the Reorganization Act of 1946 and under rule XXIV of the Senate rules, as I recall, the provision is mandatory.

Let us examine rule XXIV once again. I read:

> 1. In the appointment of the standing committees, the Senate, unless otherwise ordered, shall proceed by ballot to appoint severally the chairman of each committee, and then, by one ballot, the other members necessary to complete the same. A majority of the whole number of votes given shall be necessary to the choice of a chairman of a standing committee, but a plurality of votes shall elect the other members thereof. All other committees shall be appointed by ballot, unless otherwise ordered, and a plurality of votes shall appoint.
>
> 2. When a chairman of a committee shall resign or cease to serve on a committee, and the Presiding Officer be authorized by the Senate to fill the vacancy in such committee, unless specially otherwise ordered, it shall be only to fill up the number of the committee.

I now refer to the last part of rule XXV:

The section I have in mind will be found on page 40 of the Senate Manual. Note the mandatory language at the bottom of the page, in subparagraph (4):

> Each Senator shall serve on two standing committees and no more; except that Senators of the majority party who are members of the Committee on the District of Columbia or of the Committee on Expenditures in the Executive Departments may serve on three standing committees and no more.

Mr. President, it is my interpretation as a lawyer that that section, read in conjunction with Rule XXIV, makes it very clear that it was the intention of the Congress, when it adopted the rule under the Legislative Reorganization Act of 1946, that each Senator should serve on two committees; that it was considered a mandatory obligation, differing from a situation that existed in the history of the Senate theretofore, as will be apparent from a reading of some of the fascinating history of the Senate, which I think is delightful reading. It is a human-interest story and really holds the reader's attention, almost as a novel. It will be found, for example, that prior to the passage of the Legislative Reorganization Act of 1946, it was not considered to be the obligation of a Member of the Senate to serve on a committee; it was somewhat discretionary with him. For example, when Sumner, in 1871, was kicked off his committees and lost the chairmanship of the Committee on Foreign Relations, he simply refused to serve on any other committee. In effect, as I read the account, he simply said, "I am not going to serve on any committee. If I am to be treated in this manner, I am not going to serve on any committee."

Mr. President, in my report for the Independent Party, next Friday, I am going to relate some of the fascinating history of Sumner. I do not want anyone to get an erroneous impression from what I said the other day. I think I used language that certainly, as I read it in the CONGRESSIONAL RECORD the next day, justified the impression that my facetious remarks about the experience of Sumner indicated that he suffered his caning on the floor of the Senate at the time he was kicked off the committee. That is incorrect. He was caned, all right, but it was some years before he got kicked off the committee. He was attacked on the

floor of the Senate. The boys were a little rough in those days. In fact, as one reads the history of the Senate, as I have done to my great fascination, he will observe there were times when, as Senators came in, they put their pistols on top of the desks. Those were pretty rough days, Mr. President. The history of the Senate shows a few rough-and-tumbles, either on the floor of the Senate or in the cloakroom. I think there have been great improvements. So I did not mean to leave the impression that the caning of Sumner occurred at the time he was kicked off his committee, but at the time he got some pretty rough treatment by way of verbal abuse.

But the point I was making was that in those days there was no such language in the law as that a Senator "shall serve." And as I say, as a lawyer, I interpret subsection 4, on page 40, read in light of rule XXIV, which I have previously read, to place on me the obligation of serving on two committees, and to place on the Senate the duty of assigning me to two committees.

I made very clear on January 13 that I would serve on whatever committees I was finally and officially assigned to. That is my duty. I perform my duty the best I can, in accordance with my lights. I, as the RECORD will show, protested on January 13 any attempt to assign me that day because I felt that my resolution, which I had sent to the desk after I had been voted down on my Armed Services and Labor and Public Welfare Committee assignments, the casting of ballots—then, as the RECORD will show—I stated I was willing to take judicial notice of the fact that the vote on the list of committees that had been sent to the desk would be exactly the same, if I pressed for a vote on the other committee, but that I thought the resolution which I then sent to the desk, asking to have 1 Republican added to each of my 2 committees, so that I might obtain my position on it, was a fair solution of the problem, and ought to be considered prior to the Senate's taking any official action on my committee assignment.

The majority leader very kindly expressed complete agreement with me on that point, and so my resolution went to the committee, where it slumbered for many, many weeks—about 13 weeks, I think it was, 12 or 13 weeks—until I moved to discharge the committee and thus bring the resolution to the floor of the Senate. I explained at the time that I did not like to do it. I then said I would still agree to let the resolution be considered by the Committee on Rules and Administration for a reasonable length of time. That committee then considered the resolution, and, as I have previously said, unfortunately acted on the basis of a typographical error in my amendment, which I had already corrected in the RECORD, with the assistance of the Senator from South Dakota [Mr. CASE], of which action my office had notified the staff of the Rules Committee. That is where we are.

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

Mr. MORSE. I will yield in a moment.

I think, as soon as we get through with the pending measure and the emergency legislation which is before the Senate, we ought to consider the report of the Committee on Rules and Administration, to see what the wishes of the Senate really are, by a record vote on my resolution; and, in case the resolution is defeated—and I am hoping that it will not be—then to proceed to assign me to such committees as the Senate wishes to assign me. I will do my best to perform my duty thereon; holding to the point of view, however, that I think a grave injustice under those circumstances would have been done.

I now yield to the Senator from New Jersey for a question.

Mr. HENDRICKSON. The Senator, as I understood him, said a moment ago, "That is where we are." I now ask the Senator one simple question: Where are we?

Mr. MORSE. I will let the Senator answer his own question. I assume we are here at 10 minutes to 12, in the Senate Chamber, with a Senator exercising his rights under the rules of the Senate, greatly honored by the presence of some of his colleagues, and determined to finish his speech no matter how long it may take.

Mr. President, another committee matter, as a member of the Committee of the Whole, which I should like to bring up, is the expression of a hope that the appropriate Senate committee will proceed with further investigation of the Astin case, because it is causing a great deal of concern in America. I think it is possible that an injustice is being done the administration, or that an injustice is being done Dr. Astin, but so long as the confusion exists, I think the American people are entitled to the facts about it. I do not think the matter has been solved—and I say this most respectfully—by Secretary Weeks' pronouncement in the press that for the time being he is going to keep Dr. Astin as the Director of the Bureau of Standards with the understanding that at a later date he will be given another position in the Government, and someone else will be in charge of the Bureau of Standards.

That is not sitting very well with the scientists, Mr. President. They do not feel that the career position of Director of the Bureau of Standards should be handled in that way, and I do not, either, unless an investigation of the facts shows that on the merits of the controversy Dr. Astin should be removed from his position. If an investigation of the facts shows that, then I take the position that Secretary Weeks has the duty to remove Dr. Astin.

If a thorough investigation does not show that, then, I think the removal of Dr. Astin to some other position would be a tragic mistake, because Director of the Bureau of Standards is truly a career position in its nature, and it should be protected from political influence. That is what I think about it.

I would feel the same way with reference to a person in charge of the administration of the Pure Food and Drug Act. We either mean it or we do not mean it when we talk about developing great career jobs in public service, free of political interference. I know the words "spoils system" are ugly. But let me say, Mr. President, that if we take the position that when a new administration comes in, even after 20 years, it ought to adopt a policy of removing career men from career positions so that it can have persons of its own choice in those positions, it would be like saying we want to reestablish the spoils system. I do not know of any better way to break down morale in Government service. I do not know of any better way to make civil-service tenure more meaningless. I have criticized civil-service procedure and I have made proposals for the improvement of it and have proposed the elimination of incompetents from the Government service. The removal of a man for incompetency is one thing, but I would simplify the procedure in Government service in handling cases of incompetency. I am a crank about that. I do not believe there is any justification for keeping incompetent personnel in Government service or in an educational institution or in an industry or in any other place. I do not think we have the right to support incompetents.

We used to have that problem on the faculties of universities on which I served. I frequently found myself in disagreement with professors at Oregon University. I never would go to bat for professors when the evidence presented, after a very fair and careful check into a man's record, showed that he was an incompetent teacher. In some instances we would go through a big fight about academic freedom. Who is the committee to say that a man is an incompetent teacher? As a matter of impartial judicial judgment on the basis of reasonable standards and criteria for passing upon teacher incompetency, it can be handled fairly. I never favored protecting an incompetent teacher. Our obligations to our students and to the parents of our students were such that we owed it to them to improve our teaching staff, and to weed out the loafers and incompetents. I always took the position with reference to the so-called permanent tenure rule that permanent tenure did not mean that a man was guaranteed a lifelong job in the institution, irrespective of the quality of his teaching or the quality of his other academic work.

I feel that way about Government service. I think we ought to improve the hearing procedure and the review procedure of cases in which incompetency of Government employees is charged. But that is something different from taking the position, as the impression, at least, exists, that Secretary Weeks has taken in the Astin case, that eventually he is going to have in that position the man of his own choice, irrespective of the outcome. The situation is extremely discouraging.

I shall not take time to place in the RECORD a large number of communications I have received, simply because they are not among the papers I brought to the Chamber, but I shall insert them at a later date. I have received quite a number of communications from scientists, all wondering what is going to happen to scientists in the field of Govern-

ment service. When it comes to a question of getting scientists to enter the Government service, the Astin case may become a cause célèbre, if Astin is removed from his position a few months hence because the Secretary of Commerce desires a man of his own choosing in the job.

Mr. President, I think that is one of the jobs where career service ought to be protected. I think we ought to press the appropriate Senate committee for an official investigation of the facts. I still believe the men involved ought to be brought before a committee of the Senate, placed under oath, and be required to tell their stories. I think we should ascertain the facts. If after such a hearing the facts result in a decision, a report, or a recommendation that supports a finding that Dr. Astin is not subject to dismissal because of any scientific incompetency, I believe the Eisenhower administration ought to reverse itself completely, and not make this partial reversal. I think that would be salutary. I do not believe it would hurt the administration a bit; I think it would be strengthened. I think it would increase the confidence of the people if the administration simply said, "We made a mistake. We are going to protect the career service in the Bureau of Standards, and we are not going to let this man be removed."

I believe that if the Astin case were handled in that way, it would be salutary in connection with other problems that seem to be developing in connection with the matter of eliminating career officers.

Mr. President, at a later date I shall go further into this matter, but as to the Astin case, with the permission of the Chair and the Senate, and without taking time to read it, I ask unanimous consent to have printed in the RECORD at this point in my remarks an editorial entitled "Bungling on Batteries," published in the Washington Post of April 23, 1953.

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

BUNGLING ON BATTERIES

Jess M. Ritchie is right in saying that Congress ought to probe deeper into the controversy surrounding the battery additive AD-X2 which he is promoting. But we sharply disagree with him as to what the objective of such an investigation should be. While he says he is willing to abide by the tests of his product to be made by scientists of the National Academy of Sciences at the request of Secretary Weeks, he wants a congressional committee to look into the tests made by the National Bureau of Standards without waiting for the scientists to act. The result would be a political conclusion dealing with a scientific question, and, as Senator THYE has said, this could "only becloud the issue."

But there is an acute need for the Senate to investigate the conduct of its own Small Business Committee. It was the report of this committee which first cast reflections on the accuracy of the NBS's battery additive tests and probably misled Secretary Weeks into asking for the resignation of Dr. Allen V. Astin, the Director. And how did the committee reach its conclusions? It relied upon a technical consultant who had been on Mr. Ritchie's payroll. The producer of AD-X2 says that he paid the consultant, Dr. Keith J. Laidler, of Catholic University, $1,337, and although Dr. Laidler returned the money last summer, Mr. Ritchie says that he sent it back and that he has since paid Dr. Laidler an additional $340.

In other words, the Small Business Committee accepted technical guidance in condemning the Bureau of Standards from an employee of the manufacturer whose product the Bureau had found worthless. This is a shocking disclosure. Blake O'Connor, of the committee's professional staff, says that neither Mr. Ritchie nor Dr. Laidler mentioned the relationship between them when Dr. Laidler was asked to advise the committee without cost; but he admits that Dr. Laidler was introduced to him by Mr. Ritchie as a chemist who had already tested the battery additive. The most naive investigator should have known better than to accept a consultant recommended by one of the parties to the controversy under investigation.

The known facts suggest gross negligence on the part of both the members and the staff of the Small Business Committee in handling a problem of national importance. To make matters worse, Dr. Laidler is reported to have threatened "to get" Dr. Astin because of resentment over the latter's criticism of his conduct. If the Small Business Committee has permitted itself to be used for this purpose, only a thorough investigation and housecleaning will restore public confidence in its future operations.

Mr. MORSE. Mr. President, I now wish to begin on the first of two major speeches that I wish to make today in the report of my work as a member of the Committee of the Whole. This one is on the pending business.

The PRESIDING OFFICER (Mr. HENDRICKSON in the chair). The Chair would remind the Senator from Oregon that it is now tomorrow.

Mr. MORSE. No; it is still today. Most respectfully I say that I think the Presiding Officer is referring to yesterday, but I am talking about today. I know where I am. This is today, 6 minutes old.

Senate Joint Resolution 13, now before the Senate, is one of the most important measures that has come before the Congress because of what it attempts to do, what it fails to do, and the precedent it establishes for similar depredations upon the wealth now held in trust by the Federal Government for all of the people of the United States.

The resolution attempts to transfer title to submerged lands, which lie seaward of the tidelands, to the coastal States.

CONTINUED WORLD TENSION

Within the last few weeks, there has been growing optimism over the Russian, Chinese, and North Korean overtures in Korea. It would be dangerous to assume that the tense and threatening international situation which has existed since 1946 has been abated. If we can achieve a satisfactory and honorable conclusion to armed conflict in Korea, no one will be more grateful than I that many American lives and those of the forces of our United Nations' Allies will be spared. That solution has not yet been achieved.

And we must recognize that a Korean settlement—if it comes—will be the result of resolute opposition to armed aggression. We must recognize that the Berlin blockade did not flare into open warfare because of our strength and our determined action. Western success in Greece and elsewhere is attributable to the same strength and determination.

Mr. President, may we have order in the Chamber?

The PRESIDING OFFICER (Mr. CARLSON in the chair). The Chair calls attention to the rule that there must be order in the Senate.

Mr. MORSE. Communist aggression remains the overriding peril to world peace that it has been since 1946. In my judgment, that threat has not diminished or ended and will not abate for years to come.

This Nation and its friends of the free world must therefore remain strong and plan and build and work for future strength, until a political settlement and an end to the arms race is possible.

For if we remain strong, we have the best chance for discouraging future aggression and worldwide war.

And, should that war come, the free world would be forced to rely primarily upon its armed might to repel aggression.

In this situation, a democracy—and this Congress as the spokesmen of this democratic Nation—has no higher duty than to protect the freedom of its people and their security. In the event of war, our security and freedom would be merged—freedom would not survive loss of a war.

SENATE JOINT RESOLUTION 13 IMPERILS DEFENSE

There will be little disagreement with what I have said. Nor can there be disagreement that the Congress must do everything within its power to bolster defense preparations and to leave nothing undone which would contribute to the defense of this Nation and those with which it has joined to discourage aggression and check it if it comes.

I do not contend that the passage of Senate Joint Resolution 13—which I think is an unlucky number for the American people and their interests in this matter—would be a death blow to this Nation's safety. I do most earnestly and seriously argue that its enactment would seriously impair the security of the United States and its allies.

My conclusion has the following basis, which I will spell out in detail.

First. Ample petroleum is indispensable for defense;

Second. War would imperil, if not extinguish, the free world's access to petroleum from the Middle East;

Third. Remaining supplies would be inadequate to meet the needs of this country and its allies, without

Fourth. Expansion of domestic reserves and production capacity;

Fifth. The principal known domestic field of untapped oil lies in the submerged lands;

Sixth. Senate Joint Resolution 13 makes inadequate provision for defense;

Seventh. The resolution will not enable immediate development of oil reserves out to the Continental Shelf because litigation over constitutionality and boundaries will stall development as it has been stalled for years; and

Eighth. Finally, and of possibly greatest importance, this measure makes no provision for development of the Continental Shelf, where the richest petroleum reserves probably are.

OFFSHORE PETROLEUM DEVELOPMENT AT A STANDSTILL

For the past several years there has been only slight use and development of the tremendous petroleum pools in the submerged lands.

Two principal reasons account for this. While litigation was pending between California, Louisiana, and Texas and the United States, private oil companies were unwilling to proceed with costly operations in the submerged lands under leases of dubious validity and their attitude was understandable. The situation was mitigated somewhat by a stipulation between the Federal Government and California, but production has been negligible in comparison with the possibilities of full use. In the Gulf, the area in production has been an even smaller percentage of the total.

Exploration and planning since the Supreme Court decisions in the three major cases have been almost nonexistent.

Despite the fact the paramount rights of the United States were upheld in these areas, the Department of the Interior has held that it is without authority in the absence of new enabling legislation to grant leases to oil companies for the offshore submerged lands. Litigation on that issue has been in progress in some nine cases. A decision holding that the laws governing the leasing of Interior mineral lands is applicable to the submerged lands would break this deadlock. But we cannot wait for this to be decided, particularly in view of the uncertainty of the outcome.

Mr. PURTELL. Mr. President——

Mr. MORSE. I do not yield, Mr. President.

But we cannot wait for this to be decided, particularly in view of the uncertainty of the outcome.

I want to assure my friend from Connecticut that I mean no offense whatsoever.

Mr. PURTELL. I rose simply to ask a question.

Mr. MORSE. I am so interested in this speech that I wish to continue uninterrupted.

The PRESIDING OFFICER. The Senator from Oregon declines to yield.

Mr. MORSE. I am getting to the heart of it now. Let me repeat that sentence—I will start at the beginning of the paragraph.

Despite the fact that the paramount rights of the United States were upheld in these areas, the Department of the Interior has held that it is without authority in the absence of new enabling legislation to grant leases to oil companies for the offshore submerged lands. Litigation on that issue has been in progress in some nine cases. A decision holding that the laws governing the leasing of interior mineral lands is applicable to the submerged lands would break this deadlock. But we cannot wait for this to be decided, particularly in view of the uncertainty of the outcome.

In this state of affairs, no effective exploration and development of offshore minerals under Federal auspices were possible. A further complicating factor has been the pendency of legislation of the type we are now considering.

In the last Congress, the O'Mahoney-Anderson joint resolution would have empowered the Federal Government to go forward with a program for leasing operations in the submerged-land areas. Senate Joint Resolution 20, which was similar to Senate Joint Resolution 13, was substituted for that measure.

The net result to date has been that no affirmative action has taken place to put our offshore reserves into production on a scale commensurate with our current needs and there has been no exploration, drilling, and capping which would bring into being a vital, ready reserve.

LITIGATION ON CONSTITUTIONALITY MAY BLOCK DEVELOPMENT IN AREA GIVEN THE STATES

Other considerations aside—and I shall deal with them at some length—the very least that this legislation should accomplish is an end to this stalemate to the end that this country may go forward with developing its petroleum potential in the interests of national security.

The resolution attempts to give to the three States with substantial oil reserves off their shores title to the submerged lands out to their historic boundaries.

There is serious doubt whether this can be done by the United States. The able presentations of the Senator from Illinois [Mr. DOUGLAS], the Senator from New Mexico [Mr. ANDERSON], and other Senators, have set forth the grave constitutional question whether the United States may divest itself of areas which it holds by virtue of its sovereignty.

Prior claims of California, Louisiana, and Texas were rejected by the Supreme Court on the principal ground that the United States has paramount control over the submerged lands beyond the tidelands as an incident of its sovereignty and its authority and duties in international relations and all external concerns of the Nation.

In *United States* v. *Louisiana* ((1950), 339 U. S. 699, 704) the Court expressed its views, as follows:

> The claim to our 3-mile belt was first asserted by the National Government. Protection and control of the area are indeed functions of national external sovereignty. * * * The marginal sea is a national, not a State concern. National interests, national responsibilities, national concerns are involved. The problems of commerce, national defense, relations with other powers, war and peace focus there. National rights must therefore be paramount in that area.

In *United States* v. *Texas* ((1950), 339 U. S. 707) the Court expressed its views, as follows:

> It is said * * * that the sovereignty of the sea can be complete and unimpaired, no matter if Texas owns the oil underlying it. Yet, as pointed out in *United States* v. *California*, once low-water mark is passed the international domain is reached. Property rights must then be so subordinated to political rights as in substance to coalesce and unite in the national sovereign. Tomorrow it may be over some other substance or mineral or perhaps the bed of the ocean itself. If the property, whatever it may be, lies seaward of low-water mark, its use, disposition, management, and control involve national interests and national responsibilities. That is the source of national rights in it.

Simply stated, one principal question about the constitutionality of this attempted grant is whether the "property rights" which the Supreme Court declared to be so subordinate to the paramount political rights of the Federal Government as to "coalesce and unite in the national sovereign" may be split off. The earlier portion quoted from the Texas decision indicates that this divorcement may not be made.

There is much to be said for the contention that the United States holds these areas as a trustee for all of the people. As already argued so persuasively, there is serious question that the United States can give away what it holds, not by proprietorship, but as trustee.

I will not reiterate those arguments at greater length as they have already been stated and I do not wish to be unduly repetitious. Suffice it to say, I share the doubts of the proponents of S. 107 as to the legality of the so-called quitclaim provisions of this resolution.

LITIGATION WILL PROBABLY DELAY DEVELOPMENT OF THE LANDS

It is clear that at least one State, and probably more, will immediately contest the constitutionality of the grant which Senate Joint Resolution 13 attempts to make. To say "immediately," however, merely means that court action will begin soon after passage of this measure. Judging from the California, Louisiana, and Texas cases, an adjudication will take years.

I do not know, Mr. President. I have not taken the time to study the available legal procedures which counsel might follow. However, in keeping with what I referred to earlier today as a so-called stop action, there are certainly such procedures available to alert counsel.

I am sure those procedures will be followed, and I am sure that when they are followed they will result in the provision of adequate time for the preparation of argument by counsel. In a case such as this one, that would take a long time.

That would be followed by argument, and that would not be done in a day. That would be followed by consideration of the record by the Court, and that would not be done in a month. It is not inconceivable that such a case might be taken into consideration by a court for a year or two. But whatever the time taken would be, I am simply saying that it would not be short. It would be considerable, and it would mean delay in the development of these lands.

I do not know whether one of the figures I heard used in the debate by one of my colleagues is a reasonable one or not; but he said that these lands would be tied up in litigation for 10 years. Perhaps so, Mr. President.

I am simply willing to say that, judging by the Texas, California, and Louisiana cases, an adjudication will take years.

Can it be anticipated that, in the face of such litigation the oil companies will invest the hundreds of millions of dollars necessary for the full exploration and use of the undersea oil fields, when we have the experience of the almost complete suspension of operations while the earlier cases were pending? The reasonable expectation is that exploration, drilling, and extraction will be

substantially delayed because the oil companies will not gamble on such a tremendous scale on the outcome of a lawsuit. They could not be blamed very much for that.

CONTINENTAL SHELF IS NOT COVERED BY JOINT RESOLUTION

Mr. President, I submit that the Continental Shelf is not covered by the joint resolution. Added to this probable delay of putting the submerged lands up to the barely defined historical boundaries is the deplorable omission from the joint resolution of authority for the Federal Government to undertake leasing operations on the Continental Shelf.

Mr. PURTELL. Mr. President, will the Senator from Oregon yield for a question?

Mr. MORSE. I shall do so later. But I am so anxious to reach the heart of my speech, and to have it made available for everyone to see—because I have worked hard on this matter—that I wish to present the speech with a maximum of continuity, so that the speech will appear that way in the RECORD. I am going to have this speech reprinted and circulated to the people of my State and elsewhere. My speech tells them why I am opposed to the joint resolution, and I want them to know. My speech points out to them why I think this matter is such a serious one from the standpoint of their welfare and the welfare of the future of our country, that today I have followed this rather extraordinary course of action in the Senate; at least, it is extraordinary for me. However, it is not uncommon in the history of the Senate. It is rather uncommon for a Senator who is opposed to filibusters.

So, Mr. President, now that I have reached the substance of my remarks which have to do with the joint resolution, I wish to proceed. As in the case of a racehorse that wants to go down the track to the wire, I do not wish to have any pulling to the side.

However, I wish to say that I love my friend, the Senator from Connecticut; I want him to know that. My failure to yield to him for a question must not be interpreted by him as constituting in any way an indication that I do not have the most affectionate regard for him.

Mr. PURTELL. Mr. President, will the Senator from Oregon yield, so that I may express my affection for him?

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Connecticut?

Mr. MORSE. No; I do not yield.

Mr. PURTELL. Would the Senator from Oregon call that unreciprocated love?

Mr. MORSE. Mr. President, I do not wish to yield, not even for a question. The Senator from Connecticut may think I am being facetious, but I am not being facetious about this. I may make this statement with a smile on my face, and I should have a smile on my face when I reflect on the kindnesses of the Senator from Connecticut.

I mean this very seriously. The Senator from Connecticut has been one of the Members on this side of the aisle who on many occasions during this session of Congress has extended me a great many courtesies. I am sure he has not realized at the time that I considered them courtesies, but on a great many occasions he has stopped to chat with me in the cloakrooms, and he has been an enjoyable companion at lunch in the Senate Restaurant, and he has just been decent to me and I appreciate it.

Mr. PURTELL. Will the Senator from Oregon permit me to——

Mr. MORSE. No, Mr. President; I simply cannot yield.

Mr. PURTELL. I wondered whether we had completed the circle by being together tonight. I did not know, and I wanted to ask the Senator from Oregon.

Mr. MORSE. No, Mr. President; I do not yield.

The PRESIDING OFFICER. The Senator from Oregon refuses to yield.

Mr. MORSE. I wish to say that one of the greatest of the courtesies the Senator from Connecticut has extended to me is by affording me the honor of his presence in the Senate Chamber tonight, where he has done me the courtesy of listening to my speech. I am deeply moved by that courtesy on his part, too. I do not ask him for miracles; but it would please me, when I conclude, to have him say that he was going to support me in my position.

Mr. PURTELL. Mr. President, will the Senator from Oregon yield, so that I can assure him that I intend to speak when he is through?

Mr. MORSE. Mr. President, I do not insist that he say he will support me in my position. Nevertheless, I am glad that my friend the Senator from Connecticut has given me this opportunity to say to him publicly what I have been intending to say to him privately. For some time, now, I have been intending to go to him and tell him how much I appreciate his courtesies.

I wonder whether my good friend the Senator from South Dakota [Mr. CASE] would let me tell him, likewise, how much I appreciate his presence on this occasion. I am glad to have him with me, because he is another of my good friends in the Senate. He is one of my horseback-riding friends. He is an excellent horseman. I have enjoyed many a pleasant weekend ride with the Senator from South Dakota.

I have not yet had an opportunity to inspect the new horse that I hear he has purchased. However, he has offered to let me see it, and that is a rather good sign. When a horse owner is willing to let one see the horses he buys, that is a rather good sign that his horses are rather good ones.

At present, Mr. President, I feel so refreshed—perhaps it is because of the tomato soup I have had—that I cannot resist yielding to the temptation to pay my respects——

Mr. CASE. Mr. President, will the Senator from Oregon yield to me for a question?

Mr. MORSE. No, Mr. President. I have not been yielding for questions, and I do not think it would be fair to my friend, the Senator from Connecticut, if I were to yield at this time. However, I have a fairly good idea what the Senator from South Dakota would very kindly say.

[Laughter in the galleries.]

Mr. JOHNSON of Texas. Mr. President——

The PRESIDING OFFICER. The occupants of the galleries will please be reminded that they are the guests of the Senate, and the Chair trusts that there will be no audible demonstrations.

(At this point, at 12:30 a. m., Saturday, April 25, 1953, with Mr. MORSE still speaking, the printing of the RECORD was discontinued. The remainder of Mr. MORSE's speech will appear in the next issue of the RECORD.)

HOUSE OF REPRESENTATIVES

FRIDAY, APRIL 24, 1953

The House met at 12 o'clock noon.

Dr. James J. Davies, pastor, First Methodist Church, Fort Dodge, Iowa, offered the following prayer:

Almighty God, before whose face the generations come and go, accept our gratitude for the good services of men and women who laid deep the foundations of our great Nation. We thank Thee for their farseeing vision, their high courage, and unfailing devotion. They labored and we have entered into their labor.

We thank Thee for every person since who has been dedicated to liberty, understanding, and good will, regardless of race, color, and creed. Help us to give honor where honor is due.

Now we pray that Thy spirit direct the public affairs of leaders everywhere and the destinies of nations. Enable us at this crucial hour to hold fast the faith. May our Nation be worthy of the blessings showered upon it. Help us to make of our people a nation whose God is the Lord. Give physical and spiritual strength to all who are in places of national and international responsibility. Wilt Thou strive for human goodness in the parliaments of nations great and small and vouchsafe to all in authority the eternal light of wisdom and grace to carry out that which is advisable.

Preserve those of our youth who are in the Armed Forces of our country. We thank Thee for their courage and sacrifice wherever they be. Help them to keep their dedication to the service of humanity, that this may become a better world, in which their children's children may live in peace and know the joy of achievement.

Bless our President and all that have to do with the government of our country. Make us worthy citizens of this excellent land. Godspeed every good movement. Forgive us our sins. We ask it in the Master's name. Amen.

The Journal of the proceedings of yesterday was read and approved.

MRS. NELL WATTS

Mr. LECOMPTE. Mr. Speaker, by direction of the Committee on House Administration, I ask for the immediate consideration of a privileged resolution (H. Res. 209).

PETITIONS, ETC.

Under clause 1 of rule XXII,

200. Mr. CANFIELD presented a petition of the Bergen-Passaic Chapter, Department of New Jersey, Reserve Officers Association of the United States, favoring the present promotion program, with the exception that the attainment of a given age or accomplishment of a given length of service should be eliminated as a qualification for promotion, and recommends that any further program, policy, or law exclude any such qualification, which was referred to the Committee on Armed Services.

SENATE

SATURDAY, APRIL 25, 1953

(Legislative day of Monday, April 6, 1953)

[Continuation of Senate proceedings of Friday, April 24, 1953, from 12:30 a. m. Saturday, April 25]

Mr. MORSE. Mr. President, I now desire to return to my manuscript and proceed to an explanation of the reasons for my opposition to the pending measure. I was saying that the Continental Shelf is not covered by the pending resolution. Added to this probable delay of putting the submerged lands up to the barely defined "historical boundaries" is the deplorable omission from the joint resolution of authority for the Federal Government to undertake leasing operations on the Continental Shelf.

SHELF HAS RICHEST DEPOSITS

There is small dispute over the fact that the major portion of proved and estimated subsea oil in the Gulf of Mexico lies beyond the 3-league limit which may be the boundary set by the resolution for Texas and beyond 3 miles which may be the limit set for Louisiana. The reverse is true of California—the larger deposits, proved and potential, lie within what is possibly the boundary indicated by the resolution, although substantial potential reserves lie seaward.

Yet, the measure is silent as to their future.

This is most regrettable for two reasons. First, a beginning should be made on bringing these rich areas into use and transforming parts into a ready reserve. Second, there is the palpable threat that although no colorable State claim has been made to these areas, the States, having won such riches under this resolution, may launch a drive for power over, and revenues from, these probably richer preserves.

Indeed, the bill of the junior Senator from Texas was designed to do just that. I find little comfort in the fact that the leaders of the few States which have the most to gain from Senate Joint Resolution 13 have agreed upon a temporary "cease fire" in their assault upon the people's holdings on the Continental Shelf. That is clearly a tactical move and not one dictated by any relinquishment of claims on principle.

The House bill, at least, confirms paramount Federal rights to the shelf area. As the floor manager of Senate Joint Resolution 13 has conceded, this resolution neither confirms nor denies Federal control over the Continental Shelf—CONGRESSIONAL RECORD, April 1, 1953, page 2616.

It was "hoped" that a "measure on the subject matter of the outer Continental Shelf would be ready for consideration by the Senate" by the end of this debate. It was freely conceded that the subjects were split off because of the differences among the proponents of this measure. This does not bode well for the future of that area.

The Senate has before it, then, a measure which leaves unsolved the development of that vital reserve. Submerged lands do not become more fertile from lying thus fallow. The harvest in oil is delayed perhaps indefinitely.

CURRENT UNITED STATES OIL SUPPLY AND CONSUMPTION

The relationship of current and expected rates of oil supply and consumption are clearly stated in the minority report. This report deserves the closest consideration by the Senate and the people.

Senate Joint Resolution 13 makes no provision for coordinated planning and development to achieve the kind of balanced extraction which would be readily expandible for defense purposes. This Nation cannot use an idle pool of oil, however vast. It must sink wells which are properly spaced. It must sink wells and have the restraint caps on against the needs and perils of war.

Mr. President, I wish to return for a moment to one or two quotations from the minority views to which I referred when I said:

> The relationship of current and expected rates of oil supply and consumption are clearly stated in the minority report. This report deserves the closest consideration by the Senate and the people.

I desire now to quote certain portions of pages 24 and 25 of the minority views. I pause to compliment the minority upon its preparation of this excellent document. At page 24, the minority views say:

> We need more oil: Our current production of petroleum from domestic sources is approximately 6.5 million barrels per day. We are currently consuming approximately 7.5 million barrels per day. It is estimated that consumption will approach the rate of 8 million barrels per day during calendar year 1953. The United States is currently importing approximately 1 million barrels per day of oil in order to meet current consumption requirements.
>
> How much can production be expanded? It is estimated that production from domestic facilities could be expanded approximately 12 percent during a period of emergency. Application of simple arithmetic indicates that our domestic facilities, if expanded to their maximum capacity, would produce at best only sufficient crude oil to take care of normal requirements. No margin will remain for the vastly increased amounts of petroleum which would be required in the event of total mobilization.
>
> Mobilization requirements are great: Specific figures concerning the requirements of petroleum in the event of total mobilization are classified. It has been estimated, however, by competent authorities that the overall requirements of petroleum in the event of mobilization will exceed the then normal requirements by a minimum of 15 percent.
>
> A 25-percent expansion of production potential would be desirable in order to insure that a total defense effort would not fail for lack of adequate petroleum supplies.

The minority views go on to say:

> Sources of additional oil are limited. Additional oil, which must be provided in the event of total mobilization, must be procured either by increasing imports or by the creation of a standby production reserve of domestic facilities, which could be placed in production within a short period of time. The major source of oil for import is the Middle East area. The vulnerability of this source of supply in the event of mobilization cannot be overemphasized. Dependence upon oil imports does not contribute to sound defense planning. The only sound alternative is to increase the production potential from domestic sources so as to make possible a rapid expansion of production in the event of a national emergency.

I read from page 25 of the minority views:

> Orderly uniform development essential. Approximately 5 years are required to develop a normal oilfield, after initial exploratory work has indicated the presence of oil. Estimates as to the length of time that would be required to develop oil reserves on submerged land vary. All authorities agree, however, that a considerably longer period of time will be required to develop such resources than is required to develop a normal field. Under such circumstances, it is essential that the development of the submerged areas proceed rapidly and in as orderly a manner as possible.

On pages 60 and 62 we find, in somewhat greater detail, a different emphasis in connection with the Paley report and the Materials Policy Commission report of 1952. I think it is very important that I make this matter a part of my speech. I now read from the Paley report:

> [Vol. III, The Outlook for Energy Sources, Ch. I: Oil]
>
> APPENDIX B. NATIONAL DEFENSE REQUIREMENTS FOR OIL
>
> 1. MATERIALS POLICY COMMISSION REPORT OF 1952, EXCERPTS
>
> *The situation in brief*
>
> The United States is presently producing about half the world's oil on the basis of less than 30 percent of the world's proved reserves and of probably a considerably smaller fraction of the world's undiscovered deposits (p. 2).
>
> The gravest problem is the threat to the wartime security of the free world implicit in the pattern of the world oil supply that is taking shape. The Eastern Hemisphere, and Europe in particular, is coming to depend on huge imports of oil from the Middle East, which must be considered more vulnerable to attack by a potential enemy than are Western Hemisphere sources (p. 2).

Since the Paley report was written, certainly the developments in the Middle East bear out that statement. I read further:

> Oil is even more urgently needed in war than in peace, and sources of supply and transportation routes may be vulnerable to enemy attack. There is accordingly required a continuously operative joint Government-industry program of preparedness to meet a wartime emergency. A balanced reserve capacity to produce oil in the Western Hemisphere, and to transport and refine it, must be kept in being along with an ability to expand this capacity further in wartime as required (p. 2).

As free world dependence on vulnerable sources grows, emergency expansibility of production in secure areas must also grow.

There are two principal methods by which this end may be achieved: first, proved reserves may be set aside to be used only in an emergency; second, peacetime oil production may be so conducted that output can be greatly increased in a reasonable time (p. 2).

In particular, the development of the Continental Shelf should be so governed as to provide a basis for a large expansion of production in an emergency (p. 2).

USE AND SUPPLY IN THE UNITED STATES

Should domestic supplies of crude petroleum become inadequate and foreign crude supplies unavailable, the problem could be met over the long run not only through recourse to synthetics from oil shale and coal, * * * but also in part from a shift in the pattern of use. Coal, for example, could be used in many stationary heat and power applications, and more distillate could be used as diesel fuel (p. 3).

RESERVES AND DISCOVERIES

The petroleum industry is confident that, given a favorable economic and political environment, it can continue for a long time to meet the growing demands upon it. It is generally accepted, however, that at some time in the future the job will become considerably more difficult but there is a broad difference of opinion as to when that time can be expected. Its approach will be indicated fairly well in advance by two closely related developments: (1) failure to provide new discoveries sufficient to support the growth of production and (2) increased cost of discovering and developing oil relative to the general price level (p. 5).

SUPPLY FOR THE FREE WORLD

The rest of the free world consumed in 1950 only a little more than half as much oil as did the United States. Oil consumption can be expected to increase much more rapidly abroad than in the United States as the pattern of consumption overseas comes more closely to resemble that of this country. * * * Furthermore coal will probably continue to be much more expensive or less freely available in many countries abroad than in the United States. Some important industrial countries will find it necessary to import large amounts of energy fuels, and petroleum from the Middle East is likely to be the most economical form. Consequently, the oil demand of the rest of the free world can be expected to increase even more rapidly than in the United States, possibly increasing between three- and four-fold * * * (p. 9).

SAFEGUARDING SECURITY

As the scale of normal peacetime consumption grows, ever greater amounts of oil will be required for essential civilian needs in case of war. Moreover, the scale of military requirements can be expected to grow rapidly as well. At the same time the dependence of the free world on vulnerable supplies is also likely to grow. Clearly the security problems in oil are likely to become increasingly difficult as time goes on * * *.

The problem must be approached on a worldwide basis. The United States cannot take undue comfort from the prospect that the Western Hemisphere will perhaps remain self-sufficient in oil for a long time. Its friends and allies in the Eastern Hemisphere will become increasingly dependent on the Middle East, but if supplies from that area should be substantially reduced in time of war, those allies would then have to be supplied from the remaining sources, largely in this hemisphere (p. 10).

There is required the ability to achieve an extraordinary increase of crude oil production in secure areas, balanced with corresponding refining and transportation facilities first discussed (p. 10).

It has not been possible to guarantee the availability of reserve capacity of this magnitude (15 percent of annual consumption) up to now, because of the limited availability of steel. The oil industry has been able to obtain steel it needed to expand to meet rising demand, but not enough to provide a security cushion. As ample supplies of steel become available, however, the industry will probably be able to carry reserve capacity of 10 or 15 percent of demand.

Beyond this reserve capacity, there must be maintained the ability to expand production, refining, and transportation capacity rapidly enough to meet the developing requirements of a war and to offset losses that may be suffered * * *. The most important type of reserve production capacity in the long run will probably be the preservation of conditions that will permit an emergency campaign of well drilling to bring big returns in increased crude production * * * as time goes on special provisions are likely to be required to insure that Western Hemisphere crude production could be expanded quickly, easily, and be a great amount in the event of war (pp. 10–11).

BUILDING AN "UNDERGROUND" STOCKPILE

In theory, at least, the problem (stockpiling) could be eased by making extra efforts to find additional reserves prior to any emergency need and then "sterilizing" them, to be tapped only in the event of a national emergency * * * the Government's security reserves of oil would have to be greatly enlarged to be of any real consequence for the future (p. 11).

If the Government sought to build up and set aside large reserves of oil for possible war use, this would involve a prolonged and costly process of buying up private rights to established pools and could prove disruptive to the normal operations of the industry. Possibly a simpler course would be to set aside large portions of the oil lands underlying the Continental Shelf, which is still largely undeveloped but which is believed to contain vast amounts of oil. In either case, pools would have to be sufficiently drilled to determine their size and structure and to insure that they could be put to relatively prompt use in the event of war (p. 11).

The most attractive opportunity for approaching the security problem in this way is provided by the Continental Shelf. If private industry were permitted and encouraged to develop these large underwater oil resources and to overcome the technical difficulties involved, but in such a way as to keep the withdrawals at a rate that could be stepped up with reasonable speed in time of emergency, the Nation's security position in oil would be greatly strengthened. This could be accomplished by leasing arrangements (either by the Federal Government or, if a portion of the rights are awarded to adjacent States, then by State government) that would specify spacing of wells and rates of withdrawal, coupled with royalty charges sufficiently low to provide adequate incentive (p. 11).

CONSERVATION IN PRODUCTION

One other major form of waste—the drilling of too many wells—has been slower to feel the impact of State regulation; * * *. Little progress has so far been made in achieving a unified program of operations for each oil reservoir best fitted to the particular characteristics of that reservoir (p. 13).

In the absence of a unified operations program it is likely that wells tapping pools with multiple ownership will be located improperly for maximum efficiency of development, even where regulation provides for minimum spacing.

The principal obstacle to unified operation is the inevitable holdout, the leaseholder or royalty owner who thinks he can do better without the unit operation, even though the pool as a whole will do much better with unit operation * * *. It is up to the lawmakers and industry leaders to devise arrangements for achieving unified operating programs with proper respect for the rights of each lease-holder to his fair share. The problem, although difficult, does not appear insoluble.

All in all, though considerable progress has been made over the past 15 years toward greater conservation of oil resources, much room remains for further progress (p. 13).

Mr. President, I strongly recommend careful consideration of the views set forth in the Paley report as to how best to conserve the precious oil reserves belonging to all the people of the United States for the benefit of defense, industrial expansion, and conservation. I think it ill behooves us not to pay great attention to the conservation of our oil supply.

Mr. President, please let me make one thing clear. I do not for a moment impugn the patriotism of the States off whose shores oil is found in abundance. Nor do I impugn the patriotism or the motives or the sincerity of anyone favoring this joint resolution or sponsoring it. We simply have an honest difference of opinion, that is all.

However, I say most respectfully that I see grave peril in granting rights to oil to political units which have no responsibility for the defense of the Nation, without the slightest control over their use by the Federal Government, which is charged by the Constitution with providing for the common defense. That is the problem of the National Government.

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

Mr. MORSE. I think I will digress for a moment now and pause for questions from both my distinguished colleagues on the floor of the Senate. I am about to turn to another section of the speech anyway, and I shall be glad to yield for a question.

Mr. PURTELL rose.

The PRESIDING OFFICER. May the Chair ask the Senator from Oregon to which Senator he is yielding?

Mr. MORSE. Before yielding, I should like to have an opportunity to speak to the Chair for a moment. The Chair and I should have an understanding. I know that it is my job to protect myself, but I also know the fairness of my friend in the Chair. I know that he is deeply concerned that I shall not lose the floor by any inadvertence on my part. I want him to know, so that the record may be clear, that I am going to yield, but I am going to yield for a question, and for a question only. So that we can be doubly certain about this, I respectfully request my good colleagues who are about to cross-examine me—and something tells me that this is going to be some cross-examination—to obtain the consent of the Chair each time, so as to have the responsibility of the Chair clearly established.

Mr. President, I now yield for a question addressed to me through the Chair.

The PRESIDING OFFICER. To which Senator does the distinguished Senator from Oregon yield?

Mr. MORSE. I wish to yield first to my friend from Connecticut [Mr. PURTELL].

The PRESIDING OFFICER. The Senator from Oregon yields to the Senator from Connecticut for a question.

Mr. PURTELL. Mr. President, I am addressing my question to the Senator from Oregon. I wish to say in this question that I have been informed that the Senator from Oregon has already exceeded, by a great number of minutes, the length of any speech, so far as time goes, that has been delivered upon the floor of the Senate, certainly in recent history. I wish to inquire whether it is his intention to finish his present speech tonight, or this morning?

Mr. MORSE. I am glad to answer the question. I assure my friend from Connecticut that I am not at all interested in the length of any past speeches in the Senate. The information he gives me is interesting. However, I am interested only in finishing this speech and my next speech. I have two speeches to give. I have this one, and the next speech, which is one in the series dedicated to George Norris. I do not know when I can give that speech if I do not give it tonight or this morning. That speech is on the REA problem. It is directly connected in principle with the whole question of preserving natural resources and the development of the potential kilowatt-hour power from the streams of America for the benefit of the rural population of America. That is the REA program. I have tried to give one of these speeches each week. Under the very heavy schedule of the Senate, although the little band of liberals has been trying for the past couple of days to obtain an agreement to lay aside the nonemergency legislation which we are now discussing for emergency legislation. We have not been successful. Now, I find myself in a situation in which I have a couple of hours remaining on this speech, and I must have 3 hours on the REA speech. Perhaps I shall insert some of it in the RECORD. I do not know. Time will tell.

Mr. President, I am stimulated by the presence of the Senator from Connecticut.

Mr. PURTELL. Mr. President, will the Senator permit me a second question?

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Connecticut?

Mr. MORSE. I yield for a question only.

Mr. PURTELL. I wonder if the Senator feels that I shall be equally stimulating about an hour from now.

Mr. MORSE. No; I do not think so.

Mr. PURTELL. I thank the Senator.

Mr. MORSE. I do not know whether this is true or not—it does no harm to guess—but I have a suspicion that probably the Senator would like to go home and go to bed. This is the normal time for people to be in bed; but this is an abnormal situation.

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

Mr. MORSE. Just a moment. It is an abnormal situation when we try to give away from $50 billion to $300 billion worth of the public treasure. There is nothing normal about that. I think it calls for extraordinary procedures in time to prevent it, or at least in an effort to educate the public before the giveaway takes place. That is what I have been trying to do all day. My colleagues in this little band of liberals in the Senate who have been fighting this joint resolution for approximately 4 weeks have been trying to do the same thing.

I see one of my cohorts and colleagues—a coconspirator—is about to cross-examine me. I yield to the Senator from Montana with pleasure and respect.

The PRESIDING OFFICER. The Senator from Oregon yields to the Senator from Montana for a question.

Mr. MANSFIELD. Mr. President, I was about to ask the Senator from Oregon, who has been making an excellent speech yesterday and today—although I think this is still the legislative day of April 6—what the value of the oil resources under consideration is. He has already answered the question.

Let me ask this question: What, in the way of revenues, has already accrued from the resources now in dispute?

Mr. MORSE. A good many million dollars, as is brought out by the minority views. The Senator will find that information in the minority views. I do not have the exact figure in mind. There is no question about the fact that it is a very rich reserve which ought to be kept for the people. They own it. The Supreme Court has said that they have the paramount interest in it.

I think the Senator from Montana was present when the brilliant Senator from Arkansas [Mr. FULBRIGHT] said that what this joint resolution amounted to, in his opinion, was a sort of legislative packing of the Supreme Court. He said it amounted, in fact, to packing the Supreme Court by way of a legislative mandate and reversing a decision of the Court. I thought that was a good way of putting it. I talked about the same general problem yesterday when I said I did not think the proponents of the joint resolution realized that what they were actually proposing was the adoption of the old La Follette proposal for overriding the Supreme Court by a vote of the Congress.

I am sure the proponents of the joint resolution would not support such a proposal if it were brought into the open. Neither would I. I am not supporting the joint resolution for some of the same reasons.

Mr. MANSFIELD. Mr. President, will the Senator from Oregon yield further?

Mr. MORSE. I do not think we should override the Supreme Court, under our system of government, with its separation-of-powers doctrine, and with its establishment of a system of three branches of government, coequal and coordinate in jurisdiction and power and responsibility.

Mr. MANSFIELD. Mr. President, will the Senator from Oregon yield for another question?

Mr. MORSE. We should leave the Supreme Court to its constitutional functions, and we should not try to set ourselves up as a super Supreme Court merely because the present majority in Congress does not like a decision of the Court. I yield for a further question to the Senator from Montana, and for a question only.

Mr. MANSFIELD. In view of Attorney General Brownell's appearance before the committee which considered the joint resolution and the statements made by him, I should like to ask the Senator from Oregon if he thinks Mr. Brownell can in good conscience really give his full support to the joint resolution now pending before the Senate.

Mr. MORSE. I do not believe so. I cannot reconcile the testimony of Herb Brownell, the Attorney General, with the contents of the joint resolution. I feel what happened was that the committee listened to the Attorney General, and then ignored his testimony, because the joint resolution is inconsistent with what he had to say. For example, on the boundary question, it is certainly inconsistent.

What the administration ought to do, if it wants to follow the advice of its chief legal counsel, is to offer an administration bill. I am sure it would be quite a different bill from Senate Joint Resolution 13.

Of course the day I am waiting for is the day when as a result of the passage of the pending joint resolution either the Attorney General or his Solicitor walks into the great judicial sanctum across the park from the Capitol, one of the great citadels of American freedom and constitutional government, the Supreme Court, and seeks to carry out the Government's position, and opposing counsel quotes from Mr. Brownell's testimony before the committee when it heard testimony on the pending joint resolution. It will be rather interesting, and I believe a little embarrassing. I think it is a mistake to put the Attorney General in such an embarrassing position.

Mr. MANSFIELD. Mr. President, will the Senator from Oregon yield further?

Mr. MORSE. Mr. President, I think the President of the United States ought to place his confidence in his Attorney General and follow his advice on the serious questions of law involved in the joint resolution, on which the Attorney General has testified. I should think it would be rather embarrassing to give advice and then find apparently it has not made any impression on anyone, including the President himself, because, as I read his newspaper statements on the joint resolution, he apparently does not know the Attorney General has testified before the committee in a manner quite different from what the President is proposing on the subject. Apparently the right hand does not know what the left hand is doing, and vice versa, in this administration. It does not surprise me, Mr. President. However, it is a matter of comment, I think.

Did the Senator from Montana wish to ask me another question? Only for a question do I yield, Mr. President.

Mr. MANSFIELD. I have a number of other questions. The second question is——

Mr. MORSE. The third question.

Mr. MANSFIELD. What is the Senator's opinion as to the attitude of the Secretary of State toward the pending joint resolution?

Mr. MORSE. I regret to say, Mr. President, my opinion is that on this

matter, as on so many other matters, the Secretary of State is confused. But through the confusion I find it difficult to reconcile what I think is his point of view on the joint resolution.

Mr. MANSFIELD. Does not the Senator from Oregon recall, however, that the Secretary of State is on record as stating, through an Assistant Secretary of State, "the extension of a boundary of a State beyond the 3-mile limit would directly conflict with international law"?

Mr. MORSE. I am familiar with the fact that an Assistant Secretary of State so testified. There must be a little confusion, I say, as to whether he sat there representing the Secretary of State. If the Senator from Montana will go into the transcript he will find that there was a little colloquy which took place in the committee on that point. As I recall, about all the State Department Assistant Secretary finally said was that the Secretary of State was aware of his testifying. I do not know whether one can judge from the statement that the Secretary of State was speaking through this State Department assistant, or whether the Secretary of State joined this witness.

I think it is fair to take the position, if the State Department sends a witness to testify for the State Department, that he is testifying for the Secretary of State. I believe if the assistant makes a bungle of it—and I have seen instances in which subordinates have made some pretty bad bungles—and a superior thinks he has made a bungle of it, I think the superior has the obligation of asking the committee to correct the record in accordance with the views of the superior.

Therefore I think it is fair to say in this particular instance, and in the absence of any expression of a difference of opinion on the part of the Secretary of State with the testimony which was given by the deputy, the implication of the Senator's question is a fair one, namely, that the statement just read can be attributed to the Secretary of State.

The statement certainly makes clear it is the view of the officials of the State Department, represented by this particular testimony, that the joint resolution will have the potentialities of serious international problems and difficulties, which so many of us in the course of the debate in the past 4 weeks have tried to point out as being one of the greatest weaknesses of the joint resolution. I think it is a hornet's nest of international difficulties, and I am afraid of what is going to happen when the Supreme Court prods the hornet's nest. Does the Senator wish to ask another question?

Mr. MANSFIELD. Yes.

Mr. MORSE. I yield for a question.

Mr. MANSFIELD. Is it not true that in addition to the Assistant Secretary of State in charge of congressional relations, one of the top members of the legal staff of the Department, Mr. John Tate, likewise wrote a letter, and testified personally on behalf of the State Department, that the measure under consideration would also conflict with international law?

Mr. MORSE. That is my understanding of Mr. Tate's testimony, and he is recognized as an international lawyer of high standing. He is an international lawyer whose judgment in other matters has greatly influenced our policy in respect to international law problems and the relationship of those problems to our foreign policy.

I believe the American people should heed Mr. Tate's warning. His evidence is only a part, it is true, but it is a definite part, of the authority or opinion evidence upon which we base our contention in this debate that the joint resolution is pregnant with the possibility of international difficulties growing out of the international problems, particularly the boundary problems that the joint resolution will raise.

Does the Senator from Montana desire to ask a further question?

Mr. MANSFIELD. Yes.

Mr. MORSE. I yield for a question, Mr. President.

Mr. MANSFIELD. In view of the fact that the committee did not fulfill the outlines of a measure suggested by the Attorney General, Mr. Brownell, and that it did not accede to the suggestions of the State Department, is it safe to assume that it is quite likely that even if the joint resolution is passed, the issue will have to be decided once again in the Supreme Court of the United States; and perhaps, on the basis of international implications, the issue may well have to be decided in the International Tribunal at The Hague, as well?

Mr. MORSE. I am very glad the Senator from Montana has asked a question containing both these prongs. I wish to comment on the question at some little length.

As I have indicated in the part of my speech on this subject I already have delivered, I think there is no doubt that this joint resolution will result, not in one case, but in many cases which will go all the way to the United States Supreme Court. I think that will hold up for years the development of a wise conservation use of the submerged lands. I think such a delay would be bad policy, with the international situation being what it is. We do not wish to have these lands tied up and snarled and entangled in litigious procedure.

Mr. President, we should keep these lands as a great reserve, under the United States Navy, just where President Truman put them, for orderly, conservative, and conserving development, but available for immediate development in case of war or threat of war.

This question will go to the Supreme Court.

It is the next prong of the question of the Senator from Montana that I also wish to comment upon.

In 1945, following a great debate in the Senate, the Senate passed my joint resolution calling for the United States to accede to the compulsory jurisdiction of the World Court.

My daughters like to "rib" the "Old Man" now and then, for they are typical American girls, who enjoy teasing their parents, partcularly their dad; and every once in a while, when I am involved in some controversy in the Senate, and when I "take a licking," one or more of my daughters will say, "Dad, do you ever get anything through? Do you ever win any battle in the Senate?"

I reply, "Well, not many. But let your dad boast for a minute, now."

Mr. President, I do not usually talk this way in public; but my home is not different from other typical American homes.

So I say to my daughters, "Let me boast about something now. If I never accomplish anything else in the Senate, I hope you girls will at least think it was worthwhile that we made the sacrifices we have made as a family"—and the sacrifices have been many—"for my service in the Senate, because of the passage in 1945 of my World Court resolution."

Mr. President, I care not how many years I remain in the Senate—although I have an idea that it will be for a longer period of time than my opponents think it will; time will tell about that; but no matter how many years I remain in the Senate, let me say that the World Court joint resolution is what I am perfectly willing to rest my record on, for I think eventually in the history of our country, when we really come to put into practice our professings about a system of international justice through law, the record of that debate and the passage of that joint resolution will be my monument, to the extent I erect a monument to my public service.

There are but the three of us now present—the Senator from Montana [Mr. MANSFIELD], the Senator from Texas [Mr. JOHNSON], and my friend who is now presiding, the Senator from South Dakota [Mr. CASE]. We also welcome the Senator from Connecticut [Mr. PURTELL], who comes to join us. Let me tell these Senators something about the background of that resolution. I remember it as though it were early this morning. I had worked on the resolution with the committee of the American Bar Association for quite some time. I thought it important, at the time we were ratifying the San Francisco Charter, which later became the Charter of the United Nations, that we take a positive, affirmative step, showing our good faith, and demonstrate that we meant more than a fine, idealistic statement about a system of international justice through law. We had some great speeches on the floor of the Senate. We were all deeply moved by some of those speeches, particularly the speeches by the great Senator from Michigan, the late Arthur Vandenberg, and the great former Senator from Texas, Mr. Connally, who sat on the other side of the aisle for so many years. We were so moved in those days by those great historic speeches that, whenever either one of those Senators got through, we rose as one man, on the floor of the Senate, to applaud. Those were great debates in 1945.

What was the tenor, the basic thesis, of the great Senator from Michigan in his plea for the adoption of the United Nations Charter? It was that we should adopt it as a manifestation of our belief that the ultimate goal of America in the search for peace is the establishment of a system of international justice through law. Those great words of the Senator from Michigan rang throughout this Chamber time and time again, as he delivered a series of great speeches on the

United Nations Charter. I was deeply moved by them. I thought we ought to do something about it. I was working at the time with the committee of the American Bar Association on the World Court resolution.

I got permission from the Foreign Relations Committee of the Senate to have hearings on my resolution. The hearings were held. I was told that we would get through the hearings all right and get a favorable report on the resolution, but that no action would be taken on it in that session of the Congress. I could not believe it. I refused to believe it. Prominent members of the American Bar Association came to the Capitol and worked with me for a matter of days, and testified before the committee, giving brilliant testimony. As I have said before, we could not have done what we did without the help we received from the committee on international law of the great American Bar Association. We got a unanimous report from the subcommittee, and then got the resolution before the full committee.

I may say, with no implication of criticism of anyone, but as a statement of fact, it seemed to get bogged down in the full committee. But the great chairman of the subcommittee was the late Senator from Utah, Elbert Thomas, a great student of government, one of the greatest ever to sit in this body, and a great scholar. For example, I was reading only the other night a book that he published in the early forties on Asiatic problems. He was a keen scholar of Asiatic problems, having lived in Japan for a great many years, and having traveled extensively in China. He knew oriental problems and the oriental mind as few other men in our country now do. Although he told me that he was having difficulty getting my resolution out of committee, he never gave up. Toward the end of that session of the Congress, in 1945, we succeeded in having the resolution reported by the committee and placed on the calendar. I do not need to tell the Senator from Montana that getting a resolution on the calendar does not mean that a Senator is going to have it taken up on the floor. I did my best to have it taken up by the Senate, when no other item of business was pending. I never could do so. I could not obtain recognition by the Chair. I could not be heard. I was seated, as I recall, in the second row. It is not difficult for me to be heard now when I seek recognition. But at that time I simply could not obtain recognition. Apparently I could neither be seen nor heard. When no other matters were pending, someone else always obtained recognition, even though I might, as the saying is, "beat him to the draw" by seconds, so far as shouting "Mr. President" was concerned. The prospects did not seem very bright. Senators knew what I wanted to bring up. It was perfectly legitimate. I was trying to have my resolution considered when other business was not pending. I never could get it taken up. I could get no agreement on the part of the majority leader to have it considered.

I was told that I could not bring it up, that time did not permit; it would take a long time for the debate, that there was quite a bit of opposition to it, and that it simply could not be considered in that session of the Congress. That, I refused to believe. I also refused to believe that if we ever got the resolution up on the floor of the Senate there would be much opposition to it, it was so sound in principle, and the record we made for it was unanswerable. The support behind us was so powerful that I was satisfied that, once it was taken up on the floor of the Senate, it would be agreed to. The story of it reads like fiction, but it is true. It was merely one of those things which seem to happen in the history of the Senate. In those days, as in these days, there was a rule of the Senate that was violated as a common practice, as it is violated now as a common practice. I am sorry that is so. The Senator from Montana knows whereof I speak. I refer to the rule that the Chair should recognize the Senator who first addressed the Chair. The Senator from Montana has not been here very long, nor has my good friend from Connecticut, but let me say to them that the rule is honored only in its breach. The rule does not mean a thing when the old steamroller gets to working, and that is very, very common. So when we came to the Senate one morning, a list of names was at the desk, showing the order in which Senators were to be recognized. It was contrary to the rule. I may say it is still a common practice in these days. We raise a little trouble about it once in a while in the Senate, scold a little about it, receive assurance by the Chair that all he was attempting to do was to carry out what he had been told was the arrangement and understanding, that he meant no offense, of course, to any Senator who had not been recognized in the order in which he addressed the Chair. Then we proceed in the usual way for another 60 days until some Senator thinks he has received particularly rough treatment. Once in a while I have scolded a little bit about it, because I had not been able to get the floor until after 5 o'clock and was doing my best to get rid of the uncomplimentary nickname applied to me by some of my friends in the press gallery—and I hope I do not have to put the word "friends" in parentheses—"the 5 o'clock shadow." I do not know what they will say about this. It reached the point where I could not receive recognition until 5 o'clock. My complaints never got me very far.

I see my good friend from Texas [Mr. JOHNSON] on the floor. He and I have had some good-natured exchanges over the rule in times gone by—even this year, on one occasion. I recall that once this year I was addressing the Chair, shouting to be recognized, and the Chair said, "The Chair recognizes the Senator from Texas." The Senator from Texas was not even on his feet. He was talking to Senator from Georgia [Mr. GEORGE]. He had not requested recognition. I thought that was going a little too far, so I scolded a little bit about it. I meant no offense; I was only trying to protect my rights.

To get down to the story of what happened in connection with this matter in 1945, there was a list of names at the desk of those who were to be recognized. The Senate got rid of the pending business. I was waiting for that. The Chair said, "The Chair recognizes the Senator from Michigan." He was not even on the floor; he was out in the cloakroom. So I kept yelling, "Mr. President, Mr. President." It was not a low, wooing call, let me assure you, Mr. President. By reflex action more than anything else, the Chair responded to the bombardment of the shouter, and, seeing that the Senator from Michigan was not even on the floor, the Chair said, "The Chair recognizes the Senator from Oregon."

It was made to order. I might have to wait around here for years to get another break like that. I said, "The junior Senator from Oregon moves the immediate consideration of the resolution pending at the desk." As I recall it, the number was 7.

In practically no time my desk was surrounded. By whom? By the leading proponents in the Senate of a system of international justice through law. The chairman of the Foreign Relations Committee, the Republican minority leader, and the then Democratic majority leader were there. They wanted me to withdraw my resolution. I said, "I am not going to withdraw it. We are going to vote on it." I was told, "We are not going to vote on it. It is practically the end of the session. We want to adjourn on Friday and go home. We would have a debate on it for at least 2 weeks." I was told, "We are going to lay you on the table." I said, "All right, but when you lay me on the table you serve notice to the world that you really do not mean it when you talk about a system of international justice through law, because this is a chance to prove it."

As Senators can see from my account of the affair, the conversation which then ensued was not one of brotherly love and affection. I said, "You are going to vote on the resolution one way or the other."

So the Senate took a recess. Well, I had many representations made to me during the recess period, the rest of that day and the next morning.

I said, "The resolution is the pending business before the Senate, and you are going to dispose of it in some way. I am going to leave it up to you to dispose of it, but you better let me go ahead with the debate, and the Senate had better vote on the resolution."

I got to the floor of the Senate about 5 minutes early because I was asked by Arthur Vandenberg to come early because he wanted a last-minute conference with me. I could not understand the sudden desire on the part of men with whom I had stood shoulder to shoulder in the whole fight on the United Nations Charter to have me withdraw my resolution. I could not understand the desire on their part to postpone action on my resolution. They said, "Wayne, if you let this go over, we will bring it up sometime in the next session of Congress."

I said, "That is not good enough for me. Now is the time to pass it. We need now to demonstrate to the world that we believe in a system of international justice through law. I do not believe Russia will voluntarily agree to submit any cases involving us to the World Court for determination. But let us put her to the

test. Let us demonstrate to the world once again that Russia talks a great deal about procedures, but let us not get ourselves into the same position."

As I have said, I got to the floor of the Senate 5 minutes early on that morning. Arthur Vandenberg came over to me and said, "Do you know what my great fear is, Wayne? You know I am for this resolution, but I do not think you should put us in a position to force action on it when it is the seasoned judgment of the men who have the responsibility of directing foreign policy in the Senate of the United States that we should not vote on it now. I do not think you should put us in that position." He said, "I want to tell you the principal reason why I think you should withdraw the resolution. Jimmy Byrnes is sitting in Paris now with the Council of Ministers." That was in 1945. He said, "I think your pressing the resolution is going to prove to be embarrassing to Byrnes in Paris, and I think you should withdraw it."

I laughed and said, "Arthur, if you will just make arrangements at the desk, because I know arrangements will have to be made, and I cannot make them, that when the Senate convenes I will be recognized and proceed with my speech, my first argument in support of voting on the resolution now will be a radiogram which I have received from Jimmy Byrnes urging that action be taken on my resolution as an aid to him in Paris."

I shall not quote the exact language Arthur Vandenberg used. Suffice to say that it was exclamatory. With typical Vandenberg adjectives, so frequently used in his picturesque manner in private conversation, he said, "Let me see it."

I showed it to him. He literally raised his hands and his arms, shook his hands like this, and said, "I surrender. I am going back to my desk, and I shall support you with everything I have."

Go back to the CONGRESSIONAL RECORD of that time. That is what he said. So did Austin, of Vermont, who up to that moment thought I ought to withdraw the resolution. So did Alben Barkley, then majority leader. So did Wallace White, the minority leader. Senator after Senator came to my support.

The chairman of the Committee on Foreign Relations, Senator Connally, felt that one amendment ought to be attached to the resolution, and we worked out a compromise on the amendment. I have never thought that it seriously damaged the principle of the resolution. We accepted the amendment.

Mr. President, the debate lasted 2 days, and there were just 2 votes against the resolution. There were more than 60 for it, and 2 against it. We became a party to the World Court. Under the Morse resolution, we pledged ourselves to accept its compulsory jurisdiction in cases involving an international controversy, when the opposing party litigants likewise were willing to accept jurisdiction of the Court.

I hope I may be excused for the personal reference to this matter, because I seek only in reply to the question of the Senator from Montana [Mr. MANSFIELD] to use this explanation to point out what position we now occupy in the international tribunals of the world as a result of that resolution. That has become an international obligation on our part, and I would that we could point to a record, since World War II, of having offered to submit to the World Court for determination some of the major issues which have caused serious international disputes. I do not believe we have a very good record. We ought to improve that record. I agree that it might be simply a gesture, but it would be more than a gesture in the sense that even if Russia refused to submit to the World Court for adjudication the case that we offered to submit, the fact that she refused would be of great value to us, it seems to me in demonstrating to the peoples of the world and those sections of the world that have fallen for vicious, lying Russian propaganda about our peace designs and desires, that there is a great difference between Russia's professings and her practices.

I have said frequently, on the floor of the Senate and elsewhere, that we should not adopt Russia's tactics, but, to the contrary, that we ought to demonstrate by action to the peoples of the world that we truly believe in a system of international justice through law, by agreeing to submit some of the highly controversial international issues to the World Court for determination in keeping with the pledge we made in 1945, when the Morse resolution on the World Court was adopted. The time will come when we will.

The Senator from Montana is as sound as he can be when he asks, in the second prong of his question, if I do not think that the pending joint resolution is likely to raise some complicated questions of international law that may eventually involve the United States in litigation before the World Court. I think it will. That is another reason why we have been arguing now for some weeks that the joint resolution should not be passed.

Consider the question of boundaries. I pointed out recently that Russia holds some territory very close to the shoreline of the United States; for example, Big Diomede. Figuratively speaking, Big Diomede is but a stone's throw from the coast of Alaska, less than 5 jet minutes away.

I betray no military secret, because I have read this in the periodicals and in the press of the United States, so it is generally known, when I say that Big Diomede is a Russian military stronghold. An American plane cannot get anywhere near Big Diomede. As a former member of the Committee on Armed Services, I am not privileged to say more about that.

I was a member of a subcommittee of the Committee on Armed Services, consisting also of the Senator from Massachusetts [Mr. SALTONSTALL] and the Senator from Wyoming [Mr. HUNT], which in 1949, on behalf of the Committee on Armed Services, conducted a series of investigations and hearings throughout Alaska, including one at Nome, Alaska, on the Pacific coast, where we stood on the shore of the Pacific and looked in the direction of Big Diomede. I listened to our military officials describe some of the things they knew about that Russian arsenal and military stronghold so close to the shores of the United States.

Mr. President, by proposed legislation such as is pending in the United States Senate, let us not lay down a precedent, a rule, or a policy in regard to American boundaries which may be thrown into our teeth in some international incident, or, as the Senator from Montana has indicated by his question, some international litigation by Russia before the World Court in respect, for example, to her boundaries around Big Diomede. Of course, everyone know that we are dealing with the sophistry of Russian propaganda.

Does anyone believe that the Russian Communist leaders look with any favor on the fact that we obtained Alaska from Russia? Read some of the propaganda rot which the Russian Communists have put out on the Alaska transfer. Some of it was shown us by our military officials when we made our investigation of military installations and military problems in Alaska in 1949. I am not privileged to go into very much detail about it. However, I can say with propriety that that propaganda left no room for doubt that the Russian leaders think we outtraded them in regard to Alaska; that we did not give them a fair deal; that, to use a colloquialism, we rooked them and got it by a form of sharp practice and chicanery. That is their vicious, lying line. If they thought they could find any pretense for making a claim with respect to Alaska they would do so, in my judgment.

Mr. MANSFIELD. Mr. President, will the Senator further yield?

Mr. MORSE. In a moment. I think it is serious enough so that it is one of the reasons why I am such an ardent supporter of Alaskan statehood. I want to get that Territory within the Union as one of the States, with the sovereign rights of a State, just as soon as we can.

Some may think that what I may say is fantastic, when I say that I think there is cause to fear some maneuver by Russia some day—not by force, but by way of some claim of violation of international law, seeking to set aside the purchase of Alaska by the United States. I do not think they will stop at anything. We shall at least have to go through the litigation if they make such a claim. I am not in favor of going along with a piece of legislation which would create what, to say the least, would be a great deal of confusion over international boundaries. It would establish precedents which could be used against us by other countries. There would be a clash of interest as to where the various boundaries are in those areas where we run into possible territorial and boundary rights of foreign countries close to our shores. The principal nations involved are, of course, Russia, Canada, and Mexico, although we have some problems, as I indicated the other day, in certain areas of the Pacific as well.

I thank the Senator from Montana for his question. I am sorry that it took me so long to answer it, but it was such an important question, as I told him in advance, that it was necessary to answer

it at length, in order correctly to present my view for this record.

Has the Senator any more questions?

Mr. MANSFIELD. Yes.

Mr. MORSE. I yield for a question.

Mr. MANSFIELD. I wish to ask the distinguished Senator from Oregon a question relative to fisheries, which are very important, when we consider the State which he has represented so ably and so long, and what the fishing industry means to Oregon and the Pacific Northwest, or, for that matter, the entire Pacific coast.

I wish to say before he answers the question that I think it was time well spent on his part when he explained to us the importance of the World Court and the possibility that international complications may be sent there by all countries.

Mr. MORSE. I appreciate the Senator's comment, but I wish to say to my good friend that I yield only for a question. I should like to hear his views on the World Court, but I am sure that he did not mean to omit asking me a question. He is going over into comment. I ask that he limit himself to a question.

The PRESIDING OFFICER. The Chair wishes to protect the Senator from Oregon. The Chair admonishes the Senator from Montana to limit himself to a question.

Mr. MORSE. Does not the Chair think I was pretty fast on that one? I was rather late, but I thought I did pretty well.

Mr. MANSFIELD. I did ask a question.

Mr. MORSE. Oh, yes; and then the Senator proceeded to comment on the subject. I appreciate the comment.

The PRESIDING OFFICER. The Chair will state that the question was a little early.

Mr. MORSE. I will say to my friend that I agree with him. I suppose I could digress now and take up the fisheries question, which is very important. I have half a dozen pages devoted to it at the end of my speech. I shall get to that.

Mr. MANSFIELD. Mr. President, will the Senator yield for another question?

Mr. MORSE. I yield for a question only.

Mr. MANSFIELD. Does the Senator think that if the pending joint resolution passes and becomes law the next step will be the taking away of other natural resources, such as grazing lands, mineral rights, and perhaps national parks and national forests?

Mr. MORSE. That is one of the great fears, as the Senator well knows, of the little band which is fighting the passage of this measure. Earlier in my speech—I forget whether it was yesterday or today—I spoke at some length about this fear, and explained why we are using at this point, in this part of the prolonged debate, some filibuster techniques. We want to serve notice on the administration that we are going to make it tough for them to try to have passed measures which seek to give away other segments of the natural resources belonging to all the people. I hope the Senator will read that part of my speech some time this weekend, because to understand the position I have taken in this debate today he must familiarize himself with my reasons for following this rather extraordinary course of action.

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

Mr. MORSE. I yield for a question.

Mr. MANSFIELD. Is it not true that already bills have been introduced in both houses during the present session to bring about a grab of the grazing lands in the Western States for the benefit of the cattlemen? And is it not also true that bills have been introduced to take away from the Federal Government mineral rights in certain of the Western States?

Mr. MORSE. That is my interpretation.

Mr. MANSFIELD. Is it not true that a former President of the United States has made a statement to the effect that the Government should build power dams, but that the Government should have nothing to do with the distribution of cheap power to the people of the country, who build the dams?

Mr. MORSE. That is a fine series of questions. I shall answer each one of them, perhaps, at some length. Of course, that is the interpretation I make of such bills as the Butler bill and the Ferguson bill introduced in the Senate. I think they are unsound from the standpoint of public policy. They are submitted by very sincere and fine men. However, I think they are following a wrong course of action so far as public policy is concerned. It is the kind of legislation I was referring to earlier in my speech when I said I thought we were completely justified in using filibuster techniques for a time in order to focus the attention of the American people on the problems which are raised by the pending legislation. As I said in the last point I made in my discussion of the various types of filibusters and the use to which their techniques could be put, we are certainly justified in using them, in connection with this prolonged debate, in order to serve clear notice on the administration that if they propose such legislation they are not going to pass such legislation quickly in the Senate. It is a kind of retreating tactic; hold and retreat; hold and retreat. We may have to do it, I think, until we get some reinforcements from the public. We will get them, too. We will get them, Mr. President; you wait and see.

I was a little discouraged earlier in my speech, but the more I come to think about it the more encouraged I am getting. Maybe it is wishful thinking. I do not know. Maybe it is rationalization. I do not know. It is encouraging, anyway. I believe—or perhaps I should say I want to believe—when the American people come to see the implications of the various proposals to delimit their interest in the natural resources of the country, they will say, "Stop. No more. No more. We lost the oil. We are not going to go along with anything else." I think that is what they will say. At least, I hope they will say it.

That is my answer to the first question. Now let me come to the next question in the series.

My interpretation of the speech of the ex-President is that it goes further than the Senator from Montana implies in his question. I do not interpret the ex-President's speech to mean we should build the dams. I think it means we should build some dams which private industry will not build, and then turn the power over to private industry, at bus bar. It means that the taxpayers will build the dams and the private monopolies will take control of them.

When I read his speech about getting the Government out of the power business and turning it over to the private enterprise of utility corporations—which of course is a misnomer, because private utilities are monopolies—that is the impression I received from the speech. Mr. President, private utilities have very little resemblance to private enterprise as you and I use the term. They are monopolies. They ask us as consumers to pay tribute to them, when they get control of a public dam which ought to belong to all the people, or when they get control of the potential power resources of a stream, which ought to belong to all the people. Ex-President Hoover calls Government control of power projects creeping socialism. Mr. President, we should fight for the program of the great George Norris. Ex-President Hoover says it is creeping socialism for the Government to control the transmission of power generated at dams built with the taxpayer's money over Government-built transmission lines to load centers. I think such a statement is absurd and ridiculous. It is a nonsequitur argument.

Mr. President, talk to the businessmen around Grand Coulee, or Hoover Dam, or Bonneville, or any of the other great multiple-purpose dams built by the United States Government, in keeping with the great power development laws which I discussed in the first speech I made early in the present session of Congress, when I started a series of speeches on power development dedicated to the great George Norris—talk to those businessmen Mr. President, and ask them if they have succumbed, in their opinion, to creeping socialism. Mr. President, do you know what they will tell you? I know them. I know what they will tell you. They will say, "We would not even be operating our business here if the Government had not kept faith with the Lincoln principle that it is the duty of the Government to do for all the people what they cannot do for themselves."

Mr. President, the building of multiple-purpose dams has been one of the greatest boons to true private enterprise that has occurred in this country in a hundred years. That is a long time. It has been a great stimulus to private enterprise. Hoover calls it creeping socialism. That is a bugaboo argument, a scarecrow argument. The American people are not little children. I do not think they can be scared very long by that kind of bogeyman argument. It is not even good psychology. Child psychologists tell us not to use it on children anymore, because it develops various complexes and fear anxieties, and possibly neuroses.

If it is not good to scare little children, politicians should stop trying to scare adults into fearing that if the people,

acting through their elected representatives, seek to protect their interest in the natural resources, the people are yielding to creeping socialism.

Mr. President, I think the politicians are laboring under the misapprehension that because they got by with it in the 1952 campaign, they can sell it again. However, they are overlooking the fact that once the American people discover that they have been handed a political counterfeit, they will not ask for more, because it does not buy anything. I do not believe the American people will be scared any longer by the creeping-socialism argument. I believe they will ask a few simple questions, as follows:

First, do we need this proposed multiple-purpose dam?

Second, is it engineeringly feasible from an engineering standpoint?

Third, will it pay out?

Fourth, will it be a great stimulus to private enterprise in our region?

Fifth, will it help national defense?

Sixth, will it develop the maximum potential electric-power resources of the stream on which it is built?

Seventh, if the answers to the first 6 questions are in the affirmative, how fast can we get on with it?

I think those are the questions the people will ask, and I believe the political soap sellers will be caught with an oversupply of goods.

Mr. President, I now continue with my speech. I thank my good friend, the Senator from Montana [Mr. MANSFIELD], for helping me elucidate and clarify the very important problems he has raised by his very penetrating questions.

It seems to me that I was on page 11 of my 60-page speech when I yielded. I was saying that Senate Joint Resolution 13 makes no provision for coordinated planning and development to achieve the kind of balanced extraction which would be readily expendable for defense purposes.

As I said before, this Nation cannot use an idle pool of oil—however vast. It must sink wells which are properly spaced. It must sink wells and must have the restraint caps to put on them against the needs and perils of war.

As I have previously said, I do not impugn for a moment the patriotism of the States off whose shores oil is found in abundance.

Mr. President, as I said in digressing from my manuscript, and as I wish to repeat now, neither do I impugn the motives or patriotism or sincerety or good faith of the proponents of the joint resolution. I simply disagree with them on the question of what is best in the public interest; that is all.

But, Mr. President, I find grave peril, according to my sights, in granting rights to oil to political units which have no responsibility for the defense of the Nation, when the Federal Government is not given the slightest control over the use of such rights, although the Federal Government is charged by the Constitution "to provide for the common defense."

Mr. President, Senate Joint Resolution 13 does not contain one word which would insure the kind of development which will make allowance for potential defense needs, let alone an iron-clad requirement that extraction will proceed on a basis absolutely indispensable for defense reserves—in short, with the oil ready to be tapped at the moment needed.

The coastal States adjacent to the oil-bearing lands beneath the seas have no uniform method of controlling development for conservation purposes or for purposes of quick transformation into defense-production facilities.

Should the crisis of war arise, the oil wells of this Nation will be the heart of our war machine. It must be one heart, responding to one nerve center—not a series of independent pumps oscillating as several different State legislatures and commissions and private oil companies decree.

Senate Joint Resolution 13 has a "war" clause. The United States would have the first option to buy oil at market prices, a priority of the most elementary sort. Let the holder of a Government priority for air transportation in World War II contemplate the usefulness of this privilege. Of what value is a priority to oil from dry wells or wells not sunk?

ELUSIVE BOUNDARIES

Mr. President, now let me say a few words in order to place myself on record on the question of elusive boundaries.

Yet another impediment lies across the path of timely and effective production of oil within the areas which Senate Joint Resolution 13 attempts to bestow upon a few coastal States.

By section 3 (a) the joint resolution grants title to and authority over the lands beneath the navigable waters within the boundaries of the respective States. Section 2 (b) defines boundaries as follows:

(b) The term "boundaries" includes the seaward boundaries of a State or its boundaries in the Gulf of Mexico or any of the Great Lakes as they existed at the time such State became a member of the Union, or as heretofore or hereafter approved by the Congress, or as extended or confirmed pursuant to section 4 hereof.

Section 2 (a) provides:

SEC. 2. When used in this joint resolution—

(a) The term "lands beneath navigable waters" means—

(1) all lands within the boundaries of each of the respective States which are covered by nontidal waters that were navigable under the laws of the United States at the time such State became a member of the Union, or acquired sovereignty over such lands and waters thereafter, up to the ordinary high-water mark as heretofore or hereafter modified by accretion, erosion and reliction.

Mr. President, I formerly taught a course in water law, dealing with water rights. I did so for several years. In fact, I taught my administrative assistant, who is seated in the rear of the Senate Chamber. At the time he graduated from the law school, at least, he knew about water rights. The mere reading of the joint resolution, Mr. President, brings back a whole trend of thought which I had not entertained for years and years, because I have not taught that course for a long time. I think I stopped teaching the course in 1934 or 1935. I have not forgotten much of it, although I would certainly have to take a refresher course on it if I were to go back to teaching it right away. But, I remember enough about it to know that one dealing with the question of water rights is dealing with one of the trickiest subjects in the whole field of American jurisprudence. It is a complicated subject, a confused subject, with hosts of conflicting decisions. I remember one of the things I first impressed upon my students in connection with the subject of water-rights law was, "Now, just get it out of your heads, if you think that, because you know the law or have studied the law of riparian rights and prior-user rights and rights of accretion, in such a State as Oregon, or some other semiarid State of the West, you know anything about water-right law in the Tennessee Valley or in certain other sections of the country in which there is a great abundance of water; because, figuratively speaking, one almost moves into a different country when he moves from an arid region into a region of abundance of water, with a new field of water-right law. There are a great many different principles. I shall not take the time tonight, although I might, to apply that observation of mine to the question of river authorities. I think I shall take a little time to explain why I am so strong for the TVA, yet am opposed to the Columbia Valley Authority. Many of my liberal friends cannot understand it. It is not at all difficult. If they knew anything about water law, they would understand the basis of the position of the junior Senator from Oregon, which at first glance, might seem to indicate inconsistency. It is not at all inconsistent to say that the junior Senator from Oregon is for the Tennessee Valley Authority, but not for the Columbia Valley Authority.

I discussed it in the Senate in 1947, I think, in a rather lengthy speech. In fact, for a long time, sitting on the Republican side of the aisle, I was the only Republican who made a major speech on the floor of the Senate in opposition to the Columbia Valley Authority. Finally, after about 2 years, there was a second speech. If my memory serves me correctly, that was the last one. There has not been another Republican speech on the Columbia Valley Authority, as I recall, other than mine and that of the Senator from Idaho [Mr. DWORSHAK]. I am speaking about a major speech. There may have been references to it, but I am talking about an analysis of the problem. The speech of mine to which I referred was the one that got the CIO in my State so excited. They were not going to support me. My response to the leaders was, "Just leave it to your members. I will take my chance with your members." I never become concerned because of threats of support or nonsupport, no matter where they come from. I said, "I might as well talk to your members about my position on the Columbia Valley Authority"—and I did. They attended my meetings, and the tenor of my argument and the major thesis of my case was, that we were dealing in the great Pacific Northwest with a scarcity of water, not an abundance. In the Tennessee Valley, they were dealing with an abundance of water, and the question

was, what to do with it all. Mr. President, it is necessary for us to be on guard all the time in the Pacific Northwest that California does not slip a tunnel through the mountain ranges to take such water as we have, or a great deal of it, away from us. We are constantly on guard against proposals to drain the Oregon River water away from Oregon into California. The people of California say they need the water for businesses that want to locate in California, to which we reply, "Send them to Oregon, we will be glad to have them. Send them where the water is."

I cite that, good naturedly, because handling the scarcity-of-water feature in our area is a part of our problem. It has led to great differences in respect to riparian rights in the Columbia River Basin, where the conditions are different from the conditions which exist in the Tennessee Valley Basin. There are a great many differences in the law of water rights in the two areas, because of the difference between an arid or semi-arid condition and a condition of water abundance. So I have said there are differences in the law, and differences in the history of our territory. I have said that the way we ought to approach the administrative problem connected with the projects we build is to use the same approach as that made to this problem by Charlie McNary, one of my great predecessors from the State of Oregon in the Senate of the United States. Charlie McNary used to say, "Let us get on with the building of the dams. We have much to do with getting the dams built. Let us get them built, and then let us discuss, negotiate, controvert, if necessary, or even fight a little bit about how we are going to administer them, once we get them built." I think that was rather drastic, but Senators will understand that it is not such a line issue as it was formerly, 4 or 5 years ago. There were forces in the country, sincere groups, who considered themselves liberal groups, and I was told that the first thing we ought to do was to get some Federal legislation passed to create a Columbia Valley Authority under a 3- or 5-man Federal commission responsible only to the Federal Government, before we even got the dams built. I thought that was silly. I was asked, "What has the administration got to do with the problem as to whether we should build dams? Why should we permit ourselves to be sidetracked and diverted to another matter, when our real problem is to build the dams?"

I said, "You put me on the spot. People all over the State of Oregon are now demanding that I take a position and try to make a political issue out of it. They are going to get a statement of my position. I will give it to them on the floor of the Senate." And I did, Mr. President, in that speech. It was a shorter speech than the one I am now making.

Mr. PURTELL. Mr. President, will the Senator from Oregon yield for a question?

Mr. MORSE. I yield for a question.

Mr. PURTELL. Was the Senator's speech much shorter than the one he is now making?

Mr. MORSE. I think it was quite a bit shorter.

Mr. PURTELL. I thank the Senator.

Mr. MORSE. But it was not so complicated; it did not involve so many issues. It was not one related to a measure which, if passed, would set a most unfortunate precedent. I disposed of it very quickly, in a few hours.

I said in that speech, Mr. President, that I was not going to criticize the idea of a Columbia Valley Authority proposal unless I was also willing to make an affirmative, constructive suggestion by way of a substitute, and I did. As I said earlier, that is a policy which I always try to follow.

I criticize some controversial proposals, but I think I have an obligation to answer the clear question by saying, "All right. You think it is bad. What do you propose to do about it?"

Usually, Mr. President, I think it is a good rule to take the position that if one is not ready to answer the question, he should not stand on the sidelines and criticize. That was my view when I was a member of the Republican minority. I used to attend Republican conferences in the Senate Office Building and listen to a great deal of criticism of what the Democrats were doing. I thought they should be criticized for many of the things they were doing. But when I suggested that I thought we had the obligation of doing more than criticizing, that we had the obligation of affirmatively proposing better remedies, I was frequently told by some of my Republican colleagues that that was not our job, that we were not the majority party and we were not responsible for a program, that that was the responsibility of the administration, and we had only the responsibility of criticizing.

Mr. President, that is one point of view. I do not think it is a very good one. I never shared it. I thought it was bad. I thought we ought always to propose something better. That is an obligation of statesmanship. I try in my feeble way to live up to that tenet.

So, Mr. President, in the Columbia Valley speech of mine I not only pointed out the great differences between the Columbia Valley and the Tennessee Valley, the differences in the water-right laws, the many differences in the two areas, physical, economical, and cultural, but the differences in the legal rights of the States. But I also suggested that as a substitute for a Columbia River Valley Authority we should propose an interstate Federal compact. Of course, the first reaction of many persons was, "What do you mean by that?" They had not heard of that. They said, "You cannot do that." I said, "Why can we not do it? Just because you cannot cite a case where it has been done, what makes you think the States and the Federal Government cannot enter into a compact?"

One of the arguments was that the Constitution speaks of State compacts, but does not speak of compacts between the States and the Federal Government. I said, "What makes you think the Constitution does not permit such compacts? It does not spell it out in so many words, but I am satisfied that within the subject matter of compacts in the Constitution of the United States there is obviously the implied right on the part of the Federal Government, if it has the power to ratify a compact between States, to enter into a compact with States." I said, "Until the Supreme Court tells me it cannot be done, I am going to propose that we try to do it. I am not at all worried about the Supreme Court ever saying that the Federal Government cannot enter into a compact with a group of States for the joint administration and operation of power projects built on rivers in arid sections of the country, with very special water rights developed under water-right law in respect to States and their citizens."

I said, "I favor that kind of a compact as vital to the subject matter, giving the States voting representation on the board of directors that administers the project. That is the heart of it. Of course, it can be done."

I think it just pulls the supports from under the legs of those who feel hostile to the idea that there should be cooperative joint relationship between the Federal Government and the States in the administration of projects in which all the people of the United States have a great deal of interest, and would be represented, through the Federal Government, by way of commissioners or a board of directors. I do not care what label is used. That is a matter of form; it is the substance in which I am interested. Likewise, there would be representative of the States, who would have a direct and authoritative voice in the protection of the interests of the States in the administration of these projects.

I think the plan is so simple that it makes horsesense. I have been wating throughout the years to find anyone who could really tear it down, but it has not been done yet. I do not think it can be done, either. I think that is the sensible approach we ought to make to this problem.

Mr. President, I think such a plan would take out of politics what I really believe has become pretty much of a strawman in the Pacific Northwest in connection with the question of river development and the administration of projects. It would create a greater amount of goodwill and cooperative understanding between the governmental units of the States and the Federal Government. I may say that I think also it would have a very good effect in helping to stop the drive of private monopolies for control of the streams of the Pacific Northwest, because there would not be much left to their odd States' rights argument, if there were set up an administrative system by which the States would exercise the right to help administer, govern, develop, and determine the policy for the handling of river-development projects.

Simply the reading of these legal terms in the field of water-rights law started off my whole train of thought in connection with problems in the Pacific Northwest with respect to CVA. I think it is a fair appraisal and a fair estimate to say that what was one of the hottest issues of the Pacific Northwest 4

or 5 years ago has now cooled off. There is general acceptance of the belief that some such system as I proposed in my Senate speech for administering these projects ought to be adopted.

Going back to the joint resolution, subsection 2 of section 2 reads:

All lands permanently or periodically covered by tidal waters up to but not above the line of mean high tide and seaward to a line 3 geographical miles distant from the coastline of each such State and to the boundary line of each such State where in any case such boundary as it existed at the time such State became a member of the Union, or as heretofore or hereafter approved by Congress, extends seaward (or into the Gulf of Mexico) beyond 3 geographical miles.

I do not know whether or not a Philadelphia lawyer was employed to write that legal provision, but I respectfully say that I believe it will be the subject of considerable confusion.

Subsection 3, of section 2, provides:

All filled-in, made, or reclaimed lands which formerly were lands beneath navigable waters, as hereinabove defined.

As I recall, it was the Senator from Minnesota who said he thought that was as clear as mud. I merely say I think that that section on the definition of boundaries is an invitation to litigation, and lots of it.

Under determined questioning, the floor manager of this measure conceded that he was unable to describe the geographical limits of this giveaway. He stated:

If the Senator wants an answer to that question, he will have to get it from the Supreme Court.

See the CONGRESSIONAL RECORD, page 2621. That was a good answer. I completely agree. The Supreme Court is the only place from which we are going to get an answer to the question as to where the boundaries really are.

The Supreme Court is going to have to decide it. I think we ought to let the Supreme Court decide all the issues. Just tie up the joint resolution, package it up, displace it from the calendar, and say, "Your Honors, in due course of time—and we hope in the not too distant future—you are to be confronted with the problem of handing down another decision with respect to the submerged lands. We hope the debate we have had in the United States Senate will help you in your next decision." I think it will. I think this debate will be helpful in at least outlining some of the problems. I doubt if the most able counsel will ever get before the Court, in such detail, at least, when the Court is free to read this record. I think that is what we ought to do with the joint resolution. We should send it over to the Court and let the Court, in accordance with its constitutional functions, determine these points.

Of course, certain areas will be well within the limits of the resolution. I recognize that. But the areas subject to potential dispute are extensive indeed. It is asserted that the sole purpose of Senate Joint Resolution 13 is to confer title to the submerged lands within the coastal States' historic boundaries, although that phrase does not appear in the resolution. How "historic" such boundaries are may be judged from the following language in the joint resolution, in section 4. The joint resolution says:

Any State admitted subsequent to the formation of the Union which has not already done so may extend its seaward boundaries to a line 3 geographical miles distant from its coastline or to the international boundaries of the United States in the Great Lakes or any other body of water traversed by such boundaries.

Of course, the confused language, which admittedly leaves the boundaries of the gift unknown, is a clear invitation to court action; and litigation of that sort is anything but an invitation to oil companies to go in and drill.

The Attorney General of the United States, Mr. Brownell, recommended to the committee that litigation could be avoided by including in the joint resolution a map which would set the intended boundaries with precision. I infer—I do not know—from the discussion I have heard on the floor of the Senate, and from the accounts which have been related in this debate about what happened in the committee at the time Mr. Brownell made that suggestion and after he left, that what could best be described by the word "consternation" broke forth.

Take a map and draw the boundaries, and include that map in the bill? My gracious. That means we would have to be specific and definite. It was pretty good legal advice for the Attorney General to give the committee, but it apparently was not what the committee had in mind. So the advice was ignored. We have no such map. The record is full of interesting explanations as to why we do not have it. How impossible it would be to draw such a line. But some time someone must determine where that line is. One would think, in the interest of nicety of legislative form, as well as in the interest of substantive rights of all parties concerned, the proponents of the joint resolution would want to have that line drawn and clarified and pinned down when we pass the joint resolution. The failure of the committee to do so raises the question in the minds of well-intentioned people, "Why did they not want to do that? Is there something else that they really want? Do they want to leave this indefinite and uncertain so that it will all be held in suspense, and so that perhaps eventually they may be in a position where they can get more than a reading of the joint resolution, in the light of the debate, would lead one to believe they want?"

There is no way to avoid having such questions raised so long as we have the ambiguity which is found in the whole section on boundaries. I am very glad, for the RECORD, that the Attorney General recommended that much of the litigation which he warned the committee would probably result from the joint resolution in its present form could be avoided by including in the resolution a map which would set the intended boundaries with precision.

The acting chairman of the committee stated that this recommendation from the chief law officer of the United States was not followed because it was not within the power of the Congress to define unilaterally what the State boundaries are. That is an interesting observation. Apparently in the opinion of the committee it is in the power of the Congress to give away the people's property to some indefinite boundary line, apparently, I presume, to be determined by the States.

I should like to buy property on that basis. I wish I could enter into some land contracts for the purchase of property and be permitted to determine the boundaries, and obtain the property for the consideration involved in this case, which is nothing, no matter where the boundary is put. It is a nice business if one can do it, but I do not think we ought to dispose of the people's property in that way. I think we ought at least know how much of it we are giving away. I think at least we ought to know where the boundaries are.

With regard to the comment of the acting chairman, I might agree with him if the question were before a court and the determination of the boundaries were for the purpose of setting limits upon rights and property which the States were held to have as a matter of law. That is not the situation. The Supreme Court has 3 times held that the States do not have rights in the submerged land seaward of the tidelands, which this joint resolution attempts to give them. So I say, Mr. President, in my judgment, this resolution proposes to have the United States give the States something which is not now theirs as a matter of law. We are not in favor of doing it. I am not in favor of sitting in the Senate and voting to give to the citizens of these few States property which I am convinced, in light of the decisions, is not, as a matter of law, due them. I cannot do it. I think I have an obligation here to protect and preserve the property interests of all of the people of the country. I do not think, because I was elected to the Senate, I was given any authority to vote to reverse the United States Supreme Court on a matter of jurisdiction which, in my opinion, under the separation of powers doctrine, is the Court's jurisdiction, and not that of Congress.

Perhaps I studied it all wrong. Perhaps it was taught to me all wrong. Perhaps I taught it all wrong for years. Until I got into this debate and I listened to the proponents of the joint resolution I thought I knew something about the separation-of-powers doctrine. I certainly do not know anything about it if the proponents of the joint resolution are right. I do not think they are right. I still think I know something about the separation-of-powers doctrine. What I know about the separation-of-powers doctrine is what great legal scholars and constitutional lawyers have written in authoritative treatises for years. They are the principles which were taught to me. They are the principles which are sustained by the cases. They are the principles which I in turn have taught to my students.

There is nothing difficult about the separation-of-powers doctrine. It is of fundamental importance to the whole

constitutional system, under which it is our privilege to live. So elementary is the principle, so taken for granted is the doctrine, I am afraid many people do not stop to consider its implications to our everyday living. Here is one of them. Here is one that raises the application of the separation-of-powers doctrine to the economic interests of 160 million people.

I will admit the separation-of-powers doctrine has a multitude of applications in the administration of Government. But its basic nature, its controlling tenet, is pretty simple. It has almost become, I am afraid, in the thinking of many people a trite legal phrase. It should not be.

Mr. President, if we lose the separation-of-powers doctrine, if we repudiate it or permit it to decay, or destroy it by political power, we have destroyed the national system. It is the foundation of the constitutional system. It is the bedrock which supports the whole system of checks and balances. It is the foundation of the constitutional theory that we are a government of laws, not of men. Do away with the separation-of-powers doctrine and we have a government of men. Mr. President, did you ever think of it that way?

Let us look at it from that angle. First, let us look at the elementary principle, the legal tenet, the constitutional keystone. The fathers of the Constitution set up a three-branch system government, legislative, executive, and judiciary. What did they provide as to the relation of one to the other, so as to guarantee a system of law? Read the constitutional debates. Read the development of this great safeguarding doctrine, so vital to our national liberties. They evolved a point of view that the three branches of Government should be coordinate and coequal, each supreme within its jurisdiction, but even that supremacy subject to constitutional checks and balances.

Our constitutional system is singular to the United States. According to the constitutional historians, no other people have ever perfected such a theoretically sound constitutional system guaranteeing, through the separation-of-powers doctrine and the checks-and-balances system that goes along with it, the supremacy of government by law and the subordination of the possibility of a government by men. That is the beauty of the doctrine. When we consider it from that standpoint, it is a thrilling doctrine to teach to students. How one tingles with pride in the statesmanship of the Founding Fathers, when, teaching in a classroom, he leads the students into an understanding of the dramatics of the doctrine of the separation of powers and what that doctrine has meant in the glorious history of our country to the preservation of the rights of the American people. Sometimes I wonder whether in any way we shall be able to obtain the inspiration which permeated the hearts, souls, and minds of the delegates to the Constitutional Convention and caused them to evolve the great doctrine of the separation of powers.

This doctrine means many things as it is applied to different fact situations; but it means only one thing in the case of a controversy between the coordinate and coequal branches of the Government, namely, the legislative, executive, and judicial branches. That doctrine means that not one of the branches of the Government has any right to trespass or transgress upon the constitutional jurisdiction of any of the other branches.

However, Mr. President, I think the pending joint resolution would do that; and that is the basis of my objection to it. I think the Supreme Court will have to hold to that effect, in due course of time.

I believe that under the Constitution of the United States, it is the jurisdiction, prerogative, and duty of the Supreme Court to determine issues of national sovereignty, issues of national boundaries, and issues of the ownership of submerged lands. I do not believe it is for the Congress to do that, because I do not believe those are legislative questions. It is my belief that under the doctrine of the separation of powers, those are judicial questions, not executive ones. I do not believe the President of the United States has any prerogative or authority to take the position that property belonging to all the people of the United States can be given away, when in the giving away of the property one runs head on into the questions of boundaries and sovereignty and the constitutional questions of the property rights of States and of individuals.

Of course, I am certain that we cannot escape litigation on this issue; and I believe that when we get to the litigation, the Supreme Court will rule that the joint resolution, at least in respect to these features, is in violation of the separation-of-powers doctrine, and is unconstitutional.

Mr. President, to illustrate for a moment what a great doctrine the separation-of-powers doctrine is in respect to the protection of our rights, let me point out that that doctrine has many other applications. Let us consider, for example, some of the controversies which have occurred in recent years in connection with the alleged claim of congressional committees to a right to examine Executive files or to require witnesses to testify about what was said at a conference with the President, or other clear cases in which the separation-of-powers doctrine applies.

I recall that during the MacArthur hearings, when I was still a member of the Armed Services Committee, General Bradley appeared on the witness stand, following a conference at the White House, at which the members of the Joint Chiefs of Staff, the Secretary of State, and the Secretary of Defense, as I recall—at least, many of the top officials—had met with the President on the MacArthur case, prior to the recall of that great general. General Bradley had been at the conference. A member of the committee asked him to relate what the President said. General Bradley politely refused to tell what the President said, because General Bradley felt that to do so would be a violation of confidence, and he thought his conference with the President was a privileged matter. So General Bradley thought he was dutybound to refuse to answer that question.

I remember that in the committee there was quite a little hassle over that matter. In fact, for a while there was talk that the committee might hold General Bradley in contempt. I never thought the committee members were very serious about that, for it was perfectly clear to me that the doctrine of separation of powers was squarely raised.

The distinguished Senator from Georgia [Mr. RUSSELL] made a ruling which sustained the General in his refusal to answer the question, and an appeal was taken from the ruling. The appeal did not get to a vote on that day as there was quite a debate. The record will show that I made an argument on the separtion-of-powers doctrine and its application, in which I pointed out that we would certainly be in a sad state of affairs if we got to the point where the President of the United States could not have a top-secret, confidential conference with his military advisers, without having a Senate committee hale those who participated in the conference before the committee and ask "What did the President say?" That would be a nice state of affairs, would it not? Of course, if that principle were accepted, as I stated at the hearing, and as was later stated on the floor of the Senate by the former chairman of the Foreign Relations Committee, the then Senator from Texas, Mr. Connally, all that anyone would need do would be to keep someone posted at the White House gates, and whenever he saw somebody going into the White House for a conference with the President, meet him with a subpena when he came out, hale him before a committee, and there say to him, "Now, what did you say to the President, and what did he say to you?"

I could not believe my ears when I realized that some of my colleagues were serious in their demand that General Bradley tell what happened at the conference. In my opinion, it involved a clear violation of the doctrine of separation of powers. The fathers of the Constitution were wise enough to set up an executive branch of the Government free from all kinds of congressional interference. It had nothing to do with the system of checks and balances, which was argued at the committee meeting. Checks and balances have nothing to do with a problem of that kind. The problem raised the question as to whether, under the separation-of-powers doctrine, the President of the United States was to be supreme within his own jurisdiction, free to carry on his purely executive functions. The answer to that question is, that the President is free to do so. That right cannot be contravened by a Senate committee. The matter is perfectly clear.

Mr. President, we got a vote, which was overwhelmingly in favor of upholding the separation-of-powers doctrine. It was ruled that General Bradley did not have to answer the question. I thought we wasted a great deal of time on a very, very elementary principle of constitutional law.

I could go on to relate many other applications of the separation-of-powers

doctrine, but before I conclude on that particular subject I want to get back to my manuscript, because I am only on page 16 of a manuscript containing 60 or more pages, and I should like to finish it sometime. I have another speech yet to give, Mr. President; do not forget that. I have my REA speech yet to deliver.

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

Mr. MORSE. I yield to the Senator from Connecticut for a question.

Mr. PURTELL. If the Senator has only about 44 more pages of this speech, will the Senator tell us how many pages there are in the succeeding speech?

Mr. MORSE. About 80 pages.

Mr. PURTELL. I thank the Senator.

Mr. MORSE. That is my recollection. The last I saw of it was when it was in very rough handwritten form, requiring considerable scissors and paste work to be done on it. I have not seen the final typewritten copy. I really do not know what type it is in, for I have not seen it. The number of pages will also depend upon the spacing.

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

Mr. MORSE. I yield for a question.

Mr. DANIEL. Did the Senator say 8 or 80 pages?

Mr. MORSE. I said 80.

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

Mr. MORSE. I yield to the Senator from Connecticut for a question.

Mr. PURTELL. Since the Senator has stated that he has not seen the manuscript in its final form, is it possible that it might exceed 80 pages?

Mr. MORSE. I doubt that.

Mr. PURTELL. I thank the Senator.

Mr. MORSE. It is my speech, though, all mine.

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

Mr. MORSE. I yield for a question.

Mr. PURTELL. The Senator did not feel, I am sure, in making his last remark, that he thought I was going to lay claim to his speech, did he?

Mr. MORSE. I would not be a bit surprised if the Senator from Connecticut did claim it. He might be proud to claim it.

Mr. PURTELL. I thank the Senator.

Mr. MORSE. I say to the Senator wait until he hears the speech. I think it is a pretty good speech. I said it was my speech, but I will be very frank about it; I had a considerable amount of research assistance on it. I obtained some help from the Library of Congress. I obtained some help from the REA, which has fought so valiantly to assure rural populations the benefits of electricity, which relieve the farmers from so much drudgery. Also, I have two very fine young men, who are now sitting in the rear of the Senate Chamber, serving as my legislative and administrative assistants, who did some very fine work on that speech too, in accordance with the outline we worked out, and in accordance with the position I have taken on the issues raised. A great deal of the material I dictated has been used in the speech, so I can honestly say it is my speech. I know what is in it. I know that a great many people who read speeches do not know what is in them. I try not to do that.

Mr. PURTELL. Mr. President, will the Senator yield for another question?

Mr. MORSE. I yield to the Senator from Connecticut.

Mr. PURTELL. Is it the Senator's observation that many people read speeches without knowing what is in them?

Mr. MORSE. That is correct.

Mr. PURTELL. Will the Senator agree that a great many people also hear speeches without knowing what is in them?

Mr. MORSE. I always feel sorry for such people. I think it is always sad, when so much work has been expended on the preparation of a speech, that, when it is read to someone, he cannot understand it. I think that is an awfully sad thing, but that sometimes happens.

Mr. President, it is too bad that we are not giving more consideration to the separation-of-powers doctrine and to the system of checks and balances. I think it is going to result in some delaying litigation, in the event the pending measure is passed in its present form.

One of the main reasons this little band of liberals has been fighting on the floor of the Senate for weeks is that we have been trying to focus public attention on this measure, trying as a sort of an 11th-hour effort, to get the American people to wake up before it is too late, because we think it has some very serious constitutional defects which we have discussed. We are going to keep on fighting, Mr. President, for our constitutional system, because it is a pretty precious thing for which to fight. We are going to keep on fighting in opposition to an attempt to reestablish in a single instance the old principle to which many of us are opposed, that the decisions of the Supreme Court can be overruled by the Congress of the United States because we think it violates the principle of the separation of powers.

I want to make this point before I close this subject. We think that the proposed legislation truly endangers the existence and preservation of a government by law and substitutes a government by men, because, if we get rid of the separation-of-powers doctrine, it derogates from the power of the Supreme Court in the field of constitutional authority, and makes the legislative branch of the Government supreme. That can be translated, I fear, into terms of present political power as manifested through men. I think we should watch out for that.

Even if the historic boundaries were an appropriate line of delineation, it is within the power of the Congress to define them where the gift is not one based upon any legal claim of the coastal States. If it is within the power of the United States to give away submerged lands at all, it is within its power to give or withhold as it sees fit.

The definitions already set out are preceded by this language:

SEC. 2. When used in this joint resolution—

It is apparently intended that the resolution's definition of boundaries is to have no effect beyond the gift made by this measure. If that is not so, the proponents are under a duty to disclose the other purposes.

The method adopted does not serve the purpose, which is claimed for this measure, of settling conflicting claims to submerged lands. So far as boundaries are concerned, it merely substitutes new problems for old ones, and endangers the relatively prompt availability of oil to the Nation.

It is possible, although the matter is too confused and obfuscated by the language employed in the resolution and the asserted reasons for it and the glaring omission of provisions relating to the Continental Shelf, that the nearly meaningless boundaries set up in this grant have rendered it impossible to define the shelf area which may 1 day be conceded to be the exclusive preserve of the Federal Government.

Considering the fact that this Nation has consistently claimed that its coastal waters extend 3 miles into the sea, there may be substantial areas in which the United States may not have anything left to reserve for itself.

Mr. President, I am glad to see the Senator from Texas [Mr. DANIEL] present. I also see the Senator from Florida [Mr. HOLLAND]. I am very fond of the Senator from Florida.

The PRESIDING OFFICER. The Chair may invite the Senator's attention to the fact that the Senator from New Jersey [Mr. HENDRICKSON] is in the gallery.

Mr. MORSE. I do not look at the galleries, so I did not know that.

Although the Senator from Florida [Mr. HOLLAND] and I disagree on the pending joint resolution, he has been very helpful to me. I took a trip to Florida recently, and the Senator from Florida really paved the way for a great many of the courtesies which were extended to me. I saw a great experiment station at Belle Glade. I was pleased about it, because the University of Florida will give my cattle a boost. For years they have been carrying on interesting experiments with Devon cattle, which are the oldest of the English beef cattle. They are a very interesting breed of cattle. My father raised them for a great many years. In fact, my mother said he used to keep us poor importing bulls from England. I guess that is correct. Perhaps for sentimental reasons I have some of them. They are an interesting form of hobby relaxation.

The Senator from Florida was the one who told me about the experimental herd in his great State. He suggested that sometime when I was in Florida I might be interested in seeing what they had done with their herd of cattle. Some weeks ago I happened to be in Miami making a speech—not taking a vacation; I could not afford that. I do not mean that Miami is the least bit exorbitant, but I do not have the money for a vacation. When I finished my speech, a mutual friend of the Senator from California and myself, a professor at the University of Miami, drove me up to Belle Glade, and I went through the very interesting Everglades area of

Florida through which one passes in going from Miami to Belle Glade.

Interestingly enough, I saw some of the great flood-control projects which the Federal Government has helped to build not only for the benefit of the people of Florida, but also for the benefit of all the people of the United States, because when a flood is prevented in Florida, it benefits the people in Oregon also. Anything that helps save the national wealth of the United States, whether it be in Florida, Texas, Maine, or anywhere else, benefits everyone in the Nation. So I saw that project, and I spent the day observing the results of that great experiment station.

I am glad that the pressure of work in the Senate in the very early morning is not very great, for it gives me this opportunity to thank my friend, the distinguished senior Senator from Florida, for the courtesy he arranged to have extended to me on that trip.

Now to get back to my speech.

Considering the fact that this Nation has consistently claimed that its coastal waters extend 3 miles into the sea, there may be substantial areas in which the United States may not have anything left to reserve for itself. The Congress may be giving away all that it has—but who can say? Apparently the proponents of the resolution cannot.

IF CONSTITUTIONAL—GIFT IRREVOCABLE

The overwhelming percentage of laws enacted by Congress are subject at any time to repeal or amendment. If they prove unwise, harsh, inequitable or the political temper of the country changes, the mischief done can be undone. Ordinarily public laws do not bind future generations irrevocably. When they do, they require even greater scrutiny and more searching study than normal legislation, which itself merits complete consideration.

That is why we in this little bloc feel as we do about the pending joint resolution. We think there is a danger that if this measure should, contrary to our views as to its constitutionality, be upheld, the United States would then be confronted with an irrevocable gift. So we ought to take a look at the gift separate and distinct from the constitutional question. We ought to look at it long and penetratingly. We ought to be absolutely certain that we want to fasten onto future generations of American boys and girls an irrevocable gift of a great national treasure. We believe that that requires prolonged debate, and we are certainly giving it one. We think that it involves the duty on our part to point out to the people of the United States, again, I say, before it is too late, what we consider to be some of the great dangers of the joint resolution.

Therefore, Mr. President, we say that, if constitutional, Senate Joint Resolution 13 cannot be repealed or amended by the Federal Government. Under the strict limitations imposed upon the Government in the exercise of its power of eminent domain, some part of the area may be brought back under Federal dominion by condemnation and the payment of just compensation under the Constitution. Section 6 (b) so provides.

In other words, if the United States wishes to reacquire what it now has and is giving away without so much as a song in return, it must pay for it.

It cannot be disputed that the United States has in the past granted considerable areas of land without payment. I would distinguish such past actions from what is proposed by Senate Joint Resolution 13.

In the first place, those areas did not belong to the United States by virtue of its external sovereignty.

Secondly, the grants were conditioned upon uses in the public interest which were considered to be and still believed to have been ample recompense to the Government and the people.

In other words, there was a consideration, as we lawyers say; there was a benefit to be received in return.

So land has been given the States for educational purposes. Land was given to homesteaders in the interest of economic development of unsettled areas and the well-being of the settlers. Homesteaders had an obligation to settle upon and work the land.

Even when the grants were abused, as in the case of some of the railroads, which led to many of our railroad scandals, and that played such a permanent part in the great litigation in our Western States in decades gone by, the purpose was to gain for the Nation valuable transportation. In each and every instance that has come to my attention, land grants have been made for an important public purpose, and many laws provided for the recapture of the granted areas if the purpose was not served.

Once granted, the submerged lands affected by this resolution are gone forever. They are lost. We are not going to be able to reach out and take them back into the domain.

The circumstances under which they are given carry a likelihood that early development will not result, as already described in this speech and in other speeches given by my colleagues upon this question. Not a word, phrase, or line conditions the grant upon their being used.

The Anderson bill, is quite otherwise, it retains this invaluable submerged area to the United States and provides for leases to private companies which requires that the leased area be put into production within a specified time—section 4 (B).

ANDERSON BILL INSURES DEVELOPMENT BY PRIVATE ENTERPRISE

What about the Anderson bill as an insurance of the development by private enterprise? I think that is very important.

Let there be no mistake about this. Retention of the submerged lands by the Federal Government does not mean that the United States will be in the oil business. There is no issue of nationalization involved in this matter.

Under both the Anderson bill and Senate Joint Resolution 13, the drilling and extraction of oil will be done by private companies under lease. Special arrangements may have to be made for wells drilled and capped for the purpose of establishing a reserve. But S. 107 clearly provides that the United States will be principally a lessor retaining only the control necessary for intelligent and practical production and conservation and the dedication of revenues to the interests of the people of all the United States.

THE SUPREME COURT HAS DECIDED THAT THE UNITED STATES HAS PARAMOUNT DOMINION OVER THE SUBMERGED LANDS

It is elementary that our Government is based upon a division of authority and responsibility among the three coequal branches. That apportionment of function serves two basic purposes. One is that each will serve as a check upon and a balance to the others. The limited power of one branch to check another is for protection against improper assumption or usurpation of authority by one. Centralized authority which must answer to on one carries with it the probability of abuse and the deprivation of basic rights. Power is balanced among the legislature, the executive, and judiciary to the end that the power of one segment is offset by different powers of the others, thereby preventing overconcentration of power.

Secondly, the distribution is functional. I would compare particularly the appropriate roles and abilities of the courts and the Congress—each operating under constitutional limitations.

It is the primary duty of Congress to enact laws of general applicability based upon general considerations of policy after inquiry into the facts. In relatively few instances does this really require an inquiry into specific or individual cases. What we are concerned with is the nationwide impact of nationwide policies. Our responsibilities and necessary limitations of time and personnel render us unequal to resolving issues of fact or issues of law arising from the applicability of statutes or the Constitution to a given set of facts. A Senator may make an excellent judge—but only with the time, assistance, and specialization which a judge enjoys.

It is for the judiciary to construe and apply the Constitution and statutes. In given instances, poorly drawn laws may be interpreted so as to achieve a result not intended. Certainly within the statutory field there can be constant interplay between decisions of the courts and renovation of the law by the legislature.

It is the proper role of the Supreme Court to consider and to declare its judgment upon issues going to the heart of our Federal system—the allotment among, and the appropriate exercise of authority by, the States and the National Government. When it has spoken, its words are final.

That is the theory. That is the separation-of-powers doctrine. That is the checks-and-balances system. That is government by law. That is the best guarantee we have of protection from a government by men. I will not, without a fight, vote for a measure which in my judgment seeks to make the Congress supreme over the other two branches of the Government. I will not do it. I will not walk out on the principles of constitutional law which were taught me, and which I in turn taught, and which I have practiced and followed, merely because the present mood of the Congress—and I am perfectly willing to

admit, based upon the November election, possibly the present mood of the people—is for the adoption of a piece of legislation which in my honest opinion cannot be reconciled with the separation-of-powers doctrine. I am not going to do so. I am not going to support it. Not only that, but I am not going down to defeat without a fight.

My colleagues in this little band of liberals are not going down to defeat without a fight, either; and if we are beaten on this vote we are not through fighting, either. Let me make that very clear tonight, Mr. President. Let no one get the idea that if and when this measure comes to a vote we are all through. We have a 1954 campaign coming up, a 1956 campaign, a 1958 campaign, and a 1960 campaign. This issue is going to live in the American political arena for years, because this measure is the bellwether.

The joint resolution is the test, we think, of how far some people will try to go in American politics in invading the separation-of-powers doctrine, in weakening the checks-and-balance system, in trying to make the legislative branch of the Government supreme, in endangering—and I say it respectfully—the whole national resource treasure belonging to the people of the United States.

Come what may, irrespective of the abuse we take—and we will get plenty of it—we will fight and fight and fight against every attempt to take away from the people by any giveaway program, I care not how plausibly it is framed or phrased legislatively, what we consider to be property belonging to all the people.

I want to make it just as clear as I can. Mr. President, do not count out this little band of liberals; do not count them out. They have a tremendous following in America. Millions of people, who believe in their philosophy of republican government, will stand for it and defend it, once they come to understand that it is in danger.

The trouble is that many people in America today, as I said earlier in my speech, have in a sense kept their heads in the sand. They want to believe the best. They just hate to face the possibility that all is not as well as they would like to think or wish. They will wake up. When the people do the politicians now in control will wish they had given a little greater heed to this little band of liberals. They will wish they had not written them off as a great potential power in American political life.

Mr. President, mark my words. I say the passage of this joint resolution, if it passes, is not the end of the fight. It is just the beginning.

Our country has been blessed in that there has never been naked contention between the arms of Government. There have been stresses—but not crises. The genius of our system has been a willing recognition of the proper role of each coordinate branch and a magnificent self-restraint which has prevented serious encroachment. For, there is no final arbiter over the three within our system.

My deep conviction is that the Congress should never even approach the point at which its action may place in question the separateness and equal status of another branch of our Government.

In my judgment, Senate Joint Resolution 13 does come near that perilous possibility.

That is why the Senate has heard me say in this speech, as I have said several times during recent weeks and as I have interrogated other speakers on the floor of the Senate, that with the passage of the joint resolution Congress would overrule the Supreme Court.

CONGRESS WOULD OVERRULE SUPREME COURT

The plain intent of Senate Joint Resolution 13 as conceded by its proponents is to set aside the three decisions of the Supreme Court in the California, Louisiana, and Texas cases, which held that the United States has paramount rights to and control over the submerged lands seaward of the tidelands (e. g. CONGRESSIONAL RECORD, p. 2613, April 1, 1953). As already shown, it was held in the Texas case that subsumed under such sovereign rights are rights sufficient to foreclose the assertion of proprietary rights by the coastal States.

An attempt at justifying this measure is made by contending that these decisions placed in doubt the ownership, or put a cloud upon the title to this area, of the coastal States.

There is no uncertainty. There is no cloud. The States do not have proprietary rights to the area beyond the tidelands.

The decisions in the California, Louisiana, and Texas cases settled that as a matter of law—not merely statutory law—but the law emerging from a consideration of the Constitution and the history of admission of States to the Union—the fabric of the Nation.

It is claimed that the three decisions came as a surprise, and overruled 100 years of earlier Supreme Court decisions. Frequent repetition has given some currency to this view, but it does not have an impressive resemblance to the facts.

On April 2, 1952, I presented to the Senate an exhaustive legal analysis of the cases involved.

I observed—as have others in the current debate—that the principal case on which State ownership advocates rely, *Pollard's Lessee* v. *Hagen* ((1845) 3 How. 212)—involved lands which had been covered by the Mobile River. Similarly, subsequent cases upon which similar reliance is placed pertained to land under inland waters, which are clearly and unquestionably the domain of the States, subject to Federal control of commerce and navigation.

It has been shown that at no time prior to the three recent cases did the Supreme Court deal with the problem of lands in the open sea or gulf.

In the case of *U. S.* v. *California* (332 U. S. 19), the Supreme Court declared that, as to these lands submerged by the marginal sea, it has never before ruled on the respective rights of the individual border States and the Federal Government therein. In this connection the Court specifically distinguished three previous decisions, the language of which, in the Court's words, "probably lends more weight to—the argument that the issue had previously been decided—than any other." These three cases were *Manchester* v. *Massachusetts* (139 U. S. 240); *Louisiana* v. *Mississippi* (202 U. S. 1); and *The Abbey Dodge* (233 U. S. 166); and they can be very clearly distinguished.

Not only are the cases not in conflict; they are in harmony, and share basic premises.

Let me refer again to the case of Pollard's Lessee against Hagen. In that case the land involved had been a part of the tidelands of Alabama, above the mean low-water mark. In the case of United States against California the land involved is that which is submerged beyond the mean low-water mark.

That fundamental and vital difference in fact must be kept in mind as we compare the Pollard case with the California case. In both cases the Supreme Court weighed the elements of sovereignty, and ruled in favor of the governmental unit which under our Constitution had the predominant sovereign interest. Not only are the cases not in conflict, but they are in harmony, and they share basic premises.

I believe it was last year, when we previously had this fight on the floor of the Senate, that I sat here day in and day out and listened to the citation of the Pollard case by the proponents of the measure which sought to obtain for the States these submerged lands. From the arguments that were being made, I judged that the proponents considered that their whole legal case and position were established by the Pollard case.

Mr. President, I am always very careful about the citation of cases, for I have seen great lawyers make mistakes in the interpretation of cases, and I have seen great lawyers cite cases as authority for their positions, when the cases simply were not good authority for their positions.

So, simply out of habit and long training, I suppose, I decided that I had better read the Pollard case. So I read it, and then read it again, and then kept on rereading it, because I simply could not believe that the proponents of the measure and I were reading the same case, for I was hit right between the eyes with the fact that the Pollard case did not support the position of the proponents at all. The Pollard case is a sovereignty case, and it proves our point. A great question of sovereignty is involved in that case. All that case decides is that on the basis of State sovereignty, the States are entitled to the tidelands—the true tidelands, not the submerged lands that are involved in the pending joint resolution, but the lands between the low-water mark and the high-water mark. That is the Pollard case.

What is the great principle involved in the Pollard case? In that case the Court looks to the question of sovereignty, as the Court will have to look to the question of sovereignty in respect to lands beyond the tidelands. The Pollard case does not say that the submerged lands beyond the tidelands, beyond the low-water mark, belong to the

States. When we get to the bare bones of the Pollard case, what does it hold? We look at its operative facts, and what are they? There are lands between low- and high-water mark in the Mobile River. A question is raised as to jurisdiction over them. We look to the matter of sovereignty. We find that the sovereignty which is exercised over those lands is the sovereignty of the State; that is all. That is why we have been arguing here for days about the question of sovereignty. What sovereignty is it? We, the little band of liberals, say that the Pollard case, which is being cited by the proponents of the pending measure, proves our legal position. I so argue. I shall not take the time to read the entire statement of the case, though I may ask to have it inserted in the RECORD later. I do not think anyone will object to my saying that when I made my argument on the Pollard case, the now distinguished Vice President of the United States was a Senator from the State of California. He did a valiant job on the floor of the Senate in the advocacy of California's case. I replied to the positions he took regarding the Pollard case.

The then Senator from California, now the Vice President, paid me a great compliment that day, because when I concluded my argument on the Pollard case, he came to my desk to say, "Wayne, I would hate to meet you in the Supreme Court on that argument." I do not mean that the present Vice President, then a Senator from California, felt that his position on the joint resolution as a whole was a mistaken one. All I mean to say is that he apparently felt that the argument I made on the Pollard case greatly weakened the position of the proponents of the pending measure in regard to the Pollard case, as a useful authority.

I repeat this morning that the Pollard case is not a good authority for the proponents of the pending measure. It is a good authority for the little band of liberals who are fighting the pending measure, because the Pollard case is a sovereignty case. It indicates very clearly what we forewarn the opponents and the people will be one of the great constitutional issues eventually to come before the Supreme Court in connection with the legal questions involved in the pending measure. The great constitutional question as to sovereignty will then be argued.

Mr. President, regarding the decisions in the Pollard case and in the California case, I may say that in one case the States were held to have jurisdiction over land within the low-water mark, while in the other case the Federal Government was held to have jurisdiction of land beyond the low-water mark.

I further respectfully submit to the proponents of the pending measure, who have been citing the Pollard case, that the principle of the Pollard case and the principle of the California case is an identical principle—that of sovereignty, but applied to different facts. In one case, it is applied to land between high- and low-water marks, and in the other, it is applied to land beyond the low-water mark. In the Pollard case, it is applied to tidelands; in the California case, it is applied to submerged lands out in the sea.

Let me say something facetiously. Let nobody take offense at this. Let us have a little fun. Let me say facetiously to those who have been citing the Pollard case as an authority to back up the legal position taken by the proponents of the pending measure, that the inexcusable offense in my classroom was for a student to miscite a case. I used to say, "Young man, rise; go to the library, and when you have read the case and think you can come back and cite it correctly, do so; and that probably will not be until tomorrow's class. Come back, but do not come back until you can correctly cite the case." It was only necessary to do that once or twice a year in a class in order to make not only the offender but also all the other members of the class check the citations.

Then, too, I used to say to them, "Now, listen. I do not want any graduate of this school ever to get up before a court and miscite a case. Read the cases, do not guess at what the court held, and do not rely upon some digest, or upon what the editor says the case decides. Read the case yourselves." I read the Pollard case. The Pollard case stands for the principles I have outlined here this morning, principles that I discussed in the major speech I made on this subject matter the last time this subject was before the Senate.

So I say, most respectfully, Mr. President, that in the Pollard case, therefore, the Court ruled quite properly, in my estimation, that the States had such a predominant sovereign interest in the area then in question as to require that each State should have effective control and dominion of its inland waters and of the lands thereunder, including the tidelands.

In the California case, the Court ruled, equally properly, in my estimation, that the Nation, rather than the individual border States, had such a predominant sovereign interest in the area in question there as to require effective control and dominion of the marginal sea and the lands thereunder in the Federal Government.

That is what the Court held, Mr. President. That, I say, is the comparison of the two cases. I am willing to risk what little reputation, if any, I have as a lawyer on that analysis of the cases. I repeat that the basic principle of the two cases is a common one, the principle of sovereignty, the same principle of sovereignty applied to two different sets of operative facts.

Yet another allegation is that the Supreme Court refused to include in its decree in the Texas case language proposed by the Department of Justice which would have declared that the United States had property rights in the offshore lands, and thereby indicated that the Federal Government had no such rights.

I say, very respectfully, that any lawyer who settles a decree on notice knows that the particular language adopted by a court is not of such great significance.

If, indeed, this argument is seriously advanced and adopted, the title-granting portion of Senate Joint Resolution 13 is very likely deficient. The granting language of the resolution is contained in section 3 (b) (1), as follows:

> The United States hereby releases and relinquishes unto said States and persons aforesaid, except as otherwise reserved herein, all right, title, and interest of the United States, if any it has, in and to all said lands, improvements, and natural resources.

Mr. President, let us analyze that a bit.

If the United States does not have some sort of property rights, it has nothing to give. Perhaps the stage is merely being set for a future claim that although the United States could not grant title, as it has none, it is estopped from contesting State claims and use.

ESTOPPEL

The doctrine of estoppel is always one of the tricky "bad boys" in the law. It results in various forms of legal misbehavior at the most unexpected times. Yet, Mr. President, it is a very important legal doctrine. It may be that the proponents are aware of how it can act up sometimes.

It is well-established that estoppel does not run against the United States, and, in any event, the argument would be sophistical in the extreme.

I submit that the backers of Senate Joint Resolution 13 cannot have it both ways. Either, first, the Federal Government has some type of proprietary interest in these lands and it has something to give, or, second, it has nothing and the quitclaim provision of Senate Joint Resolution 13 is useless. Of course, the mere fact that the United States has such rights and proprietary interests does not mean that they can be deeded away.

Now, Mr. President, I want to take up a few minutes with reference to the alleged equities in light of the rather odd arithmetic which we find in the pending measure.

This measure is based upon some very peculiar arithmetic. Its sponsors argue that even if the three recent decisions are not inconsistent with earlier Supreme Court holding, State officials and private parties had reason to believe that the States had property rights and authority sufficient to grant leases, that this was done, that continued large sums—variously described as several hundred million, (for example, CONGRESSIONAL RECORD, p. 2615, April 1, 1953) and one-half a billion—were expended in reliance and that Federal control would somehow penalize those who made such investments.

Of course, Mr. President, it would be too bad, kind of hard luck, if you and I should go out and meet our good friend the Senator from Texas [Mr. JOHNSON] and I am delighted that he is here at this late hour, for he is one of my great friends in the Senate. He and I disagree on some matters, but it has nothing to do with our friendship. But to get back to my hypothetical, suppose, Mr. President, that you and I meet the Senator from Texas and he says to us, "There is a wonderful camping place up the river. I would like you fellows to go up and get some physical exercise. You can chop down some trees and build

yourselves a log cabin. For $10 I will give you a lease on it for 50 years."

We think that is pretty good. So we say, "All right, we will do that."

We work our heads off every week end for several months and get the cabin built, and then my good friend, the Senator from Texas, comes along and says, "What are you doing on my property?"

We say, "On your property? What makes you think this is your property?"

He soon convinces us by showing us the metes and bounds and descriptions and plenty of other legal documentation. But our good friend was mistaken as to where his boundaries were. We say to him, "Well, there is something wrong here. We spent $10 and got a lease for 50 years."

The junior Senator from Texas says, "I am very sorry, but you are not going to stay here."

You know, Mr. President, how soon we would legally get kicked off?

But that does not have anything to do with the point I am trying to illustrate now. It was just too bad for us, so far as the junior Senator from Oregon is concerned, with respect to any rights we claimed on his land, that we did not stop to investigate the title.

Surely we feel sorry that those who invested in operations on submerged lands did not hire for themselves a good lawyer to check into the title. For them to say now that the joint resolution ought to be passed because a number of oil companies relied on certain representations made to them by the States, to the tune of several hundred million dollars, or a half billion dollars, is a pretty specious argument to advance in justification for the Congress of the United States to give away property that belongs to all the people of the United States. The argument is no good. I respectfully submit that anybody who analyzes it will come to that conclusion.

I am referring to the representation of the proponents of the measure that because expenditures of funds had been made by way of investments, Congress ought to do something about it. Assuming that the last part of their argument is true—and it is not—the proponents of the joint resolution claim it is necessary and equitable to deprive all of the American people of some $50 billion to $100 billion, or more, depending on how much oil is discovered, of offshore treasure, in order to salvage some private investments. I submit that even a reconstituted Bureau of Standards would not be obliging enough to approve a scale which would balance those interests evenly.

The plain fact is that the O'Mahoney bill in the last Congress would have granted, and section 1 of S. 107 of this Congress would grant, validity and continued life to State leases issued before the Supreme Court decisions. There is no question about it.

What then is the weight of the equity which was so fattened and weighted as to counterbalance the clear interests of the people of all of the States?

Indeed, that is the last line of defense of those who urge passage of Senate Joint Resolution 13.

MULTIPLE-PURPOSE DAMS ENDANGERED

Mr. President, some may think it is a far cry from these oil lands to the problem of multiple-purpose dams, but it is not.

On April 16, it was my privilege to introduce, on behalf of 13 other Senators and myself, S. 1664, to authorize construction of the Hell's Canyon Dam and other contributing units of the Snake River project.

That project is vitally necessary to the Northwest and the Nation. Its power is needed at the earliest possible moment, and future development of defense, irrigation, and industry is dependent upon it. It is my hope that the Snake project will be considered on its merits. If it is, I have little fear of the eventual outcome.

But it is possibly imperiled by Senate Joint Resolution 13. The resolution may thwart or delay the fulfillment of this painstakingly developed plan for power for the people. I use this as an illustration of the problem. For other less extensive but important power and irrigation projects may be subjected to similar ambush.

This resolution, which is supposed to clarify existing rights of the States—which it does not—is so complex and involved that it places in doubt the right of the United States to proceed with multipurpose and other dams on interior waterways as it has in the past.

No less than 4 separate sections and 8 subsections must be examined to gain an inkling of the threat. I would point out that the resolution is so intent upon giving rights and property away that it is possibly totally deficient in retaining for the people of the United States what is supposedly not given away.

This matter is of such great importance that it merits detailed description.

Section 3 (b) "grants" and confirms to the States "lands beneath navigable waters" within the States' boundaries. See section 3 (a).

The phrase "lands beneath navigable waters" is defined in section 2 (a). It relates to land under water in several kinds of areas, two of which are pertinent to this discussion:

First. Land under inland waters.

Second. Submerged lands seaward of coastal States.

As to both classes, section 6 (a) purportedly reserves to the United States "all its navigational servitude and rights in and powers of regulation and control" for the fulfillment of its constitutional powers. But there is a "but" in section 6 (a). It denies to the United States any proprietary rights and the rights of "use" and "development" of the "lands" and "natural resources." Interesting language but I think it is dangerous in its implications.

What does that leave? The proponents of the legislation argue that section 2 (e) excepts "water power, or the use of water for the production of power" from the definition of "natural resources." That does not solve the problem of the ability of the United States to build dams on the land beneath inland waters. It simply does not. I think I can read the English language. I think I can interpret it when it is as clear as this, for that land is among that transferred or confirmed to the States the use of which is denied to the United States by the "but" of section 6 (a)—and, of course, what follows it.

We must therefore seek some exception to the prohibitions of section 6 (a) as it applies to land. Suffice it to say that the very limited exceptions of section 2 (f) and section 5 do not meet the problem. A reading of them makes this clear.

Finally, the defenders of the resolution fall back upon section 3 (d), which provides:

> Nothing in this joint resolution shall affect the use, development, improvement, or control by or under the constitutional authority of the United States of said lands and waters for the purposes of navigation or flood control or the production of power, or be construed as the release or relinquishment of any of the rights of the United States arising under the constitutional authority of Congress to regulate or improve navigation, or to provide for flood control, or the production of power.

The question may be asked, Is section 3 (d) the equivalent of the first portion of section 6 (a) up to the "but," or does section 3 (d) modify and lessen the prohibitions of the language after the "but"?

The answer is anything but clear. Both 3 (d) and the first part of 6 (a) use similar words and phrases—"control" for navigation, and "constitutional" and "purposes" in 6 (d), "authority" in 3 (d), "regulation" in 6 (a), and "to regulate" in 3 (d). This is some indication that 3 (d) and the forequarters of 6 (a) are designed to cover the same subject matter.

But 3 (d) states that the joint resolution is not to affect "the use" and "development" of said lands for navigation, flood control, and production of power. Three pages later the authority to do so is quite expressly denied to the United States.

At best, the exemption contained in 3 (d) is of dubious value. It is entirely likely that section 3 (d) will be construed by the courts as adding or detracting little of significance to or from section 6 (a).

I suspect that 6 (a) was originally designed to accomplish two major purposes: First, it is possibly supposedly to preserve the external sovereignty of the United States and separate it from any right to, control over, or use or development of the minerals under the seaward submerged lands; second, this is an attempt to overcome the Supreme Court's determination in the Texas case that the paramount rights of the United States, which flow from its external sovereignty or international sovereign status, included rights sufficient to make the exercise of property rights by Texas fatally inconsistent.

I suspect that 3 (d), at some earlier time, was originally intended to pertain to dam sites on the inland waters of the States. I refer to Senate Report No. 133, 83d Congress, pages 16 and 17, for a comparison of the joint resolution as introduced and as reported.

With various changes which the bill has undergone, this differentiation has been substantially obliterated. Indeed,

the removal of the differentiating language may be taken by a court as an indication of congressional intention to remove the distinction.

A court would have to choose between the alternatives I have already posed. I am sure that those who hear this discussion will be confused. I doubt that reading this language and puzzling over the proposed statutory provisions will prove easier or more productive of a solution.

The potentialities of this confusion are grave indeed. It may be held by the Supreme Court that the heretofore acknowledged authority of the United States to use stream beds for the base of dams—*U. S.* v. *Chandler-Dunbar Co.* (229 U. S. 53, 62 (1913)); *U. S.* v. *Appalachian Power Co.* (311 U. S. 377, 426 (1940))—has been legislated away or so conditioned as to give a State within whose boundaries the river lies a veto power or other authority which conflicts with presently unencumbered Federal authority.

Mr. President, I should like to read from the Chandler case. I read from 229th United States Reports, at page 62:

This title of the owner of fast land upon the shore of a navigable river to the bed of the river is at best a qualified one. It is a title which inheres in the ownership of the shore and, unless reserved or excluded by implication, passed with it as a shadow follows a substance, although capable of distinct ownership. It is subordinate to the public right of navigation and, however helpful in protecting the owner against the acts of third parties, is of no avail against the exercise of the great and absolute power of Congress over the improvement of navigable rivers. That power of use and control comes from the power to regulate commerce between the States and with foreign nations. It includes navigation and subjects every navigable river to the control of Congress. All means having some positive relation to the end in view which are not forbidden by some other provision of the Constitution are admissible. If, in the judgment of Congress, the use of the bottom of the river is proper for the purpose of placing therein structures in aid of navigation, it is not thereby taking private property for a public use, for the owner's title was in its very nature subject to that use in the interest of public navigation. If its judgment be that structures placed in the river and upon such submerged land are an obstruction or hindrance to the proper use of the river for purposes of navigation, it may require their removal and forbid the use of the bed of the river by the owner in any way which, in its judgment, is injurious to the dominant right of navigation. So, also it may permit the construction and maintenance of tunnels under or bridges over the river, and may require the removal of every such structure placed there with or without its license, the element of contract out of the way, which it shall require to be removed or altered as an obstruction to navigation. In *Gilman* v. *Philadelphia* (3 Wall. 713) this court said:

"Commerce includes navigation. The power to regulate commerce comprehends the control for that purpose, and to the extent necessary, of all the navigable waters of the United States which are accessible from a State other than those in which they lie. For this purpose they are the public property of the Nation, and subject to all the requisite legislation by Congress. This necessarily includes the power to keep them open and free from any obstructions to their navigation, interposed by the States or otherwise; to remove such obstructions when they exist; and to provide, by such sanctions as they may deem proper, against the occurrence of the evil and for the punishment of offenders. For these purposes, Congress possesses all the powers which existed in the States before the adoption of the national Constitution, and which have always existed in the Parliament in England.

"It is for Congress to determine when its full power shall be brought into activity, and as to the regulations and sanctions which shall be provided."

In *Gibson* v. *United States* (166 U. S. 269) it is said (p. 271):

"All navigable waters are under the control of the United States for the purpose of regulating and improving navigation, and although the title to the shore and submerged soil is in the various States and individual owners under them, it is always subject to the servitude in respect of navigation created in favor of the Federal Government by the Constitution."

Mr. President, is that not a beautiful decision? It is a thrilling analysis. It does not do the proponents of the joint resolution very much good, so far as any strengthening of their legal position or argument is concerned.

The litigation which this legalistic snarl invites may frustrate the expeditious accomplishment of navigation, reclamation, and irrigation projects.

I have searched through the debates for some reassurance that my doubts and fears have been explained away. Only two Senators are in a position to make statements which would constitute legislative history which would carry weight with a court. They are the floor manager of the bill and the principal sponsor, whose standing for that purpose is diminished by the fact that the Committee on Interior and Insular Affairs, of which he is not a member, has reported the bill, and the specific sections involved with considerable amendment.

I say respectfully, and speaking only about this legal question, and impersonally and completely professionally, that I do not find their statements for the record very reassuring. They consist in large part of the repetition of the proposed statutory language and emphasis upon the authority of the Federal Government to build dams without in any way explaining the effect of the language in the hindquarters of section 6 (a).

I would question further some of the amendatory language added to sections 6 (a) and 3 (d).

For example, on page 18, line 23, what is the purpose of including the word "constitutional"? The authority of the United States is already limited by the grants of power and express limitations contained in the Constitution. This is analagous to the Bricker resolution which says in effect that treaties shall not exceed constitutional limits. The President is reported to have commented that this is a tautology, although I do not believe he used the word.

The discussion of this aspect of the joint resolution has been extended. The gravity of the problem and threat requires very close scrutiny.

Because of the legal ambiguities and the legal traps and manholes which I believe are to be found in the joint resolution, it may very well be that by means of this measure the Congress will complicate beyond repair the power and irrigation development of the Nation. I am satisfied that such legal ambiguities and legal traps and manholes are to be found in the joint resolution, although I am satisfied they were not intended. Nevertheless, I believe they are there; and, as I have said, I believe that, as a result, the Congress may very well be complicating beyond repair the power and irrigation development of the Nation.

If that is the intent of the proponents of the joint resolution, that intent should be clear. The people certainly have a right to know. The Senate has a right to know what it is called upon to pass. The President should be advised of the effect of what he may be called upon to sign.

If there is a bona fide intention of preserving power, irrigation, and navigation development, that should be made clear.

Mr. President, as one of the representatives of a great western State, I say Congress should not gamble with the future of the West and the Nation's wealth in the great power-resource development of our streams.

If the joint resolution is passed with this language unchanged, the future of multipurpose dams will be placed in jeopardy. I must admit that the morass of verbiage and the crosscurrents of conflicting language make it almost impossible to cure the defects of the joint resolution. A start would be made by eliminating from section 6 (a) all the language which follows the word "affairs," on page 18, in line 25. At a later time I shall submit an amendment which, if adopted, will accomplish that purpose.

To the backers of Senate Joint Resolution 13, I suggest that the billions of dollars' worth of natural resources that they plan to give away are certainly quite enough from one joint resolution. Let us not give away effective Federal flood control, improvement of navigation, irrigation and power projects, just for good measure, or out of any expansion of any feeling of charity which may overcome us in connection with the joint resolution. The time to deal with such weaknesses of the joint resolution is while it is under consideration.

Mr. President, I recall that the backers of the Taft-Hartley Act promised speedy rectification, by way of amendment, of its proved abuses. However, that was 7 years ago; and since then, only one amendment has been made, namely, that which was made by Senate bill 1959, in 1951—and that, after enormous sums of money and manpower went down the drain for union security authorization elections, with little to show for them—let us not repeat that fiasco.

SALT-WATER FISHERIES ENDANGERED

Mr. President, some hours ago my good friend, the Senator from Montana [Mr. MANSFIELD] raised a very important question about the effect the joint resolution might have on fisheries. I now shall answer his question. I say that our salt-water fisheries are endangered by this joint resolution.

The majority report on Senate Joint Resolution 13 is a remarkable document—for what it does not say.

Although it is 81 pages long, the committee's discussion of the merits is only 9 pages long, and 3 of those pages are devoted to printing a copy of the joint

resolution. There is barely a discussion of the major provisions of this immensely important measure. There is practically no discussion of the obvious and troublesome objections to it. I submit that there is a reason for this: The objections cannot be answered. A prime example is the potential havoc of the joint resolution's confirmation of State "boundaries" beyond the limits of the territorial waters claimed by the United States.

Mr. President, I would add that the breakdown on this point is to be found in the minority views, at pages 31 to 33. I now ask unanimous consent to have that portion of the minority views printed at this point in the RECORD, as a part of my remarks.

There being no objection, the excerpts from the minority views were ordered to be printed in the RECORD, as follows:

Legislation proposing to convey offshore oil resources to the several States by quitclaiming all rights within so-called historic boundaries constitutes a multiple threat to the United States fishing industry.

The industry is dependent on fisheries in the high seas contiguous to foreign nations for more than half the value of its production.

MILLIONS INVESTED IN UNITED STATES FISHING INDUSTRY

In 1952 its offshore catch was valued at $325 million and in 1951 at $345 million.

Processing, transportation, and marketing tripled these values to more than $1 billion annually, and gave employment not only to 170,000 fishermen and 100,000 shore workers engaged in processing, but to some 300,000 persons engaged in closely allied industries such as boatbuilding, net making, manufacture of processing equipment and containers, and other operations directly related to the fishing industry.

Estimates of those employed in the transportation and marketing of fisheries and products of which the greater part are obtained from seas adjacent to foreign nations, are given in an article by Albert M. Day, Director of the Fish and Wildlife Service, published in the 1951 annual review number of the Fishing Gazette. He said:

"About a million people—or as many as live in a city the size of Baltimore or Cleveland—are directly dependent to some degree on our fishery resources if we include the families of fishermen and shore workers."

It is these people and their livelihood that the proposed quitclaim or conveyance bill would imperil. Many of them are independent fishermen. Others are employed by small operators.

The 1950 catch was made from 10,500 fishing vessels of 5 net tons and over, 48,000 motorboats and 34,000 other boats.

Valuation of the aggregate of the commercial fishery resources in 1950 has been estimated as follows:

To fishermen and boatowners	$6,843,750,000
To manufacturers and processors	1,690,225,000
To wholesalers of fishery products	1,296,535,000
To retailers of fishery products	2,238,546,000
Total value	12,069,056,000

Our Government must insist on the rights of United States fishermen to follow the traditional practice of obtaining fish or crustaceans from the high seas beyond the 3-mile zone wherever they may find them.

But such insistence will be difficult and final results uncertain if the Congress extends the territorial waters of 3 States to 10½ miles seaward beyond the low-tide line. How can our diplomats with good grace argue for adherence to the 3-mile limit by other nations while bound to a 10½-mile rule in waters adjacent to several American States?

Mr. MORSE. Mr. President, I would add to this the breakdown of the value of the Pacific Coast States fisheries catch for 1950.

Its value to Oregon was $7,150,952; to Washington, $19,070,491; and to California, $107,826,555.

I ask unanimous consent to insert in the RECORD a table from the Department of Interior's 1950 annual summary. The table is entitled "Pacific Coast States Fisheries, Summary of Catch, 1950."

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

Pacific Coast States fisheries, summary of catch, 1950

Product	Washington		Oregon		California		Total	
	Pounds	Value	Pounds	Value	Pounds	Value	Pounds	Value
Fish	105,153,700	$16,192,013	50,813,600	$6,136,341	1,317,825,100	$79,249,368	1,473,792,400	$101,577,722
Shellfish, etc.	13,541,000	2,878,478	7,442,200	1,014,611	20,473,800	2,355,744	41,457,000	6,248,833
Total	118,694,700	19,070,491	58,255,800	7,150,952	1,338,298,900	81,605,112	1,515,249,400	107,826,555

Mr. MORSE. Where do these fish come from and what nations can interfere with United States fishermen? The answer is contained in the statement made by W. M. Chapman, Special Assistant to the Under Secretary of State, before the Subcommittee on Fisheries of the House Committee on Merchant Marine and Fisheries on May 25, 1950—page 11:

The fish populations—

Mr. President, I may digress for a moment merely to say that I have been wanting to reduce the waistline a little bit, and I can tell by the looseness of the belt that I have succeeded. I feel better already. I suppose there are easier ways of doing it; I do not know. But this one works, and I suppose that is the test.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Texas?

Mr. MORSE. I yield for a question only.

Mr. JOHNSON of Texas. Does my distinguished friend from Oregon realize that he has now spoken more than 18 hours?

Mr. MORSE. Has it been that long?

Mr. JOHNSON of Texas. I think the Senator has established an all-time record for continuous speaking.

Mr. MORSE. Mr. President, I am not interested in a record. I am interested in fighting the pending measure, because I think it is in the public interest to fight it. The only record I am interested in establishing in this debate, Mr. President, is a record which shows that the pending measure is not in the public interest. That is the record I am interested in making, and this little band of liberals is going to make that record. I do not know how many weeks it is going to require for us to make it, but we are going to make it.

We stand ready at any time to lay the pending legislation aside for the purpose of permitting consideration of emergency legislation now on the calendar of the Senate, to be taken up again when we get through with the emergency legislation, with exactly the same parliamentary status as that in which we now find it, and with every speech already made counting against the speakers, thereby showing our good faith in putting squarely on the majority the responsibility for delaying the emergency legislation. But we are not going to stop this debate until we have made a record on the merits of the position we hold. We have not yet made that record. We are not going to stop this debate until we are satisfied that we, at least, have given the people of the United States an opportunity to open their eyes to what is at stake for them. We are not going to stop this debate until we make a record that will make perfectly clear to the Eisenhower administration that this is not the last fight it will have on its hands if it continues a program that seeks to give away precious natural resources which belong to all the people.

I am sorry, at this early hour, to be so emphatic about this, Mr. President, but that is the way I feel about it. The majority in this body might just as well recognize that this little band of liberals feels very deeply about the subject. We do not intend to go down to defeat easily. We do not intend to let the pending measure be put ahead of emergency legislation, to be used as a weapon to whiplash us into an early vote, when we are perfectly willing to lay it aside at any time for the purpose of considering emergency legislation.

No, Mr. President, we do not intend to quit. We will be defeated probably on the vote, but we do not intend to quit. I may say it is our sincere belief that we are fighting to protect the record of the greatest conservationists in the history of our country. We are fighting in our feeble way the battle of George Norris. We are fighting the battle of old Bob La Follette, of Gifford Pinchot, of William Howard Taft, and of Teddy Roosevelt, great leaders and statesmen who recognized the importance of preserving and conserving the natural resources of our country for the people—for all the people, not merely for some people within a few States. That is the issue, and I have never in all my public life felt more determined to carry on a fight than I do now.

I meant every word I said earlier in my speech in regard to my opposition to an ultimate filibuster. I will not be a party to that. But I am going to use the techniques of prolonged debate, which are the techniques of a filibuster, short of an

ultimate filibuster, taking every hour and every day of time that we in this little band of liberals think it necessary to take in order to dramatize and emphasize and focus attention on what we consider to be the unwise provisions of the pending measure, and the undesirability of the measure in its totality.

Returning to the testimony of Mr. Chapman, Special Assistant to the Under Secretary of State, before the Subcommittee on Fisheries of the House Committee on Merchant Marine and Fisheries, on May 25, 1950, set forth at page 11 of his testimony, I shall read, in order to make manifest if I can the relationship and the dangers of the pending measure as we see them and as we believe them to exist, to the fish industry. Mr. Chapman said:

> The fish populations which provide the raw material for four-fifths or more of the fishing industry now active in the United States either inhabit the high seas of the world or move back and forth between the high seas and the marginal seas of the contiguous countries.
>
> The tuna fishery has become the most valuable marine fishery of the United States. nine-tenths of its yield comes from areas of the high seas which are contiguous to the 10 American Republics south of San Diego on the Pacific coast. The fishery is still in a rapid state of expansion both volumewise and geographically. Nearly all sources of further expansion lie in the high seas off the coasts of other countries both in the Pacific and the Atlantic.
>
> The great fisheries that have been prosecuted by New Englanders for 300 years lie for the most part in the high seas contiguous to the coast of Canada. All expansion that is anticipated lies in the direction of being farther and farther from our coasts, northward and eastward around the corner of Newfoundland and up Davis Strait past Greenland and Labrador.
>
> In the Pacific Northwest we have valuable fisheries for salmon, halibut, various ground fish, albacore, and other fishes in the high seas contiguous to British Columbia. Our Pacific fisheries are expanding outward into the multitudinous islands of Oceania, which are under the jurisdiction of many nations.

That is the testimony of Mr. Chapman on the trend in fisheries.

Mr. President, I am as much concerned for the welfare of my State as other Members of the Senate are concerned for the welfare of their States. I cannot see that in principle or in any particular Senate Joint Resolution 13 would redound to the benefit of my State, its neighbors, or a majority of the States. The fisheries issue is a striking case in point of the threat of this measure to our natural resources.

THE THREAT TO OUR NATURAL RESOURCES

There are some 55 lawyers in the Senate. Each has a deep feeling for the value of precedents. And this affection for precedents is shared by their brethren.

I see the passage of Senate Joint Resolution 13 as the Landmark Case—albeit a submerged one—which will be cited again and again with fervor by those who would turn loose the private interests who would despoil our vast natural resources. This submerged land measure will be the reef against which conservation will be driven by the forces of reaction—with prize crews awaiting the signal to come for the booty.

Exhibit 1: The 1953 report of the California Senate Interim Committee on Tidelands. I quote from the letter of transmittal—page 5:

> Oil has been smeared in the eyes of the American people to the extent that many believe this is just an oil fight by greedy interests which have no regard for the public welfare. Certainly, oil is involved. Its discovery in fabulous quantities in California's submerged lands touched off the Federal attempts to seize those lands.
>
> But the real issues far transcend in importance the dollar value of tidelands oil. At stake are the ownership of all natural resources throughout the Nation.

Listen to that, Mr. President.

> But the real issues far transcend in importance the dollar value of tidelands oil. At stake is the ownership of all natural resources throughout the Nation.

What more is wanted to support this argument of mine that the pending measure is a threat to our natural resources? Here is an interim committee of the California State Legislature which says:

> Oil is involved, but it is by far the smaller treasure involved.

This, says the committee, in effect—and I say this is a fair interpretation of the language of the committee just quoted—is the beginning, not the end. This is the beginning of a fight to take over the natural resources of the country by special interests. Look at the language again, Mr. President. The committee says—and it is a strong submerged lands proponent committee:

> But the real issues far transcend in importance the dollar value of tidelands oil. At stake is the ownership of all natural resources throughout the Nation.

Will the passage of the joint resolution establish a precedent? Why, Mr. President, even before we get the precedent established in the form of legislation there is an interim committee of a coastal State legislature telling us what the fight is all about. If this precedent is established in the law of our country, in my judgment, we are on our way to one of the most powerful drives ever made by selfish interests to take over the natural resources of the Nation for private gain. That is why we are fighting this proposed legislation. That is one of the main reasons why this little band of liberals is fighting it. We think the battle lines are formed. We think the orders to do battle have been issued, and I repeat, Mr. President, we are going to fight to stop, if we can, any such objective as that which is expressed by the interim committee of the California Legislature in the report from which I have just quoted. We are going to fight the proposal. "At stake is the ownership of all natural resources throughout the Nation." We know where that ownership rests and vests, and we intend to leave it there. We are not going to let it be changed. We are not going to permit it to be taken away from the people of the United States who are the rightful owners of it. We are not going to take this great treasury of natural resources from future generations of American boys and girls. We are going to leave it for them. It is our duty to leave it as trustees of this natural wealth during our generation.

Do you know who is going to help us, Mr. President? The preponderant majority of the American people, once they come to understand the issues. Why, Mr. President, read to any American audience, even in California, any such suggestion as the interim committee of the California Legislature made, and then say to that audience, "Do you want that to be the issue? Do you people really want to have the ownership of all our natural resources throughout the Nation transferred to selfish private interests?"

They will shout a resounding "No." They will not go for it.

Again I say, and respectfully, Mr. President, that I think the pattern of this administration has been taking shape—in public housing, in the increase in the interest rate, in the freeze and cutback in REA funds, in the proposed elimination of all new starts on reclamation projects, in the withdrawal of the opposition of the Department of Agriculture to the Idaho Power Co.'s proposal to usurp the site of the Hells Canyon Dam. and in the not-too-distant rumblings of proposals to turn over dams to the private utilities and to turn over the public lands.

These threats will take more and more palpable form. We leave unsettled the fate of the Continental Shelf. The next attack may very well be upon Federal control of that area.

There are other precedents which I prefer.

In 1837, another giveaway was proposed. The Congressional Globe of February 7, 1837, page 164, tells the story. As Senators know, the reports at that time were not verbatim, but were concise paraphrases of the important parts of the debate. Listen to what history hands down to us about that debate:

> Mr. Calhoun, after some remarks, said he was satisfied that the time had now arrived when it would be better to surrender to the new States the lands which lie in them. This would be better for the new States, as well as the old.
>
> He then submitted an amendment, providing that the public lands remaining unsold, shall be ceded to the States in which they lie—the States to be at the expense of the surveys, and of extinguishing the Indian title, and to relinquish the 5 percent, now reserved for them for internal improvements—the States to be restricted from selling the lands for less than $1.25 per acre till the year 1841, after which they are permitted to reduce the price by a gradual process for 20 years. Thirty-three and one-third percent of the gross amount of the sales is to be paid by the States to the Government. The President shall close the land offices, and the commissioners of the land offices shall cease in each State as soon as it shall notify the Government of its acceptance of the terms of this act.
>
> Some other conditions and restrictions are imposed, not recollected by the reporter.
>
> Mr. Benton said he should object to make any new arrangement as regarded the new States to extend over 20 or 30 years, because we were on the eve of a new census. It was highly improvident for the new States to do so, taking into consideration all the other circumstances connected with the subject.
>
> Mr. Buchanan remarked that he had heard a great deal upon that floor about bribing the people with their own money.

Such arguments had been reiterated again and again. They had, however, not produced much effect upon his mind. But upon the same principle these remarks had been formerly made, and without intending to make any personal matter of this with the Senator from South Carolina, he must say that this was a most splendid bribe. It gave all our lands, without fee, or without price, to the Western States; and the only restriction upon those States were that they should not bring all the lands into the market at once.

Now, he had one objection to the amendment proposed by the Senator from South Carolina. He believed it was the first time that such a proposition had been made upon either floor of Congress; and he solemnly did protest against the principle that Congress had any right, either in equity or justice, to give away that property to any individuals or States whatsoever. This land was acquired by the common blood and treasure of the country. So far as respected the land ceded by the State of Virginia, it belonged to the respective States. It is theirs, not ours, and we had no more right to give it away than we should have to give away the property of our own constituents. Congress had a right to legislate for its government and security; but they had no right to give it to the citizens of the new States; no more right than they would have to put their hands into the Treasury of the United States. He, therefore, hoped that the amendment would not obtain the sanction of any considerable portion of the Members of the Senate.

Mr. President, there followed more expressions of attitude by Mr. Black, Mr. King, and Mr. Walker on this precedent. I ask unanimous consent to have their remarks printed at this point in my remarks.

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

Mr. Black did not feel willing to vote for the amendment proposed by the Senator from South Carolina at this time, but there was nothing incompatible with the bill already debated, why this amendment should not hereafter assume the shape of a bill.

Mr. King, of Georgia, regarded the amendment as infinitely better than the bill.

Mr. Walker hailed with great pleasure the proposition of the Senator from South Carolina. It proposed to disenthrall the people of the Western States from the abject attitude in which they were placed in regard to the general government. The effect of it was to place them at no remote period on the same footing as any of the other States of this Union. Whilst he was willing to support the bill under consideration, he should not withhold expressing his opinion, which was due alike to himself and his constituents, that, although he should vote most cheerfully for the bill reported from the Committee on Public Lands, yet he infinitely preferred the bill of the Senator from South Carolina. And, if there was a prospect of that bill becoming a law, he would give it his hearty support. He cared not whether a measure came from a political friend or foe, he was inclined to do him justice. He would return his thanks to the honorable Senator in the name of the people of the West. He hoped there was a majority favorable to the amendment; and if not, he should vote for the bill under consideration.

Mr. MORSE. Mr. President, following that discussion, the report continued:

Mr. Linn would be sorry should there be a majority in favor of the proposed amendment, instead of the bill immediately under consideration. Under present circumstances, he could not vote for the amendment, and was willing to take the bill as it was, as the best he could get.

Mr. Sevier approved of the amendment, preferring it to the bill, but was at this time, afraid to vote for it, lest it should endanger the bill.

After a few words from Messrs. Benton, Sevier, Linn, and Norvell. Mr. Calhoun's amendment was rejected, by the following vote:

Yeas: Messrs. Calhoun, King of Georgia, Moore, Morris, Robinson, Sevier, and White—7.

Nays: Messrs. Benton, Black, Brown, Buchanan, Cuthbert, Ewing of Ohio, Fulton, Grundy, Hubbard, Kent, King of Alabama, Linn, Lyon, Moore, Nicholas, Niles, Norvell, Page, Prentiss, Rives, Robbins, Southard, Strange, Swift, Tomlinson, Walker, Wall, and Wright—28.

That is a pretty good precedent. It was a long time ago, back in 1837. That giveaway program was rejected by the Senate.

Mr. President, I have a few words to say about what Senate Joint Resolution 13 will cost 45 States. Of course, at this stage the figure is bound to be uncertain, because much will depend on the amount of oil that is discovered which is not now known to exist. But we have some fairly good data, some reliable information, and some pretty good estimates on the matter. The Senator from North Dakota [Mr. LANGER] yesterday afternoon, at some length, through questioning me, placed in the RECORD what I thought was some very helpful material on the question of what the States are going to lose if the pending joint resolution should be passed.

I want to discuss it from this standpoint.

WHAT SENATE JOIN RESOLUTION 13 WILL COST THE 45 STATES

During the campaign and since the election there has been much solemn talk of cutting Federal taxes, reducing the enormous Federal debt and relieving the people of the tremendous costs of defense.

Since January 20, administration spokesmen have put that program into low gear. And I do not quarrel with the necessity of meeting international and defense obligations and expenditures and attempting to balance the budget before tax relief, although I insist that we ought to be very insistent on the elimination of waste in all operations of the military, and elsewhere in the Government too, for that matter. I have argued that the increase in interest rates on large portions of the public debt would have the opposite effect—meanwhile bringing new riches to the country's financial institutions.

The Hill amendment is the most practical and fairest method yet proposed for alleviating the ponderous burden of defense expenditures. It would apply Federal revenues from oil and other minerals to defraying urgent defense expenditures as determined by Congress. Here, indeed, is a magnificent possibility for paying for a portion of defense, thereby liberating other funds for debt reduction or other purposes and even tax relief.

The moneys available would be enormous. The Senate has already been presented with the varying estimates of mineral wealth and potential Federal revenue. These vast sums would come to the United States only after the coastal States received handsome royalties.

A conservative estimate places the total loss to the States at some $50 billion. The actual amount might prove to be double or more as the extent of submerged minerals is uncovered.

I salute the Senator from Alabama [Mr. HILL] for his proposal to devote oil, gas, and mineral revenues to grants-in-aid of education after the abatement of the defense emergency. It is imaginative, statesmanlike, and democratic. It would invest the wealth of our natural resources in our Nation's human resources.

That, indeed, is a measure worthy of the Congress of the United States.

My own State of Oregon would benefit with aid of some $80 million a year. We can use that money to excellent advantage.

Can we afford not to preserve our offshore mineral wealth for defense and proper conservation?

Can we afford not to use such mineral revenues for defense and possible debt and tax reduction?

Can we afford not to invest this wealth in our children?

I cannot find any answer but "No."

Mr. President, I hold in my hand an article entitled "The Coming Breakdown of American Education," written by Earl James McGrath, former United States Commissioner of Education, and published in Parents' Magazine for January 1953. The article deals with the Hill amendment. It is a great statement from the point of view of the proponents of the Hill amendment, and I ask unanimous consent to have it inserted in the RECORD at this point as a part of my remarks.

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

THE COMING BREAKDOWN OF AMERICAN EDUCATION

(By Earl James McGrath, United States Commissioner of Education)

American education is headed for disaster unless something is done about school buildings and the teacher shortage. I write of the "coming breakdown" in the hope that an awakened citizenry will act to make my prophecy invalid; but I write in the certainty that unless adequate corrective action is taken, there will be a breakdown of our public schools in the immediate future.

It was the great educator, Horace Mann, who said that in an age of remarkable invention the free public school was the greatest discovery of man. The people of the United States may take pride in their educational systems. There is no question but that the strength, vigor, productivity, well-being, and intellectual and spiritual stature of the Nation have been greatly enhanced because educational opportunity has constantly been increased throughout our history. We are now at the point where 98 out of 100 children of elementary-school age are enrolled in school. About 3 out of every 4 of our youth enter high school, and about 2 out of 4 graduate from high school. Nearly 1 of every 5 continues his education beyond high school, and college graduations proceed at more than double the rate of any other nation in the world. It is a record for which, on the whole, we can be proud.

Yet our achievement is itself the source of acute embarrassment. Simply because we have recognized the necessity of educational

opportunity for all, a necessity both for individuals and for the country, we have assumed an obligation much greater than we have as yet successfully discharged.

We have failed to provide the facilities and teachers and money necessary to carry out our expressed intent. Our educational investment in each boy and girl actually dropped by $6 last year. The Nation must now choose 1 of 3 courses of action: (1) We can abandon our democratic educational systems and restrict educational opportunity to the fortunate few; (2) we can cavalierly permit the present gap between our professional ideals and our actual practice to widen to the point of a complete breakdown of the schools; or (3) we can take the necessary prompt and vigorous steps to bring practice into conformity with our democratic ideals and heritage. I hold that only the third of these alternatives is tenable and worthy of the American people.

Look at the facts on school buildings. The need for schoolhouse construction today is without precedent in the history of this Nation. During the great depression of the 1930's school construction was reduced to a fraction of its normal level, and during the years of World War II it came almost to a standstill. The accumulated backlog of construction needs is estimated at somewhere around 252,000 classrooms with their associated facilities. Add to that the further fact that at least 250,000 classrooms now being used by this Nation's children need to be replaced because they are dangerous, obsolete, or obsolescent.

To the foregoing facts about the backlog and the deterioration of buildings must be added the phenomenal population increase of recent years. The public elementary and secondary schools, which enrolled 26,259,000 children in 1950–51, will enroll an estimated 32,251,000 in 1957–58. The tide of babies born during the war has already engulfed the lower grades of the elementary schools. It will move on, right up through the later grades and the high schools, to increase the public school enrollment by roughly one-fourth during the next 7 years. Nearly a quarter of a million classrooms and their supplementary facilities will be required merely to house the increased school population. Add this to the accumulated backlog and to the need for replacements and you have a grand total need of 600,000 classrooms which should be provided by 1957–58.

What happens if we do not meet this need? In that case, we condemn an increasing number of our children to go to school on double shifts or triple shifts, as 3 out of 5 "acceptable" classrooms are already overcrowded. We continue to put our children in buildings unsuitable for use; 1 out of every 6 school buildings now in use is more than 50 years old. Pupils will not be safe from fire, for 1 out of every 3 pupils is now housed in a building not rated acceptable as regards fire safety. If we do not meet the need for school construction, we treat our children with reckless disregard.

The second grave threat to our schools is the alarming shortage of fully qualified teachers. Our schools employ the services of the country's largest professional group—more than one million persons. It takes a lot of new recruits each year just to replace those who leave the profession through resignation and death. Conservative estimates of the annual need merely to maintain normal ratios between supply and demand of teachers put the figure at about 95,000. In addition, the number of children to be taught swells each year, as I have pointed out, and by the end of the decade the normal needs for replacement of public school teachers will be 110,000 per year.

But what are we actually doing to produce this required number of teachers? At the high-school level, with the exception of a few fields, we are doing well enough. A few years from now, as the population increase hits the high schools, there may be a different story. For the elementary schools, the number of qualified teachers now available annually is only one-third of the number needed. The result is either the employment of a poorly qualified or unqualified teacher on an emergency certification, or the doubling up of classes and the gross overloading of teachers.

Moreover, the preponderance of emergency certifications issued of necessity to poorly qualified persons are issued for teachers in our rural schools. It is too great a compliment to the sons and daughters of the farms to say that they can be educated just as well as city children, with less able teachers. And it is an inexcusable lack of concern for all America's children which permits city dwellers to rest complacent in the face of these facts, if for no other reason than that the rural areas continue to be the great reservoir of population out of which the cities of this country grow.

What stands in the way of our getting an adequate number of qualified teachers for the Nation's schools? Of first importance is the low level of teachers' salaries. Teachers' salaries have steadily failed to reflect adequately the increase in standards required for entrance into the teaching profession. They have not increased sufficiently to keep pace with the rising standards of living of other large segments of the population. Employment opportunities in other fields are today much richer, especially for women. With employment at an all-time peak level, industry and other professions are able to bid for the services of able young people—but relatively speaking, what has education to offer? To be sure, education offers one inducement few other professions can offer: an opportunity to invest one's life in the future of people. Even though many select the teaching profession because it is an effective form of service—actually I would say, because of that fact—we must remember that of all who are in the profession it is also a means of livelihood. If the living offered is continually scaled downward, fewer will choose the profession.

We could meet the teacher shortage very simply if we wanted to. All that is necessary is to induce 1 out of every 10 high-school graduates to decide to become teachers and to do this for the next 10 years. But this will take a bit of doing. It will mean an active selective recruitment program in all the high schools during the senior year and even earlier. It will mean an intelligent use of vocational diagnosis and guidance. Above all, it will mean a willingness on the part of taxpayers and school boards to pay teachers a full living wage. If and when these things are done, we parents and citizens will have the right to demand that the children of the Nation get a good education. Until we are ready to pay for it, we have no right to ask for it.

Paying with dollars will not be the whole story, however. In some communities the strictures placed on the personal and social lives of the elementary and high-school teachers are sufficient to drive all but the timid and the incompetent out of the profession into some other occupation. In some school systems the administrative methods in use are such as to discourage the good teacher and curb her natural enthusiasm and zeal. In a growing number of situations the overloading of teachers has become so serious that they can no longer "take it."

The threatened breakdown in American education calls for the wisest and fullest cooperation between local, State, and Federal agencies. Because of the tremendous inequalities in per capita income and per capita wealth as between various parts of the Nation, we are not going to be able to provide adequate educational opportunity for every child without some means of equalizing the load as between the States, in precisely the same way that it is now equalized within most of the States. The present bottleneck is not scarce materials but scarce dollars for school construction. After the school districts have done all they can, to the limits of bonded indebtedness legally or economically permissible, Federal aid for school construction appears to be a necessity. Such Federal aid to the States should, of course, support rather than replace local initiative and responsibility.

And remember this: the children cannot wait. They cannot be put into educational coldstorage "for the duration" and then later put into some sort of educational hothouse for forced growth. They will get their education now, when they need it, as they are growing up, or they will not get it at all. The acid test of a democracy is its solicitude for the weak, the defenseless, the young. The hope of the Nation marches forward on the feet of little children.

Mr. MORSE. Mr. President, briefly to summarize this part of my speech dealing with the question of the joint resolution, I have tried, in the few hours I have discussed this question, to point out, in the first place, that this little band of liberals has taken the position that a prolonged debate is necessary in order to focus public attention on the great dangers that we see inherent in this measure so far as the people's heritage in the natural resources of this country is concerned.

I speak only for myself, and not for the little band of liberals, because there is a varying point of view, singular to each man, depending upon what he thinks is involved in this debate and the technique which is being used.

I have said, speaking only for myself, that I wished publicly to state that in my judgment the course of action we are following involves the use of filibuster tactics in connection with the prolonged debate, but that we are using them, and I am participating in their use, only for the limited purposes which I have stated in my remarks, and not for the purpose of seeking to prevent a vote from ever occurring on the joint resolution. I am opposed to that kind of filibuster. I will not be a party to that kind of filibuster, although, as the RECORD will show, I did discuss for a while yesterday afternoon the position taken by some, that perhaps by way of poetic justice a case might be made, and a reconciliation of that case with the conscience of those opposed to filibusters might conceivably be made, in order to teach the proponents of filibusters in the Senate that the medicine is just as bitter when they have to swallow it as when we have to swallow it, as we have so frequently done in the past when those of us opposing filibusters have made a fight on the floor of the Senate for the passage of human rights legislation.

I said in that part of my speech that if I could be convinced, if it could be shown that even making a fight for a so-called ultimate filibuster might make it possible for us to get an antifilibuster resolution on the floor of the Senate and pass it, perhaps something could be said for making that kind of fight. But I then made clear in my speech, I hope, that I did not think there was any chance in this session of Congress, at least, of getting an antifilibuster resolution passed, and therefore, as I said in my colloquy with the great Senator from Illinois [Mr. DOUGLAS], I was talking about the matter of the use of the

ultimate filibuster as a bit of poetic justice, just to illustrate hypothetically what might or could really happen if this little band of liberals once made up their minds that they were going to participate in that kind of filibuster. I think we could put on quite a filibuster. I think we are demonstrating in the course of this debate that we could. I think this little band of liberals, if they wanted to, could tie up the Senate for months. But I would not want to do it merely for the purpose of stopping a final vote on the joint resolution, because I do not think that would be proper.

I would consider it, somewhat academically, and at least discuss the pros and cons in conference with my liberal friends, if I could be convinced that we actually might through such strategy so arouse the Senate that it would be willing to come to grips with the problem of forever ending filibusters in the Senate by the adoption of some such resolution as the Morse antifilibuster resolution or the Lehman resolution.

But the tenor, the burden, of my remarks on this filibuster matter was to the end that we had decided to follow this course of action of prolonged debate in the Senate because we were disturbed about the fact that the press, by and large, had given thunders of silence to the merits and demerits of the issue before the Senate in the form of the joint resolution.

We were very much concerned about what we felt was either a surrender to or a conspiracy with the big interests of the country to take what we think is a very unwise position on the whole problem of natural resources, of which the joint resolution is only a small part, as indicated by the interim committee of the California Legislature in its report, from which I read at page 5.

So we said, with that attitude on the part of the press, and with the people, therefore, shut off from a reasonable reporting of the arguments actually being presented in the Senate, both for and against the resolution, something had to be done to dramatize the situation and focus attention on it, thus putting the newspapers in a position where they could not very well afford to ignore it and meet the competition of the radio and television forces in the country.

Although some of my colleagues, as I said earlier in my speech, are a little bit more encouraged than I am about the result today with respect to the effect of the so-called educational program of public opinion through this long debate, I am not too encouraged about it. However, I had to agree, it seems to me, that my colleagues were right when they said it was worth a try. We tried, and are still trying, and will try some more. Then I also tried to point out in this discussion that the use of the filibuster technique, as a part of the technique of conducting this prolonged debate, was a necessary strategy for us to adopt, as serving notice on the administration that we are not going to accept without a fight—and a tough fight—any further proposals which encroach upon the natural resources of the people of the United States.

Then you will recall, Mr. President, I also, in the course of a part of my speech, pointed out that we did not think it was very fair to put the joint resolution on the calendar, ahead of emergency legislation, and use its position on the calendar as a parliamentary device and stratagem to force us into an early vote on the joint resolution, on the basis of the argument that if we did not vote on it the emergency legislation would die, because of the expiration date at the end of this month.

We countered, as the RECORD shows, with an offer, both in writing and many times orally, to the majority leadership of this body, that we were willing to lay aside the joint resolution for the consideration of any emergency legislation, with the understanding that the parliamentary status of the joint resolution would be identical with its status at the time any agreement was entered into to lay aside the bill and take up the emergency legislation.

As the RECORD will show, I said in that particular part of my speech, we thought it was fair, and we thought if we could only get it across to the American people, and they could be informed of that offer of this little band of liberals, standing up against great odds in the Senate and making this fight for what we think is the people's interest in the joint resolution, the American people would approve.

That is what we think. I would be less than honest if I did not say, in behalf of this little group of liberals, as I have been attending their meetings and as we talked this up and down and from every angle, that we are very much disappointed that our offer to join in laying aside the joint resolution for such time as is needed to dispose of emergency legislation, and then to resume its consideration on the basis of the parliamentary status which existed at the time of its being laid aside, was not accepted by the majority leadership.

We want to be kind about it, and we want to be respectful about it, and we want to be highly professional about it, and state our position with complete dignity. We are saying, each of us—and I think with justification—that the responsibility for the death of any emergency legislation on the calendar of the Senate, because of any debate on the joint resolution, is the responsibility of the majority leadership of the Senate. That is our position. That is the position I think the American people will agree to once they come to know the facts in the RECORD.

In behalf of my colleagues in this little band of liberals, I say it is our unanimous opinion, as we have expressed it in our conferences, that we are suspicious, but we do not want to do anyone any injustice. But we state the fact, and the fact is our suspicion, that the majority of the Senate does not want to pass most of the emergency legislation, and that they are welcoming an opportunity to let it die on the calendar. They think—I believe wrongly—that if it dies on the calendar letters will come in from the congested areas of America, where rent control ought to remain on the books, and they will be able to say, "Oh, don't blame us. Don't blame us. Don't blame us. Blame the fellows who debated submerged lands at such great length, and let the emergency legislation die on the calendar." Mr. President, we know that strategy, too. However, I think the American people will see through it. They will see that the measure which the majority leadership insisted had to be passed was not an emergency measure at all, but was a measure which could be passed upon and voted upon 2 weeks from today, just as well as today. The American people will understand that it is the majority leadership—not the little band of liberals—that is responsible for the emergency measure not being called up, because all the majority leadership had to do—it was simple, and all the rights of the majority leadership would be protected, and the majority would be in exactly the same parliamentary situation that they are in at 6:30 this morning—was simply to have the unfinished business temporarily laid aside, and have the Senate proceed to the consideration of the rent-control bill and the other emergency measures on the calendar, and get those measures behind us; and then say to the little band of liberals, "All right, you fellows; start talking." It would be perfectly fair to put us in that position.

But, Mr. President, let me point out something which I think the majority leadership is overlooking. I think the best way for the majority leadership to obtain a unanimous-consent agreement regarding this matter—and yesterday I told the majority leader that I thought so, and I do think so, but I think it should be done on fair and reasonable terms—is for Senators to stop playing parliamentary tactics with the position of the joint resolution on the calendar, and stop taking the position that the majority leader has taken when he has stated that the joint resolution will not be temporarily laid aside. I suppose that the taking of such a position is one way to try to persuade Senators, but it is not a very successful way, for persuasion does not work that way. Usually one does not get very far with persuasion if he adopts a "take it or leave it" attitude.

I do not wish to do the majority leader an injustice. He is not here to comment in reply to my comments, and I wish to be very careful not to do him an injustice. I am merely stating my view of the effect of the refusal of the majority leader to agree to have the unfinished business temporarily laid aside and to have the Senate proceed to the consideration of the emergency measures. I am pointing out the effect which I think that attitude on the part of the majority leader is having in the Senate, and I am pointing out the effect which I believe that attitude will have in the country, once the country comes to understand the situation. I believe the people of the country are also rather firm believers in the rule of the playground, namely, fair play.

I say respectfully that I believe fair play requires that the joint resolution be laid aside long enough to permit of the passage of the emergency measures. If that were done, I think all of us could relax about the problem which now confronts us. As I said earlier in my speech,

if we would just relax our neck muscles and if we would just be good natured about the matter, then, as mature men and women, we simply could not escape saying to one another, "All right; it has been a tough fight, and we think both sides have made their points as they see them. Let us proceed with the emergency measures, and let us have at least some agreement, in advance of laying aside the joint resolution, regarding a unanimous-consent agreement to have the votes taken on some of the amendments to the joint resolution, and possibly on the joint resolution itself."

Speaking only for myself on this matter, as I spoke only for myself when I had a colloquy a few hours ago with the Senator from Ohio, let me say that I think some division of opinion will be found among the little band of liberals, in regard to how far they should go in making unanimous-consent agreements in advance of disposing of the emergency measures. There is no doubt that there is unanimity among us regarding the Anderson unanimous-consent proposal which was rejected by the Senate.

However, in such a parliamentary situation, more than once during my 8 years of tenure in the Senate I have seen a parliamentary proposal rejected; and then a few days later, or even a day or two later, I have seen the same proposal or the principle of the same proposal adopted.

So I do not think the defeat of the Anderson proposal the other day speaks with finality at all. The votes of a number of Senators were recorded at that time, and a number of Senators expressed their views as of that day. But many things have happened since then, and many more things will happen during this debate.

In view of the part I have played in this debate, I believe I have at least some right to make a respectful suggestion to the majority leader. I think he should reconsider his position regarding what he will or will not do in connection with the proposal that the unfinished business be laid aside for a few days, until we can act on the emergency measures.

I will help him, to the extent that I have any influence, to get as broad a unanimous-consent agreement as we can get regarding the amendments and if possible, regarding the joint resolution itself, although I shall insist, of course, that a reasonable period of time be allowed Senators who have not spoken on the joint resolution, so as to permit them to make their record. Of course, in speaking on the joint resolution, I had to work 2 speeches into 1, because I knew the speech I am making now would be the last opportunity I would have to speak on the pending amendment, for I am already speaking beyond the technical allowances of the rule, although this is really the first time I have spoken at any length on the amendment.

So I do not think it would be very fair for me to make a drive for a unanimous-consent agreement to vote on the joint resolution on a certain date, unless that certain date is reasonably far enough in advance so that all my colleagues who wish to make their record on the joint resolution will have adequate time in which to do so. That is to say, Mr. President, I believe it would not be fair or ethical for me to say, "Now that I have made my record, let us obtain an agreement to vote on the joint resolution at a very early date."

I do not treat my colleagues that way, Mr. President. But I am in a position, where I will cooperate, as I told the majority leader I would cooperate. I will cooperate with him in getting as broad a unanimous-consent agreement to vote as I can get. I am sure we can cover the amendments if we cannot get an agreement to vote on the bill itself. I want to say that if we do not get as much as the majority leader would like to get, I would keep in mind another thing, namely, what happens to men under the strains, pressures, and stresses in the Senate following the passage of a little time. We are making good progress in getting a unanimous-consent agreement to vote at an early date on the amendments. We may have to let the question of completing an agreement on voting on the bill go until after there is consideration of emergency legislation. I think the majority leader would be very much surprised to find, and I think he would find, that after the 2 or 3 or 4 days it is going to take to complete consideration of the emergency legislation, there will be an increased willingness on the part of our group to vote at a reasonably early date on the Holland joint resolution.

I think that is the way we should go about it. I certainly think, Mr. President, that it would be a great mistake for the majority to leave the impression—this may be gratuitous advice on my part, but I hope it will be accepted in the kindly spirit in which I intend it—I think it would be a great mistake for the majority to leave the impression, based upon cloakroom discussions, that some of us, possibly a majority of the Members of the Senate, did not want to pass any emergency legislation and were welcoming an opportunity to defeat it by laches. I do not like to see the legal doctrine of laches—and, of course, I apply it by analogy—used for this purpose. I am still a strong believer in meeting issues directly. Let us stand up and be counted. If a majority in the Senate does not want to extend rent controls in congested areas where a great many families will be taken advantage of if they are not extended because of emergency housing conditions existing, let us say so by our votes. Let us not try to duck it—I say that respectfully—by application of the doctrine of laches and letting the control bill die on the calendar, because some Senators may think they have an alibi they can use in answering constituent mail by saying, "We did not get to it because a little band of liberals in the Senate were engaged in a long debate on the submerged-lands bill." They might not tell the constituents that the little band of liberals would lay that bill aside for a vote on emergency legislation.

Mr. President, I think I can summarize the rest of my speech by saying that after the discussion of the use of the filibuster technique as an aid to a prolonged debate on the merits and demerits of the pending measure, I took up problems of the Committee of the Whole of the Independent Party, including the Astin case, making a few suggestions as to what the Independent Party thinks might be a desirable procedure to follow in the public interest in respect to that problem, and then I proceeded with my major speech on the submerged-lands matter, which brings me down to my second major speech.

SHALL THE LIGHTS IN RURAL AMERICA GO OUT?

This is another of the series of speeches which I am dedicating to the memory of the great George Norris, that great liberal and conservationist, who has made such an imprint and impression on the history of a sound conservation program for the people of our country. This speech, Mr. President, deals with REA problems. I entitle the speech "Shall the Lights in Rural America Go Out?"

This is the sixth in a series of talks I have made in order to arouse the American people to the danger that now confronts them in the entire power and conservation program; this includes REA cooperatives, public-power districts, other forms of public development and operation of electric power, and the conservation of those priceless natural resources that belong to all the American people.

In my first talk, which is to be found in the CONGRESSIONAL RECORD of Februare 13, 1953, I analyzed the basic congressional electric-power policy and indicated why the preference clause for public and nonprofit bodies was an indispensable part of that policy.

In my second talk, which is to be found in the CONGRESSIONAL RECORD for February 27, 1953, I discussed the advertising campaign of the private utilities—all paid for through the electric-light bills of consumers—to discredit the public-power program. I there disclosed that there was no basis in fact for the false private-utility claim of creeping socialism, as the private utilities occupy relatively the same status that they did at the beginning of the Federal power program, with the important exception that they are now generating and distributing several times the amount of power that they did before.

In my third talk, which is to be found in the CONGRESSIONAL RECORD of March 20, 1953, I discussed the political-soap proposal of Charles E. Wilson, formerly of General Electric Co., to tear the heart out of our Federal power projects and practically give them away to private utilities profiteering at the expense of the American people, and indicated the billions of dollars the taxpayer would have to pay if they sold this priceless heritage.

In my fourth talk, which is to be found in the CONGRESSIONAL RECORD of April 2, 1953, I discussed the public-power yardstick and showed that where it exists, the rates for electricity are one-half of the former price or less.

On April 16, I introduced a bill, S. 1664, on behalf of 13 Senators and myself, to authorize construction of Hells

was packed. We listened to them, but they did not have any new evidence. They simply wanted higher wages; that was all.

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

Mr. MORSE. No. This is a short story, and I shall be through very shortly. It deals with what the Senator from North Dakota asked me. I observe that he has now left the floor, but he will be back. I am going to get him back with a quorum call.

To get on with my story, we listened to the supposed new evidence. There was none. We made it very clear to the brotherhood representatives that we were going to hand down the same decision on the evidence.

Then the representatives of the carriers and the brotherhoods had a little conference. They decided they would ask us to mediate. Of course, that means that a conscionable compromise is worked out. Mediation has very little to do with the evidence. The evidence is taken and used as a guide for reasonableness in the compromise offer. But we simply take into account that the parties themselves are saying—and I wish to make this very clear, as the report will show—that the case will be compromised on only one principle from which a mediator works, namely, the principle of conscionable compromise, based, however, on the fact that both parties are asking for a compromise.

I agreed. We could not have five men mediating a case. They understood that. This was a five-man board. I was the victim. I was selected as the mediator, with the understanding that my four associates would stand by down at the Raleigh Hotel to advise with me when I needed advice with regard to the various compromise proposals we could offer on the many issues which were involved in that case. We had six rooms operating at one time at the Raleigh Hotel, on the same floor, with an issue assigned to each room. I got pretty good training for long speeches in the Senate, because I held those men in continuous session for 36 hours of negotiations, and when they got through with those 36 hours they were willing to accept my compromises.

I wanted to tell that to the Senator from North Dakota [Mr. YOUNG]. It is no new experience for me to discuss at some length something which I think is important.

Now if my friend from Connecticut wishes me to yield for a question——

Mr. PURTELL. Mr. President, I had a question a while ago. I simply wondered whether I had understood correctly when the Senator from Oregon said he was going to make a long story short; but he has answered my question.

Mr. MORSE. The Senator would be surprised how long I could make it.

(At this point Mr. MORSE yielded to Mr. MANSFIELD, who placed in the RECORD a speech prepared by Senator MONRONEY commenting on statements by Under Secretary of Agriculture True D. Morse and John D. Davis, President of the Commodity Credit Corporation, in their talks before the newspaper farm editors association in Washington this week, which will be found elsewhere in the RECORD under the appropriate heading.)

Mr. MORSE. Mr. President, I overlooked a little committee work I had to do, when I spoke some hours ago, and I overlooked a promise about referring to the view of Abraham Lincoln, I think, on a very apropos phase of this entire problem. I hope the Vice President will not object to my wishing him a happy good morning. I am delighted to have him back with us. I missed him.

Mr. President, I think the great Lincoln, on July 4, 1861, said something of great import to us in this debate. In that great message of his to the Congress on that date, Lincoln said:

> The sophism itself is that any State of the Union may consistently, with the National Constitution, and therefore lawfully and peacefully, withdraw from the Union without the consent of the Union or of any other State.
>
> This sophism derives much, perhaps the whole, of its currency from the assumption that there is some omnipotent and sacred supremacy pertaining to a State—to each State of our Federal Union. Our States have neither more nor less power than that reserved to them in the Union by the Constitution, no one of them ever having been a State out of the Union. The original ones passed into the Union even before they cast off their British Colonial dependence; and the new ones each came into the Union directly from a condition of dependence, excepting Texas. And even Texas, in its temporary independence, was never designated a State.

Mr. President, ponder that observation of the immortal Lincoln on the historical status of Texas. The message continues:

> The new ones only took the designation of States on coming into the Union, while that name was first adopted for the old ones in and by the Declaration of Independence. Therein the United Colonies were declared to be free and independent States; but even then the object plainly was not to declare their independence of one another or of the Union, but directly the contrary, as their mutual pledge and their mutual action before, at the time, and afterward, abundantly show.
>
> This relative matter of national power and States' rights, as a principle, is no other than the principle of generality and locality. Whatever concerns the whole should be confided to the whole, to the General Government; while whatever concerns only the State should be left exclusively to the State. This is all there is of the original principle about it.

I am still quoting, Mr. President, the message of Mr. Lincoln to the Congress on July 4, 1861. He went on to say:

> The Nation purchased with money the countries out of which several of these States were formed (that is to say, the people's money made the purchase possible). Is it just that they shall go off without leave and without refunding? The Nation paid very large sums (in the aggregate, I believe, nearly a hundred million) to relieve Florida of the aboriginal tribes. Is it just that she shall now be off without consent or without making any return?
>
> * * * a part of the present national debt was contracted to pay the old debts of Texas. Is it just that she shall leave and pay no part of this herself?

Let me repeat that, Mr. President. I may have something to say in connection with this speech with reference to my views on the Texas situation.

Lincoln said:

> A part of the present national debt was contracted to pay the old debts of Texas. Is it just that she shall leave and pay no part of this herself?

Mr. President, I think those are great statements by Lincoln.

I shall repeat, on the Texas matter, what I said in cross-examining one of my colleagues on the floor of the Senate the other day.

When the Lone Star flag came down and the American flag went up, Texas became a part of the sovereignty of the Union. Texas became bound by the constitutional law of sovereignty affecting the Nation as a whole. No greater sovereignty did she have than the sovereignty of the Nation as a whole. The part cannot be greater than the whole, and her boundaries became the boundaries of the sovereign Nation of which she became a part.

That is the position we take, Mr. President, and we say the place to determine the answer to that contention is not in the Senate of the United States. The place to determine the answer to that great constitutional question is across the park, in that great temple of justice, the Supreme Court of the United States, which is charged with the responsibility under the Constitution in keeping with the separation-of-powers doctrine, to render decisions on constitutionality and the inalienable property rights and human rights accruing to American citizens under our constitutional system of government.

I say, Mr. President, let us be done with a proposal to make the Congress of the United States a supersupreme court, overriding the decisions of that branch of our Government which is coordinate and coequal with the Congress, but, within its own sphere of jurisdiction, supreme, as the Congress is supreme in its sphere of jurisdiction. That is the constitutional system.

Let me say, Mr. President, that we must put a stop, before it starts, to this new theory of governmental powers which is rearing its head to the detriment of the welfare of the public interest, the theory of displacing the Supreme Court and rendering a judicial determination ourselves in the name of legislation when we do not like the decisions of the Court. I cannot think of any better way to undermine and destroy this system of constitutional government of ours, based on the precious principle of the separation of powers and the checks and balances which go along with it. When it comes to making this kind of a measure a precedent in the Congress of the United States, count me out. I shall be no party to it. I shall fight it so long as I am in the Senate. Establish this precedent, and we will fight the establishment of the next. We will make it as tough as we can until we get the people awakened, until we get the country aware of the precious principles of constitutional government which we feel are involved.

No, Mr. President, the pending measure is not the way to treat the interests of the American people in their natural resources.

I am perfectly willing to go along with any reasonable program which seeks to work out a cooperative arrangement between the Federal Government and the States in the development of oil resources, upon the basis of the Anderson proposal or some other arrangement that allows a fair and equitable distribution of the royalties which accrue from these lands on the basis of a Federal-aid principle, but not on the basis of any principle that seeks to grant the sovereign rights of the people to certain States. I am not going to agree to that. I think the little band of liberals in the Senate who are making this fight will be perfectly willing to negotiate a reasonable amendment on the basis of a fair and equitable Federal-aid royalty plan, whereby the States involved in this dispute will get a generous royalty, as has been done in an analogous situation in connection with the minerals and the extraction of other products from our natural resources in some of our interior States. But that is not based on the idea of State ownership. It is based on the principle of paramount interest being in the people of the country, recognizing that it is only fair and equitable that the States where such lands are located physically ought to get reasonable and equitable royalties from the extraction of products from the natural resources in those lands.

Mr. President, I am saying this because it is the last chance I shall have to speak on this particular amendment. When I close this speech, I will have exhausted all my rights under the rules as to making any other speeches on this amendment. But I shall be back on the others, and at length, unless we can work out, as I suggested earlier in my speech, a reasonable agreement with the majority leader for laying aside this proposed legislation until we can dispose of the proposed emergency legislation, and then resume consideration of the pending joint resolution, without any loss of parliamentary position.

So I say, in concluding this particular part of my speech—and I shall not have closed this particular speech when I have finished with this point—this question all boils down, so far as my position is concerned, to these propositions:

First, I think the Holland joint resolution sets a very dangerous precedent with respect to the handling of natural resources. I think it has got to be opposed because of its precedential dangers.

Second, I am satisfied that, as a matter of law, the Supreme Court is right in holding that paramount interests in these properties vest in all the people of the country. If we are right about that, then I think it follows that we have an obligation to protect the interests of all the people of the country, and not to give this precious treasure away to the people of a few States.

Third, I am satisfied that great constitutional questions involving sovereignty and boundary are raised by this joint resolution, and we ought to leave those questions to the Supreme Court for determination, and not decide them here, as I have said earlier in my speech. What this amounts to is not only the type of legislative attack on the Supreme Court to which the Senator from Arkansas [Mr. FULBRIGHT] referred, but in fact, and principally, a revival and application to this specific instance of the principle of the old La Follette proposal to reverse decisions of the Supreme Court by a vote of Congress. I was always against that proposal, and I am against the application of its principle here.

Fourth, I think the pending joint resolution is full of ambiguities. I believe it endangers the whole development of our natural resource programs in connection with our streams. I do not believe the danger is limited to only that one phase of our natural resource program.

Fifth, I think that we have a great obligation to see to it that we protect the precious principle of separation of powers which I talked about at such length earlier in my speech. I think that is elementary. I think it would be clearly violated by the pending joint resolution. I think that that aspect alone, if there were no other objection to the joint resolution, makes it a very bad legislative proposal.

Mr. President, I did not take the time to discuss in complete detail the speech which I made in the Senate on April 2, 1952, on the submerged lands joint resolution, in which I developed at great length my view on the Pollard case. It is not a particularly long speech. I should like to have it printed in the RECORD as a part of my remarks in connection with the speech I made yesterday and today on the submerged land case, at the conclusion of those remarks, so that when the reader turns to my comments this year on the Pollard case, he will have my comments of last year on the Pollard case readily available.

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

AS A MATTER OF LAW, ALL THE PEOPLE OF THE UNITED STATES HAVE SOVEREIGN LEGAL RIGHTS IN SUBMERGED LANDS OF MARGINAL SEA

(Speech of Hon. WAYNE MORSE, of Oregon, in the Senate of the United States, Wednesday, April 2, 1952)

Mr. MORSE. Mr. President, several weeks ago I stated that my position on the present issue of rights to the marginal sea and submerged lands would be based upon my findings, independently arrived at, as to which governmental unit as a matter of law is entitled to control over the property and resources at issue. It appears to me to be unsound for anyone to allege in effect that the Supreme Court is not the place of last resort to the legal and equitable rights of those lands as between the border States and the Nation as a whole. Nevertheless, so much emotion and pressure-inspired dogma have been aired on the proposition that the Supreme Court did not know what it was talking about, as to justify a résumé of the three cases involving California, Louisiana, and Texas, in stating my position on Senate Joint Resolution 20.

It is true that some persons whose opinion on legal matters I respect have stated that they believe the Supreme Court's ruling is incorrect, and that the Congress should act to reverse the ruling. It is only because of these opinions that I deem it necessary to review the cases, in establishing my position on the proposed legislation now pending before the Congress. It is with extreme reluctance that I do so, because, under our constitutional system, the fact that the Supreme Court has ruled on a matter such as this one finally decides the legal issues, I believe. As a decided legal matter, we are without question dealing with property in which, for the purposes of the proposed legislation before us, the Federal Government has paramount interests, and in reference to which the rulings of the Supreme Court are now still in issue only because of a widespread campaign to diffuse facts—a campaign which has been materially aided by a few legal authorities who have allowed irrelevant factors to influence their judgment. I am not, of course, referring to the dissenting opinions on the three cases, but, rather, to documents subsequently issued by various groups—opinions so obviously nonjudicial in character. Thus, although we should have been considering legislative policy, we have been retrying the legal issues.

In connection with the California, Louisiana, and Texas cases, the old case of *Pollard's Lessee* v. *Hagen* (3 How. 212 (1845)) has received a good deal of attention, and is, therefore, pertinent here. It is, of course, the case generally accepted as the one which decided that the individual States own their inland navigable waters, as against the United States. The land at issue in that case was in Alabama and was, at the time when Alabama was admitted as a State, between the high-water and the low-water marks of the Mobile River. The plaintiffs claimed the land under grants from the United States. The defendants based their case on the theory that Alabama, not the United States, was the owner of the land after 1819, the date of Alabama's admittance into the Union. The Supreme Court ruled for the defendants, who claimed by virtue of Alabama's original ownership.

What were the arguments in that case? On what theories did the States receive the ownership of the inland waters and the lands thereunder? First, let me quote some of the arguments which the Supreme Court at that time acted against.

From the brief of the plaintiffs, I read the following:

"But, it is contended, that the right to the shore is a sovereign and a political, not a proprietary right. In what the distinction exists, so far as it is applicable to this controversy, has not been explained. * * * How can a political power be said to exist without a proprietary right over marshes where no one can live?" (p. 217).

From the dissenting opinion, which argued for Federal ownership of the inland water, I read the following:

"The question before us is made to turn by a majority of my brethren exclusively on political jurisdiction; the right of property is a mere incident. In such a case, where there is doubt, and a conflict suggested, the political departments, State and Federal, should settle the matter by legislation" (p. 232).

That the majority of the Supreme Court in the Pollard case did so decide who should have the lands on the basis of which political unit it believed had the predominating sovereignty under the Constitution, is clearly indicated by the following quotations from the majority opinion:

"This right of eminent domain over the shores and the soils under the navigable waters, for all municipal purposes, belongs exclusively to the States within their respective territorial jurisdictions, and they, and they only, have the constitutional power to exercise it. * * * For, although the territorial limits of Alabama have extended all her sovereign power into the sea, it is there, as on the shore, but municipal power, subject to the Constitution of the United States, 'and the laws which shall be made in pursuance thereof' " (p. 230).

And on page 221:

"We think that a proper examination of this subject will show that the United States never held any municipal sovereignty, jurisdiction, or right of soil in and to the territory of which Alabama or any of the new States were formed; except for temporary purposes."

And on page 220:

"Although this is the first time we have been called upon to draw the line that separates the sovereignty and jurisdiction of the Government of the Union, and the State governments, over the subject in controversy, * * * etc."

And, if an express stipulation had been inserted in the agreement [between the United States and Georgia regarding the cession of the territory which subsequently became Alabama] such stipulation would have been void and inoperative; because the United States has no constitutional capacity to exercise municipal jurisdiction, sovereignty, or eminent domain, within the limits of a State or elsewhere, except in the cases in which it is expressly granted."

In short, the Court ruled in the Pollard case that the effective control over the land in question evolved to the State as an element of municipal sovereignty; which under the Constitution, only it could exercise. In this connection it is especially interesting to note that the Court did not anywhere in the Pollard case draw a line of succession of property or proprietary rights in the land in question. Rather, the transmission of Alabama's rights in the land from Georgia occurred through the United States holding the municipal sovereignty in trust until Alabama became a State, capable of exercising such "sovereignty, jurisdiction, or eminent domain." That is what the Court made clear, Mr. President, and it has been lost sight of in the discussion of the Pollard case throughout this debate in the Senate. It is also important, at this stage, to identify exactly the scope of the sovereignty about which the Court was then speaking. In every important instance the Court specifically spoke of municipal sovereignty, jurisdiction, or eminent domain. Of the three definitions of municipal contained in Webster's International Dictionary, only the following is pertinent:

"Of, or pertaining to the internal or governmental affairs of a state, kingdom, or nation; used chiefly to designate, or denote relation to, the law prescribed or enforced by a state in the regulation of the rights, and in the government, of those subject to its jurisdiction; that is, the national law, as distinguished from international law." (Webster's New International Dictionary (1927), p. 1422.)

It is true that this use of the term "municipal" is not the practice now, and has not been for many years. But that was the practice at the time of the Pollard case, and it is only fair to interpret the Pollard case in the terms of the then accepted legal meanings of the concepts used within the decision. But, even under the more modern use of the term in the sense of describing State functions, it is still utilized to distinguish international law from other classes of law. The definition is certainly for all practical purposes the one that the Supreme Court had in mind in 1845.

Thus, the inland waters of this Nation, and the soil underneath, passed to the States as an incident of the sovereignty or jurisdiction which each State has over its internal affairs. The rationale is clear and indisputable, and has been affirmed many times since the Pollard case.

Now, are the Supreme Court decisions in the cases of *U. S.* v. *California*, *U. S.* v. *Louisiana*, and *U. S.* v. *Texas* in any way contrary to these earlier decisions starting with the Pollard case? What did the Supreme Court actually rule in these cases at issue?

In all three cases, the land involved is that beyond the tidelands of the ocean; that is, all of the land involved beyond the mean low-water mark of the ocean. It is not the land over which the tides wash but rather the lands covered by the sea beyond that tide area with which the California, Louisiana, and Texas cases deal. No responsible authority has alleged that this distinction between the land covered by the inland waters, of which the tidelands are a part and the lands covered by the marginal sea has not existed as a legal fact for over a hundred years, that it did not exist at the time the Pollard case was decided. If, however, this needs support, reference can be made to the statements of Thomas Jefferson in 1793, when he, as the Supreme Court pointed out in the California case, "put forth the first official American claim for a 3-mile zone" in a note to the British Minister. Inherent in this claim was the dividing line between the inland waters, controlled by the States, and the marginal sea, claimed by the United States, even as early as Jefferson's time.

In the case of *U. S.* v. *California* (332 U. S. 19), the Supreme Court declared that, as to these lands submerged by the marginal sea, it has never before ruled on the respective rights of the individual border States and the Federal Government therein. In this connection the Court specifically distinguished three previous decisions, the language of which, in the Court's words, "probably lends more weight to [the argument that the issue had previously been decided] than any other." These three cases were *Manchester* v. *Massachusetts* (139 U. S. 240); *Louisiana* v. *Mississippi* (202 U. S. 1); and *The Abbey Dodge* (233 U. S. 166), and they can be very clearly distinguished as follows:

In reference to the case of *Manchester* v. *Massachusetts*, the Court pointed out that—

"That case involved only the power of Massachusetts to regulate fishing. Moreover, the illegal fishing charged was in Buzzards Bay found to be within Massachusetts territory, and no question whatever was raised or decided as to title or paramount rights in the open sea. And the Court specifically laid to one side any question as to the rights of the Federal Government to regulate fishing there."

In reference to the case of *Louisiana* v. *Mississippi*, the Court stated:

"That was a case involving the boundary between Louisiana and Mississippi. It did not involve any dispute between the Federal and State Governments. And the Court there specifically laid aside questions concerning 'the breadth of the maritime belt or the extent of the sway of the riparian States.'"

The case of the Abbey Dodge involved an action against a ship landing sponges at a Florida port in violation of an act of Congress which made it unlawful to land sponges taken under certain conditions from the waters of the Gulf of Mexico. In distinguishing this case the Court pointed out in effect that the Abbey Dodge decision related solely to the police power of the State of Florida, and substantiated that point by quoting the majority opinion rendered by Chief Justice Hughes in the subsequent case of *Skiriotes* v. *Florida* (313 U. S. 69), where it was stated:

"It is also clear that Florida has an interest in the proper maintenance of the sponge fishery and that the [State] statute so far as applied to conduct within the territorial waters of Florida, in the absence of conflicting Federal legislation, is within, the police power of the State."

There is nothing new in this process whereby preceding cases are distinguished on the facts from the case at hand. It is a normal and well-understood procedure. As a matter of fact, in the Pollard case to which I have previously referred, which gave the States the inland waters and the lands thereunder, the Court had to make what was perhaps even a more minute distinction. In that case, the specific and primary issue was an instruction by the lower court. In the argument, the plaintiff's counsel pointed out that in at least two previous cases before the Court, "the land in question was situated just [like the land in the Pollard case] and [that] the title was confirmed." In answer the Court stated:

"This question has been heretofore raised, before this Court, in cases from the same State, but they went off upon other points. As now presented, it is the only question necessary to the decision of the case before us, and must, therefore be decided."

Undoubtedly in the Pollard case the Court's ground of distinction was correct. The distinction made by the Supreme Court in the California case is in every logical sense, at least, equally sound, if not more so. Prior to this latter case, the issue as to the marginal sea just had not been presented to the Court. The Supreme Court made that clear in the following language in the California decision:

"The question of who owned the bed of the sea only became of great potential importance at the beginning of this century when oil was discovered [in California]. As a consequence of this discovery, California passed an act in 1921 authorizing the granting of permits to California residents to prospect for oil and gas on blocks of land off its coast under the ocean. * * * This State statute and others which followed it, together with the leasing practices under them, have precipitated this extremely important controversy for the first time."

With the question before it for the first time, how did the Supreme Court decide the issue on the merits? In the California case it said:

"The 3-mile rule is but a recognition of the necessity that a government next to the sea must be able to protect itself from dangers incident to its location. It must have powers of dominion and regulation in the interest of its revenues, its health, and the security of its people from wars waged on or too near its coasts, and insofar as the Nation asserts its rights under international law, whatever of value may be discovered in the seas next to its shores and within its protective belt will most naturally be appropriated for its use. But whatever any nation does in the open sea which detracts from its common usefulness to nations, or which another nation may charge detracts from it, is a question for consideration among nations as such, and not their separate governmental units. What this Government does or even what the States do, anywhere in the ocean, is a subject upon which the Nation may enter into and assume treaty or similar international obligations."

Mr. President, I digress for a moment to say that, of course, the States cannot enter into treaty obligations, and thus we come right up against the problem of paramount Federal rights in light of the clear inherent powers of the Federal Government under the Constitution itself.

Returning to the decision of the Court, the Court said:

"The very oil about which the State and Nation here contend might well become the subject of international dispute and settlement."

In the Louisiana case, the Court expressed its view as follows:

"The claim to our 3-mile belt was first asserted by the national Government. Protection and control of the area are indeed functions of national external sovereignty. * * * The marginal sea is a national, not a State concern. National interests, national responsibilities, national concerns are involved. The problems of commerce, national defense, relations with other powers, war and

peace focus there. National rights must therefore be paramount in that area."

And finally, in the Texas case:

"It is said * * * that the sovereignty of the sea can be complete and unimpaired no matter if Texas owns the oil underlying it. Yet, as pointed out in *United States* v. *California*, once low-water mark is passed, the international domain is reached. Property rights must then be so subordinated to political rights as in substance to coalesce and unite in the national sovereign. Tomorrow it may be over some other substance or mineral or perhaps the bed of the ocean itself. If the property, whatever it may be, lies seaward of low-water mark, its use, disposition, management, and control involve national interests and national responsibilities. That is the source of national rights in it."

There is no question, and I fully agree with the allegations made in this regard by those now attacking the Supreme Court, that the three decisions relating to the marginal sea are based on findings as to sovereignty or political jurisdiction rather than on findings concerned with the usual legal principles of real property. What I most heartily disagree with is the further claim made by these same persons to the effect that the Supreme Court has thereby been inconsistent with the Pollard case, that the Court has for the first time enunciated new doctrine. Nothing, I submit, could be further from fact.

Let me refer again to the case of *Pollard's Lessee* v. *Hagen*. In that case the land involved had been a part of the tidelands of Alabama, above the mean low-water mark. In the case of *United States* v. *California* the land involved is submerged beyond the mean low-water mark.

That fundamental and vital difference in fact must be kept in mind as we compare the Pollard case with the California case, and when we take into account that fact we find the same principle laid down in the Pollard case and in the California case. In both cases, the Supreme Court weighed the elements of sovereignty and ruled in favor of the governmental unit which, under our Constitution, had the predominant sovereign interest.

In the one case the State has jurisdiction over land within the low-water mark, and in the other case the Federal Government has jurisdiction of land beyond the low-water mark. That principle is an identical principle of sovereignty in both cases, but applied to different facts. It does not make the two cases inconsistent if the Court is applying the same principle of sovereignty, but applying it to two different sets of facts.

In the Pollard case, therefore, the Court ruled, quite properly in my estimation, that the States had such a predominant sovereign interest in the area then in question as to require that each State should have effective control and dominion of its inland waters and the lands thereunder, including the tidelands. In the California case, the Court ruled, equally properly, in my estimation, that the Nation, rather than the individual border States, had such a predominant sovereign interest in the area in question there as to require effective control and dominion of the marginal sea and the lands thereunder in the Federal Government.

It is also true that the Court, in following a rationale based on the incidents of sovereignty, had to, in effect, overrule arguments which would, in ordinary real property cases between private parties, appear somewhat valid. But in this regard, too, I submit both the Pollard case which ruled in favor of the States as to one class of water and lands, and the California case which ruled in favor of the Nation as to quite another class of water and lands, stand or fall together.

The principle of sovereignty is identical in the two cases, although throughout the debate one would think that the Pollard case was completely irreconcilable with the Court's decision in the California case. I submit that as a matter of legal argument and principle, there is no inconsistency.

To illustrate, in ordinary real property cases, the doctrines of adverse possession, laches, or estoppel are sometimes applicable in determining which party has rights to land. In connection with the California case, therefore, the claim was made by the State of California that the Federal Government, by its failure to claim the marginal sea sooner, as well as by the conduct of certain of its officials, had given up its rights to the marginal sea off California. In answer to this, the Supreme Court pointed out that:

"The Government, which holds its interest here as elsewhere in trust for all the people, is not to be deprived of these interests by the ordinary court rules designed particularly for private disputes over individually owned pieces of property; and officers who have no authority at all to dispose of Government property cannot by their conduct cause the Government to lose its valuable rights by their acquiescence, laches, or failure to act."

Mr. President, that is a well-known doctrine applicable in favor of the Government, a doctrine quite different from that which is applied in a dispute between private persons, but as to the Government it is well established. Of course, an official of the Government cannot destroy the rights of all the people of the country because of some failure on his part to take some action.

The PRESIDING OFFICER. The time of the Senator from Oregon has expired.

Mr. MORSE. Mr. President, may I ask for 2 more minutes?

Mr. O'MAHONEY. I yield 2 more minutes to the Senator from Oregon.

Mr. MORSE. So, in the California case, Mr. President, the Court ruled that the ordinary rules as to the doctrines of laches, estoppel, or adverse possession did not apply where sovereignty was the gist of the matter. In the Pollard case, the Court in effect made exactly the same basic decision. Compare this following statement from the dissenting opinion in the Pollard case with the contemporary allegations against the Supreme Court:

"An assumption that mud flats and swamps once flowed, but long since reclaimed, had passed to the new States, on the theory of sovereign rights, did, at the first, strike my mind as a startling novelty; nor have I been enabled to relieve myself from the impression, owing to the fact in some degree, it is admitted, that for 30 years neither Congress, nor any State legislature, has called in question the power of the United States to grant the flowed lands, more than others: the origin of title, and its continuance, as to either class, being deemed the same. A right so obscure, and which has lain dormant, and even unsuspected, for so many years, and the assertion of which will strip so much city property, and so many estates of all title, should as I think be concluded by long acquiescence, and especially in courts of justice."

Here is a claim made in the Pollard case on behalf of the United States which is identical to the claim made in the California case on behalf of the State. In both cases the Court necessarily disregarded the allegation that such a claim was applicable.

Another and possibly even more persuasive comparison relates to the clause in the compact between Texas and the United States at the time of Texas' entry into the Union. In the case *United States* v. *Texas* (339 U. S. 707) it was pointed out that Texas, under the Resolution of Annexation, should retain all "the vacant and unappropriated lands lying within its limits." This clause was urged by Justices Reed and Minton in their dissenting opinion as requiring a finding on whether the submerged lands off Texas were actually such vacant and unappropriated lands, and others have since made the point. However, in the Pollard case, there was also such a clause, running that time, however, in favor of the United States. There, the convention of Alabama had adopted an ordinance declaring the following:

"That this convention, for and on behalf of the people inhabiting this State, do ordain, agree, and declare that they forever disclaim all rights and title to the waste or unappropriated lands lying within this State; and that the same shall be and remain at the sole and entire disposition of the United States."

In commenting on the fact that the Supreme Court in the Pollard case disregarded this clause Justice Cantron, dissenting, commented:

"That the lands in contest, and granted by the acts of 1824 and 1836, were of the description of 'waste or unappropriated' and subject to the disposition of the United States, when the act of Congress of the 2d of March 1819, was passed, is not open to controversy, as already stated; nor has it ever been controverted that whilst the Territorial Government existed, any restrictions to give private titles were imposed on the Federal Government; and this in regard to any lands that could be granted. And I had supposed that this right was clearly reserved by the recited compacts as well as on the general principle that the United States did not part with the right of soil by enabling a State to assume political jurisdiction. That the disclaimer of Alabama to all right and title in the waste lands, or in the unappropriated lands lying within the State, excludes her from any interest in the soil, is too manifest for debate, aside from all inference founded on general principles. It follows, if the United States cannot grant these lands, neither can Alabama; and no individual title to them can ever exist. And to this conclusion, as I understand the reasoning of the principal opinion, the doctrine of a majority of my brethren mainly tends. The assumption is, that flowed lands, including mudflats, extending to navigable waters, are part of such waters, and clothed with a sovereign political right in the State; not as property, but as a sovereign incident to navigation, which belongs to the political jurisdiction; and being part of State sovereignty, the United States could not withhold it from Alabama."

How there could be greater consistency is beyond me. Far from applying any new doctrine in the California, Louisiana, and Texas cases, the Supreme Court quite obviously applied in toto the doctrine of the Pollard case. On the points which I have cited, and on other collateral points, the similarity is striking to the extent, I submit, that the Pollard case must stand or fall from a legal standpoint with the California, Louisiana, and Texas cases.

In this connection, I firmly believe that the doctrine of the Pollard case, as well as the doctrine of those succeeding it in line, is eminently sound in its result; to the effect that the inland waters of this country, and the lands thereunder, including the tidelands, are primarily under the control of the States, as an incident of the municipal or internal sovereignty of those States. I think that it is also equally sound to have ruled, as the Supreme Court did in the California and succeeding cases, that the marginal sea and the submerged lands are primarily under the control of the National Government, as an incident of national or external sovereignty.

In closing, I would like to discuss one other point over which there has been much discussion. This relates to the term "paramount," which the Supreme Court used to describe the nature of the rights which the Federal Government has in the marginal sea area. It is clear that in one sense the Court used the word "paramount" in describing the weight of sovereign interest as

between the States and the Federal Government as to the marginal sea area. In this sense, it was used interchangeably with the term "predominant." For instance, in the California case the Court referred to the "local interest * * * so predominant as constitutionally to require State dominion over lands under its landlocked navigable water." Soon thereafter the Court referred to the paramount responsibilities of the Nation as to the marginal sea and the submerged lands. In both these instances the terms are obviously used to describe the weight of interest to the area in question.

The Supreme Court also used the term "paramount," as did the pleadings, in connection with the rights which it held accrue to the Federal Government in the marginal sea area, as follows:

"Now that the question is here, we decide for the reasons we have stated that California is not the owner of the 3-mile marginal belt along its coast, and that the Federal Government rather than the State has paramount rights in and power over that belt, an incident to which is full dominion over the resources of the soil under that water area, including oil (*U. S.* v. *California*)."

It is evidently this use of the term "paramount," accompanied by the elimination of any reference to strict proprietorship from the decree proposed by the United States in the California case, which has caused some concern in some quarters. After long and serious study, I cannot see any reason at all why this use of the term "paramount," and the lack of a decree as to strict proprietorship should disturb anyone. It is traditional that, where two parties are contesting rights in land in the nature of ejectment or trespass, title is not the only ground of decision. Rights to possession are sometimes adjudicated instead, with the issue of title never arising. In this connection the term "paramount" is often utilized to designate the prevailing rights. In this connection I quote the case of *Board of Com'rs of Big Horn County* v. *Bench Canal Drainage Dist., Wyo.* (108 P. 2d 590, 694):

"By the term 'paramount' is meant superior, preeminent, of the highest rank or nature. The lien to which another lien yields and is inferior is the 'paramount lien,' and where one is paramount, the other cannot be held of equal rank."

Fortunately for the States and for our political system the majority of the Court in the Pollard case ruled in 1845 against the same kind of arguments that we now hear in 1952. In the Pollard case the Court was ruling as to inland waters and the land thereunder dealing with the sovereign rights of the individual States, and in the California, Louisiana, and Texas cases, the Court was passing on rights in the marginal sea, beyond the low-water mark, dealing with the sovereign rights of all the people of the United States.

I close, Mr. President, by saying that the Pollard case and the California, Louisiana, and Texas cases are not different in underlying principle. On the contrary, they are identical in underlying principle, the principle that the interests of sovereignty as alloted by our Constitution determine jurisdiction over our waters and the lands thereunder.

Therefore, Mr. President, I shall vote to protect the interests of the people of the United States in those lands situated beyond the low-water mark of the open ocean.

Mr. MORSE. Mr. President, a resolution was adopted at the 43d annual convention of the Oregon State Farmers' Union at Salem, Oreg., on February 26, 1953, which is so completely in line with the discussion in which I have been engaged for some few hours now that I shall read it. I think the Oregon State Farmers' Union, at Salem, Oreg., is certainly entitled to have this resolution read into the body of the RECORD. It is one of those bits of evidence about which the Senator from Illinois [Mr. DOUGLAS] talked early yesterday in his cross-examination of me, when he expressed the view that there was a rapid awakening of public interest in the merits of the fight we are waging in opposition to the pending joint resolution.

This is the resolution adopted by the 43d annual convention of the Oregon State Farmers' Union at Salem, Oreg., on February 26, 1953:

OFFSHORE OIL DEPOSITS

Whereas the offshore oil deposits of the coastal regions of the United States, which are presently the possession of the United States Government, and which are rightfully the property of all of the citizens of the United States and should remain in control of the Federal Government, are a valuable reserve of this natural resource; and

Whereas the present Federal administration in Washington, D. C., and especially the Secretary of the Interior, Douglas McKay (citizen of Oregon), propose to dispose of these reserves to the State governments of California, Texas, and Louisiana—

Mr. President——

The PRESIDING OFFICER. Has the Senator concluded his speech?

Mr. MORSE. Oh, no, Mr. President. I am doing a little legitimate editorializing, or deleting, shall I say, because I should not want, in these closing minutes of my speech, to do anything in violation of the rule.

The PRESIDING OFFICER. The Chair will protect the Senator from Oregon, so long as he is in order.

Mr. MORSE. The members of the Farmers' Union, when they adopted this resolution, were not aware of some of the rules of the Senate. So I shall delete any part of it that I think might create a problem under the rules.

I continue to read from the resolution:

Be it resolved by the Oregon Farmers Union now in annual convention in Salem, Oreg., That we declare our opposition to this effort on the part of the Federal administration in Washington, D. C., and especially on the part of the Secretary of the Interior, to dispose of these offshore-oil reserves to the several State governments; and that we further declare ourselves in agreement with a policy of maintenance of Federal ownership and control of these reserves: be it further

Resolved, That copies of this resolution shall be sent to Secretary of the Interior, Douglas McKay, and to the Oregon Senators, Guy L. Cordon and Wayne Morse, and to the four Representatives, Walter Norblad, Sam Coon, Homer Angell, and Harrison Ellsworth.

Mr. President, I have another resolution which I should like to read. It bears on the same subject. It again supports the point of view expressed by the Senator from Illinois [Mr. DOUGLAS], that increasing interest is developing in the joint resolution. It reads as follows:

The following is a resolution adopted by the Riverview Farmers Union at its last meeting April 18:

"Whereas all the people of the United States should benefit by the development of our natural resources, whether it be timber, minerals, waterpower, or others, and since the Holland bill would give the oil resources of the tidelands oil to only 3 States, thereby depriving the people of the other States from benefiting from these natural resources and since all the people of the States are hard put for funds for education it is not in the interest of all of the people and contrary to democratic government when all the people do not share in such great resources.

Mr. President, I think it is very interesting that these sound, typical citizens of the grass roots of America, in this instance in my State, see the issues as clearly as they have set them forth in this resolution. In this resolution they hit the very point that many of us have been making for these several weeks in our opposition to the joint resolution.

The resolution continues:

"Therefore be it

"*Resolved*, That the Riverview Farmers Union Local, No. 113, in regular session, April 18, 1953, go on record as being opposed to the passage of the Holland bill which would give the tideland oil resources to only 3 States; be it further

"*Resolved*, That a copy of this resolution be entered on the permanent records of the Local Farmers' Union and that copies be sent to the Honorable Senator Wayne Morse, the Honorable Senator Guy Cordon, the Honorable Secretary of the Interior, Douglas McKay, and to the President of the United States, Dwight D. Eisenhower."

It is signed by Ralph H. McDonald, resolutions chairman; Walter R. Johnson, president; David Boshart, legislative director; Josephine Sommer, secretary, Riverview Farmers Union, Route 3, Scio, Oreg.

I have another resolution, Mr. President, which I should like to read. It is from the Polk County Farmers Union, and reads as follows:

RESOLUTION ON OFFSHORE OIL BILLS

Whereas the Polk County Farmers Union, in session at the Spring Valley local, feel it of utmost importance that our national resources be not depleted for the benefit of a minority, does hereby oppose the offshore oil bill of Senator HOLLAND, and urge instead the passage of the Hill-Anderson bills for the benefit of the schools of the Nation.

Mr. President, I have a resolution, from the Orchard Heights Local of the Oregon Farmers Union, which reads as follows:

Whereas present offshore oil legislation, if adopted by Congress, will have the effect of giving away to 3 States valuable resources which now belong to the people of all 48 States: Therefore be it

Resolved, That Orchard Heights local of the Oregon Farmers Union oppose this legislation and urge instead that title to offshore oil lands remain in the Federal Government and that royalties be used for the support of public schools as proposed in the bill of Senator LISTER HILL.

Mr. President, I had something sent to me that moved me very much. It shows that even the students in our colleges are discussing the submerged-lands bill. A daughter of a friend of mine, a student in Oberlin, participated in an oratorical contest. She used as her subject Tidelands Oil. Her name is Miss Anina Levin, of Oberlin College, Oberlin, Ohio.

Even the young people are becoming concerned, or at least somewhat aroused, I think it is accurate to say, over the dangers of the joint resolution which would deny to many generations of American young people, education oppor-

tunities which otherwise might be theirs. When I conclude reading Miss Levin's speech, I shall discuss briefly the educational situation as affected by the Hill amendment, because I do not believe I have given it sufficient emphasis in the course of my speech. I certainly wish to deal with that phase of the matter before I conclude my remarks.

Before doing so, Mr. President, I wish to read the student's speech to which I have been referring. I understand her speech won second prize in the oratorical contest at Oberlin College, in the great State of Ohio.

Mr. President, just to mention Oberlin College brings back to me some very fond memories. It was only last spring that I served as chairman of the Republican Mock Convention, at Oberlin College. I had a splendid time there. Oberlin College is a great institution. It has wonderful students and a fine faculty. It has a hard-working, high-scholastic-qualification student body.

So I was interested in this speech. Listen to what this student says about tidelands, Mr. President.

Mr. CAPEHART. Mr. President, will the Senator from Oregon yield for a question?

Mr. MORSE. No, Mr. President; at this time I wish to read the very excellent speech this obviously brilliant student delivered. I am not the least tired, so I do not need to yield in order to obtain rest.

I now read the speech by Miss Anina Levin, of Oberlin College:

TIDELANDS OIL

(By Anina Levin)

Roll out the barrels. Five hundred ninety-four million barrels of oil are lying in fields off the coasts of California, Louisiana, and Texas, while the United States imports from Iran an average of 1 million barrels of oil a day. Why must our country import a commodity of which we have such an abundance?

Large amounts of oil were discovered off the coasts of these three States about 20 years ago. Until these fields were discovered, little attention was paid to the question of who owned these lands under the open sea, since they were for all practical purposes without value. Now, for the first time, the legal question of ownership—State or Federal—became important and started what has become one of the most controversial issues of 1953.

A long and unbroken line of Supreme Court decisions extending back for more than 100 years rules that the States or their grantees own the lands beneath the navigable inland waters within the State boundaries. In no instance has the Supreme Court ruled that the States own land beyond the low-water mark.

It was in the celebrated Pollard case decided in 1945 that the Supreme Court first ruled that the individual States, not the United States, own their inland waterways. This case involved land in Mobile, Ala., which was originally between the high- and low-water marks and which was later filled by deposits of soil. The Court ruled that these tidelands or filled lands were not the property of the Federal Government but of the States. The decision in this case has been upheld by the Supreme Court in many similar instances.

In 1947 with the California case the Supreme Court was confronted for the first time with the question of the paramount rights in the submerged lands under the ocean and seaward from the low-water mark. The Court ruled that this land belongs to the Federal Government. When the issue of these submerged lands again came up before the Supreme Court in the Louisiana and Texas cases in 1950, the decision of the Court again ruled that these lands were property of the Federal Government.

The question is raised if the Supreme Court decisions on the cases of the United States against California, Louisiana, and Texas are in any way contrary to earlier decisions starting with the Pollard case? The answer here is plainly "No." In all three cases the land involved is that beyond the tidelands of the ocean.

Here I would like to go over the classification of the land surrounding the States. The mean low-tide land is that land which is washed by the ocean during high tide. The 3-mile strip immediately beyond mean low tide is the area referred to today as the tidelands. The Continental Shelf includes both the mean low tide and the tidelands and extends in a gently sloping manner to a point approximately 100 to 120 fathoms deep, at which point it drops off rather abruptly to greater depths.

The question is, Who owns this vast strip of land adjoining California, Louisiana, and Texas? The high seas are the common property of all nations where each has concurrent and nonexclusive jurisdiction. The States themselves have jurisdiction over the mean low-tide land. That part of the Continental Shelf adjoining the 3-mile belt is international waters and is under the jurisdiction of the United States. We are left with one strip of land to discuss, the 3-mile belt. In all three cases, California, Louisiana, and Texas, the Supreme Court has ruled that this land belongs to the Federal Government. In the Louisiana case the Court expressed its views as follows: "The claim to our 3-mile belt was first asserted by the National Government. Protection and control of the area are indeed functions of national external sovereignty. The marginal sea is a national not a State concern. National interests, national responsibilities, national concerns are involved. The problems of commerce, national defense, relations with other powers, war and peace focus there. National rights must therefore be paramount in that area."

The brilliant young writer goes on to show by a very clear demonstration the value of education. I read:

When President Truman vetoed the bill to give the States title to the submerged lands adjoining their coasts he said, "The rights to this ocean belt are and always have been Federal rights, maintained under international law by the National Government on behalf of all the people of the country."

Here we have the facts before us. In all three cases the Supreme Court has rejected the claims of the coastal States to the submerged lands. Under our constitutional system a decision by our highest court is final on all legal issues. The oil companies along with these three States want to overrule the decision of the Supreme Court by legislation. Should these vast and valuable deposits continue under the jurisdiction of the Federal Government or will they be given away to the States? "Our defense is no stronger and no deeper than our oil production and reserves," said Senator WAYNE MORSE in a recent speech before the Senate.

This bottle contains oil, the key to our national-defense reserve and the future. Today petroleum is used to run the tanks and airplanes of our armed services. Industry has come to depend upon it for heat and power. If the relationship between the United States and Iran should be broken off, our country would be crippled. This would make us an easy prey for any country to attack.

These resources belong to all the people of the United States. Just as all States cannot have coal deposits, so too all States cannot have oil deposits. Yet, oil is a commodity which no State can do without. Why, then, should three States share the profit of oil deposits which rightfully belong to the country as a whole? State ownership of this oil would mean that the Federal Government would have to pay for the use of this oil. If we give the coastal States the right to this oil, then the Mountain States will demand the mineral rights on Government land within their boundaries; there will be a drive to turn over to the States the forests and uplands now owned by the Federal Government. At this time there is a bill pending in the House of Representatives to this very effect, namely, to give to the States these resources now owned by the Federal Government. This might cause one of the biggest setbacks in our Nation's history. In the words of Senator PAUL DOUGLAS a "Pandora's box of spoliation, wastage, and confusion."

It is therefore to our advantage to support the Hill-Anderson bill in favor of Government control. This bill grants to the States the tidelands proper and also the submerged lands under all inland waterways. It surrenders any possible Federal claim to filled-in lands. It also leaves to the States the regulation of fish off their coasts. The leasing of oil and other rights in these submerged lands would be conducted by the Federal Government. Within the 3-mile limit the receipts from the leases would be divided so that three-eighths would go to the coastal States and five-eights or 62½ percent to the Federal Government. The area beyond this 3-mile limit would be international waters, and the Federal Government would receive all of the lease money collected from private parties. This lease money would be used for many things. During the present national emergency it would be put in a special fund and used for our national defense and security. Thereafter the money would be used to provide added funds for education to be controlled by the States themselves.

The democratic ideals which our country stands for are a source of great pride in the minds of all of us. In a time when we are in great need of sticking together, the giving away of these submerged lands to the States would cause a feeling of separatism. It would weaken both our defense and security programs. It would defy the highest judicial authority in our land. You and the 159 million people of this country are in danger of losing one of our greatest assets, the benefit of natural resources for our country.

Mr. President, I cannot imagine a greater tribute that might be paid to the distinguished Senator from Alabama, the author of the Hill amendment, than to read, as I did, this speech by a very brilliant college student. We may not agree with certain of the observations made by the student, but it is a remarkably fine speech. We do not have cause to worry about the youth of America when we find young people with such brilliance as that which is shown by this speech.

That is the kind of training we want, Mr. President. This girl comes from a family that can afford to send her to Oberlin College. But the great Senator from Alabama [Mr. HILL] has in mind the thousands of American boys and girls who will be denied a higher education if we, the Congress and the representatives of this great free Nation, do not recognize that the brain power of the youth of America is probably the greatest defense weapon we have.

I said earlier in my speech, and I want to repeat it in closing, that we cannot keep ahead of Russian manpower quantitatively, but we must keep ahead

of it qualitatively in the form of trained brains. That is what the Hill amendment seeks to do. The amendment authored by the great Senator from Alabama and sponsored by this little band of liberals which has been fighting for several weeks in opposition to the pending legislation, offers a program of great direct benefit to the youth of America, to the brain training of the youth of America.

As I said earlier in my speech, Mr. President, and I want to repeat it now, we learned something as a result of a very unwise policy that followed during and immediately after the war, in not appropriating adequate funds to provide decent school facilities, minimum standard school facilities, in many of the congested areas which became congested by an unexpected school population as a result of the location of war plants or other great Government installations. The scientific studies presented to our committee showed that the opportunity for a college education was denied to thousands of American boys and girls because of inadequate school facilities which had made it impossible for them to pass a college entrance examination because of the poor training they received.

The speech of this brilliant Oberlin College student which I have just read represents the kind of educational training which is needed in the years ahead in this great contest between freedom and enslavement.

Think of the scientists, the physicists, the chemists, and electrical engineers. Think of the trained brainpower and manpower which would be produced by the Hill amendment but which would be lost to America forever if we were so short-sighted as to defeat the Hill amendment. Mr. President, in the national interest we cannot afford to defeat the Hill amendment. Forget for the moment, if you will, the interests of the boys and girls involved, though, of course, we should not forget them for a minute; yet in the national self-interest of our country we cannot justify defeating the Hill amendment. When we take into account the human factors, the human values, the enrichment of the lives of thousands of American boys and girls who will be benefited as the result of the educational opportunities provided by the Hill amendment, I say, Mr. President, that we in this little band of liberals feel that the defeat of the Hill amendment cannot be justified in the national interest.

Mr. President, I have made my case. I have presented my argument. The RECORD, so far as my speeches on the first amendment are concerned, is completed. I will let it speak for itself, and I am perfectly willing to stand on it and be judged by it.

In closing this speech I want to say to my good friend in the chair [Mr. CARLSON] that I appreciate the many courtesies he extended to me during the night, and his complete fairness, his care in seeing to it that my parliamentary rights were protected.

Not only that, Mr. President, but the kindliness of his attitude as he presided over the Senate during the night was a great source of inspiration and encouragement to me.

I want to thank my good friend from Texas [Mr. DANIEL], even though he and I are in diametrically opposed positions on the pending measure. I thought it was very decent and courteous of him to remain with me during the night. There were not many of us present, but he certainly kept the quality high.

I see my good friend from Florida [Mr. HOLLAND] entering the Chamber. In paying my respects and in closing my speech, I want to thank him as I have thanked the Presiding Officer [Mr. CARLSON] and the Senator from Texas [Mr. DANIEL]. His loyal attention to my speech, as a member of the loyal opposition, I thought was very decent of him, and I appreciate it. I know he just stepped out of the Chamber for a bite of breakfast, as he told me as he passed my desk.

I want to thank, also, my good friend the Senator from Connecticut [Mr. PURTELL], who so ably occupied, as acting majority leader, the majority leader's chair during the night. I want to thank him for his courtesies and for the kindly fun we had from time to time to brighten the night. I thought he was a very fine associate to have with me on the floor, even though he, too, disagrees with the position I have taken on the pending measure. I thought it was a pretty good demonstration that, after all, we are professional men in the Senate. We approach these problems as professional men should approach them—on an objective, impersonal plane. We become a little bit emphatic sometimes, but it is never any expression of a personal attitude.

Of course, Mr. President, I could not close these expressions of gratitude and appreciation without commenting on the assistance which I received from my good friend from Montana [Mr. MANSFIELD]. The penetrating questions he asked me during the night that helped make the record of this case were outstanding.

There are other Senators whom, in all courtesy, I feel I should thank. The distinguished Senator from Texas [Mr. JOHNSON] did some very kind things for me during the night that are not known by the public.

My good friend the junior Senator from Connecticut [Mr. PURTELL], to whom I have already referred, is now entering the Chamber. As he returns to the Senate, although I shall not now at length express my appreciation for his courtesies, I wish him to know that if and when he reads my expressions in the RECORD, as I made them previously, I meant every word.

I wish to return for a moment to my comment about the senior Senator from Texas. Few who are in the Senate know that on different occasions he came to my desk and engaged in brief, whispered conversations. The only matter that concerned him was my well-being. He satisfied himself after each conservation that he had nothing to worry about in regard to my well-being.

The PRESIDING OFFICER (Mr. CARLSON in the chair). If the Senator will permit, the Chair wishes to state that it has been a pleasure and a privilege to have presided for 14 continuous hours during the time when the junior Senator from Oregan had charge of the debate. The Chair wishes to state that the Senator knows the rules of the Senate, that he tried conscientiously to observe them, and he did.

Mr. MORSE. I appreciate the statement by the Chair.

The PRESIDING OFFICER. The Chair is advised that the total time consumed by the Senator from Oregon has now reached 22 hours and 20 minutes.

Mr. MORSE. I wish to thank the presiding officer for his very kind words. I, too, am human, and I appreciate them.

In the absence of the senior Senator from Texas [Mr. JOHNSON] I wish to say that I appreciate his attendance during the night, his kindnesses, and the friendship that has always characterized the relationship between him and the junior Senator from Oregon.

I simply could not close these words—they may seem facetious, but I mean not to give that impression, because I am deeply sincere—without expressing my appreciation to the majority leader, who, as I said at the beginning of this debate, has been exceedingly fair to me and was exceedingly fair in the attitude he took in regard to the question as to whether I should be allowed, under the rules, even to proceed with this speech. But in his typical spirit of fair play, he did what I thought was most fair. He resolved the doubt in favor of allowing the junior Senator from Oregon, who had not made a speech on the merits of the issue, but who had made two speeches on other matters during the time the particular issue was pending before the Senate, one of them having been made on what was, shall we say, a quasi-holiday for the Senate, the opening day of the baseball season. The Senator from Ohio felt that under the circumstances, and considering the expression which I had made at the beginning of this debate, I should be allowed to proceed with my speech.

Mr. President, the last sincere tribute I wish to pay is to that little band of liberals, with whom I have been associated, under the leadership of the great Senator from New Mexico, CLINT ANDERSON, and the great Senator from Alabama, LISTER HILL, and composed of such men as the giant liberal from New York [Mr. LEHMAN]. I wish to say to them that it has been a privilege and pleasure to have worked with them and to have been associated with them in the very trying days during which this debate has continued.

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

The PRESIDING OFFICER (Mr. KNOWLAND in the chair). The clerk will call the roll.

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

Aiken	Case	Fulbright
Anderson	Clements	George
Barrett	Cordon	Gillette
Beall	Daniel	Goldwater
Bennett	Dirksen	Griswold
Bush	Douglas	Hayden
Butler, Md.	Dworshak	Hendrickson
Butler, Nebr.	Ellender	Hickenlooper
Capehart	Ferguson	Hill
Carlson	Frear	Hoey

Holland	Malone	Russell
Hunt	Mansfield	Saltonstall
Ives	Martin	Schoeppel
Jackson	Maybank	Smith, Maine
Jenner	McCarthy	Smith, N. C.
Johnson, Colo.	McClellan	Stennis
Johnson, Tex.	Millikin	Taft
Johnston, S. C.	Monroney	Tobey
Knowland	Morse	Watkins
Kuchel	Mundt	Welker
Langer	Murray	Wiley
Lehman	Payne	Young
Long	Potter	
Magnuson	Purtell	

Mr. SALTONSTALL. I announce that the Senator from Ohio [Mr. BRICKER], the Senator from Kentucky [Mr. COOPER], the Senator from Pennsylvania, [Mr. DUFF], the Senator from Vermont [Mr. FLANDERS], the Senator from New Jersey [Mr. SMITH], and the Senator from Delaware [Mr. WILLIAMS] are necessarily absent.

The Senator from Minnesota [Mr. THYE] is absent by leave of the Senate.

Mr. CLEMENTS. I announce that the Senators from Virginia [Mr. BYRD and Mr. ROBERTSON], the Senators from Tennessee [Mr. GORE and Mr. KEFAUVER], the Senators from Missouri [Mr. HENNINGS and Mr. SYMINGTON], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Oklahoma [Mr. KERR], the Senators from West Virginia [Mr. KILGORE and Mr. NEELY], the Senator from Nevada [Mr. MCCARRAN], the Senator from Rhode Island [Mr. PASTORE], and the Senator from Florida [Mr. SMATHERS] are absent on official business.

The Senator from New Mexico [Mr. CHAVEZ], the Senator from Rhode Island [Mr. GREEN], and the Senator from Alabama [Mr. SPARKMAN] are absent by leave of the Senate.

The Senator from Mississippi [Mr. EASTLAND] is absent by leave of the Senate because of illness in his family.

The PRESIDING OFFICER. A quorum is present.

THE MARGINAL FARMER—STATEMENT BY SENATOR MONRONEY

During the delivery of Mr. MORSE's speech,

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

Mr. MORSE. I yield for a question.

Mr. MANSFIELD. Would the Senator allow me to ask the Chair to put a unanimous-consent request so that I might place some material in the RECORD which the Senator from Oklahoma [Mr. MONRONEY] left with me, without the Senator from Oregon losing the floor?

The PRESIDING OFFICER (Mr. CARLSON in the chair). Is there objection?

Mr. MORSE. Mr. President, I have two things to say. First, if I do it at all, it must be done with the understanding that in no way do I lose my right to the floor.

In the second place, in order that I may be able to keep faith with the understanding which I have with the majority leader, no comment in excess of 2 minutes should be made with respect to any insertions in the RECORD. I ask that that condition be observed. That would be the position taken by the majority leader, and I assume that the same condition would prevail under the acting majority leader. If not, he can speak for himself. I do not want to do anything that would cause me to lose the floor.

The PRESIDING OFFICER. Will the Senator from Oregon make the unanimous-consent request that the Senator from Montana be permitted to have the matter referred to printed in the RECORD, without the Senator from Oregon losing the floor?

Mr. MORSE. With the understanding that the Senator from Montana will not take more than 2 minutes.

The PRESIDING OFFICER. Does the Senator from Oregon make that request?

Mr. MORSE. I make that request.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may insert in the RECORD following the speech of the distinguished Senator from Oregon a speech prepared by the Senator from Oklahoma [Mr. MONRONEY] for delivery on the floor of the Senate on Friday, April 24, 1953.

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

SPEECH PREPARED BY SENATOR A. S. MIKE MONRONEY FOR DELIVERY IN THE UNITED STATES SENATE FRIDAY, APRIL 24, 1953

I was amazed to see by a United Press dispatch late last night the following dispatch quoting Under Secretary of Agriculture True D. Morse and John D. Davis, President of the Commodity Credit Corporation in their talks before the Newspaper Farm Editors Association here this week.

I want to read these startling and amazing statements to the Senate as they appear to bring a new ideology, a new line of thought, a revolutionary new concept of the Republican Agriculture Department in dealing with the present decline in farm prices.

While there was endless criticism about the early New Deal farm program plowing cotton under—it now would appear that under the Republican agricultural ideology they would solve the farm problem by plowing the marginal farmer under. This strange and amazing concept to eliminate the farmer with "less than average ability" sets a new pattern here in America where the farm home has always been considered one of the foundations and cornerstones of America and of our cherished free enterprise system.

I want now to read this amazing press report of these statements:

"WASHINGTON, April 23.—Agriculture Department officials indicated today the marginal farmers may come in for some scrutiny within the near future and said farming can no longer be considered a haven for those with 'less than average ability.'

"John H. Davis, President of the Commodity Credit Corporation, said it might be better to have one type of farm program for the commercial farmers and another type for those who are either week-end farmers or who do not have the ability to operate a farm efficiently.

"He made the comment after Under Secretary of Agriculture True D. Morse said one of the results of the price-support program has been to keep inefficient farmers in business and to fix patterns of production.

"The statements were made during news conferences with newspaper farm editors association meeting at Agriculture for 2 days.

"Morse said under the pressure of price supports there is no normal, healthy adjustment which should take place in agriculture. He said the cost price squeeze currently pinching farmers either might force out inefficient farmers or cause them to farm the life out of their farms to pay for the place. A better solution, he suggested, would be to let inefficient farmers get out of farming and let the land grow grass, trees or other land-saving crops."

Here we have the new plan, if this press account be true, not the Brannan plan for the disposal of farm surpluses, but the new GOP plan for the disposal of surplus farmers.

Certainly, we all know that there are various types of farmers, the same as there are various types of industrial workers, businessmen, little, middle-sized and big. There will always be marginal workers, marginal businessmen, and marginal farmers.

Any administration that is so blinded by the success stories that they can oversimplify a problem by seeking programs only for the most successful and the most efficient will destroy our American way of life.

I can show you hundreds of these marginal farmers, still living and working on farms that perhaps the big-business farmer, the rancher with great miles of rolling plains, or even the corporation executive would think were hopelessly marginal in their farming operations.

But I can show you their sons, officers flying jet-propelled planes, attorneys at law for successful corporations, doctors, and businessmen who were raised in these marginal farm homes to become the great core of American life.

I don't see how anyone purporting to represent our great Government in the Department of Agriculture could think that by waving a wand or passing an edict will be able to change the American pattern of life—our historic right to progress—by Government edict or program.

This story in the United Press: That Under Secretary Morse said "under the pressure of price supports there is no normal, healthy adjustment which should take place in agriculture." I continue to quote: "He said the cost price squeeze currently pinching farmers either might force out inefficient farmers or cause them to farm the life out of their farms to pay for the place. A better solution, he suggested would be to let the inefficient farmers get out of farming and let the land grow grass, trees or other land-saving crops."

This brings up an interesting interpretation or a most interesting question. Who is going to be the man who decides who is inefficient and who should be plowed under in this new program?

Certainly we have not come to a pass where we would deny to the farmer the right to farm if he chooses and to remain on the land if he is willing to work the soil to eke out a living, no matter how meager.

I had appreciated the Democratic farm program because it sought to help this very type of farmer. The rich, the prosperous, the great landowning farmer certainly in many cases could manage some way to survive even if the Government did away with price supports. He would have a harder time—and our economy would be lower—but he would survive perhaps until a market upturn, or a drought in some other section of the country might bring his prices back to the cost of production.

But it has been the goal of the Democratic Party to try to keep our farm families on the farm as a way of life. It was our duty to help him with his soil-conservation problems, it was our duty to try to stabilize farm prices against devastating slumps which, while devastating the farm economy, would also greatly depress the entire economy of the Nation.

No, I cannot agree with this new philosophy of President Davis of the CCC, nor of Under Secretary of Agriculture Morse that the marginal farmer, the less efficient, is the thing that is wrong with agriculture. By better help by programs that work, by better psychological if not financial support of farm

markets, we should be able to maintain a farm economy that would not only help the big, the most wealthy and efficient, but also the underprivileged and the marginal type.

We do not want nor can we tolerate a "General Farming, Inc." Corporate farming is banned by law in my State and in many other States. This is done not because it is less efficient, but because we do not believe that the man who works the soil for a corporation as a tenant, or as migratory farm labor, offers the opportunity to make as good a citizen as does one who owns the land and maintains a home and family on the farm.

TITLE TO CERTAIN SUBMERGED LANDS

The Senate resumed the consideration of the joint resolution (S. J. Res. 13) to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, and to provide for the use and control of said lands and resources.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Alabama [Mr. HILL], for himself and other Senators, to the amendment in the nature of a substitute, proposed by the Senator from New Mexico [Mr. ANDERSON] to the committee substitute.

Mr. HOLLAND. Mr. President, I ask unanimous consent to have printed in the RECORD as a part of my remarks a column bearing upon the pending question. It is the column entitled "Filibuster Doesn't Worry TAFT," written by Miss Doris Fleeson, and appeared in yesterday's Washington Star.

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

FILIBUSTER DOESN'T WORRY TAFT—REPUBLICANS STAND TO GAIN POLITICAL CAPITAL IN TALKATHON—IT'S DELAYING SOME RATHER VEXING GOP PROBLEMS

(By Doris Fleeson)

The present air of confusion that shrouds the long Senate debate on whether Congress should give the States title to the oil-rich submerged lands is due to the fact that everybody is trying to make political capital out of the situation.

Senators actually have very little else in the immediate prospect that they care about doing. Nor are they under any real pressure from the White House or the public to get going on other things, so that while they are becoming somewhat bored, they do not feel on the defensive.

Majority Leader TAFT does not find it too hard to muster a smile for the situation that puts antifilibuster liberals, chiefly Democrats, in the role of filibusterers; he enjoys it. He is well aware that his charges are not eager to come to grips with the issues backed up behind the submerged lands.

They will no doubt vote for Hawaiian statehood to fulfill a platform and presidential pledge but they are not ardent about it. Many, including TAFT himself, will be well content to let controls die in a situation that can be blamed upon the advocates of controls.

The President has asked for a 1-year extension of the reciprocal trade agreements, but this will mean a debate which is bound to expose differences within the Republican Party. Conceivably, the majority leader's task with respect to it will be easier if it is not reached until deadline and adjournment pressures come to his aid.

Senator TAFT can also be counted upon to handle filibusters gingerly, since his Democratic allies in economic and social questions are southerners who practice that art with pride and local political profit. His varying ultimatums are attributed to their influence; they certainly are shrewd and determined enough to let no precedents be set which might work against them should they want to filibuster civil rights.

The Senators now filibustering on submerged lands—they are doing it—are vulnerable to the charge or hypocrisy since they protest it wrong in principle when done by the southerners. They are also being told by their own leader, Senator JOHNSON, that it may injure them politically.

Their answer is that Senator JOHNSON is on the other side and that they doubt their followers will lose any confidence in them because they make a record on so vital an issue. It is because they are certain that the submerged lands are only the beginning of a vast drive on the public domain that they are carrying on their fight.

It is true that three of their leaders—Senators DOUGLAS, HUMPHREY, AND GILLETTE—are the prime GOP targets in 1954 when they must run again in doubtful States. It may also be true that the trio are inviting the special attention of oil interests by their current activities and will find their opponents very well financed.

Senators who favor the bill insist that there is nothing in their mail to indicate that the debate has made any impression on the public. They are claiming 60 ayes from 96 Senators when the roll is finally called.

Mr. HOLLAND. Mr. President, I also ask to have printed as a part of my remarks in the body of the RECORD the column entitled "Democratic Wrench in Works," written by Mr. David Lawrence, which appeared in the Washington Star of yesterday.

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

DEMOCRATIC WRENCH IN WORKS—TACTICS OF MINORITY WILL HELP GOP IN APPEAL FOR 1954 REPUBLICAN MAJORITY IN CONGRESS

(By David Lawrence)

The Democrats certainly don't intend to help the Republicans increase their majority in Congress in the 1954 elections, but that's the effect being produced by various Democrats in the Senate as they have placed obstruction after obstruction in the path of the new administration, thus preventing it from carrying out by legislation the demand of the country for a change.

The Republicans will certainly have a good case as they point out that the American people cannot get the change they voted for in 1952 unless they elect an overwhelming majority of Republicans in the House and Senate.

For 4 weeks now, a large number of Democrats have blocked action on the so-called tidelands bill. The big appropriation bills and the many other pieces of important legislation will be delayed by the dilatory tactics of the opponents of tidelands legislation.

What is difficult to understand is that those who claim to be Democrats are fighting against States rights. The argument would seem to be that the governments of the 48 States of the Union cannot be trusted to take care of the leasing of Federal lands on an honest basis, but that some one bureaucrat in the Federal Government can be.

As one looks back at the corruption during the Truman administration, when it was possible to bribe officials to get favors done in various departments of the Government, and as one recalls that during the Harding administration it was easy to fix a Cabinet officer and get Teapot Dome oil lands, the question might well be raised whether it isn't safer to leave to the States rather than to the Federal Government the question of disposing of oil lands. There is safety in numbers anyway—it isn't easy to fix all the States.

The implication that some sort of scandal is inevitable, rivaling Teapot Dome, if the States are given full power is a bit of political demagogery which on the stump will be easy to rebut, especially since it will afford an opportunity to the Republicans to rehash all the Truman administration scandals.

But, irrespective of the merits of the tidelands controversy, the fact that Democrats are blocking the work of the Senate will furnish an excellent campaign text for the Republicans in 1954, because they will contend that important reforms promised the people were blocked by the Democrats.

There are some significant principles involved in the tidelands controversy. It is to be noted that advocates of public ownership—which is a form of State socialism—are among the supporters of the effort to give the Federal Government complete authority over all resources.

There was a time in American history when the States held very little land and the Federal Government owned most of it. Public opinion through decades of history has favored the widest possible distribution of federally owned lands to the people.

A majority in both Houses want to settle the tidelands issue by voting to give the States control over marginal lands up to and including the territorial coastal waters of the States. The President will sign such a bill if the minority permits him to receive it. This should have happened weeks ago.

Also, in the executive branch of the Government, the Democrats are stirring up fuss after fuss every time a Cabinet officer wants to appoint policymaking officials who are in accord with his views rather than keeping, under a phony civil-service coverage, officials who should have had political sense enough to step out and let the Republicans accept full responsibility for their acts.

The Democratic strategists are certainly not studying the political history of America if they think they can hamstring in Congress an administration elected by an overwhelming majority. The tactics to date will make votes for the Republicans in 1954 because the Republicans will plead for a real majority in Congress in order to give the people the things they asked for when they voted in 1952 to repudiate the record of the Democratic Party.

Mr. HOLLAND. Mr. President, I also ask to have incorporated in the RECORD an able editorial entitled "When Is a Filibuster?," which appeared yesterday in the New York Herald Tribune.

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

WHEN IS A FILIBUSTER?

There is irony in much of what has been passing in the Senate tidelands debate. Men like Mr. HUMPHREY and Mr. LEHMAN, who have consistently fought for a rule to cut off unlimited debate, have found themselves glad to take advantage of the Senate's extraordinary laxness in this regard. Mr. TAFT has found himself postponing the vote on the tidelands issue at the request of Southern Senators who actually desire a quick and affirmative decision. Northern Democrats, arch foes of the filibuster, have been warning their southern colleagues against setting precedents which might lead to "an erosion of free debate." All in all, the situation has reminded us that the kind of endless talk which is sauce for the south-

ern goose can also be sauce for the northern gander.

Senator LEHMAN, it must be said, has denied vigorously that he and his fellow opponents of the administration oil bill are indulging in anything that even faintly resembles a filibuster. Perhaps he is right. The traditional filibuster has been waged with the idea of making a vote on some issue impossible; Senator LEHMAN claims with a good deal of justice that he has only been trying to give people an opportunity to change their minds. He seeks to win time, not to kill it. Actually, the tidelands issue has already been thoroughly discussed, and the outcome was more or less definitely decided by the results of the last presidential campaign. Yet it is well that haste not rule so important a matter, and Mr. TAFT's decision to put off a test vote until Monday seems in general a wise one.

Mr. HOLLAND. Mr. President, in view of the fact that we have just witnessed a record-breaking performance by our distinguished friend, the junior Senator from Oregon [Mr. MORSE], carrying the colors of "liberalism," and winning the all-time championship for marathon filibusters in such a conclusive way that the Senator from Oregon stands way out in front of anyone who has ever competed in that field heretofore, and inasmuch as throughout his able, interesting and entertaining remarks the Senator found frequent occasion to speak of himself as a "liberal," and to refer to those who are associated with him as "the little band of devoted liberals," I think it is quite timely to include in the RECORD, and I shall read into the RECORD, an able editorial from the Cleveland Plain Dealer, of Cleveland, Ohio, one of the most highly respected newspapers of the country, showing that there is a very grave question as to the soundness of the distinguished Senator from Oregon in using the word "liberal" as applied to himself and as applied to the effort which he espoused continuously for some 22 hours and 25 minutes, thus capturing the all-time record.

This editorial is entitled "False Liberalism," and I ask the attention of all Members of the Senate to it, because I think there is a great deal of food for thought in the editorial. I particularly ask the attention of those who have been standing with the Senator from Oregon in this filibuster, in which he showed such able leadership yesterday, last night, and this morning, because it seems to me that the editorial speaks plainly the thinking of the great majority of the people of our country, and that it should be heard with respectful attention by all, regardless of how they stand on the pending issue.

The editorial reads:

FALSE LIBERALISM

The filibuster which has been going on in the Senate for a few days provides another illustration of the speciousness of much of the liberalism of the present time.

The essence of traditional liberalism certainly has been freedom for the individual. Following along logically, it embraced freedom of States from oppressive Federal authority. In its entirety, it opposed the invasion of individual rights by authority, whether it was the authority of giant corporations, organized majorities of the people, or government.

But in the Senate Members who call themselves liberals and habitually espouse what are labeled liberal causes, are filibustering against the tidelands bill which was introduced to carry out a campaign pledge made by President Eisenhower.

It is significant that this bill would preserve for State ownership offshore oil properties which have been taken over by the Federal Government—it's a States rights measure—and would put a curb on Federal authority.

The filibustering liberals include such State right champions as KEFAUVER, of Tennessee; HILL, of Alabama; and ANDERSON, of New Mexico; and such northern liberals as LEHMAN, of New York; DOUGLAS, of Illinois; and HUMPHREY, of Minnesota.

And it is significant to note that the northern Senators teamed up in the talkfest have been the most vociferous opponents of the filibuster. When they were interested in forcing civil rights legislation on the South against its will, they denounced the filibuster as an instrument of evil and advocated a change in the rules which would render its use impossible.

But here we see self-styled liberals using extreme methods to extend Federal authority over States and individuals. The same phenomenon was in evidence in the Roosevelt-Truman era in the attempts to enact Federal civil rights statutes. Rent and price controls, and a multitude of other Democratic liberal proposals also established, or sought to establish, Government authority over the individual.

That is the speciousness of present-day liberalism, whether it is communism, socialism, or New Dealism. Their end result is a regimentation of the people by Federal Government. And the history of the world provides many examples to demonstrate that the most oppressive tyranny of all is the tyranny of government. Much of what is now called liberalism is in reality unadulterated reaction.

Mr. TAFT. Mr. President, some days ago a number of Senators addressed a letter to President Eisenhower, asking for his position on the joint resolution.

Although I know that ordinarily he would not interfere in the legislative processes, he has written a letter in reply, as he was practically required to do by the demand of the Senators. I should like to read the letter, in order that it may be in the RECORD. The letter was written yesterday, and reads as follows:

MY DEAR SENATOR ANDERSON: I have received the letter signed by yourself and other Senators relative to Senate Joint Resolution 13.

The Republican platform clearly stated, "We favor restoration to the States of their rights to all lands and resources beneath navigable inland and offshore waters within their historic boundaries."

During the past campaign on October 13 I made the following statement:

"So, let me be clear in my position on the tidelands and all submerged lands and resources beneath inland offshore waters which lie within historic State boundaries. As I have said before, my views are in line with my party's platform. I favor the recognition of clear legal title to these lands in each of the 48 States.

"This has been my position since 1948, long before I was persuaded to go into politics. * * *

"The Supreme Court has declared in very recent years that there are certain paramount Federal rights in these areas. But the Court expressly recognized the right of Congress to deal with the matters of ownership and title.

"Twice by substantial majorities both Houses of Congress have voted to recognize the traditional concept of State ownership of these submerged areas. Twice these acts of Congress have been vetoed by the President.

"I would approve such acts of Congress."

The next day, October 14, I made specific reference to the State of Texas:

"Just a hundred and seven years ago the United States Senate decided that the public lands of Texas were not worth $10,000,000. * * * So the United States said to Texas, 'Keep your debts—and keep your lands. We don't want either.' And so the State of Texas paid off the $10 million debt of the Republic. It kept its 200 million acres of lands, including the submerged area extending 3 marine leagues seaward into the Gulf of Mexico."

My position is the same today. It was further amplified by the administration representatives in the hearings before the Senate and your committees considering the legislation.

I favor the prompt passage by the Senate of Senate Joint Resolution 13 with any amendments the Senate may approve not inimical to the principles which I have expressed. It has never been my belief that the several States should have any title to lands beyond their historical boundaries on the Continental Shelf.

I hesitate to express an opinion on legislative procedure, but I am deeply concerned with the delay of the entire administration program in the Senate of the United States.

However, let me make it clear that I am not criticizing the Senators who have views on this subject different from mine. I respect their sincerity and their right to vote as they think best.

Sincerely,

DWIGHT D. EISENHOWER.

Mr. WILEY. Mr. President, this morning when I listened to the dissertation our good friend the senior Senator from Florida [Mr. HOLLAND] gave us on the subject of who is a liberal—and he read an editorial on the subject—I was reminded that the real issue in the tidelands matter is not who is a liberal or who is a conservative; the issue is not even what the President of the United States has said. It is, What is my obligation as a United States Senator? My problem all the time has been that the Supreme Court, which was created by the Constitution to make decisions, has ruled in matters of this kind. I am a Senator of the United States as well as a Senator from Wisconsin.

I have not engaged in the debate, but I have felt that as a Senator of the United States in a case of this kind, I have a definite obligation to perform. With that in mind, I have reached my decision.

Mr. President, I now wish to turn to another subject.

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

UNITED NATIONS INTERNATIONAL CHILDREN'S EMERGENCY FUND

Mr. WILEY. Mr. President, I did not rise to make a speech on the submerged lands issue. I rose to say that other problems of significance also merit the attention of the country. As we read the news as it comes over the tickers, we realize that conditions on the world stage are rather critical. Whether the present proposal regarding oil fits into the world stage, is for each Senator to decide.

One of the things causing concern in my mind is set forth in a letter which

the cost of the undertaking. Under Senator WILEY's new-type bill, however, the proposed St. Lawrence Seaway Development Corporation would be financed by self-liquidating bonds. It is contemplated that the State of New York and the Province of Ontario will build the accompanying power projects. The only real question for Congress to decide, therefore, is whether the United States will stand by and let Canada develop this vital North American lifeline without our participation. As the President agrees that this would be a rash and indefensible policy, we hope that his message to Congress will be forthright and powerful.

TITLE TO CERTAIN SUBMERGED LANDS

The Senate resumed the consideration of the joint resolution (S. J. Res. 13) to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, and to provide for the use and control of said lands and resources.

Mr. MURRAY. Mr. President, when Senate Joint Resolution 13 first came on the floor I spoke briefly on it. I do not think my time exceeded an hour and fifteen minutes. At that time I stated that I wished to comment on the important features of the measure at greater length sometime later during the debate.

At the outset, I wish to say that I disavow any intention of participating in a filibuster. I have listened very attentively to the discussions which have taken place here during the several days the measure has been before the Senate, and I believe that in every instance the arguments presented were germane and constituted important contributions to the debate on the measure.

Mr. TAFT. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. MURRAY. I yield.

EXTENSION OF HOUSING AND RENT ACT OF 1947

Mr. TAFT. Mr. President, the House has sent to the Senate a bill (H. R. 4507) to amend and extend the Housing and Rent Control Act of 1947, and for other purposes. So far as I can discover, there is nothing substantially controversial in the bill. It does not deal with the question of general controls in any way. It does two things: It extends the general rent control for 3 months, to July 31, merely as a temporary extension, so that the matter may be dealt with between now and July 31, as the Senate may decide. It extends the rent controls relating to defense areas for a period of 1 year.

I know of no controversy regarding the bill, and I therefore ask unanimous consent, without the Senator from Montana losing the floor, that the unfinished business be temporarily laid aside, and that the Senate proceed, for not to exceed 1 hour, with the consideration of the bill, H. R. 4507, by which time I trust the bill may be passed.

The VICE PRESIDENT. Is there objection?

Mr. LONG. Mr. President, reserving the right to object, would that affect the two speeches that many Senators have already made upon the pending measure?

Mr. TAFT. It would not affect them in any way whatever. It is merely a unanimous-consent request that the pending measure be temporarily laid aside for 1 hour, while consideration is given to the bill, H. R. 4507. Senators will find it on the calendar as Order No. 170. I may say also that the bill deals with the only possible emergency section of the Defense Control Act. All other features of the Defense Control Act expire on July 1, except price and wage controls, which have expired by Executive order, so that rent control is the only emergency matter which must be dealt with under the Defense Control Act. It is dealt with in Senate bill, S. 1081, but the matter can be disposed of by passage of the House bill, without any difficulty.

Mr. KNOWLAND. Mr. President, reserving the right to object, I understand the unanimous-consent request provides that there shall be not more than 1 hour of debate, the time to be divided equally between proponents and opponents of the measure. Is that correct?

Mr. TAFT. I would be glad to include as a part of the request, that debate on the bill be limited to 1 hour, half an hour for the proponents to be controlled by the Senator from Indiana [Mr. CAPEHART], and half an hour for the other side to be controlled by any Senator who wants to control the time.

I know of no real opposition to the bill. It requires merely an explanation, I think, although if any Senator wishes to speak, I shall be glad to have the minority leader assign time to any Senator who wants time for that purpose. At the end of the hour, if there seems to be some reasonable need of extending the time, that can be done. But I do not want to permit a general debate on a subject that does not seem to be controversial, or to cut off the debate on the bill.

Mr. KNOWLAND. Mr. President, still reserving the right to object, I shall not object to this one request, under the limitation of time stated, but I must serve notice that I shall object to any further laying aside of the unfinished business until we can finally get to a vote, or an agreement fixing the time for a vote on it.

Mr. TAFT. Mr. President, as I understand—I may be incorrect—under an agreement to lay aside the unfinished business temporarily, any Senator may at any time demand the regular order, and the Senate would resume consideration of the pending measure.

Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state the inquiry.

Mr. TAFT. Am I correct in my understanding that the regular order may be demanded at any time, and that the Senate would thereupon resume consideration of the pending measure?

The VICE PRESIDENT. The Senator from Ohio has correctly stated the rule. The regular order may be demanded at any time. Is there objection to the request of the Senator from Ohio?

Mr. LEHMAN. Mr. President, reserving the right to object—and I shall not object—I desire to take this opportunity to congratulate the distinguished majority leader upon handling this matter in the way he has suggested. I want to make it very clear that those of us who have opposed and are still opposing the Holland joint resolution, have no desire to block the urgent or emergency matters which need to come before the Senate, and we shall be very glad indeed to agree to a request to lay aside the pending measure for the purpose of taking up any matter of urgent or emergency importance to the Senate or to the country.

The VICE PRESIDENT. Is there objection to the request of the Senator from Ohio?

Mr. MURRAY. Mr. President, reserving the right to object, I understand that I have the floor, so I shall be very happy to yield to the distinguished majority leader for the purpose he has indicated, with the understanding that I shall not lose the floor by yielding.

Mr. TAFT. I put that into my request at the beginning. I would not have thought of making the request without that stipulation.

Mr. MURRAY. I am in full accord with the desires of the majority leader. I think we should take up the control measure at this time.

The VICE PRESIDENT. The bill will be reported by title.

The LEGISLATIVE CLERK. A bill (H. R. 4507) to amend and extend the Housing and Rent Act of 1947, and for other purposes.

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

There being no objection, the Senate proceeded to consider the bill.

Mr. CAPEHART. Mr. President, all I want to say about the bill which is now under consideration is that it passed the House by quite a large majority. It deals only with rent control. It does not deal with any other features of the so-called Defense Production Act. Rent control will expire at midnight on April 30. All other features of the Defense Production Act are covered in Senate bill 1081 to provide authority for temporary controls, and for other purposes, which the Senate Committee on Banking and Currency reported to the Senate favorably 10 days or 2 weeks ago, and it can be taken up later. We have until June 30 to act upon any extension of the present Defense Production Act. Senate bill 1081 will remain on the calendar and can be taken up at any time the Senate wishes to consider it.

House bill 4507, the bill which we are now considering, covers only rent control, as I have stated. It differs in the following respects from Senate bill 1081:

The bill we are now considering extends rent control until July 30, of this year. The Senate bill extends it until September 30, of this year. The House bill extends rent control in critical areas until April 30, 1954. The bill which was reported from the Senate Banking and Currency Committee likewise extended

Mr. DOUGLAS. In other words, the Senator believes in the commandment that "Six days shalt thou labor" and that on the seventh we shall rest.

Mr. TAFT. I believe in that for this week, but I will not say as to next week. [Laughter.]

Mr. WATKINS. The Senator from Illinois did not complete the quotation. He should have said, "Six days shalt thou labor and do all thy work." [Laughter.]

TITLE TO CERTAIN SUBMERGED LANDS

The VICE PRESIDENT. The Chair lays before the Senate the unfinished business, which is Senate Joint Resolution 13.

The Senate resumed the consideration of the joint resolution (S. J. Res. 13) to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, and to provide for the use and control of said lands and resources.

Mr. MURRAY. Mr. President, in my original remarks I pointed out that the enactment of this bill would create a dangerous legislative precedent. I said that it would haunt the Congress in the years to come in efforts that might be made to justify other giveaway legislation. I called attention to the fact that the Attorney General of the United States at the hearings, for the purpose of guiding the committee in formulating this measure, advised us that the legislation was in an imperfect condition. He pointed out that it would encounter constitutional objections, and that it was vague and indefinite in that it failed to delineate the so-called historic boundaries of the States.

I demonstrated that the enactment of this measure would weaken the security of the United States. I indicated how and why it would encourage extravagant boundary claims by Russia and other nations, and set in motion a multiplicity of litigation and new legislation.

I pointed out that it would undermine the Federal Government's power program. I pointed out that it would imperil the United States fishing industry.

I warned that it would set off a chain reaction of other giveaways and handouts of the public domain.

Today, Mr. President, I intend to demonstrate that the giveaway bill would have the effect of defrauding the people of my State and of the country as a whole of their just share in the proceeds resulting from the development of these valuable oil deposits belonging to the 48 States of the Union.

The sponsors of this legislation, Mr. President, are sincere men who are misled by the notion that their respective States have some sort of an equitable claim to these oil deposits. They are earnestly pursuing a course of action which, in their own conscience, they believe to be correct. Of course, there is no legal or factual basis for their contentions, and I am convinced that in the course of years to come, when the passions aroused by the present conflict have abated, they, too, will begin to realize the mistaken course they have followed. In the perspective of time they will surely come to understand that they were victimized by one of the greatest illusions ever to have occurred in our legislative history.

The enactment of this giveaway legislation, Mr. President, would not be just a simple error of judgment. It would create a dangerous precedent which would plague the Nation in the years to come.

Let me list each of the five grounds on the basis of which the giveaway oil bill can properly be charged with being a legislative monstrosity.

First. The giveaway bill would deprive the schoolchildren of Montana and other States of a vast source of wealth that should be utilized to improve our educational institutions.

Second. The giveaway bill would set in motion a giveaway policy which would recklessly waste the natural resources of our country and undermine the national economy.

Third. The giveaway bill is defended on the most specious grounds, grounds that have no legal or just foundation, as the decisions of the Supreme Court have clearly shown.

Fourth. The alleged support for the giveaway bill has been greatly exaggerated. In truth and in fact, it is creating widespread apprehension and fear in the minds of the masses of our people.

Fifth. The giveaway bill is patterned after the legislative scandals of our early history—of land frauds upon which most of the great American fortunes of that period were founded to the detriment of our country.

I shall now undertake to explain each of these reasons in detail.

1. THE GIVEAWAY OIL BILL WOULD DEFRAUD THE SCHOOLCHILDREN OF MONTANA AND OTHER STATES OF RICH ASSETS THAT WOULD OTHERWISE BE USED TO IMPROVE OUR EDUCATIONAL INSTITUTIONS

One of our oldest and wisest national policies has been to dedicate the use of public lands and the revenues therefrom for educational purposes.

A sober review of the facts before us today indicates that our vast offshore oil and gas resources should be preserved for the national defense, the liquidation of the national debt, and the education of our children.

In Montana, for example, we have a tremendous need for school construction to replace obsolete fire traps as well as to take care of increased enrollments.

We also have a serious need for improved maintenance of our schools. I have just been informed, for example, that at its recent session, the Montana State Legislature failed to provide funds to the University of Montana for heating and maintaining new buildings that are opening this year.

Our teachers' salaries are only slightly above the wholly inadequate average for the country as a whole. They unquestionably should be raised.

In a State where transportation of children to and from schools is a major problem, our school-bus transportation is far from adequate.

Many able young people have, for financial reasons, been unable to obtain appropriate training in colleges and graduate schools.

For lack of funds many of our school libraries and public libraries are in deplorable shape.

For lack of funds we have made insufficient progress in either vocational education or adult education.

As television is extended so as to cover the State of Montana in the near future, there is a serious danger that, for lack of funds, our schools will be unable to develop the use of television for educational purposes.

These problems are of tremendous importance to the people of my State. We have learned in Montana that a sound and constantly improving educational system is an indispensable key to a sound and constantly expanding economy and the preservation of our democratic institutions. Our State is the third largest in the Nation, with a population of only 550,000.

But, like the people in many other States, we are faced with a lack of taxable values to support a highly scattered school system. With local real estate seriously burdened by local taxes, we know that to do the job that is really needed in the field of education, we need new sources of revenue.

Mr. President, the oil-for-education amendment sponsored by the distinguished Senator from Alabama [Mr. HILL], and by many other Senators, including myself, provides a God-given answer to this problem. Under this legislation the revenues received from the development of our unbelievably rich offshore oil and gas deposits would be used as grants in aid of primary, secondary, and higher education in Montana, and in the Nation as a whole. For Montana this might well be equivalent to having an oil well dedicated to the support of every school in the State.

The exact amount of aid which Montana would receive under the Hill oil-for-education amendment cannot at this moment be precisely computed. I might point out that there are many different formulas that might be subsequently adopted by the Congress as a method of distributing the funds among the 48 States. On the other hand, no one has yet been able to estimate the exact value of the great mineral deposits that are found in these lands off the shores of our coast.

But we do know from the information that has been supplied by the United States Geological Survey that the potential reserves of oil and gas in these areas are worth a minimum of $50 billion, and their value may reach as high as $300 billion, and perhaps much more than that.

Mr. DOUGLAS. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Illinois?

Mr. MURRAY. I yield.

Mr. DOUGLAS. Is it not true that the figure of $300 billion is based on the estimate of Dr. Pratt, formerly vice president of the Standard Oil Company of New Jersey, that the Continental Shelf of the United States contains probably 100 billion barrels of oil?

Mr. MURRAY. That is exactly true. I intend to refer to it later, but I am glad the Senator has emphasized that point, because I believe it is very impor-

tant that the people of the country should understand the tremendous value of the deposits which we are lightly threatening to give away.

If these assets are distributed among the States in proportion to the number of enrolled school children from 5 to 17 in each State, then Montana's share would be $210 million. On the basis of royalties at 12½ percent, Montana would receive from this $210 million the sum of $25,200,000. If royalties are set at 20 percent, Montana would receive $40,320,000.

But many experts have estimated the total amount of these resources to exceed $50 billion dollars by a substantial margin. The estimates of petroleum expert L. G. Weeks leads to the figure of $125 billion. This would give Montana a capital asset of $525 million. Royalties on this capital asset would range from $63 million, at 12½ percent rate, to $100,800,000, at the 20-percent rate.

The estimates of Wallace Pratt, former vice president of Standard Oil of New Jersey, led to a total sum not of $50 billion, not of $125 billion, but of $300 billion. This sum would give Montana royalties ranging from $151,200,000 to $241,920,000.

Therefore, even though no one can state precisely how much money Montana will get for its schools under the oil-for-education legislation, we do know what the range would be. In terms of capital assets Montana's share would range from $210 million to $1,260,000,000.

In terms of royalties that could be directly invested in our education system, Montana's share would range from $25,200,000 to $241,920,000.

Mr. President, I ask unanimous consent to have inserted at this point in the RECORD in connection with my remarks a brief table entitled Montana's Estimated Share in Off-Shore Oil Resources."

The VICE PRESIDENT. Is there objection?

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

Montana's estimated share in offshore oil and gas resources

National estimate of total capital value	Montana's share in total capital value	Montana's royalties at 12½ percent	Montana's royalties at 20 percent
$50,000,000,000	$210,000,000	$25,200,000	$40,320,000
125,000,000,000	525,000,000	63,000,000	100,800,000
300,000,000,000	1,260,000,000	151,200,000	241,920,000

Mr. MURRAY. Mr. President, under the oil-for-education legislation which I have been supporting, it therefore becomes apparent that many financial barriers that have prevented important improvements in the school system would be removed. Under this legislation Montana would be able to move ahead on 10 such important measures as the following:

First. The construction of more school buildings.

Second. The improved maintenance of school buildings.

Third. The raising of teachers' salaries.

Fourth. The improvement of school-bus transportation. Particular attention would be given to the installation of two-way radios on buses, a system which has already been pioneered in one of our school districts in Montana. This has proved valuable far beyond the hopes of those who sponsored the program. We could equip every school bus in the isolated areas with two-way radios. Parents would then no longer be subject to the fear of their children being stranded by blizzards without help.

Such catastrophes have occurred many times in some of the western areas.

Fifth. Montana could make a more substantial contribution, through western regional higher education compact, providing an opportunity for Montana youth to attend medical, dental, veterinary medicine, and other professional schools not available in my State.

Sixth. More Montana young people—especially our Indian young people—could be enabled to obtain college scholarships based on worthiness and need.

Seventh. Montana would expand vocational education to cover all public schools in the State—a dream we have long cherished but, for financial reasons, have been unable to convert into reality.

Eighth. We could go a long way toward providing the adult education programs that are so badly needed in the industrial cities of our State.

Ninth. Montana could improve to an important extent its school libraries and public libraries in general.

Tenth. Montana would follow the example of other States and develop educational television as an important part of our modern educational system.

But under the giveaway Joint Resolution 13, the historic policy of dedicating public lands to the promotion of education would be reversed.

Under the giveaway measure the revenues from these vast resources would be dedicated not to education but to the purpose of swelling the profits of a few giant oil companies that have been able to secure favored leases from the three States of California, Louisiana, and Texas.

Under the giveaway measure the schools and the schoolchildren of Montana would be defrauded of their rightful heritage.

Under the giveaway measure Montana would receive not a penny for the construction of more school buildings; not a penny for the improved maintenance of school buildings; not a penny for raising teachers' salaries; not a penny for the improvement of school-bus transportation; not a penny for professional education in medical, dental, veterinary, and other graduate schools; not a penny for college scholarships; not a penny for vocational education; not a penny for adult education; not a penny for libraries; and not a penny for educational television.

It is for this reason, as well as because of my interest in the welfare of the Nation as a whole, that I shall vote for the oil-for-education amendment sponsored by the distinguished Senator from Alabama [Mr. HILL], and by many other Senators including myself. It is my fond hope that this amendment will be adopted, together with the substitute proposed by the distinguished Senator from New Mexico [Mr. ANDERSON] which would maintain our offshore mineral resources under the control of the Federal Government rather than giving them away to three States.

If the substitute measure proposed by the Senator from New Mexico and the Hill amendment should not be adopted, I shall feel compelled to vote against Senate Joint Resolution 13, known as the Holland bill.

Regardless of the sincerity and good intentions of the sponsors of the Holland bill, I think it is manifestly against the best interest and welfare of the Nation. I believe it would establish a precedent which might undermine our whole economy and destroy the faith of our people in our American system of government.

2. THE GIVEAWAY OIL BILL WOULD SET IN MOTION A GIVEAWAY POLICY THAT WOULD UNDERMINE THE ECONOMY AND RAISE TAXES IN MONTANA AND OTHER WESTERN STATES

Senate Joint Resolution 13 is not an isolated case. It is part and parcel of a gigantic giveaway or handout program. The giveaway program which is now emerging is far too large and too complex for complete analysis in this brief statement of mine. It includes the program of handouts to banks, insurance companies, and corporations in the form of higher interest payments on the Federal debt. It includes the new policy of selling at bargain-counter prices the mortgages now held by the Federal National Mortgage Association. It includes the program of divesting the Federal Government of basic defense plants which were built during World War II. It includes the program of turning the control of atomic energy over to private enterprise. Above all, it includes the program of breaking up the public domain by turning over to special-interest groups our national parks, our mineral lands, our forest lands, our grazing lands, and our multiple-purpose projects.

Many of these handout and giveaway programs are already in process, as in the case of interest rates and housing mortgages.

Fortunately, the giveaway program on the public domain has not yet started. The special interests who are now sharpening their knives to carve up the public domain are waiting to see what happens in our offshore oil and gas resources. The defeat of the so-called Hill amendment and of the so-called Anderson substitute and the passage of Senate Joint Resolution 13 in its naked and unadulterated form are awaited as the signal for all these groups to plunge in and obtain their share of the plunder.

For the enrichment of a small minority of powerful interests, this giveaway program, Senate Joint Resolution 13, would be an historic bonanza.

But for the people of Montana and the other Western States it would be a double tragedy.

First of all, it would arrest the industrial progress that is now under way in the West as a result of sound conservation policies.

The purpose of the Federal administration of the public domain has always

been to conserve and develop our natural wealth, which is the basis of all economic progress and prosperity.

Mr. DOUGLAS. Mr. President, will the Senator from Montana yield for a question?

Mr. MURRAY. I yield.

Mr. DOUGLAS. I should like to ask the Senator from Montana if it is not true that there are large Federally owned forests in his State.

Mr. MURRAY. There are very extensive forests. A large portion of the western area of the State contains forests.

Mr. DOUGLAS. May I further ask if the forests are managed on the principle of perpetual yield?

Mr. MURRAY. They are. That program has been very successful. Previously we were gradually losing our forests. Since the program has been put into effect, we are maintaining the perpetual yield at a high level, and the forests will continue to improve.

Mr. DOUGLAS. Under the principle of perpetual yield, do not the trees serve as vertiable sponges to retain the melted snow and the rains, and does not the sun operate to draw moisture out of the soil up into the trees and then later release this moisture?

Mr. MURRAY. Yes.

Mr. DOUGLAS. Does not the sun draw up water from the soil into the trees themselves so that they become vertical sponges?

Mr. MURRAY. That is absolutely correct. It is a very important feature of the program of conserving water. The theory is now well recognized that the best way to stop floods is to catch the water as it falls to the ground and to hold it there, rather than to have rapid runoffs that carry off the topsoil, thus doing tremendous damage to our American economy.

Mr. DOUGLAS. Mr. President, will the Senator yield further?

Mr. MURRAY. I yield.

Mr. DOUGLAS. If the Government-owned forests of Montana were largely turned over to private interests, does the Senator fear that the forests would be overcut?

Mr. MURRAY. They certainly would be. There can be no doubt about that. I think that if we yielded and turned over the forest lands to private lumber companies we would witness a very serious situation in our State. We knew of that in the past, and that was the reason why Theodore Roosevelt and Gifford Pinchot took such a vital interest in the forests of the West. They came to our section of the country, saw what was going on, and proposed a program which would conserve the forests for the Nation.

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

Mr. MURRAY. I yield.

Mr. DOUGLAS. If the forests were cut off, to what degree would the melting snow and the rain be held on the slopes? Or would the water rush down the slopes, carrying away the topsoil, and flow to the lowlands, carrying away soil there, and creating floods as the waters moved on?

Mr. MURRAY. The Senator is absolutely correct. That situation is recognized by all who have given any study to the conservation of our forests and the conservation of the topsoil. A year or two ago President Eisenhower made the statement that one could stand on the wharves at New Orleans and see a 40-acre farm being run off every 30 seconds in a flood season. That is a statement of very serious import, and it is absolutely true. The topsoil of the United States is being lost because of the failure to go forward with conservation policies and practices designed to hold water back in the upper stretches of the Missouri River.

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

Mr. MURRAY. I yield for another question.

Mr. DOUGLAS. Therefore, am I correct in inferring that the Senator from Montana has a double fear about the joint resolution, in that he is concerned, is he not, about the effect upon conservation in the West, as well as the loss of assets for his State and for other sections of the country that lie off the shores of the United States?

Mr. MURRAY. The Senator is correct. That is one of the main reasons why western Senators are taking such a vital interest in this program and in the need of conserving our great resources in the West.

As I suggested a moment ago, already we have lost a tremendous amount of topsoil, which is most important to our American economy. When we lose topsoil we are destroying this country as a great industrial nation, because without soil, without an agricultural background, we will be unable to compete with other countries.

At the beginning of this century, before President Theodore Roosevelt inaugurated his policy of expanding the public domain, 800 million acres of original virgin forests had been reduced to 200 million. Erosion was rapidly spreading. In May 1907, for example, the Inland Waterways Commission reported to President Theodore Roosevelt as follows:

> Hitherto our national policy has been one of almost unrestricted disposal of natural resources. * * * Three consequences have ensued:
>
> (1) The unprecedented consumption of natural resources.
>
> (2) Exhaustion of these resources, to the extent that a large part of our available public lands have passed into great estates or corporate interests.
>
> (3) Unequaled opportunity for private monopoly.

The progress that has been made since then has been impressive. Mineral resources have been conserved and developed. Grazing lands have been maintained in good order for all cattlemen, large and small. Our forests have been preserved instead of depleted, and small timber companies have been given their share in the cutting. Power and irrigation projects have created a firm basis for the prosperous expansion of both industry and agriculture. All these things together have contributed to the growing prosperity of the people of Montana and other States.

Our basic goal today would be to carry forward in this great tradition and to do many things that have been left undone.

Yet the small pressure groups who would enrich themselves at public expense are out to reject these policies and to undo the things that have already been done. As to what would happen if they should succeed, let me quote the words of the famous writer on conservation, Bernard De Voto:

> The impairment of the public lands would arrest progress in the West and ultimately make the region a charge on the rest of the country.

That is from an article entitled "Billion Dollar Jackpot," published in Harper's Magazine for February 1953.

Second, the breaking up of the public domain in the West would inevitably have the effect of raising taxes.

Of course, I am entirely aware that many of the proponents of giveaway programs argue that the transfer of public lands to private interests would place these lands upon the tax rolls. As a sugar coating for the pills they are peddling, they suggest that the people who reap the benefits of the giveaway will then politely relinquish some of these benefits and pay them back to the Federal Treasury in the form of increased taxes.

Mr. President, this promise of increased tax payments as a result of giveaway programs, is a snare and a delusion. The very interests that lobby for handouts and giveaways are those who have perfected the great modern game of tax evasion and tax avoidance, so well exemplified by the distinguished Senator from Illinois [Mr. DOUGLAS] and the distinguished Senator from Minnesota [Mr. HUMPHREY].

I need not dwell on that subject at any length. These able Senators, on several occasions on the floor, have made that very plain.

In similar fashion, the dissipation of our forest resources would mean a decline in the revenue that could be received over the years from lumbering operations.

The turning of our multiple-purpose dams over to private enterprise—and this, I am afraid, is the prime objective of the giveaway lobby—would remove the very foundations of the income-earning ability of both agriculture and industry in our Western States, and seriously diminish the amount of revenues obtainable from these activities under existing tax rates.

Above all, it must be kept in mind that when Federal lands are turned over to the States, the immediate results will be to saddle the State governments with the cost of maintenance and administration.

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

Mr. MURRAY. I yield for a question.

Mr. DOUGLAS. Is it not true that of the Federal income from the sale of stumpage on Federal lands, fees for grazing, and income from minerals, three-eighths, or 37½ percent, is given to the States in lieu of taxes for the support of State and local governments?

Mr. MURRAY. That is absolutely correct. I am sure that is understood by every Member of the Senate, because it has been a matter of public notice for many years. I think we are all very well informed about that.

Mr. DOUGLAS. Mr. President, will the Senator further yield?

Mr. MURRAY. I yield for a question.

Mr. DOUGLAS. Is it not true that three-eighths of the income is probably more than the States and local governments would receive from private ownership, if State and local taxes were paid?

Mr. MURRAY. I think that is true; indeed, it is quite obvious. That is one of the reasons why we do not want to see these lands turned over to private industry. As I say, the result would be less revenue. The result would also be a failure to conserve the forest lands for the benefit of the country as a whole.

At the present moment, the people of all the States contribute through the Federal Treasury to preserve and maintain the public domain throughout Montana and other Western States. This is entirely proper. The expenditure of Federal funds in Montana and other Western States, to maintain and administer the public lands, is an expenditure which serves a major national purpose.

But if these lands are shifted over to the States, I see no hope whatsoever that the Federal Government could be expected to contribute a penny to their maintenance and upkeep.

This aspect of the problem has been admirably developed by Bernard De Voto in the February 1953 issue of Harper's magazine, the same magazine from which I quoted a little while ago.

After referring to various lobbying proposals to turn the national parks over to the States, Mr. De Voto discusses the problem in the following terms—and I quote:

> Thus Montana would find itself the proprietor of the Custer Battlefield National Monument, including the national cemetery. The upkeep is considerable and the Montana taxpayer probably would not assume an expense that is now borne by the American at large. Unless some way of making it an amusement park for tourists could be found, it would have to be abandoned. (Leased for grazing, as the Wyoming cowboys have proposed, it might bring the State from $30 to $60 a year.) Wyoming could not possibly assume the expense of maintaining and operating Yellowstone and Grand Teton National Parks. The power potential of Jenny, Jackson, and Yellowstone Lakes is negligible, but they could be sold to irrigation companies. (This one was actually tried in the 1920's.)

I remember that great excitement developed as a result of that attempt some years ago.

Continuing with the De Voto article:

> The gold that is supposed to be locked up in Yellowstone Park could be sold, though only at a trivial price, for trying to find it would be a highly speculative enterprise. The timber in the parks could be sold and such scenery as might survive the construction of mining, dredging, and irrigation works could be sold to resort corporations.
>
> Perhaps, once the foreground has been made hideous by irrigation developments, Wyoming would be willing to divert to the maintenance of Teton Park some of the money to be obtained by selling the national forests. But since they can be sold only once, the State must set up a trust fund and run the parks on the income from it. It won't be large; the idea is to dispose of the forests at fire-sale prices.
>
> When the Western States get the forests they will be acquiring a big future expenditure. Once the grazing ranges have been worn out, as those now owned by the States mostly are, and once the timber has been clear cut, silt from the resulting erosion will soon fill power dams, irrigation systems, and municipal reservoirs.

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

Mr. MURRAY. I yield for a question.

Mr. DOUGLAS. Would it really be the Western States which would get the timber lands, or would the eastern lumbermen get the timber lands?

Mr. MURRAY. Of course, it would be the big lumber organizations which have been developed in this country. Some of them are so huge that they are almost as powerful as a State. One of these lumber companies is the owner of tremendous areas of forest lands, and, of course, they would be in a position to bid, and bid successfully, for those lands in case they were put up for sale.

Continuing with the De Voto article:

> The upstream States will find themselves defendants in damage suits brought by irrigators, cities, and factories and the corporations which by then will have bought the dams. Sometimes these suits will run to many millions of dollars, as when Los Angeles or the Pacific Gas & Electric Co. sues Wyoming for loss of water and power caused by the destruction of Bridger National Forest. Since the forest will have ceased to be national, the damage can be assessed only against Wyoming taxpayers. If the federation expects Vermont to pay damages, it had better inquire into the nature of Yankees.
>
> The States are also going to lose a lot of income which they now get from the National Treasury and only their own taxpayers can make good the deficit. They will have to build most of their own roads, for instance. Because they have got public lands within their borders, the Federal Government contributes much more for road construction than it does to States that haven't got them, and that benefaction will end. They will also have to raise their own tax funds for fire protection and fire control in the once-national forests and for the 50-percent cut that the Treasury now pays for the same work in private and State forests. California might be able to do this, if its taxpayers should consent, but none of the other States could. Insect control, wild-game management, construction of recreation facilities and fire and access-roads, and maintenance of roads and trails within the forests—these too will be a charge on the local taxpayer. So will reforestation and the reseeding of forest grazing ranges and those now under the Bureau of Land Management. Most research in forestry and related sciences, land management, power transmission, gas, petroleum, mining, and the like will have to be paid for by the States as soon as they and corporations get the public lands. The big-income States—New York, Pennsylvania, Massachusetts, Illinois, Texas—pay for most of it now, and all the States pay their proportionate share, simply because these are public lands, the property of all the people. But there is no reason why Pennsylvania should pay a dime to maintain an Oregon (or Weyerhaeuser) forest, a Nevada (or P. G. & E.) dam, or a Wyoming grazing range. And why should Pennsylvania pay for any of the other direct or indirect subsidies the West now receives because of the public lands? Pennsylvania Congressmen have to get reelected and will not appropriate Federal funds for private profit or State graft in the West.

MOVEMENT TO GRAB THE RESOURCES OF THE WESTERN STATES

Mr. President, a new nonprofit organization has just been established to promote the development and conservation of our Nation's natural resources. The name of this organization is Resources for the Future, Inc. Under the auspices of this organization, which has been financed by the Ford Foundation, an extremely important conference will be held this fall. According to its sponsors, this will be the first nationwide conference on resource policies and problems since 1908, during the Theodore Roosevelt administration.

A few days ago, according to the Washington Post, the council of sponsors of this body held a preliminary session to plan for the fall conference. The president of the organization, Mr. Horace M. Albright, said that the fall conference will center on the following question:

> How can we best mobilize our resource base—land and its products, water, minerals, and energy—over the next 25 years or more to meet the expanding demands of a growing population and assure sound economic growth and national security?

Mr. President, I cannot presume to offer an answer to this question at this time.

But I would like to ask a question also. It is a question which parallels Mr. Albright's inquiry: "How can we best mobilize our resource base—land and its products, water, minerals, and energy—over the next 25 years if in 1953 we give away our Nation's offshore oil and gas resources and set in motion a giveaway and handout program that will turn back the clock of history?"

It is a lamentable fact that the conference to be held by Resources for the Future is not scheduled to be held at this very moment. If it were being held today, I am sure that its participants would join with the opponents of Senate Joint Resolution 13 in favoring the adoption of the substitute proposed by the distinguished Senator from Arizona [Mr. ANDERSON], and the amendment proposed by the distinguished Senator from Alabama [Mr. HILL].

3. THE GIVEAWAY BILL IS WHOLLY INDEFENSIBLE

Those who have studied Senate Joint Resolution 13 and its history know that the defense of this giveaway measure has rested on a series of misrepresentations.

The first misrepresentation is that this measure is needed to clear States' title to tidelands.

The fact of the matter is that the title of the States to tidelands is unquestioned. The use of the new term "tidelands" controversy to describe the current issue has constituted a masterpiece of propaganda.

What are the tidelands?

Tidelands are lands that are alternately covered and uncovered by the flow and the ebb of the tide.

The question of the ownership of tidelands situated within the boundaries of a State was first decided by the Supreme Court more than 100 years ago in the case of *Pollard's Lessee* v. *Hagen et al.* (3 How. 212 (1845)).

Subsequent Supreme Court decisions have uniformly adhered to the view that the respective States, or their grantees, own the tidelands situated within the States' boundaries.

The complaint that was filed by the Federal Government in the first of the Continental Shelf cases—the one against California—made it plain that the United States was not claiming any tidelands within the boundaries of California, and that the litigation related exclusively to the submerged lands of the Continental Shelf underlying the open waters of the Pacific Ocean, to the seaward of the tidelands along the California coast. The complaint—pages 6–7—specifically described the lands in controversy as: "underlying the Pacific Ocean, lying seaward of the ordinary low-water mark on the coast of California," that is, seaward of the tidelands.

Mr. DOUGLAS. Mr. President, will the Senator from Montana yield for a question?

Mr. MURRAY. I yield.

Mr. DOUGLAS. In view of the history which the Senator from Montana has recited, and which I believe has been made abundantly clear in the debate, does he not think that the press is in error when it refers to the pending legislation as tidelands legislation?

Mr. MURRAY. Yes; that is absolutely so. I notice they also use the language "return to the States" something the States already had, which had been taken away from them. There is no such fact involved in the pending legislation. The title of the States to what was strictly tidelands has always been recognized. It has been recognized by everyone who has taken part in the debate, except by the sponsors of the joint resolution, who apparently wish to use the word "tidelands" for the purpose of confusing the public mind on the problems involved.

Naturally, if the public thought the lands involved belong to the States, and that the States had been wrongfully deprived of them, many people would think it only fair and just to allow the States to have the lands returned to them, together with the deposits under them. But that is not the fact. It is absolutely untrue.

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

Mr. MURRAY. I yield.

Mr. DOUGLAS. Am I correct in inferring that what the Senator is saying is that the States always had title to the submerged lands under inland waters and to the tidelands proper?

Mr. MURRAY. That is absolutely correct. That has been made clear time and time again on the floor. It was made clear at the hearings on the joint resolution before the Senate Committee on Interior and Insular Affairs. It has been made absolutely clear, Mr. President, and I cannot understand how that suggestion was permitted to creep into the consideration of this proposed legislation. When the measure was reported to the Senate, that suggestion should have been absolutely negatived so as not to confuse the situation.

Mr. DOUGLAS. Mr. President, will the Senator yield further?

Mr. MURRAY. I yield.

Mr. DOUGLAS. Am I correct in inferring what the Senator from Montana is saying is that the only issue with which we are concerned is that of the submerged land seaward from the low-water mark?

Mr. MURRAY. That is exactly the issue. The issue concerns the submerged lands, which do not belong to the States and never have belonged to them. They contain valuable deposits, which, in accordance with Supreme Court decisions, belong to all the people of the United States. They belong to the people of the 48 States. It seems incomprehensible that anyone should wish to take away from the other 45 States their share in these deposits. It seems obvious to any intelligent person, looking at this whole question, considering our national debt, considering our tremendous national defense burden, and considering the lack of proper educational facilities in this country, that we should devote these enormous assets to those purposes.

Moreover, the Government's brief in the California case expressly stated—page 2—that:

> No claim is here made to any * * * tidelands, namely, those lands that are covered and uncovered by the daily flux and reflux of the tides (i. e., those lands lying between the ordinary high- and low-water marks). There are decisions of this Court which appear to hold that * * * title to the tidelands reside(s) in the State. The Government does not challenge the results of those decisions.

A similar position was taken by the Government in the Continental Shelf cases against Louisiana and Texas, with respect to the subject matter of the litigation.

The Supreme Court's decree in the California case—322 United States Reports 804—showed plainly that the Court was only passing upon the question of rights in the submerged lands of the Continentual Shelf beneath the open sea, lying to the seaward of the tidelands on the California coast. The decree referred to the subject matter of the litigation as—

> The lands, minerals, and other things underlying the Pacific Ocean lying seaward of the ordinary low-water mark on the coast of California.

Similarly, the decrees entered by the Supreme Court in the later Continental Shelf cases against Louisiana—340 United States Reports 899—and Texas—340 United States Reports 900—carefully excluded tidelands from the scope of the decrees.

Therefore, it has been completely misleading for anyone to state or to imply that tidelands were involved in the recent litigation between the United States and the States of California, Louisiana, and Texas. That litigation related exclusively to the lands of the Continental Shelf beneath the open sea, lying to the seaward of the tidelands.

Of course, all of us can see the advantages the proponents of the joint resolution secure by making it appear that they are being deprived of something, that these decisions have taken from them something to which they previously had title. However, as I have said, there is absolutely no foundation for such a claim.

The second misrepresentation is that Senate Joint Resolution 13 is needed to clear States' title to lands underlying navigable inland waters.

The fact of the matter is that, just as in the case of the tidelands, the title of the States to lands underlying navigable inland waters is unquestioned.

It is not at all an issue involved in the pending legislation.

Lands underlying inland navigable waters are definitely not involved in this controversy. Lands beneath open ocean and navigable inland waters constitute entirely separate and different problems. The proponents of general quitclaim legislation have deliberately confused the 2 issues in an effort to gain the support of the 45 States who stand to gain nothing and lose much if the rights of the Federal Government in the Continental Shelf are given away to California, Texas, and Louisiana.

Mr. President, the backers of general quitclaim legislation declare that the recent decisions of the Supreme Court in the Continental Shelf cases threaten the States' titles to submerged lands beneath navigable inland waters. But as the then Solicitor General of the United States has pointed out—

> These decisions do not apply to inland navigable waters of any kind. They apply only to the areas in the international domain.

The Attorney General of the United States and other Federal authorities have repeatedly affirmed that the States own the resources under navigable inland waters.

The Supreme Court has held plainly and unequivocally in at least 23 decisions between 1842 and 1935 that the respective States own the beds of all navigable inland waters, such as lakes, rivers, and bays, situated within their boundaries. There has never been a single exception to this general rule of constitutional law. The United States does not challenge and never has challenged the ruling in these decisions. There is no basis for such a challenge.

As recently as 1950 the Supreme Court expressly referred to its earlier decisions on this point and reaffirmed them. In the case of *U. S. v. California* (332 U. S. 19), the Court held that the States are possessed of "ownership of lands under inland navigable waters such as rivers, harbors, and even tidelands down to the low-water mark."

Moreover, the sense in which the Court used the term "paramount rights" in the California case was a confirmation of earlier decisions that the States have title to lands beneath inland navigable waters. The Court stated that if, as it had held in many earlier cases, the States have paramount rights in the beds of navigable inland waters, the same reasoning leads to the conclusion that the United States has paramount rights in lands beneath the open sea by virtue of the international interests and responsibilities which the Constitution entrusted to it.

Mr. DOUGLAS. Mr. President, will the Senator from Montana yield for a further question?

Mr. MURRAY. I yield.

Mr. DOUGLAS. Is it not true that it is the Federal Government alone that can deal with foreign powers, concerning control over the seas and concerning the width of the territorial waters of the so-called marginal sea.

Mr. MURRAY. That is absolutely true. If each State were permitted to de-

termine the extent to which it could claim title in the open sea, there would be terrible confusion, and there would also be complications with other countries.

If some States had the right to extend their jurisdiction and ownership 10, 12, or 20 miles into the open sea, other countries would be inclined to do the same thing. The national policy has always been to confine our boundaries to the 3-mile limit.

Mr. DOUGLAS. Mr. President, will the Senator from Montana yield further?

Mr. MURRAY. I yield.

Mr. DOUGLAS. Since the Federal Government has the sole task of dealing with foreign powers concerning the marginal sea, does it not follow logically that the Federal Government, not the States, should own the submerged lands underneath the territorial sea?

Mr. MURRAY. Yes, that follows as a logical deduction from that arrangement, it seems to me; and I do not understand how anyone could question it.

Mr. DOUGLAS. Is it not true that the Federal Government, not the State governments, has the task of defending the shores and the coasts by means of shore batteries, and so forth?

Mr. MURRAY. Absolutely. The States are not prepared to defend the shores by means of battleships and naval vessels, or in other ways. The States are not equipped to repel by force an intrusion upon our coast. That duty naturally devolves upon the Federal Government.

Mr. DOUGLAS. Mr. President, will the Senator from Montana yield for a further question?

Mr. MURRAY. I yield.

Mr. DOUGLAS. Since it is the Federal Government which protects the marginal sea against aggression, and since the States do not do that, should not it be the Federal Government, not the States, which should own the submerged lands beneath the territorial sea and the marginal waters?

Mr. MURRAY. That is the logical conclusion, and it is the law. It is the natural consequence of the jurisdiction of the Federal Government as opposed to the jurisdiction of the State governments. It seems to me that in no way should this matter be confused. It seems to me to be so clear that it should not be the subject of debate; but it is necessarily involved in the pending legislation, because it has been brought into it and used as a basis for making the contention that the States are entitled to the lands.

The third misrepresentation that frequently appears in the defense of the giveaway measure is that the coastal States of California, Texas, and Louisiana own the offshore lands in the Continental Shelf.

The fact of the matter is that these States do not now own—and have never owned—these offshore oil lands in the Continental Shelf.

The decrees that were entered by the Supreme Court in the three Continental Shelf cases against California, Texas, and Louisiana show clearly, in the plainest possible language, that the respective coastal States do not own the lands of the Continental Shelf within their seaward boundaries.

For example, the decree in the *California* case (332 U. S. 804) states categorically—page 805—that—

> With regard to the lands, minerals, and other things underlying the Pacific Ocean to the seaward of the ordinary low-water mark on the coast of California, and outside the inland waters of that State, "The State of California has no title thereto or property interest therein."

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

Mr. MURRAY. I yield to the Senator from Illinois for a question.

Mr. DOUGLAS. Is it not true that under Article III, section 2, of the Constitution, which deals with the judicial powers, the Supreme Court is given jurisdiction over all disputes involving (a) the United States, (b) disputes between the several States, and (c) disputes between a given State and foreign powers?

Mr. MURRAY. That states clearly the constitutional authority for Supreme Court jurisdiction the Senator describes.

Mr. DOUGLAS. Therefore, was not this question one to be decided by the Supreme Court, and not one to be decided by the Congress?

Mr. MURRAY. That is correct; and it was decided by the Supreme Court. Now we are undertaking to repeal or reverse the decisions of that Court. But it seems to me that the Congress, in undertaking to do this, is in conflict with the Constitution; and it would not be strange to me if the Supreme Court should say that the pending legislation would be void as being in contravention of fundamental constitutional principles.

Similar unequivocal language was used by the Supreme Court in the decrees which it entered in the *Louisiana* case (340 U. S. 899) and in the *Texas* case (340 U. S. 900). The Court asserted with complete clarity that the States of Louisiana and Texas do not have any title to or property interest in the submerged lands of the Continental Shelf extending seaward from their respective coastlines.

The contention that the enactment of Senate Joint Resolution 13 would merely restore to the coastal States the lands of the Continental Shelf situated inside their historic seaward boundaries is a striking example of the type of sophistry which has too often beclouded the consideration of this problem.

In the New York Times this morning I noticed the use of the language "restoring to the States," which is completely without foundation in law or fact. It is a mere conclusion which the proponents of the pending measure have adopted and have been using for the purpose of making it appear that they are merely seeking to recover something they own and something to which they are entitled, whereas, in truth and in fact, they are trying to get something that belongs to all of the States of the Union.

Since, as we have heretofore seen, the coastal States—whether they be the Thirteen Original States or States created out of Federal Territory, or the State of Texas—have never owned or had any rights in the submerged lands of the Continental Shelf lying inside their historic seaward boundaries, it is impossible for the Congress to restore such lands to the coastal States. It seems to me to be as plain as anything can possibly be that one cannot restore something which never previously existed.

Consequently, the Congress ought to consider this legislation in the light of what it would actually do, that is, make an outright gift to the coastal States, particularly the States of California, Louisiana, and Texas, of extremely valuable lands and mineral resources which they have never owned and which, instead, have been, and are now, assets of all the people of the United States.

Of course, if the proponents of the pending measure would speak plainly and concede the ownership of the lands in question in the Federal Government, and merely claim that they should have them because they can administer them better than the United States Government can, which is not true, there might be some little basis for their argument. But they make no such claim as that. They claim absolute previous ownership, and are asking that the lands be returned to them. That confuses the public and creates a serious complication, making it look as though we were attempting to prevent certain legislation being enacted by the Congress, which is deemed legitimate and necessary.

A fourth misrepresentation—and one which is probably even more dangerous than the three which I have just discussed—is that the giveaway bill establishes certain boundary lines known as historic boundaries.

The fact of the matter is that the term "historic boundaries" does not appear anywhere in Senate Joint Resolution 13.

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

Mr. MURRAY. I yield to the Senator from Illinois for a question.

Mr. DOUGLAS. May I ask the Senator from Montana whether it is not true that the phrase "historic boundaries," while it sounds good, is virtually meaningless, since no one knows how far they can be pushed?

Mr. MURRAY. That is entirely correct. At the hearings on the pending measure, the Attorney General of the State of Louisiana appeared, and he was asked to define the historic boundaries of Louisiana. He admitted he could not.

He has never claimed that he knew where they were, and when the Attorney General of the United States appeared before the committee for the purpose of guiding the committee in enacting proper legislation, he advised that, in order to make the legislation certain, the historic boundaries should be described and delineated on a map, so that there would be no question as to what the States were claiming. He said further that if the joint resolution were left unchanged the question of boundaries would be uncertain and probably the result would be a Supreme Court

decision holding the act to be void for uncertainty. No one knows where the boundaries are.

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

Mr. MURRAY. I yield to the Senator for a question.

Mr. DOUGLAS. Does not the Senator think that the majority party was not very anxious, or not very careful, to follow the wishes of the Attorney General of the Republican Party, when it rejected his advice that a line be drawn around the shores of the United States?

Mr. MURRAY. That is my opinion. I asked the Attorney General whether it would be a difficult thing. He was saying that the Congress should draw that line and should determine the boundaries. I contended that we would not know how to establish the boundaries, that it would be a very difficult thing for the Congress to do. But he left it in that vague situation, and at the conclusion of the hearings it was understood that if, upon further deliberation in executive session, we might conclude that we wanted the Government officers to aid us in fixing the so-called historic boundaries, witnesses would be summoned for that purpose; but nothing was ever done. The pending measure was reported without having established the exact location of the historic boundaries; and, as I say, I think it leaves the measure in a state of chaos and uncertainty, because of which the Court would declare it null and void.

Mr. LEHMAN. Mr. President, will the Senator from Montana yield for a question?

Mr. MURRAY. I yield for a question.

Mr. LEHMAN. If we permit boundaries 27 miles out from the shore line, as claimed by Louisiana, and 10½ miles out, as claimed by Texas, does the Senator agree with me that we may create very serious international repercussions?

Mr. MURRAY. Oh, yes. Repercussions have already been caused in the case of Mexico, in connection with Texas and Louisiana claiming, respectively, 10½ miles and 27 miles out from the shore line, in the Gulf of Mexico. I understand the Russian Government is claiming dominion over the open seas to the extent of 12 miles, which is not in accordance with the policy of the nations. As I am advised, the nations have an understanding that 3 miles should be the limit of their jurisdiction in the open sea. If we permitted States to go beyond the distance the Federal Government can go, we would involve our country in serious controversies with other nations.

Mr. LEHMAN. Mr. President, will the Senator from Montana yield for a further question?

Mr. MURRAY. I yield for a question.

Mr. LEHMAN. Is it not a fact that the United States has never asserted dominion beyond 3 miles out from the shore?

Mr. MURRAY. That is true. That policy was established in the time of Jefferson, and it has been followed from that time up to the present. Three miles was determined to be the limit because at that time 3 miles was the distance a cannon could shoot out into the open sea, and it was decided that that distance should be the limit of the jurisdiction of the Government.

Mr. LEHMAN. Mr. President, will the Senator from Montana yield for a further question?

Mr. MURRAY. I yield for a question.

Mr. LEHMAN. Is it not a fact, therefore, that by passing the proposed legislation we would recognize the rights of the States far beyond the 3-mile limit, and we would be giving to the States what the United States has never asserted as its own right?

Mr. MURRAY. That is absolutely true. The Senator is very logical in making that statement, because we cannot give the States something the Federal Government does not have to give. The Federal Government cannot turn over to the States something it does not possess. It seems to me that should be very clear and should be understood very clearly before the Senate acts on the pending measure. We are trying to make it as clear as may be possible. So far every statement which the opponents of the joint resolution have made on the floor in relation to the question has been justified and has been proved to be correct by referring back into history. The opponents are also supported by the decisions of the Supreme Court.

Senate Joint Resolution 13 makes no attempt whatsoever to draw the line between the area where State ownership ends and Federal control begins. It leaves the door open for endless litigation as to just what the seaward boundaries of California, Texas, and Louisiana may be. It leaves the door open for the development of new and extravagant theories concerning the boundaries in existence at the time these States entered the Union and for the subsequent settlement of such questions, after years of protracted litigation by the States.

The Attorney General of the United States, Mr. Herbert Brownell, appeared before the Senate Interior and Insular Affairs Committee and testified on this very question. On page 932 of the hearings, Mr. Brownell testified:

> We would like to see the bill draw an actual line on an actual map, and we believe that it would eliminate an awful lot of future controversy.

The Attorney General of the United States, Mr. Brownell, is a good lawyer. He wants to protect his standing as a lawyer in the legal profession. He knows that this legislation will create a real mess in Washington.

Millions of dollars will be expended in a multiplicity of lawsuits to settle the meaning and effect of the provisions of Senate Joint Resolution 13. Also, much future legislation will be required to remove the legal entanglements and complications that will follow the enactment of this measure.

At some time it will be necessary to determine the historic boundaries of the States involved if the measure should be enacted. The measure leaves suspended in the air the question of the extent of the ownership of these States out into the ocean. They may claim all the way from 10½ miles to 150 miles, and conflicts will necessarily occur between the Federal Government and the States in regard to jurisdiction.

Mr. DOUGLAS. Mr. President, will the Senator from Montana yield for a question?

Mr. MURRAY. I yield.

Mr. DOUGLAS. Is it not true that Florida is claiming, under its constitution of 1868, boundaries 10½ miles out into the ocean, and, therefore, ownership of the submerged lands 10½ miles out into the ocean?

Mr. MURRAY. That is true.

Mr. DOUGLAS. Mr. President, will the Senator from Montana further yield?

Mr. MURRAY. I yield for a question.

Mr. DOUGLAS. Is it not true that Florida is basing its case upon its constitution of 1868, although the terms under which Florida was originally admitted to the Union in 1845 provided that the State would be admitted on equal terms, in all respects whatever, with the original States?

Mr. MURRAY. The Senator has stated the situation exactly and correctly.

Mr. DOUGLAS. Mr. President, will the Senator from Montana further yield?

Mr. MURRAY. I yield.

Mr. DOUGLAS. Is it not also true that in the act which provided that Florida and five other Southern States might once again send representatives to the Congress, which act was passed by the Congress in 1868, the only possible provision that could deal with this point was, again, the equal-footing clause, namely, that Florida and the other five States would be readmitted on an equal footing in all respects with the original States.

Mr. MURRAY. That is true. That has been reiterated in the hearings and on the floor. It seems to me that there is not an iota of basis for the claims of the State of Florida or the other States for extending their jurisdiction out into the open sea.

Mr. DOUGLAS. Mr. President, will the Senator from Montana yield for another question?

Mr. MURRAY. I yield.

Mr. DOUGLAS. Does not the Senator think it extraordinary that Florida, which left the Union in 1861, should claim that she resumed her place in the Union in 1868 with superior privileges than those she possessed when she seceded?

Mr. MURRAY. It would be a remarkable contention to make, it seems to me, that upon rejoining the Union she should be granted special privileges which she never had before. It would be, to my mind, quite absurd. I do not think anyone would recognize any such claims.

It is not surprising to find the Attorney General undertaking to protect himself from responsibility for the proposed legislation. He wants to appear on the record as not having approved it. He warned the proponents at the hearings that they were following the wrong course.

I am convinced that, if the measure is passed, the Supreme Court will be compelled to hold it void for the reasons

the Attorney General advanced at the hearings on the measure.

Still another misrepresentation in Senate Joint Resolution 13 is found in section 3 (d) on page 16. Section 3 (d) reads as follows:

Nothing in this joint resolution shall affect the use, development, improvement, or control by or under the constitutional authority of the United States of said lands and waters for the purposes of navigation or flood control or the production of power, or be construed as the release or relinquishment of any rights of the United States arising under the constitutional authority of Congress to regulate or improve navigation, or to provide for flood control, or the production of power.

This section gives the impression that nothing in Senate Joint Resolution 13 would halt the Government's program for the development of the multiple-purpose dams for the control of the water resources of the Nation's navigable rivers.

But only 2 or 3 pages later, in section 6 (a), we find specific language which squarely conflicts with the general statement in section 3 (d). This subsequent language specifically provides that the Federal Government's power under the commerce clause of the Constitution shall not hereafter be deemed to include those rights which are given to the States by section 3. Section 3 in turn gives to the States the right to use the beds of navigable rivers. In effect, therefore, this language says that the Federal Government's power under the commerce clause of the Constitution shall from this time on be construed as not including the right to use the beds of navigable rivers.

But the distinguished Senator from Florida [Mr. HOLLAND] pointed out that section 7 "specifically preserves all the reclamation laws of the United States and all the rights of the United States under those laws."

None of the big reclamation projects built during the last 20 years would have been feasible without the income produced from the sale of electric power. However, I should like to point out that section 7, in listing those acts which are not amended, modified, or repealed, does not include the Federal Water Power Act—act of June 10, 1920, 41 Statutes 1063—an act to create a Federal Power Commission; to provide for the improvement of navigation; the development of water power; the use of the public lands in relation thereto, and so forth.

Now, the definition of "navigable waters" contained in the Federal Water Power Act is basic to the Federal Government's right to construct reclamation and power projects, especially those near the headwaters of navigable rivers, such as Canyon Ferry Dam in Montana. This definition is as follows:

"Navigable waters" means those parts of streams or other bodies of water over which Congress has jurisdiction under its authority to regulate commerce with foreign nations and among the several States, and which either in their natural or improved condition, notwithstanding interruptions between the navigable parts of such streams or water by falls, shallows, or rapids compelling land carriage, are used or suitable for use for the transportation of persons or property in interstate or foreign commerce, including therein all such interrupting falls, shallows, or rapids; together with such other parts of streams as shall have been authorized by Congress for improvement by the United States or shall have been recommended to Congress for such improvement after investigation under its authority.

That is the language of the Federal Water Power Act which defines "navigable rivers." It is the language under which the Government undertakes to construct multiple-purpose dams in the largest rivers and tributaries in rivers in the United States.

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

Mr. MURRAY. I yield.

Mr. DOUGLAS. Do I understand the Senator from Montana to say that since section 7 does not include the Federal Water Power Act of 1920, therefore, the other provisions of the Senate Joint Resolution 13 may be deemed to amend, modify, or repeal salient sections of the Federal Water Power Act?

Mr. MURRAY. That is exactly what I contend. I think it is obvious that by excluding the Federal Water Power Act from the other acts which are enumerated in section 7, it is intended to provide a new definition of "navigable waters" which would interfere with the right of the Federal Government to construct multipurpose dams.

Mr. DOUGLAS. Mr. President, will the Senator yield for another question?

Mr. MURRAY. I yield for another question.

Mr. DOUGLAS. Does the Senator fear that the power of the Federal Government to use the bottoms of rivers as bases upon which dams may be constructed could, if the joint resolution should be passed, be taken away?

Mr. MURRAY. Yes. That is exactly what will result from the proposed legislation if it is passed in its present form. It would make it necessary for the Federal Government, if it undertook to build a dam, to go to the State concerned and acquire from the State a right to use the river bed, and to pay for it, if necessary, because if the title is in the State, the State could exact any terms upon which it would permit construction of a multipurpose dam by the Federal Government.

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

Mr. MURRAY. I yield.

Mr. DOUGLAS. At the expense of what may seem to be a ridiculous question, it would not be possible for the Federal Government to construct a dam if it had no river bed on which to build it, would it?

Mr. MURRAY. Of course not. I never could understand how it could be expected that the Federal Government would be able to accomplish such a feat as that. If we do not have the bed of a river on which to construct a dam, it is impossible to construct the dam.

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

Mr. MURRAY. I yield for a further question.

Mr. DOUGLAS. Does the Senator from Montana remember some lines which were written by Gelett Burgess, in the 1890's, when he was a young man in San Francisco, and which perhaps have a bearing on this subject?

Mr. MURRAY. I may not have been alive during that period, although I have lived for quite a while in the West.

Mr. DOUGLAS. Does the Senator from Montana recall these lines:

I wish my room had a floor.
I don't care so much for the door.
But this walking around without touching the ground
Is getting to be quite a bore.

Mr. MURRAY. That seems to be an appropriate poetical reference to the case before the Senate today.

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

Mr. MURRAY. I yield for another question.

Mr. DOUGLAS. In other words, would it not be quite a feat—an impossible feat—for the Federal Government to try to construct a dam which would rest in the air?

Mr. MURRAY. Yes; it would be a difficult feat, if not an impossible one. I do not see how it could be accomplished.

Mr. DOUGLAS. Mr. President, will the Senator yield for another question?

Mr. MURRAY. I yield for another question.

Mr. DOUGLAS. Therefore, do I correctly understand the Senator from Montana to say that through modifying the pending joint resolution by omission of the Federal Water Power Act of 1920, the Federal Government may now be deprived of using the bottoms of rivers as bases upon which to construct dams?

Mr. MURRAY. Yes; that is exactly the construction I would give to the joint resolution if it were passed in its present form.

Mr. DOUGLAS. Mr. President, will the Senator further yield?

Mr. MURRAY. I yield for a further question.

Mr. DOUGLAS. Am I to understand the Senator from Montana to say that, under those circumstances, a State would be able to exercise veto power over any contemplated Federal power project?

Mr. MURRAY. That would be the natural consequence of enacting this legislation in its present form. It would give a State control, to determine whether or not it would permit the construction of a multipurpose dam at any place within the boundaries of the State.

Mr. DOUGLAS. Mr. President, will the Senator further yield?

Mr. MURRAY. I yield.

Mr. DOUGLAS. So, taking a situation such as that of Idaho, for example, whose present State administration, I believe, is hostile to the construction of the big dam at Hells Canyon, if the Federal Government were to decide that it wanted to construct such a dam, do I correctly understand the Senator from Montana to say that the government of the State of Idaho would be able to veto it?

Mr. MURRAY. Apparently that would be the situation in Idaho if this joint resolution were enacted. At the present time the State is merely using its political pressure, power, and influence to prevent the construction of the multipurpose dam in Idaho. But if this measure were enacted, the State would have

complete control, and could refuse to permit the construction of the Hells Canyon dam. That would be a real disaster, not only to the State of Idaho, but to the Nation, because the proposed dam there, I understand, is to be one of the largest dams constructed in the West. It will supply a tremendous amount of hydroelectric power, which is greatly in demand at the present time. There seems to be a considerable shortage of electric power in the West today, and that shortage will increase as the years go on. So we must have authority to construct multipurpose dams if we are to keep abreast of the growth of industry in the United States.

Section 2 of Senate Joint Resolution 13 reads as follows:

When used in this joint resolution—

(a) The term "lands beneath navigable waters" means—

(1) all land within the boundaries of each of the respective States which are covered by nontidal waters that were navigable under the laws of the United States at the time such State became a member of the Union, or acquired sovereignty over such lands and waters thereafter, up to the ordinary high water mark as heretofore or hereafter modified by accretion, erosion, and reliction.

Section 3 (a) refers to "lands beneath navigable waters within the boundaries of the respective States." Section 6 refers only to "said" lands and navigable waters.

Therefore, by implication, Senate Joint Resolution 13 undertakes to write a new definition of "navigable waters"—the very heart of the Federal Water Power Act—a definition which might place the whole reclamation and waterpower programs of the Federal Government in jeopardy.

Though lawyers will quarrel, there is a grave question as to what this new definition would do. Lawyers who are well versed in such matters, who are favorable to the public interest, and conscientiously believe in the power policies of the Federal Government evolved during the last 50 years, agree that its language is very dangerous. I am advised by one such eminent legal authority that it not only lays a basis for a lawsuit, but it lays a basis for a lawsuit that might be successful, and would take away from the Federal Government the ownership of power in navigable waters as now defined and transfer it to the States.

Why was the Federal Water Power Act not included in Section 7? Why were these other acts not included:

The Raker Act?
The Boulder Canyon Act?
The Tennessee Valley Act, 1933?
Rural Electrification Act of 1936?
Bonneville Act of 1937?
Fort Peck Act of 1938?

Furthermore, Mr. President, it is claimed by many able lawyers who have examined Senate Joint Resolution 13 and section 7 thereof that, insofar as the right of the Federal Government to use the beds of navigable streams for the construction of dams is concerned, section 7 is irrelevant, because none of the reclamation acts referred to therein expressly confers upon the Federal Government the right to use the beds of navigable streams. That is not where the Federal Government secures its authority and jurisdiction to construct these dams. The power to use these stream beds is not set forth in statutory terms, and the specific legislation is found in the respective acts authorizing the construction of particular dams. In each case the act providing for the construction of dams contained language describing the location of the dams and giving the right to construct. The reclamation laws listed in section 7 relate only to the planning of reclamation projects.

Mr. President, I submit that these questions were not answered during the course of the hearings or the committee deliberations on Senate Joint Resolution 13. In the undue haste to report this legislation, I am fearful that the committee sacrified the thoroughness which should have been used in the examination of each section and each line.

Mr. DOUGLAS. Mr. President, will the Senator from Montana yield?

Mr. MURRAY. I yield to the Senator from Illinois.

Mr. DOUGLAS. May I ask the Senator from Montana whether it is his intention to offer an amendment at a later stage which will make clear the right of the Federal Government to use the beds of streams in the construction of power projects?

Mr. MURRAY. Yes; we contemplate offering an amendment to clarify that point.

The distinguished senior Senator from Tennessee [Mr. KEFAUVER], in discussing section 6 (a) and section 7 has suggested that we here have an example of an "inadvertent joker" or a "faux pas." In any case, the Senator from Tennessee has pointed out with great clarity the fact that provisions of this type should be carefully restudied rather than be acted upon rashly. He has proposed that these provisions be carefully examined at committee hearings with full testimony upon them. The more I have studied this matter the more I believe that if the majority in the Senate is committed to acting upon Senate Joint Resolution 13, they should follow the advice of the distinguished Senator from Tennessee and have further committee hearings before any action is taken.

4. THE SUPPORT FOR THE "GIVEAWAY" BILL HAS BEEN GREATLY EXAGGERATED

On February 17 of this year, a statement by Harold R. Fatzer, attorney general of Kansas and president of the National Association of Attorneys General, was read before the Senate Committee on Interior and Insular Affairs. Mr. Fatzer made the claim that officials from 47 of the 48 States had favored State ownership of the submerged lands, and included a list purporting to be the names of those State officials. Among those names was that of the Honorable R. V. Bottomly, former attorney general of Montana, and now a member of the Supreme Court of Montana.

Insofar as this list relates to Judge Bottomly, it is a complete misrepresentation. The truth of the matter is that Judge Bottomly has been opposed from the very beginning to the idea of attempting to quitclaim the offshore lands to the three States of California, Louisiana, and Texas. The facts of the matter are stated precisely in a letter which Judge Bottomly sent on March 10, 1953, to my distinguished colleague from the State of Montana in the House of Representatives, Mr. METCALF. This letter appears on page 1174 of the report of the hearings. Let me quote from this letter briefly as follows:

In 1945, while I was attorney general of Montana, I received a lot of letters and material from Robert W. Kenney, then attorney general of California and president of the National Association of Attorneys General, on the then pending House Joint Resolution 225, Report No. 927, 79th Congress, 1st session. * * *

I signed this brief on the understanding that the subject matter referred to the tidelands, covered and uncovered by the tidelands, and included all inland navigable waters as dealt with in the above cited cases.

There has never been any question in my mind but that the States own the tidelands to low-water mark and the beds of their navigable waters within their respective borders and all minerals therein; that question has been put to rest many times by our Supreme Court, and that is the only question in my understanding that was covered by the above-mentioned brief which I signed, and that was the import that I received from reading the above report of the committee that then had the bill in charge.

Then Judge Bottomly, in his letter to Representative METCALF, continues:

However, sometime thereafter I learned that the true intent of the National Association of Attorneys General was to induce Congress to give to the three States and their assigns, not only the tidelands and the beds of all inland navigable waters, but also to the coastal States the lands and minerals therein on out beyond the tidelands.

After Judge Bottomly, then attorney general, learned of the intentions of the National Association of Attorneys General, he wrote to Walter R. Johnson, then attorney general of Nebraska and president of the association, in 1947. I quote from Judge Bottomly's file copy of that two-page letter dated November 5, 1947:

I took no part in regard to the rehearing on the matter (*U. S.* v. *California*) in the Supreme Court because I felt that the decision of the Supreme Court is for the best interests of the State of Montana and all of the other so-called reclamation States.

Judge Bottomly concludes:

I therefore thought it was only right and proper that I notify you of my stand in this matter and, as president of the National Association of Attorneys General, I request that my name not be used in any way, shape, or form in furthering the program which is now under way.

Mr. Fatzer's testimony before the committee was interesting from another standpoint. In his statement, he undertook to inform the committee that the Supreme Court had been wrong in declaring the States did not have title to the submerged lands. However, Mr. Fatzer's position as an "expert" on property titles had been somewhat shaken by recent developments in Kansas. Details of the 10-percent affair which led to the hasty departure of Wesley Roberts from the Republican National Committee are now all too familiar.

In 1951, the Kansas Legislature appropriated $110,000 as "payment" for a hospital building which was located on State land. Mr. Fatzer was then, as he is now, attorney general of Kansas. On June 27, 1951, after examining the title documents, the attorney general's office is-

sued a letter over Mr. Fatzer's name authorizing the State auditor to pay the $110,000 for the hospital building.

A newspaper story early this year revealed that Wesley Roberts had received an $11,000 fee in connection with the building "sale." This led to an investigation by the legislature. Mr. Fatzer has now filed a suit in the Kansas courts seeking to recover the $110,000 on the ground that the State already owned the building when the payment was made.

Mr. Fatzer has been very industrious in asserting the claims of Texas, California, and Louisiana to the submerged lands; apparently his office has not always been so diligent in protecting the property rights of Kansas. Now Mr. Fatzer is undertaking to notify Congress that the Supreme Court is wrong. If the situation which occurred in Kansas is any criterion, I feel justified in continuing to regard the Supreme Court as the higher authority on property rights.

The National Association of Attorneys General itself has been most outspoken in advocating legislation to give the submerged oil lands to the States. A brief glance at that organization might be helpful in estimating the value of its advice.

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

The PRESIDING OFFICER (Mr. IVES in the chair). Does the Senator from Montana yield to the Senator from Alabama for a question?

Mr. MURRAY. I yield.

Mr. HILL. Did I correctly understand the Senator from Montana to say that Judge Bottomly, at the time he wrote the letter adverted to by the Senator from Montana, and from which the Senator quoted some excerpts, was then the attorney general of the State of Montana?

Mr. MURRAY. He was the attorney general; yes.

Mr. HILL. Mr. President, will the Senator from Montana yield for another question?

Mr. MURRAY. I yield.

Mr. HILL. Does the Senator from Montana realize that the then attorney general of Alabama, the late Albert A. Carmichael, a great lawyer and distinguished friend and champion of the people, took exactly the same position on the matter that Judge Bottomly took?

Mr. MURRAY. That is correct.

Mr. HILL. Mr. President, will the Senator from Montana yield for another question?

Mr. MURRAY. I yield.

Mr. HILL. Does the Senator from Montana know that Judge Bottomly and Mr. Carmichael stood side by side in their ideas about the submerged lands bill?

Mr. MURRAY. That is right. And the attorney general wrote a lengthy opinion on it several years ago, which is on file in the records of the Committee on Interior and Insular Affairs, the committee which held hearings on the joint resolution.

Mr. HILL. Mr. President, will the Senator from Montana yield for another question?

Mr. MURRAY. I yield.

Mr. HILL. The Senator from Montana said the attorney general wrote a lengthy opinion. Does he mean that Judge Bottomly, as attorney general, wrote the opinion?

Mr. MURRAY. Yes.

Mr. HILL. Mr. President, will the Senator from Montana yield for another question?

Mr. MURRAY. I yield.

Mr. HILL. Mr. President, does the Senator from Montana know that the then attorney general of Alabama, Mr. Carmichael, shared those views and concurred in the opinion written by Judge Bottomly?

Mr. MURRAY. Yes; that is right. That is my recollection of the facts.

One might expect the National Association of Attorneys General to be supported by dues from its members, and to have their interests as its chief concern.

That is not quite the case. The National Association of Attorneys General has no membership dues or assessments, nor is it financed by equal contributions from all sections of the country. Instead, it is subsidized by three States—California, Texas, and Louisiana. In 1951, for example, total contributions were $33,750—$9,750 from Louisiana, $9,000 from California, and $15,000 from Texas. The organization spent $32,464.41 that year. More than half, $18,000, went for the salary of Walter R. Johnson; $125 per month was paid for an office in Washington; $225 per month was expended as rent for a house in Arlington, with additional sums for utilities.

The National Association of Attorneys General and Walter R. Johnson, its highly paid employee, are both registered under the Federal Lobbying Act. The only legislative interest they list is influencing the passage of bills designed to give submerged lands to the States.

The impression that one obtains, of course, is that in the course of studying all the many legal problems faced by our 48 State governments, an organization of 48 attorneys general has decided to devote some of its time to the offshore oil question. This impression, I submit, is a valuable part of the campaign of misrepresentation. Mr. President, I should like to have someone present any evidence that may be obtainable to indicate either, first, that this organization obtains financial support from all the 48 States; or, second, that it has other legislative interests as well and is therefore something other than a paper organization to do the lobbying on behalf of the giveaway joint resolution.

Until that evidence is submitted and evaluated, Mr. President, I shall prefer to conclude that this organization has seriously misrepresented the extent of the support for Senate Joint Resolution 13.

GIVEAWAY PRACTICES IN EARLY HISTORY OF THE UNITED STATES

In the early history of America the process of establishing a landed aristocracy constituted the great scandal of that early period. With the settlement of the country, an effort was being made to transplant the European system through giveaway programs developed by the governments of Europe in control of the Colonies. Huge estates were acquired, also, by fraud and forgery. Some governors simply declared themselves the owners of large tracts of choice land, in some instances covering areas equivalent to a whole State.

In these early days it seems that the governors and other officials were claiming unlimited power and were exercising the autocratic powers of the Crown in granting themselves and their friends these huge tracts of land. These giveaway programs of that period became the basis of all the great fortunes in our early history. (See Gustavus Myers' History of the Great American Fortunes, published in 1909, the Modern Library, Random House, Inc., New York.)

For example, in Virginia the manorial estate of Robert Carter was acquired in this manner. The seat of that estate was Nomini Hall, a great colonial mansion in Westmoreland County. This feudal mansion was built between the years of 1725 and 1732. It was 76 feet long and 40 feet wide, and was of unusual magnificence, containing grand works of art and all the luxuries of the period. Carter's possessions became so large and valuable that he was called "King" Carter. His domain descended by entail to his grandson, Robert Carter, who, in addition to his landed estate, owned 600 Negro slaves. Also, he was the owner of several early industries and was one of the proprietors of a huge iron works in Baltimore.

Similar extensive manorial estates were granted by official favoritism to other influential personalities in other sections, many of them being obtained by bribing the royal officials.

Superadded to these grants were certain conferred powers of feudal, baronial dominion by which the grantees could create manors, hold baronial court, could be patrons of churches, nominate all ministers, receive all fees and emoluments, and possess themselves of goods of felons and fugitives, escheats, and forfeitures. (See Revised Code, Laws of Virginia, edition of 1819, volume 1, page 343.)

A general account of these giveaway programs of our early history will be found in the History of the Supreme Court, by Gustavus Myers, and also in the History of the Great American Fortunes, by the same author.

After the American Revolution and the adoption of the Constitution, efforts were made to curb these land barons; but it was a difficult problem, as they appeared to be in control.

Holding—

As Myers states in his History of the Supreme Court—

> an inherited and expanding power, the accretion of centuries, and owning vast estates, the land grantees did not propose to surrender either wealth or power. Their one guiding aim was to hold, and extend, both.

After the Revolution, the State of New York owned—

Mr. Myers says—

> within its limits more than 7 million acres of what were then called wild and unappropriated lands. In 1791 the New York Legislature enacted a giveaway law authorizing the State commissioners of the land office to dispose of these lands in such parcels and on such terms and in such manner as they

shall judge most conducive to the interests of the public. The law thus virtually allowed the commissioners to do as they pleased. * * * These officials at once proceeded to do business. In the same year, 1791, they sold the enormous area of 5,542,173 acres of land for the trifling sum of $1,030,432. This fact of itself caused a considerable public scandal, but the one circumstance looked upon as particularly and inexplicably flagrant was that to one individual—Alexander McComb—they disposed of a vast tract of 3,625,200 acres for the ridiculous price of 8 pence an acre. Nor was this slight sum to be paid down; McComb was allowed to pay it in five installments, without interest and subject to a discount of 6 percent on payment in advance, which still further reduced the actual price.

Other similar transactions are reported in detail in Myers' History of the Supreme Court.

Similar transactions were going on in the various Colonies and in the States after the Revolution. In the State of Georgia this giveaway system was very bad. The people of that State elected an entire body of new representatives to stop these conditions. An annuling act was passed in Georgia on February 13, 1796, the preamble of which described the corrupt act of 1795—

By which an enormous tract of unascertained millions of acres of the vacant territory of this State was attempted to be disposed of to a few individuals in fee simple, and the same is not only unfounded, as being without express constitutional authority, as well as to principles and form of government, the good citizens of this State have chosen for their rule, which is democratical, or a government founded on equality of rights and which is totally opposed to all proprietary grants or monopolies in favor of a few, which tend to build up that destructive aristocracy in the New World which, if permitted, must end in the annihilation of democracy and equal rights—those rights and principles of government which our virtuous forefathers fought for and established with their blood.

The preamble of that act then went on to say that—

Such extravagant grants tend to establish a republican aristocracy.

There was a terrific battle in Virginia and in all the States of the Union where efforts were being made to curb these giveaway activities. One individual by the name of Nicholson left at his death in 1800 an enormous estate in land in Pennsylvania, Virginia, Kentucky, North Carolina, South Carolina, Georgia, and other States. The bulk of this estate was in Pennsylvania and included extensive tracts of the very richest coal deposits.

In those early days the lawyers were very active in upholding these land grabs. A decision handed down by Chief Justice Marshall in the case of Fletcher against Peck made not merely a considerable but a very great public sensation. That decision held that these land grabs were contracts and that, under the Constitution, they "could not be impaired or revoked by subsequent legislation." Marshall, therefore, held that the rescinding act of 1796, which was sought to be passed by the State of Georgia, was "repugnant to the Constitution and therefore null and void." (See History of the Supreme Court, by Gustavus Myers, page 262.)

It seems to me that when the people of the United States begin to understand the purport of the giveaway joint resolution we are considering, they will rise up in their might and will repudiate it. No justification can be offered for this attempt to take from the people of the United States in the 48 States of the Union the title and ownership of these vast offshore oil deposits, and turn them over to the 3 States of Texas, California, and Louisiana.

Jefferson in his time was always worried about the development of great power and control in the hands of a few.

Thomas Jefferson had this to say about the disposition of public lands to the States:

The new plan of opening our land office, by dividing the lands among the States, and selling them at vendue, * * * separates still more the interests of the States, which ought to be made joint in every possible instance, in order to cultivate the idea of our being one Nation, and to multiply the instances in which the people shall look to Congress as their head. And when the States get their portions, they will either fool them away, or make a job of it to serve individuals. Proofs of both these practices have been furnished, and by either of them that invaluable fund is lost, which ought to pay our public debt. To sell them at vendue is to give them to the bidders of the day, be they many or few. It is ripping up the hen which lays golden eggs.

All the technicalities developed in this legislation, which is the most technical piece of legislation ever brought before the Congress, are the direct result of the efforts of these three States to get everything out of these oil deposits while leaving the remaining 45 States holding the sack. In their attempt to establish their claims, they are compelled to resort to technicalities and political maneuverings such as historic boundaries, while, at the same time, they do not know what they are or where they are. The Attorney General, the chief law officer of the United States, says, in effect, that as a result of this chaotic situation, this failure to determine historic boundaries, a great multiplicity of litigation and future legislation is bound to follow the passing of this law, if the Congress is unwise enough to pass it. Because of these technicalities coming into this giveaway scheme, a great number of witnesses have been heard and a huge volume of testimony compiled. A constituent of mine has truly said, in a letter which I recently received, "The printed record in this legislation is more voluminous than the History of the Decline and Fall of the Roman Empire and Green's Unabridged History of Great Britain combined." No one will ever undertake to read or try to understand what is meant by this vast compilation of confusing testimony found in the record of committee hearings. Instead of settling anything, it will create a multitude of problems that will keep the lawyers of the United States busy for the next 50 years or more. It will, in effect, be a grand WPA for the legal profession.

We live in a world in which avarice and greed seem to constitute a powerful influence. The desire to gain great wealth by a sudden brilliant stroke seems to lie hidden in the breast of every human, as we have observed in this country. This was illustrated in the old days by attempts to corner the market in wheat or some other necessity. In the twenties, great pools were developed in Wall Street for the purpose of running stocks up to fictitious heights, and great fortunes were accumulated by some who were able to get in and out of the market at the right time.

Of course, the profit incentive is a desirable characteristic of our economic system. It keeps people on their toes, to get ahead and make money. This is entirely legitimate, provided we can go about it without injustice or without impoverishing the victms of our economic and financial maneuvering. Often great fortunes are secured by a single brilliant stroke of financial genius.

The tidelands oil-grab legislation will tend to develop an aristocracy of oil barons in the three States putting into their hands such enormous wealth as to set them apart in our country and give them a dominating influence in American public life and politics. Already the power of wealth in American political life has been seen. Wealth exercised the dominant influence in the recent election. It was said that it was money that made it possible for the Republican Party in the last election to completely bamboozle the American people in relation to the real social and economic problems of the country. They said, "We need a change." Well, what a change we got.

The wealth found in these huge oil reservoirs off the coasts of California, Texas, and Louisiana, which the Supreme Court says belong to the American people, should be kept by the American people and used in connection with paying the costs of national defense and in building up a school system and social conditions in America that will make our country the outstanding democracy of the world, where no political favoritism is permitted and where everyone has an equal chance.

Nothing can be more important than using some of this great wealth for the purpose of building up our American educational system.

5. THE GIVEAWAY BILL IS SQUARELY IN THE TRADITION OF THE FAMOUS AND INFAMOUS LAND FRAUDS OF THE PAST, LAND FRAUDS UPON WHICH MANY OF THE GREAT AMERICAN FORTUNES WERE BUILT

During the early history of our country, great fortunes were amassed by a privileged few who perpetrated vast frauds upon the majority of the American people. Most of these frauds, interestingly enough, centered around the acquisition and disposition of land.

Many of these land frauds were perpetrated against the veterans of the War of Independence. At an early stage in the struggle with Great Britain, the colonies established a system of giving land for military services. Each soldier, according to rank and service, was entitled to a specified area of land.

The story of how great fortunes were established by speculators in land certificates is told by Gustavus Myers in his book entitled "History of the Supreme Court of the United States." Let me quote briefly from this great historian:

Knowing the collective value of large assignments of these military certificates, the

speculators sent out their agents to trade upon the pressing need of the soldiers for money, and buy up these land warrants issued by the various Colonies. Congress, at the instance of Morris, Hamilton, and others passed an act providing for the assumption of State debts.

Of this fact the people at large were in ignorance for some considerable time; there was only one post road extending along the seacoast, and communication was slow. "But the rich speculator, who was on the spot," explained Representative Bacon, in the debate on the judiciary system, in the House of Representatives, on February 19, 1802, "by going into the country where the people had been ignorant of what had been done, purchased up their certificates—the only reward they had received for their toil and wounds—at about one-tenth of their value. And it is possible that many of these purchases may have been done with public money."

Jefferson says the same. "The accounts," he wrote, "of the soldiers of Virginia and North Carolina, having been examined by the proper officers of government, the balances due each individual ascertained, and a list of the balances made out, this list became known to certain persons before the soldiers themselves had information of it, and these persons, by unfair means, as is said, and for very inadequate considerations, obtained assignments from many of the soldiers of whatever sum should be due to them from the public, without specifying the amount." A law was enacted to protect the soldiers but it was of no effect.

Jefferson's statements are borne out by the actual records. Great numbers of military land warrants were bought by speculators for paltry sums.

It was to a very great extent by means of these military land certificates, thus obtained, that many of the most eminent politicians secured large tracts of land and built large fortunes that were passed on from generation to generation and are still existing today.

Other land frauds were perpetrated against the various Indian tribes.

History records, for example, that the lands owned by the Creeks, Choctaws, and Cherokees were known to be among the finest and most valuable lands in the United States. Let me quote once again from Gustavus Myers' History of the Supreme Court of the United States:

Every effort was now made to dispossess the Indian tribes. Combinations of capitalists were formed to push action at Washington. The tribes were beguiled into making treaties ceding those lands; for insignificant sums paid in merchandise or money or both, the lands were ceded to the Government. Nominally, the tribes were fairly provided for; quite true, they received only a few cents an acre, but in exchange for their collective cession, each head of an Indian family was to get a section of land and each child a certain amount. We shall see later how the speculative combinations fraudulently induced the Indians to sign away these claims. The Government announced its intention of auctioning all of these ceded lands at the minimum rate of $1.25 an acre. This, too, looked fair; apparently the poor settler, with his slight resources, could get his farm.

But what actually happened was very different. Nearly all of the registers and receivers of the various land offices were not only in collusion with the speculative combinations, but were secretly interested in the profits. An astonishingly large number of the receivers embezzled public funds which they or their capitalist associates used in the land operations. At the different local land offices fraudulent auctioning was carried on unblushingly. Sections of land were entered on the books as sold, when such was not the case; the object was to prevent actual settlers from buying choice lands from the Government, and to allow the speculators to monopolize them, so that the settlers would have to buy at exorbitant prices from the speculators. Often the very registers and receivers making the most public professions of opposition to the combinations were the very officials, it turned out, interested in their schemes and profits.

Many of the worst land frauds were part and parcel of speculative operations. Witness the fabulous land speculation that developed during the inflation of 1835. The story of how this speculation spread through the public domain is told in The Life of Andrew Jackson by Marquis James.

Let me quote one paragraph from this historic volume:

The greatest stake in the speculative saturnalia was our almost incalculable public domain—an unpeopled stage of empire billowing from the westernmost settlements toward the sunset. This land was purchasable from the Government for a minimum of a dollar and twenty-five cents an acre. Speculating syndicates fell upon it and, elbowing aside genuine homesteaders, bought by the 50,000-acre swoop, hoping for resale at 10 and 15 dollars an acre. In wilderness and prairie solitude, towns and cities were sketched in imagination and linked to the markets by imaginary railroads, canals and turnpikes.

Public-land sales rose in 1 year from $4 million to $14 million. The consideration therefor was the paper money of the deposit banks and of such other banks as the deposit banks would honor. As the banks could not hold this money idle in their vaults, they loaned it out to other speculators who purchased more land—a perpetual metamorphosis of paper dollars into paper towns and paper railroads emerging from a paper horn of plenty (p. 691).

Mr. President, there are two great differences between the land frauds of the past and such proposals for the breaking up of the public domain as we find in Senate Joint Resolution 13.

The first difference is that the offshore oil and gas resources are far more valuable than any other single parcel of lands that anyone ever tried in previous years to take away from the Federal Government in one fell swoop.

These offshore oil and gas deposits represent national assets of truly fabulous value. They constitute one of the greatest reservoirs of wealth ever discovered in the history of man. The wealth taken out of King Solomon's mines and the famous Golconda mines is insignificant when compared to the wealth that will be taken out of these vast offshore deposits.

The Anaconda properties located in Butte, Mont., are known as "the richest hill on earth." But only $3 billion has been taken from these Anaconda developments.

In contrast, the minimum estimate of the value of oil and gas under the Continental Shelf, based upon the estimates of the United States Geological Survey, is $50 billion. And, as I indicated earlier in the course of my remarks, the studies of Wallace Pratt, former vice president of the Standard Oil Co. of New Jersey, lead to a total estimate not of $50 billion but $300 billion. This, Mr. President, is a sum of money $33 billion higher than the current total of the Federal debt.

The second difference is that today's depredations of the public domain are handled in a more skillful, a more diplomatic, and a more legalized form.

In former days, land frauds were handled by unscrupulous people who had little compunction against engaging in outright violations of the law and, even at times, in violence. Today the giveaway and handout programs are engineered by able lawyers who exhibit a punctilious reverence for the letter of the law. They are fumigated and perfumed by publicity agents, public-relations counsels, and advertising artists. Instead of breaking the law, the giveaways of today are founded upon new laws that are devised for the special purpose of sanctifying them.

Mr. President, as we consider today what action shall be taken on Senate Joint Resolution 13, I believe it is incumbent upon us to look back over the course of history and determine the extent to which other measures detrimental to the national welfare have enjoyed the temporary support of the majority in the Congress.

May I suggest that the proponents of Senate Joint Resolution 13 consider for a moment some of the legislative blunders that have been made in previous decades?

May I ask whether they want their names recorded in history as supporters of legislation that will forever more be looked upon as a monumental error?

Mr. President, I should like to present herewith a brief list of some of the most vicious and unpardonable legislative actions in the history of our country.

First. The Alien and Sedition Acts: These laws, passed in 1798, were designed to suppress political opposition and dissent. These laws created such resentment that they led to the downfall of the Federalist Party.

Second. Public land laws that gave windfalls to speculators instead of helping small settlers: The Public Land Act of 1785 provided for selling western lands in lots of 640 acres at $1 per acre, in addition to certain administrative charges. Eleven years later, Congress raised the price to $2.

It was not until 1820 that Congress was compelled by popular resentment to change this policy of selling western lands in big parcels and to provide for the sale of land in blocks as small as 80 acres. From 1820 to the enactment of the Homestead law, a series of bills was passed which retreated still further from the early policy of favoring big speculators and which went a long way toward helping the small settlers.

Third. Transfer of Teapot Dome to Interior Department: In 1920, the Universal Leasing Act gave the Secretary of the Interior the authority to lease producing oil wells within the naval reserves. While this looked like harmless legislation at the time, it laid the basis for the iniquitous operations of A. B. Fall, the Secretary of the Interior, thereby leading to the Teapot-Dome scandal.

The Senate Report on the Teapot-Dome scandal—Report No. 1326 of the 70th Congress—made the following statement:

Never has the world known a case involving a degree of fraud, quite evident bribery,

thievery, conspiracy, and corruption to compare with what has come to be known as the Teapot Dome-Elk Hills-Continental Trading Co. case. The leases involved in the case are estimated to have been worth not less than $500 million, and were consummated, to use the language of the Supreme Court of the United States, "by conspiracy, corruption, and fraud."

Let me call attention to the fact that the Teapot Dome leases involved $500 million—exactly 1 percent of the $50 billion value, according to the minimum estimate of the offshore oil and gas resources.

Fourth. The rejection by the Senate of the Versailles Treaty: In 1920, by conducing a successful campaign against the treaty proposals of President Woodrow Wilson, a small band of Senate isolationists succeeded in keeping the United States from joining the League of Nations. This prevented the League of Nations from becoming a truly effective organization for the preservation of the world peace and was one of the important factors leading to World War II.

Fifth. Refusal to join the World Court: In 1926, the Senate refused to approve the resolution of adherence to the World Court until it had first attached certain reservations which were unacceptable to other countries and to the League of Nations. This was another action which kept the United States from playing its rightful role in the preservation of peace, another action that helped to pave the road toward World War II.

Sixth. The Mellon tax laws: During the late 1920's, under the urging of Andrew Mellon, Secretary of the Treasury, Congress passed a series of tax measures reducing taxes on the wealthy. These tax laws were supposed to herald an era of undying prosperity. But by concentrating wealth in the hands of the few and by undermining the purchasing power of the majority of the people, they helped to bring on the great depression of 1929.

Seventh. The Smoot-Hawley Tariff Act: This law, enacted in 1930, was supposed to "protect" American industry and agriculture. But by erecting tariff walls that injured the flow of world trade the Smoot-Hawley tariff intensified the worldwide depression and prolonged the collapse of American industry and agriculture.

Mr. President, the seven actions which I have just listed were each supported by a majority of the United States Congress or—in the case of the two treaties—by the appropriate number of Members of the United States Senate.

In each case their proponents sincerely believed that they were doing the right thing.

But in each of these cases a serious error was made. In each of these cases action was taken which interfered with the orderly growth and development of our blessed country. In each of these cases history now records that a tragic blunder was made.

If Senate Joint Resolution 13 is adopted, another item will be added to this list of legislative monstrosities.

But the proponents of Senate Joint Resolution 13 point out that it has already been adopted by the House of Representatives. They point out that the subject has been studied for many years. They are correct in both of these statements.

However, in this connection I should like to call to the attention of the Senate the history of one of the first great land grabs for which congressional sanction was sought. I refer to the land legislation presented to Congress by the Illinois and Wabash Land Co. Before the Revolutionary War four large land companies presented petitions to the British Crown asking that they be given immense quantities of land, some amounting to 200 miles square. In the words of Thomas Jefferson, who criticized this fraudulent operation, they "proposed to cover the whole country north between the Ohio and the Mississippi and a great portion of what is south."

Let me quote a little further what Thomas Jefferson had to say about that case:

> All of these petitions were depending, without any answer whatever from the Crown, when the Revolutionary War broke out. The petitioners had associated to themselves some of the nobility of England and most of the characters in America of great influence. When Congress assumed the Government, they took some of their body in as partners to obtain their influence; and I remember to have heard at the time that one of them took Mr. Girard as a partner, expecting by that to obtain the influence of the French court to obtain grants of those lands which they had not been able to obtain from the British Government. All these lands were within the limits of Virginia.

After the organization of the new national government, these various companies were fused into one corporation. The corporation then presented an elaborate petition to the United States Senate asking for confirmation of its claim. In support of its claims, it presented specious evidence.

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

Mr. MURRAY. I yield.

Mr. DOUGLAS. I should like to ask the Senator from Montana if it is not a fact that, to the degree to which the forests were under State control, a great many fraudulent claims were staked out in those forests in the past.

Mr. MURRAY. Oh, yes. There is quite a history of how the claims had been extended. That has been the history of all land grants. In many cases, where there was a legitimate grant in the first place, figures in the grants were forged to give the grantees other tracts.

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

Mr. MURRAY. I yield.

Mr. DOUGLAS. Is it not a fact that in the State of Michigan large numbers of fraudulent forest claims were filed by timbermen?

Mr. MURRAY. I believe that is true. I am not familiar with the history of Michigan, but I believe I have read about it.

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

Mr. MURRAY. I yield.

Mr. DOUGLAS. Is it not true that in the State of Wisconsin, in the region from Wausau northward, large numbers of fraudulent forest claims were filed?

Mr. MURRAY. Yes; that is absolutely correct. I recall that that has been referred to many times in connection with the forests.

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

Mr. MURRAY. I yield.

Mr. DOUGLAS. Is it not true that in the State of Oregon there was a United States Senator who was sentenced to the penitentiary for fraud in connection with the filing of claims upon the forests?

Mr. MURRAY. That is absolutely true.

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

Mr. MURRAY. I yield.

Mr. DOUGLAS. Is it not true that the United States Forest Service has been able to bring the forests under relatively secure protection from these frauds?

Mr. MURRAY. The Forest Service has accomplished a great deal since it has been in operation. It has corrected many undesirable conditions.

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

Mr. MURRAY. I yield.

Mr. DOUGLAS. Does the Senator fear that if the forests are returned to the States, or perhaps I should say if the forests are given to the States, fraudulent land claims once again may be prevalent?

Mr. MURRAY. Oh, that is certain to occur, as it has in the past. The big lumber barons will get the advantage. Some persons are in better financial condition and are better able to deal for those properties than are others; so it will be some of the favored few who will get the largest plums.

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

Mr. MURRAY. I yield.

Mr. DOUGLAS. Is the Senator afraid that in the granting of oil leases on the Continental Shelf favoritism may be shown by the States if they obtain control?

Mr. MURRAY. Yes. I have no doubt that that will occur. I believe that many of the lessees who have obtained leases through the States have obtained them on extremely favorable terms. They would therefore not like to see those lands held by the Federal Government. They would like to see them turned over to the States, so that they could have their leases carried out—leases which are very favorable.

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

Mr. MURRAY. I yield.

Mr. HILL. Is it not true that once the public lands and grazing lands get out of the possession of the United States Government they are lost and gone forever?

Mr. MURRAY. I think that is true. We could never get them back again. If we once turn them over to the States, I am afraid it will be a terrific loss to the Nation. Jefferson spoke of that in his time. I gave a quotation from him.

Mr. HILL. Mr. President, will the Senator yield for another question?

Mr. MURRAY. I yield.

Mr. HILL. Is it not true that up to the time of Theodore Roosevelt the United States Government had lost the possession and ownership of about three-fourths of its great public-land domain?

Mr. MURRAY. That is true.

Mr. HILL. And is it not true that Theodore Roosevelt at that time instituted the program of conservation which our Government has followed from that time on?

Mr. MURRAY. That is absolutely true.

Mr. HILL. Is it not true that, with all the merit of that conservation program, the Government of the United States has never been able to reclaim or get back any of those wonderful resources which the Government had previously lost?

Mr. MURRAY. That is true.

Mr. HILL. Mr. President, will the Senator yield for another question?

Mr. MURRAY. I yield.

Mr. HILL. Is it not true that the Federal Government holds these wonderful forests, mineral resources, and all the other great natural resources as a trustee for all the people?

Mr. MURRAY. That is absolutely my understanding.

Mr. HILL. Mr. President, will the Senator yield for another question?

Mr. MURRAY. I yield.

Mr. HILL. Is it not true that many, many thousands—we might almost say millions—of acres of virgin soil went into the hands of a few large companies?

Mr. MURRAY. That is correct.

Mr. HILL. Is it not true that when it went into the hands of a few large companies, instead of being for the benefit of all the people, it was for the benefit of a few of the people?

Mr. MURRAY. That is correct. We lost the major portion of our forests. Only an insignificant fraction of the original forest area has been left in public control.

Mr. HILL. Mr. President, will the Senator yield for another question?

Mr. MURRAY. I yield.

Mr. HILL. Is it not true that many of the great trees which were once in the forests have been cut down, and the forests have been depleted?

Mr. MURRAY. That is correct.

Mr. HILL. If the Senator will yield for another question: Is it not true that those great trees are like great umbrellas, which God Almighty put here for the protection of the soil?

Mr. MURRAY. That is correct; for the conservation of water and the prevention of floods, thus providing a source of water for municipalities and other uses.

Mr. HILL. Is it not true that when the trees are cut down the water comes in, there is no protection from the flow and rush of the water, and in that way the rich top soil is carried down the rivers and streams, and into the gulf or ocean, and that that soil is lost to the people of the United States?

Mr. MURRAY. Yes. That has been a subject of considerable discussion in recent years. A short time ago I mentioned that General Eisenhower himself spoke on that subject and said that one could stand on the docks at New Orleans and see a 40-acre farm passing his feet every 30 seconds during the flood season. That is quite a startling statement, but it is true.

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

Mr. MURRAY. I yield.

Mr. HILL. Is it not true that what General Eisenhower had in mind when he referred to a 40-acre farm was the rich topsoil, which produces the plants from which we obtain our food and the fabrics for our clothing?

Mr. MURRAY. Yes; and it can never be restored.

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

Mr. MURRAY. I yield.

Mr. HILL. Is it not true that scientists tell us that it would require mother nature from 500 to 1,000 years to restore 1 inch of top soil?

Mr. MURRAY. That is correct. It would be a disastrous thing to the United States if such conditions should continue to prevail. If we turn these public lands over to the States for exploitation, we shall witness a very serious development.

Bernard DeVoto has written an article in the February Harper's magazine on this subject, which I have quoted heretofore, in which he points out the serious consequences.

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

Mr. MURRAY. I yield.

Mr. HILL. Is the Senator familiar with an article which Mr. Bernard DeVoto has written, to appear in the May issue of Harper's, following up the article which he wrote in the February issue, dealing with the question of land exploitation and the grabbing of our great natural resources, and the effects of such exploitation?

Mr. MURRAY. My reference is to an article which he had already written, and which has already appeared. I assume that he will continue to write further articles along the same line, as he has been doing for many years.

Mr. HILL. Is not the Senator a member of the Senate Committee on Labor and Public Welfare?

Mr. MURRAY. Yes.

Mr. HILL. Mr. President, will the Senator yield for another question?

Mr. MURRAY. I yield.

Mr. HILL. Is it not true that as a member of the Senate Committee on Labor and Public Welfare, which handles health legislation, the Senator from Montana has been very much interested in the subject of health, and has devoted much thought, effort, and time to health legislation?

Mr. MURRAY. That is true.

Mr. HILL. Mr. President, will the Senator yield for another question?

Mr. MURRAY. I yield.

Mr. HILL. Is it not true that doctors and scientists feel that many of the diseases with which our bodies are plagued today arise from the fact that the nutrients and minerals which make up our bodies are no longer in the soil because the top-soil which held such nutrients and minerals has been washed into the sea?

Mr. MURRAY. I think that is absolutely true.

Mr. HILL. Mr. President, will the Senator further yield?

Mr. MURRAY. I yield for another question.

Mr. HILL. Is it not true that in Texas there is a county named Deaf Smith County, where there are no caries, or what we call dental cavities?

Mr. MURRAY. Yes.

Mr. HILL. Is it not true that the reason there are no dental cavities in that county is that there is natural chlorine in the soil?

Mr. MURRAY. Yes.

Mr. HILL. And the chlorine prevents decay of the teeth, is that correct?

Mr. MURRAY. Yes.

Mr. HILL. So there are no dental caries in that county.

Mr. MURRAY. That is absolutely true.

Mr. HILL. Mr. President, will the Senator further yield?

Mr. MURRAY. I yield.

Mr. HILL. Is it not a fact that it is the phosphorous in the soil of Missouri that has made it possible through the years for Missouri to raise such big, tough Missouri mules?

Mr. MURRAY. That is correct. There is no question about it.

Mr. HILL. Mr. President, will the Senator yield for another question?

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

Mr. HILL. The Senator from Montana has the floor.

Mr. MAYBANK. I just wanted to ask the Senator about jackasses. I am not suggesting that there are any here.

Mr. MURRAY. The Republicans claim that the wild jackasses are all reared in the West.

Mr. MAYBANK. I say to the Senator that I never suggested it.

Mr. HILL. Mr. President, I did not mean to get off into anything facetious, but let me ask this question: We need all kinds of mules, do we not?

Mr. MURRAY. That is correct. It makes no difference whether they are from Missouri or Alabama.

Mr. HILL. Mr. President, will the Senator from Montana yield for a question?

The PRESIDING OFFICER (Mr. DWORSHAK in the chair). Does the Senator from Montana yield to the Senator from Alabama?

Mr. MURRAY. I yield.

Mr. HILL. Is it not true that one reason we are having the tragic situation we find today and having the perilous condition which exists between our country and China is that China's soil, through the centuries, has been washed into the sea, and China can no longer provide the necessary food and fiber for her people?

Mr. MURRAY. That is correct. That was the case with all the great nations of the world which have disappeared. Many books discuss the subject of erosion and the loss of topsoil, and many references are made to various countries of the world which were, at one time, happy and prosperous communities. They are referred to as far back as in early Greek history. The teachers of that time pointed out that at one time the forests of Greece covered the islands there and that the valleys were rich with topsoil, and were subsequently destroyed

as a result of the failure to protect the soil by maintaining the forests on the mountains.

Mr. HILL. Mr. President, will the Senator from Montana yield further?

Mr. MURRAY. I yield further.

Mr. HILL. Is it not true that back in the olden times there was no Yellow Sea as we know it today, and that the Yellow Sea got its name from the fact that the topsoil of China went down the rivers into the sea and made it yellow? Is that not why the sea is named the Yellow Sea?

Mr. MURRAY. That is correct.

Mr. HILL. It is yellow today because of the soil which was washed off the land and down the rivers and into the sea?

Mr. MURRAY. That is correct. There are other elements which have been lost which are of great value to the health of the country. As a result of soil erosion many such minerals have been washed out of the soil. For example, iodine is of great importance, and in those countries where the top soil has been lost and where there are no proper facilities for water, there is a scarcity of iodine in the water, and serious diseases develop.

Mr. HILL. Mr. President, will the Senator yield further?

Mr. MURRAY. I yield.

Mr. HILL. Is it not true that iodine is so important that the great State of South Carolina, from which our good friend the Senator from South Carolina [Mr. MAYBANK] comes, advertises itself as the Iodine State?

Mr. MURRAY. Yes; and South Carolina is entitled to do so if she has ample supplies of it. There is one State—I forget which State it is—which has lost its iodine supply as a result of failure to conserve water, and diseases such as goiter have developed.

Mr. HILL. Mr. President, will the Senator yield further?

Mr. MURRAY. I yield.

Mr. HILL. Is it not true that South Carolina not only has a right to be proud of having iodine, but that as a result of the advertising, people who seek a place to go to might well be persuaded to go to South Carolina, by reason of the fact that iodine is in the soil of South Carolina. Is that true?

Mr. MURRAY. That is true.

Mr. HILL. Mr. President, will the Senator yield further?

Mr. MURRAY. I yield.

Mr. HILL. Is it not true that Marco Polo, the great traveler and historian, in writing the history of his travels and in speaking of China, described the beautiful forests and the wonderful clear streams in China at the time he was a traveler there?

Mr. MURRAY. That is true. He described the marvelous climate, and the health and happiness of the people who lived there at that time.

Mr. HILL. Mr. President, will the Senator from Montana yield further?

Mr. MURRAY. I yield.

Mr. HILL. In other words, is it not true that when we read Marco Polo's description of China of that time we know that China's soil had not then been washed into the sea?

Mr. MURRAY. That is true.

Mr. HILL. China was not confronted then with the situation it now faces, of not having the substance in the soil with which to raise the products necessary to feed the Chinese people? Is that correct?

Mr. MURRAY. That is correct. That is the reason why many of us are supporting programs for the conservation of our water resources, for the conservation of our soil, and for the building of public projects in various sections, in order to protect our country from flood conditions, which carry off the topsoil. I think it is one of the most important programs we could undertake. The preservation of our topsoil is very important. It is one of our greatest assets. So long as we preserve it, to produce the food and fiber necessary for our people, we can continue to be a strong Nation. If we sit idly by and allow erosion to continue, as it has in some sections, notably in the Tennessee Valley some years ago before the Tennessee Valley Authority was established, we will very soon get into a dangerous condition.

Mr. HILL. Mr. President, will the Senator from Montana yield further?

Mr. MURRAY. I yield.

Mr. HILL. Is it not true it has been demonstrated that with the right kind of conservation of forests and water and soil, we can rebuild the soil?

Mr. MURRAY. Yes; that has been demonstrated.

Mr. HILL. Mr. President, will the Senator from Montana yield further?

Mr. MURRAY. Of course it takes a long time.

Mr. HILL. Yes; it takes a long time. But is it not true that we cannot rebuild the soil if we persist in turning it over to private exploitation?

Mr. MURRAY. That is correct.

Mr. HILL. Or if we persist in the depletion and destruction of our forests?

Mr. MURRAY. That is correct. It can only be done where the Federal Government is in a position to control the situation and has ownership of the lands. If we turn them over to private ownership, the private owner can naturally handle the lands to suit himself. If he does not cooperate with the Government he will soon destroy his holding.

Mr. HILL. Mr. President, will the Senator from Montana yield further?

Mr. MURRAY. I yield.

Mr. HILL. Is it not natural for a private owner to think in terms of what profit he will make out of the soil for himself, instead of thinking of himself as a trustee for all the people to conserve and preserve the soil?

Mr. MURRAY. That seems to be the natural tendency. It has been followed in this country to such an extent that we have already been seriously damaged by the failure of property owners to join in the program. We have been compelled to make inducements to property owners in order to get them to cooperate in a program of topsoil conservation.

Mr. HILL. Mr. President, will the Senator from Montana yield further?

Mr. MURRAY. I yield.

Mr. HILL. Does not history show that there are just two forces which destroy nations and civilizations: One of them is an invading army and the other is erosion and depletion of the soil? Is that right?

Mr. MURRAY. That is right. I think erosion and depletion of the soil is the more dangerous enemy.

Mr. HILL. Mr. President, may I ask the Senator from Montana whether he has been in the Middle East?

Mr. MURRAY. No; I have not.

Mr. HILL. Has the Senator visited in the countries of Lebanon, Syria, Egypt, Saudi Arabia, Jordan, or Palestine?

Mr. MURRAY. No, but I have learned a great deal about them, because in my State of Montana there is a colony of Syrians, and I am the president of the Syrian Society.

Mr. HILL. Is not the Senator aware of the fact that the green pastures to which the Bible refers as being in the old lands which we know as the Bible lands, in which the Master himself lived and moved and preached, are not there any more?

Mr. MURRAY. That is true. That is where the wonderful olive trees thrived.

Mr. HILL. The soil is so poor that today it may be called dead soil?

Mr. MURRAY. That is correct.

Mr. HILL. It can no longer produce food or fiber. Is that correct?

Mr. MURRAY. That is correct. In this country we are recovering some desert land. For example, in California, around Palm Springs in the desert, it is marvelous what is being accomplished by conservation methods and by the development of water and irrigation. It is bringing hundreds of thousands of acres of land in those areas under cultivation and providing great prosperity for the people.

Mr. HILL. Mr. President, will the Senator from Montana yield further?

Mr. MURRAY. I yield.

Mr. HILL. Does the Senator from Montana realize that in those biblical lands, in the countries to which I have referred, namely, Lebanon, Syria, Egypt, Palestine, Jordan, and Saudi Arabia, the average Bedouin—who is ordinarily a shepherd or farmer—has an income of about $40 or $50 for a whole year?

Mr. MURRAY. That is true.

Mr. HILL. Mr. President, will the Senator from Montana yield for another question?

Mr. MURRAY. I yield.

Mr. HILL. In other words, is it not true that the soil there is so poor, inasmuch as the rich top soil has been washed away to a very great extent, that the best the farmer there can do is to eke out a bare existence for himself and his family, in terms of $40 or $50 a year?

Mr. MURRAY. That is correct. But as a result of conservation of the waters, those people could recover the use of many of the waste lands which have developed in those areas. In fact, some of that work has already been done.

I know that in Lebanon a sort of TVA program is already in existence. Similar programs are conducted in many other sections.

Mr. HILL. Mr. President, will the Senator from Montana yield for another question?

Mr. MURRAY. I yield.

Mr. HILL. Is it not true that in Lebanon and Syria attempts are being made to develop a Tennessee Valley type of program for the Litani River?

Mr. MURRAY. Yes. I did not remember the name of the river, but I remember reading of the program.

Mr. HILL. Is it not true that our Government was asked to send there Mr. Gordon Clapp, the Chairman of the Board of Directors of the Tennessee Valley Authority, in order to give those people a picture of the operations of the TVA and what has been done in our country, so as to help guide them in the development of the Litani River?

Mr. MURRAY. Yes. Of course we are trying to do the same for other sections of the world, because the time will come when there will be an insufficient amount of agricultural acreage in the world, for the purpose of feeding the people of the world, inasmuch as populations are so rapidly expanding.

Mr. HILL. Mr. President, will the Senator from Montana yield further to me?

Mr. MURRAY. I yield.

Mr. HILL. Is not that a problem which presents itself to us today, as our population rapidly increases, and thus we must be thinking more and more in terms of conservation of what we have and of getting more production from what we have?

Mr. MURRAY. Yes; and also of preserving the natural wealth of our country. We cannot waste a particle of it, because as our population grows and as our industries expand, we cannot afford to sacrifice any of our minerals or let any of our mineral wealth be wasted.

Mr. HILL. Is it not true that today we do not know just what the value of many of these minerals is?

Mr. MURRAY. That is true.

Mr. HILL. Is it not true that perhaps if we had been standing on this floor 25 years ago and if someone had spoken of uranium, it would not have been possible for any one of us to appreciate at that time the tremendous and, we might say, indispensable importance to our country of the uranium from which we obtain atomic energy and from which we make the atomic bomb? Is that correct?

Mr. MURRAY. Yes, that is correct. Uranium has become such an important mineral that it is more valuable than gold, because of the scarcity of uranium. Great efforts are on foot to discover and develop deposits of uranium in every part of the country. There is some uranium in Montana, although the deposits there are of a very low value.

Mr. HILL. Is it not true—speaking of the increase in our population—that in less than 25 years, or by 1975, there will be a fifth plate at every American table, where there are four plates today?

Mr. MURRAY. That is true. That has been stated by authorities on the growth of population. The requirements for the population of the United States, in the way of food and fiber, are rapidly increasing. That is a most important field. If we are not in a position to sustain our population, we shall not be very successful.

Mr. HILL. Mr. President, will the Senator from Montana yield again to me?

Mr. MURRAY. I yield.

Mr. HILL. In other words, is it not true that wherever we feed four mouths today or wherever four stomachs are filled today, by 1975 we shall have to feed five mouths or fill five stomachs?

Mr. MURRAY. That is true.

Mr. HILL. Is it not true that antibiotics have opened up a new era in medicine and medical care; and is it not true that the antibiotics come from the soil?

Mr. MURRAY. That is true. In fact, everything comes from the soil or the waters; all wealth comes from the soil or the waters. There is no wealth except what comes from the land or the waters. There is no other source of wealth or any other source of the minerals which are necessary for life.

Mr. HILL. Mr. President, will the Senator from Montana yield for another question?

Mr. MURRAY. I yield.

Mr. HILL. Is not that illustrated by the fact that today we have new products, such as nylons and plastics, which come from the soil, somewhat in the same way that cotton comes from the soil or that the sheep that produce the wool are fed from the soil? Is that true?

Mr. MURRAY. That is correct. That shows how important it is for us to conserve our resources in the lands, minerals, and forests, as well as in the resources we possess offshore, which are involved in the present controversy.

Mr. HILL. Mr. President, will the Senator from Montana yield for another question?

Mr. MURRAY. I yield.

Mr. HILL. Is it not true that we used to be what we called a great agricultural Nation, in the sense that many of our people lived on farms?

Mr. MURRAY. Yes, but that situation has changed entirely.

Mr. HILL. There has been a great change, so that, as one Senator said, today a relatively small minority of our people live on farms? Is that true?

Mr. MURRAY. Yes; that is true.

Mr. HILL. Therefore, is it not true that there must be more and more production by this small minority, not only for ourselves, but for the great majority who now live in urban centers?

Mr. MURRAY. That is true.

Mr. HILL. Mr. President, does the Senator from Montana recall how many persons there are in the United States, according to the last census?

Mr. MURRAY. One hundred and fifty-six million or one hundred and sixty million.

Mr. HILL. Is the correct number between 156 million and 160 million?

Mr. MURRAY. It is.

Mr. HILL. Is it true that of that total number, only approximately 21 million persons now live on farms?

Mr. MURRAY. That is true. Of course, mechanization and various programs, such as those the Senator from Alabama [Mr. HILL] and other Senators have promoted, have contributed to greater efficiency on the farms, so that now those who live on the farms can produce more with fewer farm workers than they ever had before.

Mr. HILL. Mr. President, will the Senator from Montana yield for another question?

Mr. MURRAY. I yield.

Mr. HILL. Is it not true that not only can they produce more, but because of rural electrification they can do so much more to diversify their crops?

Mr. MURRAY. That is correct.

Mr. HILL. Does not diversification mean much wiser farming practices and much wiser use of the land?

Mr. MURRAY. Yes; that is absolutely true.

Mr. HILL. Is it not true that today, by means of rural electrification, a farmer can have an electric milker, and therefore does not have to depend upon many persons to milk the cows by hand? Does not that make it possible today for farmers to have dairy herds which they could not have had in the past?

Mr. MURRAY. Yes.

Mr. HILL. Is it not also true that because of rural electrification, the farmer can refrigerate the milk, and can keep it fresh longer than he could in the old days?

Mr. MURRAY. That is true.

Mr. HILL. Is it not true that because of rural electrification, farmers can be dairy farmers, whereas in the old days they could not even consider that form of activity?

Mr. MURRAY. That is correct.

Mr. HILL. And is it not true that instead of raising grass for feeding the flocks, many of the grasses being leguminous crops which put nitrogen back into the soil instead of taking nitrogen out, the farmer in the old days had to raise soil-depleting crops, which took the nitrogen out of the soil instead of putting it back?

Mr. MURRAY. That is absolutely true. There can be no question about the highly beneficial results accomplished by diversification of crops, and also from the irrigation and reclamation programs which have been undertaken.

Mr. HILL. Is it not true that, because of rural electrification, there has occurred what might be called a peaceful revolution in our agricultural life in many, many directions?

Mr. MURRAY. That is correct, just as an industrial revolution, with a tremendous expansion of industry, has taken place, because of a recognition of the fact that there must be purchasing power in the hands of the farmers, of the workers, and of the people generally. As a result of the recognition of that fact, we have developed the United States into the greatest industrial power in the world.

Mr. HILL. But with all our mighty industry, of which we are tremendously proud, is not agriculture the base of our national life?

Mr. MURRAY. Yes; that is correct.

Mr. HILL. Proud as we are of our industry, and important as our industry is to us, we could continue as a people without the great industrial development of which we are so proud, but we certainly could not live or exist without our agriculture. Is not that true?

Mr. MURRAY. That is absolutely true. Agriculture is the basis of our whole economic success. Industry is devoted to fabricating the products of agriculture, as well as of the mines. They all come from the land.

Mr. HILL. Is it not true that with the ever-increasing demand for production as our population increases we must educate and train more and more young men so that they can go to the farms and scientifically till the soil?

Mr. MURRAY. That is correct; and we have been accomplishing that.

Mr. HILL. Is not that one consideration which the Senator from Montana, the Senator from Alabama, and other Senators have had in mind in seeking to apply to education the revenues obtained from the oil in the submerged lands?

Mr. MURRAY. That is true.

Mr. HILL. So that at least part of these funds may go to agricultural schools and agricultural colleges, to help train and educate and prepare American boys and girls so they may live on farms and raise food and fiber and other products which we as a great and ever-growing people must have. Is not that correct?

Mr. MURRAY. That is correct. No one could question the accuracy of the Senator's statements.

Mr. JACKSON. Mr. President, will the Senator from Montana yield for a question?

Mr. MURRAY. I yield.

Mr. JACKSON. Before I ask the question I wish to commend the senior Senator from Montana for the fine statement he has made today, not only about the issue now facing the Senate, but regarding the overall resources program.

Is it not a fact that those of us who are opposing the proposed giveaway bill have pointed out that it is but a part of a pattern?

Mr. MURRAY. That is correct. It is a part of a pattern which is developing now, and it is a part of a system which has always existed in the world. It existed in the early history of the United States, when land grabbing was a pastime. So we have to be constantly on the watch to protect the Nation and the people from plans, proposals, and schemes which would be injurious to our country and our people.

Mr. JACKSON. Is it not part of a pattern to invade other areas on the American public-resources domain which belongs to all the people?

Mr. MURRAY. Yes.

Mr. JACKSON. Is it not a fact that those of us who are opposed to the giveaway proposal pointed out from the very beginning that, if it were adopted, there would follow other measures proposing to turn the grazing lands, power resources, and other great areas of public trust either back to the States or to private interests?

Mr. MURRAY. The Senator is correct. There is constantly such a threat and all that is necessary to make it a success is to have a Congress which will permit such programs to go through. I remember that at one time, many years ago, there was an effort to invade the Yellowstone National Park and to turn the Yellowstone Falls into a big power development. Of course, those behind that movement could very easily find investors if they could get a grant in Yellowstone Park to install a power plant. It would be an easy thing to put such a project through. So we have to be constantly on guard to protect the national interests in matters of this kind.

A short time ago I referred to a number of instances in our history when there was enacted legislation which wrought a great injury to our country. I believe that of all the measures to which I referred none could be more serious in its ultimate consequences than would be the measure presently pending in the Senate.

Mr. JACKSON. Is it not a fact that since the proposed legislation got under way there have been a number of such proposals made? Just a few days ago there was a proposal made by a former President of the United States, President Hoover, that the Government get out of the power business. Is not that a fact?

Mr. MURRAY. Yes; it is. Some have suggested that the Government get out of the post-office business, and turn the post office over to private interests.

Mr. JACKSON. Is it not true that the very first multiple-purpose project had its inception during the administration of a great Republican President by the name of Theodore Roosevelt, a man who did much for the conservation of our national resources?

Mr. MURRAY. Yes; that is correct.

Mr. JACKSON. Is it not a fact that the first multiple-purpose dam built in America was located in Arizona, Roosevelt Dam, which provided water for irrigation in the Phoenix area, and also power, and which has assisted that area immeasurably?

Mr. MURRAY. That is true.

Mr. JACKSON. Is it not a fact that that first Federal multiple-purpose project was initiated by a Republican President?

Mr. MURRAY. Yes; that is correct.

Mr. JACKSON. Is it not also a fact that the largest multiple-purpose project prior to 1933 was undertaken by a former President of the United States, Herbert Hoover, at Boulder, Colo.?

Mr. MURRAY. That is correct.

Mr. JACKSON. Is it not also a fact that the name of the dam was changed from Boulder Dam to Hoover Dam during the 80th Congress in recognition of the contribution by Herbert Hoover to that project?

Mr. MURRAY. That is true. I remember that very distinctly.

Mr. JACKSON. Now that recognition has been given to that former President of the United States, which was a deserved tribute to him, does not the Senator think it a bit unusual, that he now wants to get the Government out of the power business in spite of the fact that he spent a great deal of time getting the Federal Government into the power business?

Mr. MURRAY. I think that is very true. I am not sure that he did so very much in getting the Government into the power business, however, because my recollection is that he was not in favor of the dam, now known as the Hoover dam, when it was first proposed.

Mr. DOUGLAS. Mr. President, will the Senator from Montana yield for a question?

Mr. MURRAY. I yield.

Mr. DOUGLAS. Would it be fair to say that Mr. Hoover displayed the same zeal for the original Boulder Dam project that a cat displays when it is pulled by its tail backward across a rug?

Mr. MURRAY. I think that is an apt illustration. I do not think he contributed very much, but he was in power when the dam was finally completed. I believe that as a result of his strategic position, he was able to induce the authorities to call the dam "Hoover Dam."

Mr. JACKSON. Mr. President, will the Senator from Montana yield for a further question?

Mr. MURRAY. I yield.

Mr. JACKSON. Let us give the former President of the United States the benefit of the doubt and say, at least, that the project was inaugurated during his administration. Does not the Senator think it a bit unusual that he would now want the Government to get out of the power business, in spite of the fact that Congress passed legislation providing for giving his name to the project, and another former President of the United States, Harry Truman, signed it?

Mr. MURRAY. That is true. Former President Hoover is a great engineer, and he knows what a wonderful thing it would be for him to organize a corporation to operate Hoover Dam. He knows what large profits can be made there. Certain persons want to get control of it and make profits, made by charging high rates and being guaranteed 6 percent interest on the investment. That would be a continuing guaranty, so they would have a business that would be certain.

Mr. JACKSON. Mr. President, will the Senator from Montana yield for a further question?

Mr. MURRAY. I yield.

Mr. JACKSON. Is it not a fact that there are some persons who would like to have the Government go to all the trouble of constructing great multiple-purpose projects and then enter into contracts with private utility companies—which would be literally the granting of a monopoly—thus giving away the power resources to a few private monopolies in defiance of a sound principle of policy laid down by Teddy Roosevelt away back in 1903 when he stated that the power from Federal projects should be first sold for municipal purposes? Does not the Senator think that such a policy is a dangerous one, when it is now apparent that this Congress, by action which has already been taken by one of the Appropriations Committees, will be giving to certain private utility companies a monopoly of the power at the bus-bars of great Federal dams which belong to all the people of the United States?

Mr. MURRAY. If that policy is carried out, it would be a catastrophe to the country. It seems to me that the Government of the United States, in setting up the Tennessee Valley Authority, has demonstrated the value of projects of that kind and the need of having them under public control so as to furnish an

output of power to keep the cost of power down to a rate which would enable the power to be utilized to its highest degree. Low-cost power in Montana has made it possible to electrify farms of the State to the extent of approximately 90 percent. It has been of great value in increasing the production of our farms.

Mr. JACKSON. Mr. President, will the Senator from Montana yield for another question?

Mr. MURRAY. I yield.

Mr. JACKSON. Is it not a fact that in addition to the proposal to grant a monopoly of our power resources to certain private power companies, it has been proposed that some of our public domain be turned over to the States? Is not that a fact?

Mr. MURRAY. That is true. There is a threat in both directions.

Mr. JACKSON. Does the Senator know that a bill is to be introduced to deauthorize Libby Dam which has previously been authorized by the Congress as a Federal project, and scheduled for construction by the Corps of Engineers?

Mr. MURRAY. That is true.

Mr. JACKSON. Does not the Senator feel that it would be disastrous to deauthorize this great power project?

Mr. MURRAY. It would be, in my judgment. Already a great deal of money has been expended in trying to engineer that project in order to determine its feasibility. It seems to me it has been proved to be one of the fine, large dam sites in the country. It would be of tremendous value in producing power of which we are short at the present time.

Mr. JACKSON. Is it not a fact that it would not only provide a substantial output of power at the dam, but would also store water for the dams downstream which add to the output of each and every dam on the Columbia River and its tributaries?

Mr. MURRAY. That is correct. The value of the dams on the upper stretches of the river, such as Hungry Horse Dam in Montana, is that they produce power at the dam site and also contribute to increasing power production down the river by holding back the waters and supplying them to works lower down the river.

Mr. JACKSON. Mr. President, will the Senator yield for another question?

Mr. MURRAY. I yield.

Mr. JACKSON. Is it not a fact that every 1,300,000 acre-feet of water in storage upstream will provide an output for a generator at Grand Coulee Dam?

Mr. MURRAY. That is correct.

Mr. JACKSON. Is it not a fact that the tying together of all the dams on the Columbia River and its tributaries is the real secret of the tremendous power potential which exists in the Northwest?

Mr. MURRAY. That is true.

Mr. JACKSON. Is it not a fact that while Libby Dam would provide a great deal of power for Montana, which would be the principal recipient from this great undertaking, the fact that water would be released from the proposed great project would make it possible for the dams downstream to participate in that great project which would be constructed in the northwestern part of the Senator's State?

Mr. MURRAY. The Senator is right. That statement is absolutely correct. Of course, that situation is well recognized by all engineers and others who are familiar with these developments. For instance, in Montana, although the local power utility opposed the construction of Hungry Horse Dam, nevertheless, when the dam was completed, it made a vast contribution to the power that was developed by the utility company's own dam below. Also, as a result of agreements with the Bonneville Power Authority, the private utility was able to get a large part of the power produced at Hungry Horse Dam, and thus the company's activities have been greatly expanded.

We have no objection to private utilities benefiting from these projects, because when the private companies expand and are able to distribute more power, it means that more industry will come into that part of the country, and more population will be taken care of.

One of the great needs of Montana was industrial development, because the State lacked industries. We had a small population, which subsisted almost entirely on agriculture. When our young people grew up, they had no opportunities for jobs until this industrial development was started.

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

Mr. MURRAY. I yield.

Mr. JACKSON. Is it not a fact that while the Montana Power Co. opposed construction of Hungry Horse Dam, that company now is one of the chief beneficiaries of the power produced by Hungry Horse Dam, at a price much less than the price at which Montana Power Co. itself was able to produce power in the past; and, in addition, a large aluminum plant at Kalispell, Mont., now in process of construction, but which will soon be completed, is owned by the Anaconda Copper Co., and will produce net revenue and new jobs for the people of Montana, and the interest of Anaconda Copper Co. is tied in with the Montana Power Co.?

Mr. MURRAY. I believe there are interlocking directorates.

Mr. JACKSON. Is it not a fact that one of the principal reasons for the Federal development of these great multipurpose projects is that, in the beginning, the water resource that is harnessed by the great dams is a property right which belongs to all the people of the United States?

Mr. MURRAY. That is correct.

Mr. JACKSON. Is it not a fact that when a private utility wishes to build a dam on a navigable stream, it is not given the opportunity to buy the property, but is given a license which runs for 50 years; and at the end of 50 years, the Federal Government has the option of buying the dam at a fair value?

Mr. MURRAY. Yes; but I do not think as a practical matter that the option would ever be exercised as long as the project was being operated in the public interest.

Mr. JACKSON. Is it not a fact that such provisions are contained in the license a private utility receives to build a dam or structure?

Mr. MURRAY. Yes.

Mr. JACKSON. Is it not a fact that one of the high considerations, among others, in having the Federal Government build multipurpose projects is to make certain that power sold from the dams will be marketed at the lowest possible cost consistent with sound business prudence, and to the greatest number of customers?

Mr. MURRAY. That is correct.

Mr. JACKSON. Is it not the purpose to make power available widely at the lowest cost?

Mr. MURRAY. That is the policy.

Mr. JACKSON. Is it not a fact that in the Northwest, where the Senator from Montana and I live, the building of great dams is done more to bring private enterprise into that great area than for any other reason?

Mr. MURRAY. It has been most remarkable to observe, in the history of our country, the rapid industrialization of the State of Washington as a result of the development of power projects.

Mr. JACKSON. Is it not a bit unusual to hear the word "socialism," and other such scare words, when one considers that in 1940 not a single pound of aluminum was being produced in Washington; yet today the State of Washington produces half the pig aluminum produced in the United States, all under free enterprise?

Mr. MURRAY. That is certainly a very startling instance of the development of a great industry as a result of public power programs.

Mr. JACKSON. Is it not a fact that as a result of our winning the fight for the building of the Hungry Horse Dam, in which the senior Senator from Montana played an important part, together with his colleague, the junior Senator from Montana [Mr. MANSFIELD], who was then a Member of the House, Montana is now getting new industries which it did not have before; first, the big aluminum plant at Kalispell, and then the new chemical plant of the Anaconda Copper Co.?

Mr. MURRAY. The Senator is correct. That has been one of the most remarkable developments I have ever witnessed. Prior to 1940, Montana had a dwindling population. It had lost population. There were fewer people in Montana in 1940 than there were 30 years before, because there was no established industry to provide job opportunities for the young people who were graduating from our schools. Therefore, they were moving out of the State and hunting positions in other sections of the Nation.

Mr. JACKSON. Could we not quite accurately say that when we have placed one of the so-called socialistic generators on the line in the powerhouse at one of the socialistic dams, we have placed a private payroll on the line?

Mr. MURRAY. That is correct. I think that undoubtedly the program of developing multipurpose dams and of supplying electricity for industry in our section of the country has been one of our greatest accomplishments.

I am not critical of the private power industry out there. I think it is beginning to realize the wisdom of the public program. It enters into contracts with Mr. Raver, the Administrator of the Bonneville Administration, and I understand that the industry newspapers gave great credit to the Bonneville Administration for its wonderful accomplishments. So I think we are witnessing a sort of gradual overcoming of the opposition of some of the utilities to the public projects, which are valuable to the country, and from which they receive value.

Mr. JACKSON. Mr. President, will the Senator further yield?

Mr. MURRAY. I yield.

Mr. JACKSON. Does not the senior Senator from Montana think it a peculiar kind of socialism when one considers that these great public undertakings, the multipurpose dams, and so forth—have brought such a tremendous amount of new private enterprise to the Pacific Northwest?

Mr. MURRAY. That is correct.

Mr. JACKSON. Does not the senior Senator from Montana feel that there is room in this country for both public and private power companies to operate in the distribution of power?

Mr. MURRAY. That is correct.

Mr. JACKSON. Is it not a fact that most of the great private utilities in the Pacific Northwest receive a substantial amount of the power which they distribute to their customers from these great Federal undertakings—and, I may add, they receive it at a low cost—which gives to them an added profit?

Mr. MURRAY. That is correct. These projects could not have been built by private industry. Nevertheless, when they are constructed and placed in operation, private industry receives a great benefit from them. It receives power at a price for which private industry could not produce it if it were compelled to produce power.

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

Mr. MURRAY. I yield.

Mr. JACKSON. Is it not a fact that many of the opponents of these great Federal projects have attempted to create the impression that the Federal Government is trying to nationalize the private power industry?

Mr. MURRAY. Yes. There is an attempt to do that, but I think it is recognized that public power production in the country is insignificant compared with the production of power generally by private utilities.

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

The PRESIDING OFFICER (Mr. PAYNE in the chair). Does the Senator from Montana yield to the Senator from Washington?

Mr. MURRAY. I yield.

Mr. JACKSON. Is it not a fact that there is not necessarily any direct relationship between the construction of Federal power projects and the taking over of private facilities by local municipalities or public bodies?

Mr. MURRAY. That is correct.

Mr. JACKSON. Is it not a fact that the only State in the Union where there is not a single private power utility is the State of Nebraska, where, at the time they were taken over, there was not a single Federal power-generating facility?

Mr. MURRAY. That is correct.

Mr. JACKSON. Is it not a bit ridiculous, therefore, to try to say that the Federal Government is trying to nationalize the power industry in this country when, as a matter of fact, the areas in which private utilities have had trouble have been those sections of the country where the grassroots of America became fed up with some of their practices—in many cases practices which were corrupt indeed? Is not that a fact?

Mr. MURRAY. I think there is a great deal of merit in what the Senator is saying. Of course, we have not had such battles in Montana to the extent that they have occurred in other sections of the Nation. Our fight there for public power was successful, and since that time I think there has been a growing tendency on the part of the local private utilities to cooperate. I am not critical of the Montana Power Co. at all. I think we can get along in our State, recognizing the need for these public power plants, and at the same time giving the private utilities an opportunity to expand as a result of being able to furnish them with low-cost power which they could not produce themselves.

Mr. JACKSON. Is it not a fact that the Montana Power Co. has been a pretty well-managed utility?

Mr. MURRAY. That is correct. The president of the Montana Power Co. now is John Corette, who appeared before the committee a short time ago and told the committee that he was raised in my backyard in Butte. Since that time our paths have diverted a little, but at the same time we are very great friends, and I appreciate the sound wisdom of Mr. Corette in his policies in Montana. He is accomplishing a great deal for our State. There is no fight in progress in our State. I think we get along very satisfactorily.

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

Mr. MURRAY. I yield.

Mr. JACKSON. Does not the senior Senator from Montana feel that diversity—that is, public and private ownership in the field of distribution of power—is a good and healthy thing for the American economy, when one considers that in dealing with this problem we are not dealing with two private enterprises as such, because the very heart of private enterprise is a supposition of competition. On the contrary we are dealing with monopoly. The only way we can make a demonstration of competition is to have a yardstick of private distribution on the one hand, and public distribution on the other, with the two operating in the same community, and providing the kind of competitive spirit, through the yardstick device, which will give to the American consumer a better product.

Mr. MURRAY. I think that is a very good illustration.

Mr. JACKSON. Is it not a fact that it would be a bad thing for the American economy to have all of any one thing?

Mr. MURRAY. That is true. I think it is better to have private industry in the field, generally.

Mr. JACKSON. Private utilities.

Mr. MURRAY. Yes.

MULTIPLE PURPOSE PROJECTS REPAYMENT

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

Mr. MURRAY. I yield to the Senator from Nevada for a question.

Mr. MALONE. I should like to ask the distinguished Senator from Montana if he understands how the first large project in the West was constructed and paid for, and how the power was distributed. I refer to Hoover Dam, then Boulder Dam of course.

Mr. MURRAY. Does the Senator mean how it was paid for?

Mr. MALONE. How the power was sold, the price fixed, and repayment provided.

Mr. MURRAY. The project was built by public funds, but it was paid for by the sale of the power. The power was sold to big private utilities as well as small ones, and to all concerned.

Mr. MALONE. Mr. President, if the Senator will further yield; does the Senator from Montana understand that under the customer-preference clause, municipalities, States, and public organizations were given preference by the Bureau of Reclamation, in accordance with the customer-preference clause in the basic law? Certain customers were entitled to and received first preference.

Mr. MURRAY. That is correct.

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

Mr. MURRAY. I yield.

Mr. JACKSON. Is it not a fact that under the Boulder Project Act the city of Los Angeles received a portion of the power and Southern California Edison received the other portion of the power? So the sale of the power from the dam over a period of 40 or 50 years was limited to those two distributors, precluding other customers from entering the market.

Mr. MALONE. Mr. President, will the Senator from Montana further yield? I think I can furnish some information in that regard.

Mr. MURRAY. I do not think it interfered with the preference rights of the farmers or municipalities.

Mr. JACKSON. Mr. President, will the Senator from Montana yield for a question?

Mr. MURRAY. I yield.

Mr. JACKSON. Is it not a fact that the output of the dam was entirely distributed between the two customers, so that it foreclosed for the future any new municipal plants that might come in, or new private utilities that might enter the field; thus resulting in a sort of closed-shop arrangement on the distribution of power?

Mr. MALONE. Mr. President, will the Senator from Montana yield at that point?

Mr. MURRAY. I yield.

Mr. MALONE. I believe the RECORD should be kept straight. It was not confined to those two customers, the city of Los Angeles and the Southern Cali-

fornia Edison Co., at all. If the Senator will yield, I should like to ask him a question. As a basis for a question as to the propriety of the course of action by the Bureau of Reclamation, the power was offered for sale to preference customers first.

They were the Bureau of Power and Light of Los Angeles, the southern California cities; and the States of Arizona and Nevada were given a withdrawal preference, under which they could withdraw up to a total of approximately 36 percent of the firm power generated at Hoover—then Boulder—Dam at any time during the 50-year amortization period.

The junior Senator from Nevada was State Engineer of Nevada at the time, and Colorado River Commissioner, and takes credit for putting the clause providing for such withdrawal into the agreement.

The remaining power after the "preference customers" were satisfied was allotted to private companies. Nevada and Arizona were allocated 36 percent that could be withdrawn at any time over the 50-year amortization period. We can let the power revert without prejudice and secure it again, at cost at the switchboard, under certain specified conditions of withdrawal.

I should like to ask the Senator from Montana whether he agrees with the principle utilized on the Hoover—then Boulder—Dam project of underwriting the cost of the project through the sale of power over a definite amortization period, before we could start construction? Does the Senator agree that with the customer-preference clause freely operating as it did in this case that it is a fair and reasonable method to construct a project?

Mr. MURRAY. Well, I am not in favor of establishing the principle that we must firm have customers for the power who will underwrite the cost of the project. Such a policy would have stopped the Bonneville, Grand Coulee, and Hungry Horse projects. I am, of course, in favor of the preference clause in all power acts.

Mr. MALONE. Mr. President, if the Senator will yield further I should like to ask him another question.

Mr. MURRAY. I yield.

Mr. MALONE. I would say to the Senator from Montana that future projects, like the projects at Bridge Canyon, with respect to which the Senator from Nevada has introduced a bill, would have to be constructed in the same manner. The power would be sold—with due exercise of the "customer preference" clause of the reclamation law to repay the cost with interest. Future customers, under municipalities, foreseeing their need, would operate under the "customer preference clause" and contract for the amount needed. The same principle under which the Southern California cities, the bureaus of power and light, and the States of Arizona and Nevada withdrew Hoover Dam power.

The States of Arizona and Nevada were also afforded revenue from the Hoover Dam project in lieu of taxes.

We disposed of the power at the switchboard to the preference customers, and then to the private companies, whoever they may be, but we underwrote the cost to the Government—that was a provision of the law—before starting the project the cost must be underwritten through the sale of power and water. It seems to me to be a very satisfactory way of constructing a Federal multiple-purpose project.

Mr. MURRAY. Well, if it turns out to be a satisfactory arrangement, as long as the preference customers are able to get the full amount they needed, it would seem to me that I could not find criticism with letting the utilities have what was left over.

Mr. MALONE. Mr. President, will the Senator from Montana yield further?

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Nevada?

Mr. MURRAY. I yield.

Mr. MALONE. The junior Senator from Nevada knows that one the criticisms directed to those of us like the junior Senator from Nevada who would like to see the Government continue to lend its credit to the construction of multipurpose projects, which otherwise could never be constructed, at least to the size that is necessary, is that the taxpayers are not repaid.

Of course, power companies wanted to construct a low dam at the site of Boulder Dam—now Hoover Dam—but not a dam high enough to provide for flood control, silt control, and for irrigation and domestic water, and of course power to pay for the project. By the Government lending its credit, however, and the users of the power and water underwriting the cost, the whole project proved feasible and the maximum public benefit was served.

Mr. MURRAY. Yes. But it would have been feasible whether it was underwritten or not. Just as in the case of Bonneville, Grand Coulee, and Hungry Horse.

Mr. MALONE. I should like to ask the senior Senator from Montana if he would not agree that that would be a feasible method of constructing the Bridge Canyon project on the same river—the Colorado?

Mr. MURRAY. Well, I do not know about that.

Mr. MALONE. On the Colorado River. May I finish my question? A bill introduced by the junior Senator from Nevada would, through the sale of power, underwrite the entire cost of the project before we started construction—as in the case of Hoover Dam. The States, municipalities, and other public bodies would be treated alike in the allocation of the power under the customer preference clause. The remainder then could be sold to private companies. I will ask the senior Senator from Montana if he does not think that method would preclude criticism of unwisely investing taxpayer money?

Mr. MURRAY. Well, I do not see the necessity of tying up power in advance for these private utilities. It seems to me that there has been a constant shortage of power in this country, and as these dams are constructed we never catch up with the demand. So it seems to me that we should not tie up the power at the dam site and turn it over. If necessary, we should be entitled to carry the power inland in order to serve the preferred customers who would like to participate.

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

Mr. MURRAY. Yes.

Mr. MALONE. I would say, as a basis for the next question to the senior Senator from Montana, that the junior Senators from the State of Arizona and Nevada discussed the matter only this morning, and they agreed that the two States could utilize all the power that could be produced by Bridge Canyon Dam and power plants. So there is every reason to expect, if we authorized the project, subject to underwriting the cost through the sale of power, that most of the power would be withdrawn under the preference-customer clause of the Bureau of Reclamation before construction of the dam was begun. I think the senior Senator from Montana will agree that that would be a very fair way to do it—without risk to the taxpayers' money—it would all be repaid with interest.

Mr. MURRAY. Yes; if the preferred customers have an opportunity to get what their requirements would be. But there is never any need to underwrite the cost of these projects through contracts for sake of power in advance. There will always be a shortage of power and any project that will produce power is feasible and will reimburse the taxpayers and produce new taxable values.

Mr. MALONE. The preferred customers would have the first opportunity.

Mr. MURRAY. Yes.

Mr. MALONE. Would the Senator from Montana yield further?

Mr. MURRAY. Yes.

Mr. MALONE. On the Colorado River, to lay a basis for the next question, we had the Boulder—now Hoover—Dam—then the Davis Dam 50 miles below on the Colorado River. There the customer-preference clause was again exercised, and my State of Nevada withdrew one-fourth of the power to be used within our State. Arizona was allotted her share.

I point out to the senior Senator from Montana, as a basis for the next question, that by conducting the affairs of the Government on a business-like basis, by first taking care of the "preference customers" in every case and underwriting the cost through the sale of power before the project is built, we avert any legitimate criticism. We believe that the multiple-purpose projects for flood control, silt control, irrigation, and regulatory purposes can only be constructed by the Government lending its credit for the purpose. Therefore does not the senior Senator from Montana believe that we remove any just criticism by assuring the repayment of the cost before the money is expended?

Mr. MURRAY. Well, Mr. President——

Mr. MALONE. We want to remove any just criticism.

Mr. MURRAY. Of course that is true; we would like to get away from any criticism of that kind. But it seems to me we should not be so anxious to get

away from criticism that we would turn over the power to private monopolies, when there is a possibility of taking the power further inland and finding smaller customers, such as municipalities and others, that would like to get some part of the product of the plant built by the taxpayers and would like to get it at low prices. Under your formula the big power projects in the Northwest would never have been built.

Mr. MALONE. I have much sympathy with the purposes the Senator from Montana has in mind.

I should like to ask a further question, if he will yield for that purpose.

Mr. MURRAY. I yield.

Mr. MALONE. The small customers are not sidetracked in the State of Nevada. In other word, we now have new electrochemical and electrometallurgical industries there utilizing their allotment of power and the regular city and county customers are served.

The PRESIDING OFFICER. Is the Senator from Nevada asking a question?

Mr. MALONE. I am laying the foundation for a question, if the Chair please.

Mr. TAFT. Mr. President, I object to that. Under the rule, when a Senator is yielded to, to ask a question, it is not proper for him to lay a foundation for a question.

The PRESIDING OFFICER. Under the rule, when a Senator is yielded to, to ask a question, he is confined to asking a question.

Mr. MALONE. Mr. President, I shall be happy to conform with the wishes of the majority leader.

Mr. TAFT. No doubt the Senator from Nevada can phrase his questions properly, and thus can comply with the rule.

Mr. MALONE. Mr. President, I understand that the Senator from Ohio may be irritated at some explanations. But they are necessary.

Mr. TAFT. Mr. President, I am not irritated; I am merely pointing out that the Senator from Nevada is violating the rule.

Mr. JACKSON. Mr. President, will the Senator from Montana yield to me for a question?

The PRESIDING OFFICER. It is the understanding of the Chair that the Senator from Montana has yielded to the Senator from Nevada for a question.

Mr. JACKSON. At this time I should like to ask a question.

Mr. MURRAY. Mr. President, I yielded to the Senator from Nevada, who wished to ask a question. He is now in the midst of laying the foundation for his question.

Mr. MALONE. Then I ask the senior Senator from Montana whether he agrees with the general policy followed at Boulder Dam, now Hoover Dam, and with the policy which I have suggested in the case of the Bridge Canyon Dam—as I have outlined that policy for repayment of the cost of construction of the Bridge Canyon Dam; and I ask the Senator from Montana if he agrees with the policy the Bureau of Reclamation followed in the case of Davis Dam, which is located between Arizona and Nevada of "customer preference" withdrawal. Does the Senator from Montana agree with the policy that we can underwrite these projects by the sale of power and water and can allow the "customer preference" clause to operate freely?

Mr. MURRAY. That would be very desirable, it seems to me, if we could build the dam and could allow the preference customers to have full access to the power from the dam, provided they were able to have access to it. Sometimes they are not able to have access to it. For instance, in Montana we had to provide transmission lines in order to give the preference customers an opportunity to obtain the power.

I am not familiar with the Davis Dam.

I am familiar with the problems connected with our efforts to develop the Hungry Horse Dam, in Montana. There we needed to bring a transmission line from the dam down to Butte, and we needed to bring another transmission line from Havre to Shelby, in connection with Fort Peck power. That is the only way we could do any good with the power, for the people of the State.

Mr. MALONE. Mr. President, will the Senator from Montana yield for another question?

Mr. MURRAY. I yield.

Mr. MALONE. Then does the Senator from Montana agree with the power companies' principle of urging in their testimony before congressional committees that they be allowed to utilize their transmission lines and facilities to deliver public power to the areas for which it is contracted and then refusing to transmit such power after showing that public construction of transmission lines is unnecessary—let us say to a preference customer, as in the case of Nevada, which, through its Colorado River Commission, contracted for 33,000 kilowatts of power from Shasta Dam—the California power companies refusing to transmit the power? It indicates refusal to transmit Nevada's power to the place of use, although they have heretofore testified before the congressional power commission committees that they would do the job under such circumstances. They have even caused a State law to be passed in California prohibiting California power companies from transmitting such power and prohibiting power generated at Shasta Dam—the Central Valley project—from leaving the State.

The California Railroad Commission has also passed a resolution refusing the the right of California companies to transmit power out of the State. Does the Senator from Montana approve of the California power companies' action of testifying before congressional committees that they will deliver the Federal power where it belongs, where the contract says it must be delivered and then through devious methods prevent the power from being taken where it belongs?

Mr. MURRAY. Of course, I would not approve of a system that would use subterfuge to prevent the working of the program in the way it was laid out to work. It seems to me that the only way to proceed is to provide for transmission lines to carry the power from the dam, so as to give the smaller customers an opportunity.

Mr. MALONE. Mr. President, will the Senator from Montana yield for another question?

Mr. MURRAY. I yield.

Mr. MALONE. Then in the case of the Pacific Gas & Electric Co., of San Francisco—which company delivers power as far south as Bakersfield, from Shasta Dam, and as far as the State line between California and Nevada, to the private power companies in Nevada at this time—would the Senator from Montana approve of action by that company in refusing to transmit to the State line power that has been contracted for, by the Colorado River Commission of Nevada through the Bureau of Reclamation, under the customer-preference provision of the Bureau of Reclamation Act?

The company has indicated refusal to do just that, and such refusal is directed to prevent the contract between the Colorado River Commission of Nevada—a public body representing the State—from being put into effect. I ask the Senator whether he approves that action?

Mr. MURRAY. Does my colleague mean to say that the private power interests refused to carry the power across the State line?

Mr. MALONE. They indicate refusal to carry it to the State line, whereas now they are transmitting power to the same area, but the indicated refusal refers to power contracted for by a Nevada public body, the Colorado River Commission of Nevada, through the Bureau of Reclamation. I refer to power from Shasta Dam.

Mr. MURRAY. That would seem to me to be a very unfair thing. It seems to me they should carry the power to a point where it could be used by customers that had agreed to take it and were willing to pay for it.

Mr. MALONE. Does the Senator from Montana refer to preference customers?

Mr. MURRAY. Yes; preference customers.

Mr. MALONE. The Senator from Montana is familiar with the fact, is he not, that before the Appropriations Committee of the Senate and before other Senate committees, the private power companies, including the Pacific Gas & Electric Co. and the Southern California Edison Co. of California, have testified that they will transmit the Federal power wherever they have the transmission lines, so as to deliver federally owned power where it belongs, under a contract with a preference customer? Is the Senator from Montana familiar with that?

Mr. MURRAY. But upon what rates? How about the rates? It seems to me that the rates are an important item.

Mr. MALONE. Of course, the rates are standard for wheeling and are mutually agreed upon in each case. But the point is that they have indicated refusal to transmit such power after they have agreed, in their testimony, to do it.

Mr. MURRAY. They now refuse to transmit power?

Mr. MALONE. They indicate refusal; yes.

Mr. MURRAY. I do not approve of anything that would be unfair. I believe in carrying out all agreements.

Mr. JACKSON. Mr. President, will the Senator from Montana yield to me?

Mr. MURRAY. I yield to the Senator from Washington.

Mr. JACKSON. Does not the Senator from Montana think the distinguished majority leader, the senior Senator from Ohio [Mr. TAFT], should be complimented for his good nature, his patience, and his cooperation during the debate today?

Mr. MURRAY. I certainly agree. I think my distinguished friend, the Senator from Nevada, will also agree. I have very high respect for the Senator from Nevada, of course. He sits on the Committee on Interior and Insular Affairs with me, and I find that he is very cooperative. I have great respect for his judgment on many things. I was a little bit alarmed this afternoon, though, lest he be letting me in on some kind of a complicated problem that I might misunderstand. But I think he has always been fair, and I have a very kind regard for him.

Mr. MALONE. I thank the Senator from Montana. Mr. President, would the Senator yield for one more question?

Mr. MURRAY. I yield for one more question.

Mr. MALONE. I should merely like to ask the Senator one final question, to clear up the situation. I am sorry if the Senator may have misunderstood the question in the first instance. If the private power companies testified before congressional committees—which they have so testified—that wherever Federal power is sold, wherever such power is to be delivered, that they will deliver it wherever they have existing transmission lines, and by that method have prevented construction of Government transmission lines, and then when the occasion arises refuse such transmission service to defeat contracts with "preference customers" being consummated, is that a fair way of doing business?

Mr. MURRAY. That does not seem to me to be a fair way of doing business. If they agree, they should carry out the agreement.

Mr. MALONE. Mr. President, will the Senator yield for one more question?

Mr. MURRAY. I yield.

Mr. MALONE. Then would the senior Senator from Montana agree with the junior Senator from Nevada that when a situation such as the one described is brought about, it is a subterfuge, and the Congress of the United States should then take a hand to make arrangements for delivering the power wherever the contract with the preference customer called for it?

Mr. MURRAY. That would seem to be a just and reasonable proposal.

Mr. MALONE. I thank the Senator.

Mr. TAFT. Mr. President, how much time does the Senator from Montana think he will require to complete his remarks?

Mr. MURRAY. I could complete them by 4 o'clock.

Mr. TAFT. I may say that any time the Senator desires to conclude, it will be perfectly agreeable to me, and as soon as he concludes, I shall move that the Senate take a recess.

Mr. MURRAY. I think I can finish perhaps within 15 or 20 minutes.

Mr. TAFT. I would not like to stay through the night. [Laughter.]

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

Mr. MURRAY. I yield to the Senator from Washington for a question.

Mr. JACKSON. Does not the senior Senator from Montana think that the proposition of selling power from a dam prior to the construction of the project would not necessarily be in the public interest, in that it would preclude municipalities and public bodies that might come into being in the future from getting an opportunity to buy the power?

Mr. MURRAY. Yes.

Mr. JACKSON. And not merely public bodies and cooperatives, but would it not also preclude other private utilities that might come into being over a period of, say, 50 years?

Mr. MURRAY. The question answers itself. Obviously, if all the power is sold in advance, then the plant would not be in a position to supply new preferred customers who might come along, and who might require the power, such as municipalities and rural electric cooperatives.

Mr. JACKSON. Public and private?

Mr. MURRAY. Public and private.

Mr. JACKSON. Does not the Senator think that such an arrangement is more in keeping with a static economy rather than a free and expanding economy which would from time to time make it necessary to have additional power to assist private enterprise, new industries, new plants, and so on?

Mr. MURRAY. I think the Senator is correct.

Mr. President, I will proceed with my remarks, and I hope I will not be interrupted any more this evening, because I should like to complete what I have to say. I have no desire to remain here all night. If I should offend the majority leader, he might keep me on the floor until 1 o'clock in the morning, so I am going to try to keep on good terms with him.

Mr. President, we are not attacking the Republican Party nor the Republican administration. We are trying to support the President. It seems clear that the President was induced to endorse this giveaway proposal without having the benefit of full knowledge of all its effects and consequences. At one time before his nomination General Eisenhower was quoted in the press as stating that he had not known of the decisions of the Supreme Court in the California, Texas, and Louisiana cases, and I am sure that he would not advocate anything that would nullify the action of the Supreme Court. Thereafter terrific political pressure was brought to bear on General Eisenhower and the Republican Party by partisan politicians, mainly representing reactionary interests, and the National Republican Party was pressured into endorsing the so-called tidelands legislation.

We think an investigation should be made of the background of this giveaway legislation and the incomplete and misleading information upon which the Republican Party has acted in supporting this measure.

Mr. President, during the 82d Congress, the very able and distinguished Senator from Illinois [Mr. DOUGLAS] conducted an extremely important series of hearings on the subject of ethics in Government. The report which his subcommittee issued as a result of these hearings is one of the classics in the history of Senate reports. In this report, the distinguished Senator from Illinois quoted an old English verse, which I should like to repeat at this time:

The law locks up both man and woman
Who steals the goose from off the common,
But lets the greater felon loose
Who steals the common from the goose.

Mr. President, the unknown author of these memorable lines was not only a great poet, but a discerning analyst of the society of his day.

Mr. President, if we are men instead of geese, we shall not let them get away with this. We shall refuse to sanction this preposterous giveaway and shall instead adopt the amendments that are needed to preserve the offshore oil lands as part of the public domain and to dedicate the revenues therefrom to the payment of the national debt and to the improvement of education in each of our 48 States.

Mr. President, upon request of the distinguished Senator from Tennessee [Mr. KEFAUVER], I ask unanimous consent to have printed at this point in the RECORD, as a part of my remarks, Bulletin No. 249 of the National Popular Government League, entitled "Why the Power Joker in the Tidelands Oil Bill?" by Judson King, director. Mr. King has been in the forefront of the battle for the people's interests and the conservation of our natural resources for over 50 years. Today, at the age of 81, he is still fighting valiantly and effectively with those of us who are trying to preserve for the people the many real gains that have been accomplished during and since the days of Theodore Roosevelt.

The PRESIDING OFFICER. Is there objection?

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

WHY THE POWER JOKER IN THE TIDELANDS OIL BILL?—TO DELAY CONSTRUCTION OF MULTIPURPOSE DAMS?

(By Judson King, director)

Question: "Have the engineers and other experts in the Eisenhower administration developed a method of building a dam across a river without allowing it to touch the river bed?"

Begging your pardon—this it not a lame attempt at being facetious. The question is being propounded in effect by Senators MURRAY, DOUGLAS, HILL and other progressives in the Senate debate over the notorious tidelands oil bill, in progress as this is written.

There is a joker in that bill, passed by the House on April 1, which plainly prohibits the Government from building multipurpose dams without the consent of the States. Able attorneys declare that if retained by the Senate or in the conference committee report, as seems likely, the legal base will be laid for a case to be carried to the United States Supreme Court.

That is exactly what power companies and investment bankers would like. Whenever the Government started to build a dam the joker would enable them to bring an injunction on the ground that it violated the rights of a State—a delay of 2 or 3 years or more would elapse before the Supreme Court could decide. Meantime our whole program of multiple-purpose development could be halted and put in jeopardy.

OCEAN SHORE LANDS: BUT RIVERS AND LAKES ALSO

Within 2 hours after the House by a vote of 285 to 108 had passed the tidelands oil bill the Senate began debate on its bill covering the same subject. They were identical as introduced. The title of the Senate Submerged Lands Act reads:

"To confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, and to provide for the use and control of said lands and resources."

Now then, "navigable waters" includes rivers and lakes of the entire United States. For example, such a control of rivers to the States would mean that Congress could not authorize the Reclamation Service or Army engineers to build dams without their consent.

"Oh no," exclaim the sponsors, "Section 3 (b) of the bill (S. J. Res. 13) provides that the United States retains its rights in such matters and the bill shall not "be construed as the release or relinquishment of any rights of the United States arising under the Constitution or authority of Congress to regulate or improve navigation, or to provide for flood control or the production of power" (p. 16). Furthermore, this is repeated in section 6 (a) which reads in full text:

"SEC. 6. Powers retained by the United States: (a) The United States retains all its navigational servitude and rights in and powers of regulation and control of said lands and navigable waters for the constitutional purposes of commerce, navigation, national defense, and international affairs, all of which shall be paramount to but shall not be deemed to include proprietary rights of ownership, or the rights of management, leasing, use and development of the lands and natural resources which are specifically recognized, confirmed, established, and vested in and assigned to the respective States and others by section 3 of this joint resolution.

THE CONTRADICTION WHICH IS THE JOKER

Reading carefully all goes well to the middle of the paragraph when we encounter a surprising, unnamed proviso which I have underscored. I entreat your patience with quoting so much legal language. You will not believe me if I do not. Anyhow, this is not a mystery or a detective story—but perhaps it is, of a sort. Keen attorneys familiar with water laws and court decisions have spotted in this verbiage the words "but" and "use." They hold that this proviso denies to Uncle Sam in the text what is given him in the title.

His powers are retained but he cannot build a dam without the permission of the States, and he cannot have flood control, navigation, and power without building dams.

WHY IS IT THERE?

The question arises, if it is not an unintentional faux pas, why is it there? Why did it get by the House unchallenged and why is its retention being defended in the Senate so vigorously? (See CONGRESSIONAL RECORD for April 1, pp. 2618–2620; and for April 2, pp. 2699–2701). It is all very strange. One would think it a simple matter to strike out that "but" proviso or clarify it and undoubtedly a motion to that effect will be made. If so, and it passes, the bill will then go of necessity to a conference committee and the real test will come.

This bill includes minerals and all other natural resources. All students of American history are aware of how profoundly our economic system can be affected by judicial interpretation of a few apparently harmless or ambiguous words in a law or constitution. Did you never hear wise old lawyers smilingly remark of a court finding, especially a split decision, "They had the last guess"?

HELLS CANYON AND THE JOKER

Take a red-hot example. The Government has completed plans for harnessing Snake River as a part of the Columbia River system, including Hells Canyon Dam. This high dam, comparable to the Hoover and Grand Coulee Dams, is critically needed for flood control and power to end the shortage. But money for it has not yet been appropriated.

Meantime the Idaho Power Co. has applied to the Federal Power Commission for a license to build a low dam on the Hells Canyon site. The FPC is holding hearings right now.

Now, under the recent Roanoke Rapids decision of the United States Supreme Court, FPC has legal authority to grant the company a license, despite the protest of the Bonneville Power Administration.

But even if FPC refuses to grant the Idaho Power Co. its license the company could still stop construction by starting litigation under this joker in the tidelands bill. This Roanoke Rapids decision requires our attention because of its far-reaching effects. Also, because it shows the consequences of permitting outright jokers or indefinite, unclear provisions to creep into lawmaking.

THE ROANOKE RAPIDS DECISION OF MARCH 16, 1953

The Roanoke River is a turbulent stream which rises in the mountains in western Virginia. It flows southeasterly for 410 miles through Virginia and North Carolina into Albemarle Sound. Flood damages are estimated at over $500,000 annually. After a catastrophic flood in 1940 which aroused the populace, the Government directed the Army engineers to make a survey. The corps came up with a multipurpose comprehensive plan for 11 dams. This plan as a single project was estimated to cost $124 million.

Money was later appropriated for, and construction started on, two reservoirs in Virginia, named Buggs Island and Philpott, now both practically completed, in 1953, at a cost of $100,400,000.

Although approved money was not yet appropriated to build the only really big power dam of the system located at Roanoke Rapids, in North Carolina, a few miles downstream and dependent on Buggs Island and Philpott for a steady water supply to spin its turbines.

ENTER VEPCO

The Virginia Electric & Power Co. (VEPCO) applied to the Federal Power Commission (FPC herein) in 1929 for a license to develop Roanoke Rapids but withdrew its application in 1935. But on October 6, 1948, with Buggs Island under construction, it renewed its application and the Power Commission assumed jurisdiction and set the case for hearings.

Whereat Secretary Chapman intervened on the grounds that the Interior Department by law had charge of marketing power at such dams under the Flood Control Act, and FPC had no right to grant a private license since Congress had staked out the whole river basin for unified public development.

A strenuous conflict ensued but on January 26 1951, FPC granted VEPCO its license. Now note that the license was approved by the Chief of Engineers, General Pick, coauthor of the famous Missouri Pick-Sloan plan. The case was carried up to the United States Supreme Court and on March 16, 1953, FPC was sustained by a vote of 6 to 3 and VEPCO got the site. (Consult Government's brief, Gregory Hankin, counsel, Nos. 28 and 29, October 10, 1952. Justice Frankfurter wrote and delivered the majority opinion of the Court for himself and Justices Reed, Jackson, Clark, Burton, and Minton. Justice Douglas wrote the dissenting opinion concurred in by Chief Justice Vinson and Justice Black.)

DOES THE CONGRESS "AUTHORIZE" WHEN IT "APPROVES?"

Before the Commission and the Court, FPC and VEPCO lawyers argued that when a comprehensive plan for harnessing an entire river basin was "approved" by Congress it merely meant that the project "shall be held in high regard," or "shall be well thought of"; hence the Power Commission had jurisdiction over the Roanoke Rapids dam site until Congress by an appropriation authorized the construction. The FPC and the Army engineers adopted this view.

The Interior Department attorneys maintained that when Congress approved a comprehensive plan for a region it ordered construction "as a single package" and this action foreclosed granting licenses to private companies in the region.

VIRGINIA REA CO-OPS TAKE A HAND

The 17 REA cooperatives of Virginia with 85,000 members have an association. The officials intervened along with Interior because the co-ops buy most of their wholesale supply from VEPCO and they expected and needed a cheaper supply from Roanoke Rapids if built by the Government. Half a million dollars annually was at stake as we shall see later.

THE MAJORITY OPINION: "THE POWER COMMISSION'S ORDER MUST STAND"

The lower courts held with the Commission and, as above stated, the Supreme Court affirmed. The 6 Justices affirming confined themselves to the legal aspects of the case and did not discuss its merits or the financial and other results flowing therefrom. Justice Frankfurter read "We are simply asked to decide whether Congress has withdrawn the power to decide this question from the Commission. To conclude that Congress has done so by approving a general plan for development that may be, and in this case was, a plan for long-term development, would be to contract, by a tenuous chain of inferences, the broad standing powers of the Commission."

The Army engineers had testified that although their original plan contemplated Government construction of the Roanoke Rapids Dam it would be all right with them if VEPCO built it. The Justice notes this and we read "As the report of the Corps of Engineers does not clearly recommend that all projects be constructed by the United States the Commission's concurrence in that report cannot provide a basis for invoking the provision of section 7 (b) of the Federal Power Act" (decision, pp. 16 and 19).

THE MINORITY OPINION: "AN UNCONSCIONABLE APPROPRIATION OF THE PUBLIC DOMAIN"

Justice Douglas, with Chief Justice Vinson and Justice Black, dissented and sharply. They pointed out the bad effects of the decision on river control, took cognizance of fiscal effects and the change affected in the Nation's waterpower policy built up during the last half century as respects this case.

They held that the alleged difference between "approved" and "authorized" was "an invented distinction." I quote:

"The Congress undertook to authorize specific projects under the plan, plainly suggesting that these were public projects whose authorization was in no way dependent on Commission action * * * the interpretations placed on the act by the Army Corps of Engineers are entitled to no weight * * * it is not charged with the responsibility of deciding issues of policies.

"The true character of this raid on the public domain is seen when Roanoke Rapids is viewed in relation to the other projects in the comprehensive plan. Roanoke Rapids is the farthest downstream of the 11 units

of the plan. Upstream from Roanoke Rapids is Buggs Island. * * * Roanoke Rapids is indeed the powerhouse of the Buggs Island Reservoir * * * (which) contributes 70 million kilowatt-hours to the Roanoke Rapids project. This is on-peak energy, firm energy made dependable by the storage in the Buggs Island Reservoir. There is evidence that this energy will have a value in excess of $700,000 a year.

"That $700,000 of value is created by the taxpayers of this country. Though it derives from the investment of Federal funds, it will now be appropriated by private power groups for their own benefit. The master plan now becomes clear: the Federal Government will put up the auxiliary units—the unprofitable ones; and the private power interests will take the plums—the choice ones.

"There is not a word in the act which allows such an unconscionable appropriation of the public domain by private interests. To infer that Congress sanctioned such a scheme is to assume it was utterly reckless with the public domain. I would assume that Congress was a faithful trustee, that what it approved as public-works projects it dedicated to the good of all the people" (p. 6).

THE VALUE OF THE POWER

The $700,000 figure refers only to the conversion of off-peak to on-peak power estimated incidentally, by the FPC to be worth only $250,000 which the Justice points out is "indubitably a plain error." But Interior experts estimate the total net benefits from this Government dam to be in excess of $1,500,000 yearly.

Note sharply that the litigants are dealing with wholesale power only. So let us look at the problem from the consumers' viewpoint. VEPCO legal exhibits reveal that they estimate the total yearly output of the Roanoke Rapids dam with the support of Buggs Island to be 309,000,000 kilowatt-hours of firm power.

Sold in Virginia and North Carolina at VEPCO's overall average rate of 1.97 mills for all classes of service would cost ultimate consumers around $6,087,000.

Sold by TVA municipalities at their overall average rate of 1.1 mills would cost ultimate consumers of all classes $3,399,000.

A difference of $2,688,000.

If we assume that one-third of the output, or 100 million kilowatt-hours, were sold to residential consumers at the current VEPCO rate of 2.68 cents per kilowatt-hour, it would cost Old Dominion people $2,680,000.

If sold by TVA municipalities at their current average rate of 1.35 cents, they would pay $1,350,000.

A difference of $1,330,000.

WHY VIRGINIA FARMERS ARE CONCERNED

VEPCO, the Virginia Electric & Power Co., in fiscal 1952 charged the 17 co-ops serving 89,000 consumers for their wholesale supply an average rate of 9.6 mills per kilowatt-hour.

The Santee-Cooper Public Power Administration in South Carolina charged the 23 REA co-ops serving 113,000 consumers in that State 6 mills per kilowatt-hour.

The TVA, wholesaling to 23 co-ops serving 261,000 consumers in Tennessee, charged an average of 5.1 mills per kilowatt-hour.

The official records from which the above is taken also show that in fiscal 1952 (that is, ending June 30) the Virginia REA Association purchased from VEPCO 155 million kilowatt-hours of wholesale power. A little figuring discloses that had they enjoyed (and that is the word) Santee-Cooper rates it would have saved them around $559,000.

And at TVA rates $698,000.

This is not small change, however, socialistic. It shows why Virginia farmers are aroused. Also why the National Rural Electric Cooperative Association under the leadership of the Honorable Clyde Ellis, its fighting manager, is concerned. The right of the Federal Government to construct dams and power facilities is at stake. A low-cost wholesale power rate means the difference between life and death for a farmer co-op in thin territory.

WHAT NOW?

It is obvious that it is up to Congress to pass a general act defining with precision the functions of Interior, the Army engineers, the Power Commission and other agencies involved. This for the purpose of removing any perplexities and avoid guessing on the part of the courts or the agencies.

Either that or repeat the distinctions and "authorization" in every multipurpose bill.

Justice Frankfurter said "Of course it is not for us to intimate a preference between private and public construction at this site." Elsewhere he cites the Army engineers. Justice Douglas replies that the corps' interpretations of law "are entitled to no weight—Congress alone makes policy decisions affecting the public domain." It is well known that since 1910 the corps has shown preference for private power at public projects.

This writer well remembers that in 1926 Senator Norris, Republican, Nebraska, and Congressman Lister Hill, Democrat, Alabama, and W. Frank James, Republican, Michigan, had to make a sensational protest to prevent the then Federal Power Commission, with concurrence of the Army engineers, from granting licenses to southern power companies to build private power dams above Muscle Shoals. That was prior to the passage of the Norris bill for harnessing the Tennessee River which Coolidge pocket-vetoed. Furthermore, Senator Hiram Johnson and Congressman Phil Swing, Republican, California, had to raise a row to stop the Commission from granting licenses on the Colorado before the Boulder Dam Act of 1928 was passed.

AS TO THE TIDELANDS JOKER

The thesis of this bulletin seems so preposterous that I cannot resent any reader's firsthand thought that it is the mistaken notion of an excited layman.

The attention of such is called to the minority report of the Senate Committee on Interior and Insular Affairs protesting the Submerged Lands Act, entitled "America's Stake in Offshore Oil." It was presented by Senators MURRAY, Democrat, of Montana, a lawyer; JACKSON, Democrat, of Washington, a lawyer; and ANDERSON, Democrat, of New Mexico, insurance business and agriculturist. Respecting the provision herein termed a joker, we read at pages 30 and 31:

"IX. The giveaway legislation would halt the Government's program for the multiple-purpose development of the water resources in the Nation's navigable rivers.

"Subsection (a) of section 6 of this measure declares, in effect, that the Federal Government's power under the commerce clause of the Constitution (art. I, sec. 8, clause 3) shall not be deemed to include the right to use lands beneath navigable waters. * * * Therefore, in declaring that the Federal Government's power under the commerce clause of the Constitution shall not hereafter be deemed to include the right to use the beds of navigable rivers, this measure undertakes to reverse the Supreme Court with respect to a well-established principle of constitutional law, and thereby halt the Federal Government's multiple-purpose program of water-resources development for navigation, flood control, irrigation, and electric power. Obviously, that program cannot be carried forward unless the Government can use the beds of navigable rivers for the dams and other structures essential to it."

But section 3 (d) states otherwise, and there is your lawsuit or lawsuits. But we will not know whether or not the joker goes into the act until we have the report of the House and Senate conference committee. That is the final test.

ECONOMY IN LAWSUITS

All taxpayers hail economy crusades. Lawsuits are costly, especially ones like this Roanoke Rapids case. Therefore, statutes should be clear as to meaning since the public pays the bill for both sides in litigation. Obviously the taxpayers pay the cost of three courts and Government attorneys; and electric consumers the cost to the utilities as the fees and expenses of their lawyers are charged to operating expense.

It would be a public service if some research expert would inform us in a typical case the cost per day to the Government of operating the district court, then on appeal the circuit court, and finally the Supreme Court. Add the utilities and private interveners and we would have quite a sum. Add the total of all such Federal suits in a single year; add the costs of debates in committee and on the floor of Congress over muddy and perplexing wordage and the sum would be still higher.

But if we add the cost of such suits in the 48 States and include the cost of floods due to delayed dam construction including Federal and State relief appropriations and Red Cross aid to sufferers, I surmise the ultimate figure would make quite a dent in the national debt.

Such a study would make a fine thesis for a graduate student seeking a doctor of philosophy degree to prepare him for a Government job. Why doesn't some millionaire offer a $5,000 prize for the best thesis on this subject?

POSTSCRIPT—Ex-President Herbert Hoover on Saturday night in Cleveland, Ohio, made an address broadcast by radio to the Nation. The heading of the New York Times report on Sunday tells the story. It read:

"HOOVER URGES UNITED STATES LEAVE POWER FIELD—EX-PRESIDENT SAYS STEP WOULD SAVE 600 MILLION A YEAR AND HALT 'CREEPING SOCIALISM'"

Mr. Hoover does not change. He still reechoes misleading private-utility propaganda as he has been doing since 1920. The consumers of Federal power, whom he always ignores as to rates, will smile. Official reports show that TVA consumers saved $57 million in fiscal 1952 as against the national average rate, and the dams have, since 1936, saved the city of Chattanooga alone $67 million in flood damage because of flood control.

In its 14 years of operation Bonneville has saved its users over $265 million. Both of them pay taxes and are paying back the investment in power plant. Facts which Mr. Hoover glossed over.

The figure of $600 million is not spelled out, as usual, but it interested me. In 1926 a great engineer estimated that if the people of the entire United States purchased electricity at Ontario Hydro public rates it would have saved them $600 million in 1925.

Tennessee folks seem hostile to selling TVA to the utilities. Probably California folks would object to selling Hoover Dam. They also have saved many millions.

Mr. MURRAY. Mr. President, I think that concludes my remarks. I want to express my appreciation to the distinguished majority leader for his courtesy in permitting me to conclude.

Mr. DOUGLAS. Mr. President, I ask unanimous consent to have printed in the body of the RECORD a resolution which has been forwarded to me by the city of Rockford, Ill., protesting against the passage of Senate Joint Resolution 13.

The PRESIDING OFFICER. Is there objection?

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

COUNCIL ROOMS, CITY OF ROCKFORD—COPY OF RESOLUTION ADOPTED APRIL 20, 1953

Whereas the tidelands bill has been passed in the House of Representatives in Washing-

ton and is now before the Senate for consideration; and

Whereas the Supreme Court has contended that the tidelands are public domain belonging to all peoples; and

Whereas these rich oilfields are estimated to be worth at least $50 billion, and that this revenue could be used to expand and finance additional school facilities throughout the 48 States, thereby relieving the taxpayers from carrying the whole tax burden of the billions of dollars needed within the next few years to provide adequate school facilities for the growing school population:

Resolved, therefore, that the city council, in behalf of the taxpayers of Rockford and the Nation, urges and requests Senators DIRKSEN and DOUGLAS to work and vote against giving away these valuable oil lands, but, instead, to retain the same for Government use so that the royalties from these natural resources may be available to help the taxpayers finance the expansion of our educational facilities throughout the Nation.

Mr. DOUGLAS. Mr. President——

Mr. TAFT. Mr. President, does the Senator from Illinois desire to place something in the RECORD?

Mr. DOUGLAS. Mr. President, if the Senator from Ohio would withhold his motion for a moment, I should like to present another unanimous-consent request.

Mr. TAFT. I am glad to do so. I yield to the Senator from Illinois for that purpose.

Mr. DOUGLAS. Mr. President, I ask unanimous consent to have printed in the body of the RECORD at this point five editorials opposing the passage of Senate Joint Resolution 13, as follows: First, from the Madison Capital Times of April 20, 1953; second, from the Raleigh (N. C.) News and Observer of April 13, 1953; third, from the Louisville Courier of April 11, 1953; and, fourth, from the Milwaukee Journal of April 10 and 11, 1953.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Madison (Wis.) Capital Times of April 20, 1953]

WHY THE BLACKOUT?

For 2 weeks the Senate of the United States has been engaged in one of the most important debates of our time. The question at issue is the disposition of billions of dollars worth of oil and other minerals lying off the coastal regions of this country. This is the debate over the so-called tidelands oil grab.

Why has there been no news coverage in Washington of this important debate? Why has there been a black-out on the news of this debate which involves billions of dollars of national resources?

[From the Raleigh (N. C.) News and Observer of April 13, 1953]

MORE GIVEAWAYS

The proposal to give the offshore oil lands which the Supreme Court has twice side belongs to the United States is proving contagious.

Contiguous States, which stand to get the oil lands under a bill already passed by the House and which the Senate is expected to pass this week, are now talking about claiming far out in the open sea. Not to be outdone, inland States which have no submerged lands are eyeing convetously Federal lands within their borders, Government forests and Government parks particularly.

Naturally the contagion is not confined to the States. Private power companies are now demanding that the Government give them its power dams and not build any more dams unless the power first be given to private power companies. And this amazing demand is backed up by no less a personage than former President Hoover.

So it goes. President Eisenhower started something when he promised the offshore oil lands to Texas and other States in last year's campaign.

[From the Louisville Courier of April 11, 1953]

A SLIM CHANCE STILL EXISTS TO BEAT THE GRAB FOR OIL

Though the odds still favor its passage, a surprising amount of strength is rallying to the support of the Senators fighting against the falsely tagged tidelands oil bill. Nor do those around Senator PAUL DOUGLAS of Illinois, sound like men fighting for a cause they know is lost. They're in there swinging solid punches. And perhaps there is reason to hope that their logic will prevail, now that Congress and the President have had time to settle from the elation of partisan victory into the grind of responsibility.

Certainly the proposal to give away historic Federal rights to offshore-oil reserves represents the ultimate in irresponsibility. An increasing number of usually silent voters are beginning to realize this fact, according to Columnist Tom Stokes, and to make their protests felt in Congress. These people are beginning to question the consistency of a party leadership that flays past Democratic giveaways, and in the next breath proposes the biggest giveaway of all time—the surrender of Federal right to an estimated $50 billion worth of subsea oil. They wonder, too, about the wisdom of preaching the need for defense while giving away one of the Nation's most vital defense resources.

President Eisenhower cannot indefinitely remain deaf to the calm but powerful voices being raised against his support of the tidelands grab. The Washington Post, which strongly supported the Eisenhower candidacy, has branded the attempt to give Texas, Louisiana, California, and Florida possession of offshore oil lands offshore piracy, and has predicted that posterity will look upon this giveaway as profligate and shameful. The New York Times, also an Eisenhower supporter, has urged Republican leaders of Congress to defeat the bill, thus relieving the President of the unpleasant task of keeping a campaign promise by signing a measure injurious to the national welfare.

We suspect that President Eisenhower would like to be free of the entire controversy. There is evidence that candidate Eisenhower never really understood the facts of the offshore-oil dispute when he promised to return the tidelands to the historic ownership of the respective States. The Federal Government has never claimed the tidelands. The Supreme Court has made it clear, however, that the States do not have and have never had title to any part of the offshore lands which Congress now proposes to give away. The open sea and the lands underneath from low-tide mark to the 3-mile limit are and have always been under the dominion of the Federal Government, regardless of the political-boundary claims of the States.

To surrender this Federal right so vital to national security will be a grave error for the Eisenhower administration, and we hope that the President and his congressional leaders are beginning to realize it.

[From the Milwaukee Journal of April 10, 1953]

PHONY INLAND WATER ARGUMENT

Senator DANIEL, Democrat, Texas, taking his turn on the Senate floor to beat the drums for the tidelands oil grab, has stirred up again the old bugaboo about the danger of the Federal Government seizing inland waters.

Refuse to pass the tidelands bill giving offshore areas to the gulf and ocean States, he said, and the Federal Government will take control of inland riverbeds and the floor of Lake Michigan.

Bunk. This bill of goods has been offered before. And it has fooled some people. Even Milwaukee's able harbor commission, for instance, has appeared for tidelands bills for that same mistaken reason. The phony argument hasn't fooled most of the Nation's mayors, however, including Mayor Zeidler.

Milwaukee's mayor and a large number of other prominent mayors recently urged Congress to keep Federal ownership of the submerged offshore lands. They advocated passage of the Anderson bill, which would keep "offshore oil for all the people" and would reaffirm State ownership of inland waters for the benefit of those who see bugaboos.

The word "reaffirm" is important. It indicates an understanding of the fact that the Federal Government makes no claim to land under inland waters. In at least 23 decisions between the years 1842 and 1935 the Supreme Court recognized State ownership of land under inland waters. In 1950, in the California case which reaffirmed the paramount rights of the Federal Government to submerged offshore lands, the highest Court again affirmed State ownership of inland waters and of submerged land down to low tide on gulf and ocean coasts.

Twice the Supreme Court has declared clearly that the Great Lakes are inland seas that are owned by the States bordering on them in trust for the people.

The lakes and inland waters aren't in danger, however loudly Senator DANIEL and others cry wolf. But there is something in danger—the billions of dollars in resources that lie under the offshore seas: Billions which now belong to all the people and that Congress seems bent on giving to a few of the people in a very few of our States.

[From the Milwaukee Journal of April 11, 1953]

FOUR OPPOSE TIDELANDS STEAL

Four of Wisconsin's Representatives in Congress deserve commendation for seeing the so-called tidelands fight for just what it is—an attempt to grab resources that belong to all of the people for the benefit of three States.

These Wisconsin Congressman voted against the tidelands bill which was approved by the House: HULL, WITHROW, and O'KONSKI, all Republicans. A fourth, ZABLOCKI, a Democrat, was paired against the measure. Every other State Congressman voted for the House bill, supporting the oil grab and putting narrow, sectional interests above national interests.

There are many reasons why the tidelands bill is undesirable and may even be unconstitutional. Those reasons have been discussed in these columns many times. There's an economic reason, too—one which should interest every Wisconsin taxpayer. The tidelands bill turns over to Texas, Louisiana, and California, and to a lesser extent 1 or 2 more States, billions of dollars' worth of oil resources.

Those billions should accrue to the benefit of the Federal Treasury—to the benefit, in part, of Wisconsin people. Under the tidelands bill they are being turned over to a few States. And under the tidelands bill a type of thinking is being enacted into law that paves the way for an assault upon the Nation's entire public domain.

RECESS TO 11 A. M. MONDAY

Mr. TAFT. In accordance with the agreement entered earlier today, I move

that the Senate take recess until 11 o'clock Monday morning.

The motion was agreed to; and (at 3 o'clock and 50 minutes p. m. Saturday, April 25) the Senate took a recess, the recess being under the order previously entered, until Monday, April 27, 1953, at 11 o'clock a. m.

SENATE

MONDAY, APRIL 27, 1953

(Legislative day of Monday, April 6, 1953)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

Our Father God, Thou hast ordained that in the leadership of the nations the welfare of the many must ever rest upon the shoulders of the few. We beseech Thee, give understanding, humility, and charity to those who in Thy name and for the Nation's sake are entrusted here, in this historic Chamber, with the power of governance. We pray that Thou wilt refresh our faith, that the tensions of life may not break our spirits. Make us vividly conscious that beyond the appraisals of man there falls upon our decisions and our actions the searching light of Thy judgment. Save Thy servants from false choices and guide their hands and minds to heal and bind, to build and to bless. Amen.

THE JOURNAL

On request of Mr. TAFT, and by unanimous consent, the reading of the Journal of Friday, April 24, 1953, was dispensed with.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Miller, one of his secretaries.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Bartlett, one of its clerks, announced that the Speaker had affixed his signature to the enrolled bill (H. R. 4507) to amend and extend the Housing and Rent Act of 1947, and for other purposes, and it was signed by the Vice President.

LEAVES OF ABSENCE

On request of Mr. JOHNSON of Texas, and by unanimous consent, Mr. CHAVEZ was excused from attendance on the sessions of the Senate during this week.

On request of Mr. JOHNSON of Texas, and by unanimous consent, Mr. GREEN was excused from attendance on the session of the Senate today.

COMMITTEE MEETING DURING SENATE SESSION

Mr. TAFT. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet today during the session of the Senate.

Mr. GORE. I object, Mr. President.

The VICE PRESIDENT. Objection is heard.

CALL OF THE ROLL

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

The VICE PRESIDENT. The Secretary will call the roll.

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

Aiken	Hayden	McClellan
Anderson	Hendrickson	Millikin
Barrett	Hennings	Monroney
Beall	Hickenlooper	Morse
Bennett	Hill	Mundt
Bricker	Hoey	Murray
Bush	Holland	Neely
Butler, Md.	Humphrey	Pastore
Butler, Nebr.	Hunt	Payne
Byrd	Ives	Potter
Capehart	Jackson	Purtell
Carlson	Jenner	Robertson
Case	Johnson, Colo.	Russell
Clements	Johnson, Tex.	Saltonstall
Cooper	Johnston, S. C.	Schoeppel
Cordon	Kefauver	Smathers
Daniel	Kennedy	Smith, Maine
Dirksen	Kilgore	Smith, N. J.
Douglas	Knowland	Smith, N. C.
Duff	Kuchel	Sparkman
Dworshak	Langer	Stennis
Ellender	Lehman	Symington
Ferguson	Long	Taft
Frear	Magnuson	Tobey
Fulbright	Malone	Watkins
George	Mansfield	Welker
Gillette	Martin	Williams
Goldwater	Maybank	Young
Gore	McCarran	
Griswold	McCarthy	

Mr. SALTONSTALL. I announce that the Senator from New Hampshire [Mr. BRIDGES] and the Senator from Minnesota [Mr. THYE] are necessarily absent.

The Senator from Vermont [Mr. FLANDERS] and the Senator from Wisconsin [Mr. WILEY] are absent on official business.

Mr. CLEMENTS. I announce that the Senator from New Mexico [Mr. CHAVEZ] and the Senator from Rhode Island [Mr. GREEN] are absent by leave of the Senate.

The Senator from Mississippi [Mr. EASTLAND] is absent by leave of the Senate because of illness in his family.

The Senator from Oklahoma [Mr. KERR] is absent on official business.

The VICE PRESIDENT. A quorum is present.

TRANSACTION OF ROUTINE BUSINESS

Mr. TAFT. Mr. President, I ask unanimous consent that Senators may be permitted to transact such routine business as would be in order during a morning hour, with the usual understanding that no remarks shall exceed 2 minutes.

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

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following communications and a letter, which were referred as indicated:

PROPOSED SUPPLEMENTAL APPROPRIATION, LEGISLATIVE BRANCH (S. DOC. NO. 45)

A communication from the President of the United States, transmitting a proposed supplemental appropriation in the amount of $55,000, for the legislative branch, fiscal year 1953 (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

PROPOSED PROVISION PERTAINING TO APPROPRIATIONS FOR VETERANS' ADMINISTRATION (S. DOC. NO. 44)

A communication from the President of the United States, transmitting a proposed provision pertaining to appropriations for the Veterans' Administration, fiscal year 1953 (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

DRAFT OF PROPOSED PROVISION PERTAINING TO AN APPROPRIATION FOR ECONOMIC STABILIZATION AGENCY (S. DOC. NO. 43)

A communication from the President of the United States, transmitting a draft of a proposed provision pertaining to an appropriation for the fiscal year 1953, for the Economic Stabilization Agency (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

PROPOSED PROVISION PERTAINING TO APPROPRIATIONS OF DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE (S. DOC. NO. 42)

A communication from the President of the United States, transmitting a draft of a proposed provision pertaining to appropriations of the Department of Health, Education, and Welfare, for the fiscal year 1953 (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

SUSPENSION OF DEPORTATION OF ALIENS—WITHDRAWAL OF NAME

A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, withdrawing the name of Robert Troy from a report relating to aliens whose deportation had been suspended, transmitted to the Senate on January 15, 1953; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the VICE PRESIDENT:

Two joint resolutions of the Legislature of the Territory of Hawaii; to the Committee on Interior and Insular Affairs:

"Joint Resolution 5

"Joint resolution memorializing the Congress of the United States to enact H. R. 2849, pertaining to use of certain land in vicinity of Pier 1, Kahului, Maui, T. H.

"Whereas by act of Congress approved June 19, 1936, the War Department was authorized to transfer to the Territory of Hawaii certain lands in the vicinity of Pier 1, Kahului Harbor, Kahului, Maui, for park purposes; and

"Whereas by quitclaim deed dated March 22, 1937, the United States, by the Secretary of War, did transfer ownership of said property to the Territory for park purposes; and

"Whereas due to increased shipping through the port of Kahului, it is now necessary for the Territory of Hawaii to extend the shedded area and provide additional outside storage space in the area covered by said deed; and

"Whereas there is no land other than that covered by said deed in the vicinity of Pier 1, Kahului, which can be used for the needed

fundamental principle of mine, ever since I have been a Member of the Senate, that the right of selection of one's associates is a very important American right. [Laughter.]

I have stood for that in connection with FEPC debates and on other occasions; and I certainly accord to my distinguished friend, the Senator from Oregon, the right that I claim for myself and for every other American citizen.

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

Mr. HOLLAND. I yield for a question only.

Mr. MORSE. Does not the Senator from Florida have some feeling of pleasure and delight over the fact that the Senator from Oregon is so considerate of his associates and is so desirous of coming to their assistance at any time? Does not the Senator from Florida think that is a rather good sign of loyal friendship?

Mr. HOLLAND. Mr. President, I think the distinguished Senator from Oregon is quite wrong in his affiliations and as to his belief. But I certainly approve of the fact that he remains consistently wrong, at least, on this matter. [Laughter.]

The VICE PRESIDENT. The time of the Senator from Florida has expired.

NOTICE OF MOTION TO LAY ON THE TABLE

Mr. TAFT. I merely wish to give notice that at about 3 o'clock this afternoon, I intend to submit a motion to lay on the table the substitute proposal of the distinguished Senator from New Mexico [Mr. ANDERSON].

I have been assured by those who would be speaking at the time that they would yield the floor to me at about 2:30; and at that time I shall make some remarks on the amendment, and then I shall offer the motion. I think that time is generally acceptable, and I do not think it is necessary to make a unanimous-consent request and to obtain unanimous consent about the matter.

So I inform the Senate that at about 3 o'clock today I shall make the motion.

Mr. ANDERSON. Mr. President, let me inquire whether there will be any disposition on the part of the Senator from Ohio to have the Senate vote then on the Hill amendment, which is tied to the amendment in the nature of a substitute?

Mr. TAFT. Has the Senator from New Mexico accepted the Hill amendment?

Mr. ANDERSON. No.

Mr. TAFT. Then I do not see that we can do that.

Mr. President, I shall make the motion in order to raise the clear issue as between the Anderson substitute and the joint resolution, in connection with the entire issue before the Senate.

The Hill amendment is incidental to the matter of handling the funds which, by the amendment of the Senator from New Mexico, would be obtained by the Federal Government from the lands within the boundaries. The Hill amendment could also be offered as a method of disposing of the funds from the Continental Shelf which undoubtedly will go to the Federal Government.

However, so far as the motion is concerned, I prefer to move to lay on the table the Anderson amendment, which would carry with it the Hill amendment. I do not think that will weaken in any way the Anderson amendment, because Senators who favor the Hill amendment can vote for the Anderson amendment; and Senators who do not favor the Hill amendment can still vote for the Anderson amendment.

But, I think the main issue should be before the Senate, and that is whether we prefer the approach represented by the Holland joint resolution, which recognizes State ownership in the lands within their historic boundaries, or whether we prefer the approach of the Anderson amendment in the nature of a substitute, which recognizes the Federal ownership in the lands within the historic State boundaries. That is why I feel rather insistent on making the motion in that form.

Mr. ANDERSON. I merely wished to make sure that the Senator from Alabama would have an opportunity to have a vote taken on his amendment.

Mr. TAFT. Mr. President, I have no objection to having the Hill amendment attached to the Anderson amendment.

Mr. ANDERSON. I have.

Mr. TAFT. If the Senator from New Mexico wishes to attach the Hill amendment to his amendment now, that will be all right with me. I see no reason why any Senator who is opposed to the Anderson amendment should care how the Anderson amendment is changed. The Hill amendment relates only to the Anderson amendment in the nature of a substitute; the Hill amendment does not relate at all to the joint resolution.

If the Senator from New Mexico wishes to accept the Hill amendment now, that will be perfectly agreeable to me.

Mr. ANDERSON. However, the Hill amendment is now before the Senate, and is the pending question.

Mr. TAFT. Exactly.

Mr. ANDERSON. Then why not move to lay the Hill amendment on the table?

Mr. TAFT. Because I prefer to move to lay the Anderson amendment on the table.

TITLE TO CERTAIN SUBMERGED LANDS

The Senate resumed the consideration of the joint resolution (S. J. Res. 13) to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, and to provide for the use and control of said lands and resources.

Mr. MONRONEY. Mr. President, I have listened carefully to the debate by both the proponents and the opponents of the joint resolution. I have been impressed by the quality of the debate by Senators on both sides.

While it is true that, because of the very important precedent the joint resolution would set, the debate has consumed much time, yet I am of the opinion that it is the best and most fruitful time the 83d Congress has spent thus far or probably will spend during the remainder of this session.

In view of all the time which was wasted by this great body as we idled for the first 3 months of this session, when we considered only 2 major bills in that length of time, I feel that we need apologize to no one for the effort being made here to bring to the people, and even to the very few Members of the Senate who have followed the debates, all the light possible on this very important question.

It has been repeatedly charged both by those who are opposed to filibustering and by those who are in favor of an unlimited amount of it, that the present procedure is blocking important deliberations in the Senate.

In defense of the distinguished junior Senator from Oregon [Mr. MORSE]—who needs no defense, for he showed that he was able to take care of himself—I should like to say that from 8:30 Friday night, the Senator from Oregon [Mr. MORSE], the distinguished Senator who set an all-time filibuster record, was working on his own time.

It was my understanding that the majority leader had agreed to have a recess taken at 8:30 that night. Therefore, the Senate Chamber would have been dark, the chairs more vacant even than they were, and the galleries empty, leaving only the ghosts of those who have through the years fought for the protection of the rights of all the people to discuss, perhaps, in the early-morning eerie hour, which side is right in the defense now being made of the people's rights.

So I do not believe that even the great New York Times and other papers, editorials from which the distinguished senior Senator from Florida inserted in the RECORD this morning, have a right to criticize the Senator from Oregon [Mr. MORSE] for speaking in his own time, and for deliberately draining his physical strength from 8:30 Friday night until 10 o'clock Saturday morning.

Certainly, during those hours most of the expense chargeable against the Senate's working time would have been small and perhaps the cost would have been merely the matter of lighting the Senate Chamber with electricity; and I am sure that the kilowatts of illumination the Senator from Oregon spread on the RECORD during that record-breaking debate served to illuminate a great many people of the country regarding certain of the issues. I heard much of the debate. If Senators are to be accused of meandering, I do not believe the record of this debate will disclose such record-breaking meanderings as have taken place in the past in this Chamber. Nor do I believe that the opponents of the pending measure should be charged with conducting a genuine, blue-ribbon, 100-percent filibuster.

Every Member of the Senate today knows that every one of the opponents of the pending measure has stood ready and willing at any moment of the debate to lay aside the pending measure, in order that the Senate might consider impor-

tant legislation necessary to be passed in order to prevent the expiration of a law, or to consider any emergency measure the majority leader might care to call up. Countless times the opponents of the joint resolution have offered to do that, even in the case of emergency price control legislation.

Generally, Mr. President, the offers of those of us who oppose the giveaway measure to lay it aside temporarily, without prejudice to anyone's rights, have been consistently rejected.

I do not believe anyone will be deceived by the attempt to put on the backs of those of us who feel that the pending measure needs adequate discussion the blame for stymying acting on important legislation in the Senate.

All the members of the press, the editorial writers, the radio commentators, and others know the score. They know that if the majority leadership, and if the members of the majority party generally desire to call up any important legislative measure, they can make it the current order of business within a very few minutes.

Mr. President, as more able speakers than I have so clearly demonstrated, the pending question has great and far-reaching constitutional implications. It has implications also in the field of foreign relations which involve such fundamental questions as the freedom of the seas, our international relations, the dignity and finality of the Supreme Court decisions, and many, many other things which have been detailed carefully during the discussion which has taken place on the pending measure.

I regret that I am not a great constitutional lawyer, as many of the proponents of the pending measure seem to be. In fact, at times like these I regret that I am not even a lawyer at all. But perhaps, from a layman's view, it might be important to examine the issue as it appears to me as a layman.

While I was greatly impressed at the tremendous research that had been done on the legal precedents involving underground resources and the title to the submerged wealth in all types of public lands, as extended in the RECORD so ably by the proponents of the pending measure, I am, as a layman, puzzled as to the bearing of such precedents on the proposal under consideration.

As I listened to the debate, it seemed to me that from the vast realm of authority cited, most of the cases, if not all of them, dealt with truths which we in the opposition admit and even go so far as to restate. The question of the ownership of the underground resources under submerged inland waterways and rivers I gather has been well settled for a hundred years or more.

The right of the States to these resources I feel not only has been protected throughout our history by our courts, but the matter is restated again for the benefit of those who still would doubt. It is restated, not only in the pending measure which Senators are attempting to pass, it is also stated in the Anderson substitute; it was restated in the O'Mahoney bill at the session of the Senate last year; it has been constantly restated in every proposal which Members of the Senate who are in the same frame of mind and of the same determination that I am as to the pending measure always brought before this great body.

So the argument which has been expressed so frequently to force passage of the giveaway bill, that, somehow in some way, we jeopardize the rights of all the other inland States to their inland waters, and their submerged lands under navigable streams, bays, and inland lakes, seems to me not to be legitimately entitled to a place in the pending debate.

In most of the cases cited which the proponents of the pending measure claim give them some right or claim under the court precedents, I can see scant relationship to the question of the ownership or paramount rights to the resources under the marginal sea.

If I were sitting as a juror in such a case, it would seem to me that certainly there is no preponderant weight of authority in their precedents whatever, if any direct and definite authority, which would lead me to believe that they have proven such a case as to cause us, as fairminded men, to decide in their favor.

Indeed, even though through legalistic reasoning some connection with the present issue might conceivably be found to relate their precedents to the pending quitclaim issue, it would seem to me that their force would be infinitesimal in effect compared with the square cut ruling in three decisions by the highest court in the land on the direct issue posed here.

Precedents are precedents, and it would seem to me that our highest Court, being advised of whatever relationship, either distant or real, that previous cases might have to this issue, had before them all of the material here advanced when the Court ruled.

Therefore it seems to me that the Supreme Court was better able than I, a layman, or even our distinguished fellow Senators who are members of the bar, to evaluate the bearing, if any, that these previous holdings had upon the case at issue.

It would seem to me, in considering precedents, that the latest holding of the highest court properly interpreted the law of the land, and that previous holdings, once overturned by the highest court, or even disregarded as not being cogent, important, or closely related, had about as much genuine bearing on the pending issue as yesterday's newspapers might have had.

It would seem to me that if the highest court were at fault, if their interpretation or decision was not in accordance with the law and the Constitution, we, who respect our court system, should look for redress or final corection in the court itself.

With our proper respect and our acknowledgment that ours is a government of laws, I have such confidence in our court system that I am sure that subsequent reviews of cases would not fail to result in equal justice under law. I am not one who would for a minute intimate that an error was made, but if error was made in the three cases decided by the Supreme Court, surely in the future would give, under constitutional procedure, a chance would be afforded for reaffirmation, or, even upon proper showing, a decision might conceivably be changed.

I feel certain that, if all hold the courts in respect to the degree I entertain for them, and as I believe most members of the bar entertain, then surely the court, even if it should err in a decision, through mistaken interpretation of previous precedents, or because of something which might not have been presented in the earlier trial, the proper corrective agency, the proper means of rectifying any degree of error or misinterpretation should be found in the courts of law themselves.

But if such a change should come, it would come under the real meaning of the Constitution and the well-grounded ideal that the Supreme Court is still the court of last resort.

This would be the place to look for any correction that the Congress might wish to have.

What worries me, Mr. President, about the effort here being made, is the fact that we are attempting by legislative design to change a Supreme Court decision. I am afraid that, by this precedent, we will take away what has been the well-fixed rule for 160 years, that once the Supreme Court has spoken on property rights that it is the court of last resort.

Millions of words have been spoken in this chamber deploring political moves against the court. The Nation sprang up in revulsion against the Court packing plan when it was advocated by a previous administration.

This plan, as we well know, was designed to change the personnel of the Court and thus seek to give political effect to its decisions. Almost every lawyer in the land sprang into a defense of the Court and most of the Members of both Houses of Congress refused to countenance such a political approach to the dispensation of justice.

Thus the legislative branch of the Government refused to be a party to permitting the Executive to overreach the powers the Constitution gave him. It was a victory in the abiding faith of our three coordinate branches of government and our insistence that any of the three must be protected against impingement upon their rightful powers and duties as provided for in our Constitution.

But even under the Court-packing plan, Mr. President, the Chief Executive could not move within himself or within his simple powers as President. He could not demand the resignations nor fire the members of the Court whose holdings disappointed him or with which he disagreed. In this case he came to the Congress and asked for the power to increase the number of members of the Court. In this case, even in seeking to pack the Court, he had to ask and to succeed had to receive the approval and consent of another coordinate branch of the Government.

Hence our Government of checks and balances worked to the ultimate preservation of our constitutional system.

As bad as would have been the result had the Congress joined the Chief Executive in this scheme, at least some of the checks and balances of our system would have been at work. In fact, they did work and the efficacies of our system and the protection of our judicial system against political interference of any kind were well established.

But here, Mr. President, we are asked to do something unilaterally in our three independent branch system where only the Congress acts to effectively reverse a decision of our highest Court. We do not have the checks and balances truly at work except perhaps through a Presidential veto. In the present case we can hardly anticipate that such would be used.

I do not think any Member of Congress would argue against the right of the Court to hold an act of Congress unconsitutional. But, in doing so, it is limited to the definite yardstick of the Constitution. It must place our legislation in the scales and weigh it with the Constitution to determine if we in passing laws were acting in strict accordance with the Constitution.

While it is true that at times Congress has passed legislation that the Court has ruled to be unconstitutional in its previous form, in the cases with which I am familiar it has corrected the defects found in the law in accordance with the holding of the Court on the previous law.

Thus, the judiciary—the judicial branch of our system—acts like the other two under a careful delineation of powers and is prohibited from grasping power from either the executive or the legislative branches.

I would not want to be so brash as to label the present move to set aside a Supreme Court decision—yes; three Supreme Court decisions—by legislative enactment, as a legislative court-packing plan. But I would firmly believe that the results of this legislation upon future decisions of the Court would have repercussions as serious and as grave upon the independent and constitutional power of the Court as would a plan to pack the Court with men for the purpose of changing the political philosophy of the Court.

It would seem to me, Mr. President, that the best safeguard for our system of free enterprise and our ideals of private ownership under our capitalistic system would be to insist upon the final determination of property rights by the courts, not to start a precedent—we in this body are well aware of the effect of legislative precedents—that might lead to dozens, yes, hundreds, of cases in which litigants before the Supreme Court, being disappointed in the Court's finding, might be knocking on the door of the Senate Chamber seeking redress from decisions with which they had disagreed.

While it may be argued that this decision in giving the Federal Government the paramount rights to the resources of the marginal sea leaves the way open to the Congress to enact legislation defining navigable waters, it would seem to me that upon this tenuous reasoning would be set a pattern that could upset time-honored and abiding faith in the finality of Supreme Court decisions.

It has been well-settled law that inland waters and the beds of navigable streams and of inland bays belong to the States. What this measure does, in effect, is to place all the marginal sea area in the class of inland waters, at least, placing it under the same rule of law. It so classes all the waters of the marginal sea, at least, up to the 3-mile limit, probably to the 10-mile limit, and, maybe, to the Continental Shelf, and gives them to the States in fee simple. The pending measure provides as follows:

> All lands permanently or periodically covered by tidal waters up to but not above the line of mean high tide and seaward to a line 3 geographical miles distant from the coastline of each such State and to the boundary line of each such State where in any case such boundary as it existed at the time such State became a member of the Union, or as heretofore or hereafter approved by Congress extends seaward (or into the Gulf of Mexico) beyond 3 geographical miles.

Mr. LEHMAN. Mr. President, will the Senator from Oklahoma yield for a question?

Mr. MONRONEY. I yield to the junior Senator from New York for a question.

Mr. LEHMAN. Is it not a fact that under the section which has just been read by the distinguished Senator from Oklahoma, the giveaway which is now proposed, would be an open-ended giveaway? It might extend away out to the Continental Shelf and cover property, or title to property, which the United States itself does not possess; in other words, it would give to the States something that it is beyond the power and authority of the United States Government to yield?

Mr. MONRONEY. I quite agree with the Senator from New York, that the language, "as heretofore or hereafter approved by Congress, extends seaward —or into the Gulf of Mexico—beyond 3 geographical miles," could cause Congress to be placed in a position of being asked to legislate for a division of the Pacific Ocean, which would give to California half the distance to Hawaii, and give to Hawaii the other half of the distance, should Hawaii become a State. Certainly there is no finality to what is sought by the joint resolution.

I feel certain that the proponents of the joint resolution would not be so brash as to urge any such legislation upon Congress, but we might say it leaves an open end to the open sea, as to how far we could go, because by including all the lands permanently or periodically covered by tidal waters, we take in the open ocean as navigable waters, and can go just as far as the proponents wish to go now, or as proponents in the future may wish to go, in defining territorial or State limits in the open sea.

In fact, it would seem to me that we are attempting to do that which King Canute could not do. The low-tide mark was always the boundary recognized by the States' rights historians. But now the Senate, assuming the role of King Canute, says, "We roll back the sea by legislation. We literally roll back the sea to make the low-tide mark 3 miles out in the States of California and Louisiana, 3 miles out on the eastern shore of Florida, 10½ miles out on the western shore of Florida, and 10½ miles out, or probably even more, for the great State of Texas." So I feel that we are embarking on something without proper preparation or proper study.

Again, I do not know of any delay that is occurring to any vital, important proposed legislation by the discussion of these questions on the floor of the Senate. I do not believe there are any appropriation bills ready to come before the Senate or that any other important bills are being delayed.

But by the searching debate that is taking place on the pending joint resolution, by the asking of questions which have not, I submit, been answered by Senators who expect to vote in favor of the giveaway, we may open the door to such a point that Congress might wish to appoint a commission, as urged in an amendment submitted by the senior Senator from Tennessee [Mr. KEFAUVER]. Thus, we would be able to explore the subject and determine whether by Senate Joint Resolution 13 we are opening literally a Pandora's box of international, domestic, and geographic complications. Incidentally, the number 13 attached to the joint resolution might prove to carry out the traditional omen of ill luck if Congress should dash forward in this way to override the time-honored tradition of respect for the courts, override international law as it is now understood by most nations, and violate, I believe, a definite pattern which has existed since the beginning of our country, namely, that State boundaries ended at the low-tide mark.

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

Mr. MONRONEY. I yield for a question.

Mr. LEHMAN. Is the Senator from Oklahoma familiar with a statement contained in the letter which the President of the United States sent to 25 Senators, who had asked him for further enlightenment regarding his position on the great issue now before the Senate? His statement reads, in part, as follows:

> I hesitate to express an opinion on legislative procedure, but I am deeply concerned with the delay of the entire administration program in the Senate of the United States.

Is the Senator from Oklahoma familiar with that statement?

Mr. MONRONEY. I am familiar with the letter. As a matter of fact, with the great and abiding respect I have for the tremendous patriotism and understanding of our Chief Executive, it seems passing strange to me that he has been willing to give his party a maximum leeway against interference with the operation of the legislative branch of the Government. But now, in a matter of transcendent importance, the rewriting of new, basic law, almost rewriting what we understood to be as important as the Constitution itself, setting a precedent that might lead to upsetting Supreme Court decisions by the Senate, he indicates that he believes that this debate

might be unduly delaying the business of the Government.

I regret that he has such a belief because it seems to me that the President himself, great man that he is, should realize that once in a while, when we are talking about tidelands, it is necessary to inform ourselves thoroughly on what is being discussed.

If I recall correctly, after he made his first statement about giving the submerged lands back to the States, it developed from what the distinguished former Senator from Massachusetts, Mr. Lodge, said during the preconvention campaign, that the general, now President, had not been informed that there had been three Supreme Court decisions holding that the States had no rights to the open seas, and that General Eisenhower had not informed himself as to where the title rested; that his statement favoring the giving of those lands to the States had been made without that information.

So I do not believe the President is in such a position, from past experience of the difficulties and depths of this great issue, that he should urge that Congress should not, without proper consideration, explore this issue to its bottom-most depths.

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

Mr. MONRONEY. I yield for a question.

Mr. LEHMAN. Is the Senator from Oklahoma familiar with the calendar of business as of today, Monday, April 27, 1953? If he is familiar with it, as I am certain he is, does he find in that calendar any bill or resolution whose immediate passage is of essential and great emergency importance? I wonder if the Senator from Oklahoma will agree with me that there is not a single bill or resolution that has been held up, or would be held up, that is of any great emergency importance, or is a part of the administration's program.

Mr. MORSE rose.

Mr. MONRONEY. I know of no bills which have been held up which are a fraction so important as the pending joint resolution we are now discussing. I know of no bills of an emergency nature which must be passed by reason of forthcoming expiration dates. I know of no bills which would change the course of our preparation for war or our efforts to achieve peace.

I should say that all bills on the calendar are of some degree of importance. Perhaps they are not of high importance to 95 Members of the Senate, but they are of importance at least to 1 Member. I am certain that I have perhaps one bill on the calendar. Therefore, I do not wish to be understood as saying that it is of no importance. But I should say that by comparison, the measures which I observe on the calendar diminish to infinitesimal importance compared with the staggering issue which will either haunt the Senate for years to come, or will plague the executive departments, because of the conferring of title to the open sea, as is sought by the pending measure. This joint resolution does not go into the question of establishing property rights or leasing rights or controls in the Continental Shelf either in the States or in the Federal Government. For some reason, it omits this needed regulation of areas outside these areas given to the States. Why, I do not know. So instead of settling anything, the passage of this measure would merely confuse the issue. Therefore, I believe that opposition to a bill so bad, so dangerous, so uncertain, and setting precedents so undesirable, certainly is highly justified.

Mr. LEHMAN. Mr. President, will the Senator yield for one more question?

Mr. MONRONEY. I yield to my distinguished colleague for a question.

Mr. LEHMAN. Is it not a fact that we who are opposing the Holland joint resolution have time and time again offered to lay aside the joint resolution on the request of the majority leader in order to take up any important emergency legislation?

Mr. MONRONEY. I am glad the distinguished Senator from New York asked me that question, because to my way of thinking that is the mark of distinction between the efforts of the group who are trying to prevent passage of the joint resolution by adequate discussion and education, and, on the other hand, what is known generally throughout the country as a filibuster.

We have repeatedly yielded, or offered to yield, and expressed our willingness, and even our abiding anxiety, to yield to the majority leader to bring up any other measure which he considers of importance.

Often the main purpose of a filibuster is to prevent other proposed legislation from coming up, while Members engaging in the filibuster continue to talk. But that is not the case in this instance. In other words, we are not holding the baby for ransom. We are merely talking on the subject to inform but we are willing to yield the floor with prejudice to ourselves, in an effort to permit the majority leader to call up any measure he thinks is of sufficient importance.

Does the distinguished Senator from Oregon wish me to yield for a question?

Mr. MORSE. I should like to have the Senator yield to me for a question or two.

Mr. MONRONEY. I am glad to yield.

Mr. MORSE. Does the Senator agree with me that it is very difficult to reconcile the Eisenhower letter to the 25 Senators with the testimony of President Eisenhower's own Attorney General with regard to this case?

Mr. MONRONEY. It certainly is. I wonder if the President has read the testimony of the Attorney General and considered the questions raised by him. I wonder if the President has considered the difference between the testimony of the Attorney General and his own views. We may be able legally to give away the contents of the submerged lands to the States, but we cannot give away title to the bottom of the ocean. The States cannot own it, and there is probably a very serious constitutional question as to whether the Federal Government itself can own, in fee simple, the bottom of the ocean in the open sea.

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

Mr. MONRONEY. I am glad to yield for a question.

Mr. MORSE. Does the Senator from Oklahoma agree with me that when the President says, in his letter to the 25 Senators, that he would sign this measure, and would have signed the previous measures, if he followed the testimony of his Attorney General it would be necessary to revamp and revise the joint resolution in order to reconcile it with the Attorney General's testimony?

Mr. MONRONEY. I certainly agree with the distinguished Senator from Oregon in that conclusion.

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

Mr. MONRONEY. I yield to my distinguished friend for a question.

Mr. MORSE. Does the Senator think it is very important that we emphasize and reemphasize, state and restate, over and over again in this RECORD, the fact that the little band of liberals, fighting in opposition to this giveaway of between $50 billion and $300 billion worth of the people's treasure, has been willing at all times to lay aside the pending measure and take up any emergency legislation on the calendar, and then resume consideration of the joint resolution, without any loss whatsoever to the majority in connection with their parliamentary status with relation to the joint resolution?

Mr. MONRONEY. I am glad the Senator from Oregon asked the question. When he spoke the other night, he stated that this discussion has many of the characteristics of a filibuster, but that it lacks one characteristic of a filibuster in that it does not erect a blockade against legislation which must be passed. Repeatedly the managers of the opposition to the joint resolution and other Members who are supporting on the floor the opposition to the joint resolution, have repeatedly urged upon the majority leader their willingness to lay aside this measure at any time, without prejudice, in order to consider other legislation. Then, during the intervening periods, the Senate could return to a discussion of this measure.

I do not believe that any of the parties involved in this case would be hurt. Neither the State of Texas, the State of Louisiana, the State of Florida, or the State of California would be injured.

The joint resolution would remain the regular order of business of the Senate. Let us lay aside this measure for the consideration of appropriation bills by unanimous consent, and resume consideration of the joint resolution during our Friday and Saturday sessions, if it is desired.

Those of us who oppose the joint resolution feel strongly in our opposition, but we are dedicated to the purpose of avoiding a blockade of the functioning of the Senate.

So far as the junior Senator from Oklahoma is concerned, if the majority leader will make such a proposal, during the time when the Senate is normally idle the joint resolution can be adequately and amply discussed, and we can pass on amendments at times when appropriation bills or other duties of the Senate do not require its attention. I would be willing to lay aside the joint resolution for a day or two to take up the Senate calendar, or to perform any

of our other necessary legislative duties. That would expedite the business of the Senate.

Therefore, I say to my distinguished friend and colleague from Oregon that the final mark of distinction between what is now happening on the floor of the Senate, and what has been happening for the past few days in the discussion of the joint resolution, and what might be called a genuine filibuster, or an effort to blockade the legislation in the Senate by discussing at great length the merits or demerits of a measure, is the willingness of the opponents of the joint resolution to lay it aside temporarily at any time for the consideration of matters which are considered important.

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

Mr. MONRONEY. I yield to my distinguished colleague for a question.

Mr. MORSE. Does the Senator from Oklahoma agree with me that there is another distinguishing feature as between the prolonged debate which we are conducting in this instance, which involves some of the techniques of a filibuster, as I indicated in my speech of a few hours the other day, and a genuine filibuster, namely, that we have not taken the position that we will try to prevent the joint resolution from coming to a vote?

Mr. MONRONEY. The Senator is absolutely correct in that statement. Let me add that there is still another feature which distinguishes the present debate from a genuine filibuster, and that is that the debate on the joint resolution has been largely germane to the issues involved, or closely related to them. We have not seen any reading from cookbooks, Sears, Roebuck catalogs, or extraneous material which cannot be related to the pending legislation, or to other legislation likely to be pending before the Senate.

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

Mr. MONRONEY. I yield for a question.

Mr. MORSE. Does the Senator agree with me that another feature of this prolonged debate, which involves some of the techniques of a filibuster, is that the opponents of this measure are insisting that a course of action be followed which will give the people of the country time to stop, look, and listen, and see what will happen to them if the joint resolution becomes law, so far as their great heritage in the natural resources of the country is concerned?

Mr. MONRONEY. I certainly agree with the distinguished Senator from Oregon. In the case of many filibusters, those conducting the filibuster do not care to have the debate carried across the country, particularly when it is not germane. It has been the desire of those of us who are conducting the opposition to the joint resolution, within our capacities, to discuss the joint resolution in speeches which have been as carefully written and considered as any speeches which have ever been made by those Members on the floor of the Senate.

In other words, we do not grab up wornout civic-club speeches or extraneous matter and throw it into a Mulligan stew in order to take up the time of the Senate. We try, in our speeches, to get at the vulnerable points in the armor of those who would quitclaim valuable resources which the Supreme Court has three times stated belong in paramount right to all the people of the 48 States.

Mr. MORSE. Mr. President, will the Senator from Oklahoma yield further?

Mr. MONRONEY. I yield.

Mr. MORSE. Does the Senator from Oklahoma agree with me that we have pending on the calendar some very important pieces of emergency legislation?

Mr. MONRONEY. There are some, but I believe we have already shown our willingness—not only our willingness but our anxiety—if the majority would merely indicate their desire to follow such a course, to lay aside the joint resolution and give the right-of-way to those measures which the majority leader feels are of importance and should be passed at this time.

Mr. MORSE. Mr. President, will the Senator from Oklahoma yield further?

Mr. MONRONEY. I yield.

Mr. MORSE. Does the Senator from Oklahoma agree with me that the pending legislation is not emergency legislation?

Mr. MONRONEY. I certainly do not believe it is emergency legislation. I recall that the issue has been before the courts and Congress since approximately 1945. I further recall that efforts to pass legislation which would speed up exploration and drilling immediately, particularly in the areas where most of the geologists say the largest amount of oil is located—and that is beyond the 3-mile limit in the Gulf of Mexico—have not been effective. I may say, as I am sure the distinguished Senator from Oregon knows, that neither does Senate Joint Resolution 13 do one thing to open up or to provide for exploration and development by private industry, through leases with either the Federal Government or the State, of lands lying in the marginal sea beyond the 3- or the 10½-mile limits.

Mr. MORSE. Mr. President, will the Senator from Oklahoma yield further?

Mr. MONRONEY. I yield for a question to my distinguished friend.

Mr. MORSE. Does the Senator from Oklahoma agree with me that if the pending legislation is considered emergency legislation by anyone, it is only by those powerful economic interests, particularly the oil interests, who simply cannot wait to get their hands on this great natural resource, the great pool of reserve oil, which belongs to all the people?

Mr. MONRONEY. The Senator from Oregon may be more familiar with that point than I am. Although I do not live in Texas or Louisiana, and therefore am not so familiar with the tidelands-oil problem as I should be, my acquaintanceship with many men interested in oil and oil production leads me to believe that those who are seriously interested in preserving our oil supplies would like to get the situation settled for development of all the Continental Shelf. Of course, the pending joint resolution does not settle the issue. I know that the drive to pass the joint resolution has come not only from large Texas and tidelands interests, but from the States who wish to receive that revenue.

Mr. MORSE. Mr. President, will the Senator from Oklahoma yield for a further question?

Mr. MONRONEY. I yield.

Mr. MORSE. Does the Senator from Oklahoma agree with me that those of us, in this little band of liberals, who have been fighting the passage of the joint resolution, had the understanding, or at least had formed the impression from reports which were brought back to us by our two very able leaders, the Senator from New Mexico [Mr. ANDERSON] and the Senator from Alabama [Mr. HILL], and also based on what we have read in the newspapers for a long time, that it was the position of the majority leader, apparently speaking for the majority, that under no circumstances was the majority going to lay the pending joint resolution aside for any purpose whatever?

Mr. MONRONEY. That is my understanding.

Mr. MORSE. Mr. President, will the Senator yield further?

Mr. MONRONEY. I yield to my distinguished friend for a question.

Mr. MORSE. Was the Senator from Oklahoma pleasantly surprised and pleased, therefore, as I was, on Saturday, when the majority leader, apparently speaking in behalf of his majority colleagues, decided to think better of the previous announced attitude on his part, and did come on the floor of the Senate and agree, as we had been urging for some days in the course of the debate, to lay the joint resolution aside long enough to pass the emergency rent-control bill?

Mr. MONRONEY. I will say to my distinguished friend from Oregon I thought it was a very great compliment to the Senator from Oregon, who discussed it at length in his long speech before the Senate on Friday, that he was so convincing and persuasive in his logic in favor of laying aside the pending joint resolution for the consideration of emergency legislation, that the Senator from Ohio changed his position. Therefore, after the Senator from Oregon concluded his speech, it was a matter of only a few hours that the emergency legislation was passed, by unanimous consent, I believe.

Mr. MORSE. Mr. President, will the Senator from Oklahoma yield for a further question?

Mr. MONRONEY. I yield.

Mr. MORSE. Would the Senator from Oklahoma be surprised to hear the Senator from Oregon say that he thinks the Senator from Oklahoma has just paid an undue compliment to him, because the Senator from Oregon is inclined to believe that the Senator from Ohio followed the course of action he followed because he began to recognize what the country wished?

Mr. MONRONEY. I would answer by saying that perhaps the majority leader, during the hours the Senator from Oregon was discussing the pending joint resolution and other matters, perhaps concluded he had made a mistake in thinking he had made a case against those of us who are opposing the submerged-lands bill and in his effort to lay the blame for killing it at our door.

Therefore I am sure that the distinguished majority leader in those morning hours may have asked himself, after the repeated offers during the debate of last Friday and Saturday morning, information as to which offers had gone to the country, whether it would perhaps leave him in an untenable position, and cause the blame and burden for any delay to rest on the proponents of the joint resolution. This was particularly true when it has been repeated so often on the floor of the Senate that we would be willing to lay aside the pending joint resolution, without prejudice, and take up any measure which the majority leader might feel should be called up because of its emergency nature.

Mr. MORSE. Mr. President, will the Senator from Oklahoma yield further?

Mr. MONRONEY. I yield for a question.

Mr. MORSE. Does the Senator from Oklahoma believe, on the basis of the responses which he has received from the country, in the form of telegrams and letters and telephone calls and personal conversations, that there is any doubt about the fact that there is a growing sentiment throughout the country for laying the joint resolution aside whenever it is necessary to take up emergency legislation, and in favor of the Senate taking a long, hard, thorough look at the joint resolution, and not proceeding to vote on it until we have had at least gotten it into an amended form in which it would not do, to the same degree, the great injustice to the public interest which this little band of liberals believe the present text does?

Mr. MONRONEY. I would say to my distinguished colleague that I do feel that way about it. I believe the public will support us in an adequate discussion of the joint resolution so long as the majority leader exercises the unanimous-consent privileges we have repeatedly agreed to give him, to forward the consideration of any necessary or emergency legislation. I do not believe the public would support us if, as is the case of a genuine 100-percent blue-ribbon filibuster, we were adamant in our determination to block any other legislation.

Mr. MORSE. Mr. President, will the Senator from Oklahoma yield for a further question?

Mr. MONRONEY. I am glad to yield to my distinguished colleague.

Mr. MORSE. Does the Senator from Oklahoma agree with the Senator from Oregon that in order to underline with emphasis the point which the Senator from Oklahoma has just made, we should state again, through my question and the Senator's answer, that there is no intention on the part of this little band of liberals to prevent a final vote on the joint resolution, after we are satisfied that we have fully disclosed to the American public the great dangers to their interests which are involved in the joint resolution?

Mr. MONRONEY. I think the Senator is eminently correct. The very discussion of the joint resolution, in which it has been pointed out that it declares that the low-tide mark is perhaps 3 miles out at sea, or perhaps 10 miles out at sea, and that perhaps at some later date it may be even 150 miles out in the deep billowing ocean, no State has ever been able to claim under the precedents I have read, is causing the people to become interested in how much is involved in the joint resolution.

The misnomer "tidelands" has led many of them to believe during all the time the pending joint resolution or similar measures have been before the Senate and the House, that we have been talking about the land lying between the low-tide mark and the high-tide mark. The people have thought that the pending joint resolution dealt chiefly with things of that sort. The people little realize that Supreme Court decisions for a century have given to the States not only the land in the tidelands areas, but also the lands beneath the inland bays and the navigable waters.

Mr. President, I wonder how many hundreds of thousands of dollars have been spent in efforts to frighten the inland States to such an extent as to persuade them to favor the present effort to give away the submerged lands.

In connection with this measure, efforts have been made to frighten the people of the inland States into believing that their rights to the lands beneath the inland rivers were jeopardized, and that unless the submerged lands dealt with by the pending measure were given to the coastal States, the inland States would lose all their rights to the beds of the rivers, and, similarly, that the people of the Great Lake States would lose their rights to the lands beneath those lakes, although many decisions have shown there is no question that, according to all the decisions and precedents, the lands beneath the navigable rivers belong to the States.

So we object to the attempt to stretch the inland waters rule by 3 miles or 10½ miles to sea, in violation of international law and the Constitution and well settled court precedents.

Mr. MORSE. Mr. President, will the Senator from Oklahoma yield for a further question?

The PRESIDING OFFICER (Mr. BUTLER of Maryland in the chair). Does the Senator from Oklahoma yield to the Senator from Oregon?

Mr. MONRONEY. I yield.

Mr. MORSE. In view of what the Senator from Oklahoma has just said about the desirability of a full and thorough discussion of all the issues involved in this measure, does he now agree with me that it is only fair to announce that there is a determination on the part of a group of us—regardless of the parliamentary strategy of the majority to lay amendments on the table, if they can obtain the votes to do so—to continue to fight in opposition to the pending measure for as many days and weeks as we think necessary in order fully to enlighten the American people about the great threat to their natural resources which we believe inherent in this measure?

Mr. MONRONEY. I think the enlightenment of the people on the issues presented by the joint resolution is very important.

Mr. President, I should like to bring into the discussion a matter which I believe is very much in point.

Mr. GORE. Mr. President, before my colleague does that, will he yield to me?

Mr. MONRONEY. I yield to my distinguished colleague, the Senator from Tennessee.

Mr. GORE. With respect to the administration's legislative program—which, according to the letter recently referred to, is being held up—I wonder whether the distinguished junior Senator from Oklahoma knows of any pending legislation that seeks to give aid to the farmers, who are being seriously depressed by current farm commodity prices.

Mr. MONRONEY. I know of no pending legislation which would do anything to relieve the present distressed position in which many of the farmers find themselves in connection with the slump in livestock prices and the fall in the price of hay and in the prices of many other agricultural commodities.

The only thing I have seen which might indicate that there is some thinking about this matter on the part of the Department of Agriculture, was a United Press dispatch published on April 23, reading as follows:

> WASHINGTON.—Agriculture Department officials indicated today the marginal farmers may come in for some scrutiny within the near future and said farming can no longer be considered a haven for those with "less than average ability."
>
> John W. Davis, President of the Commodity Credit Corporation, said "it might be better" to have one type of farm program for the commercial farmers and another type for those who are either "weekend" farmers or who do not have the ability to operate a farm efficiently.

Mr. President, I should like to discuss that point with my friend the Senator from Tennessee [Mr. GORE]. Meantime I continue to read from the dispatch by the United Press:

> He made the comment after Under Secretary of Agriculture True D. Morse said one of the results of the price support program has been to keep inefficient farmers in business and to "fix patterns of production."
>
> The statements were made during new conferences with newspaper farm editors association meeting at Agriculture for 2 days.
>
> Morse—

The reference is to Under Secretary of Agriculture Morse, not to the Senator from Oregon [Mr. MORSE]—

> said under the "pressure of price supports" there is no "normal, healthy adjustment" which should take place in agriculture. He said the cost price squeeze currently pinching farmers either might force out inefficient farmers or cause them to farm the life out of their farms to pay for the place. A better solution, he suggested, would be to let inefficient farmers get out of farming and let the land grow grass, trees, or other land-saving crops.

In other words, the only suggestion about the agricultural situation that I have understood to come from the administration is this newly proposed Republican agricultural plan, if we may call it that. In the past the Republicans condemned the Democrats for plowing cotton under, but now the Republicans, under the new plan, seem to call for plowing the marginal farmer under. Whereas we Democrats have been worried about disposing of farm surpluses,

the Republicans are trying to dispose of surplus farmers.

I wonder where we shall ever wind up under a philosophy—thank goodness it is not yet legislation—that the farm family, raising American children, and molding American character in them, must be displaced because it is not a satisfactory unit in our big business scheme of things.

Are we going to step from General Motors and General Foods to General Farming, Inc.? Are we going to say that we want to have farming conducted more efficiently and more effectively, and therefore we now have no use for those with less than average ability, and that the way to get them off the farm—if I correctly read the article—is to rig a farm price-support program in such a way as to dispose of the marginal farmer? Otherwise how could these officials justify putting the marginal farmers in the same category as weekend farmers?

I certainly think if this dispatch be true it would be trying to abolish the farm home and the farm family and all the great good they have done throughout our history. I believe this indicates a plan to try to abolish them, in the interest, as alleged, of efficiency and of trying to provide for bigger business in farming.

Such a program, if enacted, certainly would end the great American tradition that has given us the great, strong, and virile leadership—the greatest any nation in the world has ever had—that has come from many of the marginal farm families. I can point to such families in Oklahoma.

For instance, I have in mind a farmer who has six stars in his service flag, and one of those stars is gold. I have followed the activities of that farmer and his sons. He himself is a marginal farmer, operating on an upland farm. He did not inherit rich bottom lands or enough money to be able to go into corporation farming or to be able to buy 50,000 or 100,000 acres of rolling land. But he has produced one of the greatest resources the Nation has. Today one of his sons is a colonel, flying a jet plane in Korea. Another of his sons is the head of a large corporation. Another of his sons is a distinguished doctor. Another is a lawyer. All of his sons have gone to or are in the State university, where they, too, are becoming qualified for useful occupations.

So, Mr. President, if we are going to be so cold-blooded in our consideration of a farm program that will suit big business, then I say we shall be sealing the doom of the American farm, as we have known it, in the great American tradition.

Mr. DOUGLAS. Mr. President, will the Senator from Oklahoma yield for a question?

Mr. MONRONEY. I am glad to yield for a question.

Mr. DOUGLAS. Was there not a famous novel, Grapes of Wrath, written about similar policies which were followed in the early thirties in relation to the marginal farmers in the State of Oklahoma?

Mr. MONRONEY. There certainly was.

Mr. DOUGLAS. Does not the Senator from Oklahoma think a policy such as the one to which he has just referred would result in trampling out the vintage where future grapes of wrath are stored?

Mr. MONRONEY. I would certainly regret to see farmers displaced from their farms, merely in order to provide for efficiency.

My thought is that if there were more family-sized farms, there would be far fewer people crowding the industrial centers.

In any case, who could decide who the efficient farmer was? Would that matter be decided by the Department of Agriculture or by the Secretary of Agriculture or by the Under Secretary of Agriculture or by the local Production and Marketing Administration committees or by the banks? What is to happen to those who would be required to leave the farm? Are we merely going to enact a program strongly in favor of the big farmer, so that the little farmer will be forced, as the senior Senator from Illinois has said, to become the victim of the grapes of wrath?

With respect to those who left Oklahoma during the days of the dust bowl, I may say to the Senator from Illinois that it is interesting to note that there were no price supports in those days. There was no program such as the Democrats put into effect within the past 20 years. In their desperation the stricken people went across the desert into California. It may be interesting to know what happened to those people, who loved the soil, and who migrated in answer to the advertisements which were published for attracting cheap migratory labor.

It may be interesting to note what has happened to those citizens who went across the desert to California. I am told by many Californians in a position to know that they have become the leading citizens in many of the farm communities, where they now own small bits of land, because they love the land, and they love to till the soil. Possibly they would not qualify to become farm owners, possibly they are still marginal farmers, but I will wager that their children are just as fine children as are to be found anywhere.

I think it interesting to consider the children as we fight here today for money for education, in connection with the pending measure. The purpose of the Hill amendment is to devote the royalties from that which Divine Providence has granted us, lying under the marginal sea, to education, in order that more and more children from the marginal farms may have opportunity to get the kind of education necessary to make them leading citizens—the kind of education which some marginal farmers are still working hard to be able to give to their children. I am very glad, indeed, that the distinguished Senator from Tennessee has raised his question. Does the Senator have another question?

Mr. GORE. I thank the Senator for his eloquent and able answer to the question I asked. I am prompted to inquire now, what plan is there to dispose of the people regarding whom the Senator has spoken? Is there any administrative program which includes social-security legislation, under consideration by the present great administration, which is being held up? Is there any bill on the calendar for Federal aid to education? Is there any bill on the calendar to give aid to small business, or to provide for the expansion of small business, and to increase employment? Is there any bill on the calendar in the nature of labor legislation? Mr. President, I ask, just what is the plan? What administrative program is being held up?

Mr. MONRONEY. The junior Senator from Oklahoma certainly cannot answer those questions. It may be said that perhaps by the debate we are preventing Senators returning to their home States for the purpose of making speeches, and we do not seem to be doing that. But with our willingness to yield at any time to permit the Senate to take up any legislation the majority leader may consider sufficiently urgent, I fail to see how we can be holding up anything in any way.

Furthermore, Mr. President, I am unable to understand the President's position. All he needed to do, perhaps, was to look at his program for legislation to see whether there were any important legislative proposals yet on the calendars and present them to the Congress for urgent and prompt action. He did not criticize the Republican leadership when, for 3 months, we spun our wheels and passed only 2 bills which no one considered of major importance.

One of those was the extension of the powers of the Executive to reorganize the executive department. That was not new legislation. It had been the law, and that power had expired. The Democrats were certainly found cooperative, because we insisted that the Republicans give to President Eisenhower the same powers we had previously insisted President Truman should have.

It was a Democratic House and the Democratic Members of the Senate who prevented his own party from interfering with those proper powers of reorganization.

The only other bill presented during the first 90 days of the session of major importance was a supplemental appropriation bill, the type of bill which is usually gavelled through without much discussion. On that particular one there was some discussion, because the Republicans, by a sleight-of-hand accounting, were claiming a saving of $1,200,000,000, which was shown on the Senate floor not to be a saving at all, but merely a borrowing of funds previously appropriated by Democratic Congresses for tanks, planes, ships, industrial facilities, and other defense items. I think that measure could well have been debated longer. I believe its proponents and the leadership should have used more time for the purpose of telling us exactly why they felt they should take $1,200,000,000 of the defense funds for hardware for the armed services, and claim that as money saved in the supplemental appropriation bill. It was not a saving at all.

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

Mr. MONRONEY. I yield to my distinguished colleague.

Mr. GORE. In view of the statements made by the distinguished Senator from Oklahoma, I wonder whether he would join in another letter of inquiry to the President, as to just what administrative program is being held up, except the giving away of the country's natural resources.

Mr. MONRONEY. I thank the Senator. I think it would also be important to ask the Chief Executive just what work his Congress has done in the first 90 days of his administration. We have had a number of investigations; indeed, we have set a new record for investigations. In other words, we are giving the new administration a going over—the present administration, as we did the previous administration—and Congress is assuming a new role in substituting its idea of legislative surveillance over a Chief Executive who had a mandate many times greater than that of the legislative Members who are taking such a lead.

I shall return to that later in my speech. But in the letter that we write to the Chief Executive we should not only inquire what legislation is being held up, but should also inquire what legislation would have been held up during the first 90 days, had we not been talking about the pending measure as we have talked about it.

When the distinguished Members of the majority return home, they will find that perhaps we shall have served to supply their only alibi for having a do-nothing 83d Congress because, on their own part, and of themselves, they have not been able to produce a program that would have consumed the time of the Senate more than perhaps 1 or 2 days a week.

We are glad to fill in, if the majority Members need an excuse for not having a legislative program, and for not having done anything. That is their business. I am sure they will find that we want to discuss the pending measure adequately, and to be very helpful about it, when they return emptyhanded from the 83d Congress, having accomplished nothing.

Now, Mr. President, I should like to proceed with that I consider to be a case in point. It has been said many times, by Senators who have spoken against prolonged debate, that nothing new has been brought out. Mr. President, I have listened carefully to most of the debate, and I have not heard recited, at all, the troubles Texas had in extending her northern boundaries. We are here talking about the extension of her southern boundary.

For the benefit of those who may not know their geography, I may disclose that Oklahoma lies immediately north of Texas. We are separated from Texas by the Red River. It is a mile wide and 1 inch deep, usually. That is the border, and was the border under the old Spanish treaty, namely, that the Red River, to the 100th meridian, should serve as the northernmost boundary of Texas. That was well settled for almost a century and a half. That would seem to be plain to almost everyone.

Yet in 1860 Texas, strong, robust, aggressive, expansive, decided that there were a million and a half of fertile acres lying within the southwest section of what is now Oklahoma. It was Federal land. It was land the use of which had been given to the Indians. The title was in the Federal Government, for the purposes of maintenance, protection, and jurisdiction.

In 1860 Texas moved up and established Greer County, north of the Red River, going to what was called the North Fork of the Red River, and attempted to acquire 1½ million acres of land, by the exercise of—shall we say, free enterprise, squatters' rights, or whatever it may be called.

Texas collected taxes and established State and county governments on those acres and held them until 1895.

Then, since the question of title was involved, there was a court case, under the same provision of the Constitution which we have discussed in this debate, namely, the section giving the Supreme Court original jurisdiction and the right to make a determination in conflicts between States or between States and the Federal Government. The case was brought under the same identical section of the Constitution.

The case went to the Supreme Court, and the Court heard all the evidence. It appointed a master to find out and determine the issues. In due time, as almost anyone could have seen by merely tracing the rivers on the map, it was decided that the northern boundary of Texas was not the North Fork of Red River, but was the genuine Red River; the Red River itself.

By the Supreme Court's decision the land later became part of Oklahoma, then the Indian country, and we made three and a half counties out of the area. The Court ruled that Texas had to go back across the river with her State sovereignty. We did not get back the taxes which had been collected during that period.

I cite that bit of history to show that the same point of law was involved in connection with the northern boundary of Texas as is involved in the present cases. Our title rests upon a Supreme Court decision. I wonder whether, under identically the same precedent we are asked to establish today, in deciding that the boundary of certain States extends 3 miles out to sea, or 10½ miles out to sea, Congress would not have the same right to say that the northern boundary of Texas was the Red River, but that for the purposes of the proposed legislation it would be the northernmost branch of Red River and not the main channel of that river.

I outline it because it is clearly in point. The holding of the Supreme Court which we in Oklahoma consider to be incontestable and in absolute finality, can now be jeopardized because Congress, by a cleverly written measure, can define geography, define it with reference to navigable waters and apply the inland rule to the open sea. There is no reason why the Congress, under the same tenuous line of thinking, cannot define the north fork of the Red River as the northern boundary of Texas.

I think it is important, Mr. President, and I think it is something we must realize, that as we go forward with these efforts to tamper with or to set precedents to upset titles to property rights which have long been considered to be final, we shall have a court of later appeal above the Supreme Court.

Thus, under this precedent cases can be brought to Congress by larger States to set aside a case which we thought was well settled by law, where the Supreme Court has acted.

Mr. HUNT. Mr. President, will the Senator from Oklahoma yield?

Mr. MONRONEY. I yield for a question.

Mr. HUNT. Is the Senator from Oklahoma familiar with the Allegheny Power Company case in which the Supreme Court literally ruled that any stream down which a toothpick might float is a navigable stream, and, therefore, belongs to the Federal Government?

Mr. MONRONEY. I am not here dealing with navigable waters as such. I am talking about the minerals and other resources under navigable streams. The distinguished Senator from Wyoming knows, I am sure, that there is a long line of undisturbed Supreme Court decisions for over a hundred years which have never questioned the right of the States to submerged minerals under inland waters, streams, bays, and lakes.

I am sure the Senator from Wyoming would not want to make the junior Senator from Oklahoma feel that decisions with reference to the erection of bridges over navigable waters, or the control of floods, would in any degree be controlling in any manner in connection with the cases we are discussing.

Fighting over borders is not new to Oklahoma. It may be new to the Congress, but we have had to watch Texas for years, because she is an expansive State, a wonderful State, and, as we have to live next door, sometimes a problem is presented. As has been said, Texas considers other States as outlying provinces of the State of Texas.

Mr. HUNT. There is something which I have not heard mentioned in any of the speeches, and, for the information of the Senator from Wyoming, I should like to ask the Senator from Oklahoma what was the motivating influence; what was the starting point from which the Secretary of the Interior decided to raise the issue of reclaiming the submerged lands.

Mr. MONRONEY. I am glad the Senator has brought up that question. As I recall, and I think it is pretty well fixed in the hearings, it was unanimously voted by the Senate, and, I believe, almost unanimously by the House, under the Nye resolution, that the Federal Government had the ownership of resources under the open sea.

Mr. ANDERSON. Mr. President, will the Senator from Oklahoma yield for a question?

Mr. MONRONEY. I yield for a question.

Mr. ANDERSON. Does the Senator not recognize that the real starting point, in contradiction of the 1933 letter

of the Secretary of the Interior, was the action of the Senate of the United States in unanimously passing the Nye resolution which went to the House of Representatives and which might have passed that body had it not been for the fact that the distinguished chairman of the Judiciary Committee, Hatton Sumners, wanted to confine it to California only?

Mr. MONRONEY. I am glad the Senator asked that question, because it helps to clear up minutely what actually happened.

Oklahoma has had several lawsuits involving the State of Texas. We love Texas, only we want her to stay on her side of the river, and we do not want her to take part of our Oklahoma land. As representatives of both our State and the Federal Government, we do not want Texas to take 10½ miles of the open sea, because we think there are resources there which belong to all the people.

Mr. ANDERSON. Does not the Senator feel that the executive department ought to act in the matter even though the resolution was not adopted by the other House?

Mr. MONRONEY. I certainly do. I am sure the junior Senator from New Mexico knows, that after studying the question, they were bound to bring the cases into court or face what would appear to me to be proper questioning by the Senate of the United States.

Mr. HUNT. Mr. President, will the Senator from Oklahoma yield for a further question?

Mr. MONRONEY. I yield for a question.

Mr. HUNT. Let me ask the distinguished Senator if he happens to be familiar with the situation confronting the State of Wyoming, coming up almost simultaneously with the tidelands issue developed by the Secretary of the Interior and presented to the Supreme Court? In order that this may be a matter of record, with the permission of the Senator from Oklahoma, I should like briefly to state the situation.

Mr. MONRONEY. I can yield only for a question. I should like to have the statement in the RECORD, and I should like to discuss it with the Senator, but only if the Senator asks unanimous consent to put it in the form of a question. Then I shall be glad to yield for a question.

Mr. HUNT. Is the Senator from Oklahoma familiar with the fact that in the year 1945, I believe it was, without any preliminary discussion with the State of Wyoming, the Secretary of the Interior presented before the Supreme Court a claim to 2 sections of school land in my State? These were sections 16 and 36, in what is known as the Elk Basin oil fields of Wyoming, land which had been given to my State with a qualification in the act of admission, "Surveyed or unsurveyed." This meant that even if it were developed at a later date, when the land was surveyed, that the land contained oil or mineral-bearing resources, they belonged to the State of Wyoming for educational purposes.

This land was given to the State of Wyoming in 1830. In 1917, the State issued oil leases on the two parcels of land I have referred to. In 1928 production was started. Up until 1948, when the case was argued before the Supreme Court, the State of Wyoming had received $880,000 in oil royalties. Directly after the Supreme Court decision, which the State of Wyoming lost, we were able to come to Congress——

Mr. FERGUSON. Mr. President, I wonder if the Senator from Wyoming is really asking a question, or if he is slightly off the track.

Mr. MONRONEY. Mr. President, I yielded only for a question. I assume that the Senator is coming to the question.

Mr. FERGUSON. Preliminary statements are not a part of a question.

Mr. HUNT. I shall put many questions within this one question, if the distinguished acting majority leader wishes that I do so. I shall be but 2 minutes. I may say to the Senator from Michigan that I think no Senator takes less time on the floor than does the senior Senator from Wyoming.

Mr. FERGUSON. I appreciate the Senator's statement, but I have stated the rule in connection with filibusters, and we are trying to adhere to the rules, so far as we can.

Mr. MONRONEY. I may say to the distinguished acting majority leader that if he wishes to have me ask unanimous consent to yield to the Senator from Wyoming, or if he wishes that the Senator from Wyoming ask unanimous consent that I may yield, since the Senator from Wyoming is on the other side of the question, I should be most happy to yield in order to have the parliamentary situation clarified, according to the strict parliamentary rules to which we who oppose the joint resolution have been subjected.

Mr. FERGUSON. Mr. President, I shall object to any such request for unanimous consent, because that would only open the door for a quorum call, and I do not desire that any other business be transacted.

Mr. HUNT. Is the Senator aware of the situation? I shall not repeat my statement, except to say that I see a very great similarity between the action on the part of the Department of the Interior and the action taken in the State of Wyoming. My question simply is this: Is the Senator from Oklahoma familiar enough with the tidelands situation, as I am to some extent, to see a great similarity in the two situations?

Mr. MONRONEY. I cannot see a similarity in the the two cases, because lands lying offshore are unsurveyed, uncharted, and unknown. They are not even above water, so they cannot be seen. I doubt very seriously whether in the Wyoming case any precedent was set, or that it is in any way pertinent to our discussion here.

Mr. President, I began to say that Oklahoma has had other cases with the State of Texas which have involved much oil. There is another Supreme Court ruling on a treaty with Spain going back to the early days of our history. I have already mentioned the Red River, and also the south bank of the Red River.

A big oil field was found north of Wichita Falls. As usual, Texas was alert. The Red River was wide. It was learned that the oil field was practically ready for development and wells were producing, and that leases of oil and mineral rights were being made in that portion of the Red River which was under the land of Oklahoma.

Texas stated that her understanding of the treaty was that the north bank actually was inside her line; that the river had meandered; and Texas was trying to lay claim to untold millions of dollars' worth of oil in that section. So the question was whether the north bank or the south bank of the Red River was actually the dividing line.

The Supreme Court had to rule on this case, and it held in favor of Oklahoma, protecting the northernmost boundary again against invasion by Texas for the purpose of acquiring oil.

After many years, Oklahoma received firm title from the Supreme Court in a decision which held that the south bank of the Red River was the northernmost boundary of Texas.

It is now being said, in support of the pending measure, that if we do not like the decisions of the Supreme Court, we can find language that will, as we say in the oil drilling country, "drill around" the Supreme Court's language. What I believe would happen if the joint resolution were enacted is that we would drill around the Supreme Court decisions and define the marginal seas as inland waters.

It would seem to me that in view of our Constitutional division of powers, we will be skating on thin ice if we here do anything that might even remotely resemble the desire to establish a legislative precedent for overturning Supreme Court decisions on matters dealing with the boundaries of the States and conflict therein with the Federal Government, or thus set a precedent that might someday even be used to interfere with State boundaries and the right heretofore exclusively held by the Supreme Court to handle such matters under the Court's original jurisdiction.

I do not yield to anyone in the Senate in respect for and determination to fight for all the rights and prerogatives given to us as the legislative branch by the Constitution. The Founding Fathers carved out jurisdiction in the legislative field and on the powers of the purse that should give us plenty to do if we fulfill our constitutional duty.

The legislative branch of the Government has patriotism, common sense, loyalty, and a determination to act for the benefit of all the people, but I believe that the executive department and the judiciary are likewise proper guardians of our rights and equally competent to do their duties under the Constitution.

I think we are going more and more afield when we attempt to spread ourselves so thinly that we assume that only the legislative branch has the omniscience requisite to run this country. Surely the executive department, under the overwhelming mandate given to it by the people, is entitled not to be interfered with by carping criticism or unfair investigation. Certainly the Supreme Court, which throughout the years has demonstrated its power and ability to

assure us a nation of law, a government of law and not of men, should not be asked, in a political moment, to stand aside in order that political judgments may be substituted for its decisions.

I do not want the Senate to impose on these sacred divisions of power. I am certain that most of the splendid Senators who advocate the joint resolution do not wish to see such an imposition take place. They, together with the junior Senator from Oklahoma, know that our system of government is built upon the theory of a separation of powers, which is protected by the Constitution. If a decision of the Supreme Court might be overturned by legislative means in behalf of one State as against the Federal Government, or by one State as against another State, or by one citizen as against another, I am certain we would all agree that we would have reached a dangerous posture in our system.

I believe that one of the most effective, if not realistic, reasons for our refusing to pass the joint resolution now before the Senate is the realization that no case has been made or any cogent reason given on the floor of the Senate which would lead us, as trustees of the people of the Nation, of all 48 States, to vote to override, overturn, invalidate, or make ineffective—perhaps ineffective is a better word—three Supreme Court decisions.

These three decisions were squarely in point on an issue never before squarely brought before the Supreme Court. The right to maintain the sovereignty of the Nation below low-water mark is certainly given to the Federal Government, to all the 48 States. I can see nothing in any of the reports or hearings I have read to lead me to believe, even if we were to accept the concept of senatorial review of Supreme Court decisions, that we should quitclaim these valuable lands. I support, instead, the distinguished Senator from Alabama [Mr. HILL] who feels they should be held in trust for the education not only of the children of the State of Texas or Louisiana, but for the education of all the children of the Nation. These funds should be held in trust to build up the greatest natural asset we can have in America, the education, training, and character of the children of all the 48 States.

Mr. President, I yield the floor.

Mr. HILL. Mr. President, first let me warmly commend and congratulate the distinguished Senator from Oklahoma [Mr. MONRONEY] on the very able and challenging address he has just made. It is one of the ablest and finest presentations that has been made on the subject now pending before the Senate.

Mr. President, quite a bit of business has been transacted since the last quorum call, and therefore no action by the Senate could affect the situation so far as a quorum is concerned.

The distinguished junior Senator from Massachusetts [Mr. KENNEDY] would like to have his name added to the pending amendment as a sponsor. I ask unanimous consent that the name of the distinguished junior Senator from Massachusetts be added as one of the sponsors of the pending oil-for-education amendment, and that the RECORD show the addition of his name.

The PRESIDING OFFICER. Is there objection?

Mr. FERGUSON. Mr. President, reserving the right to object, I should like to propound a parliamentary inquiry. Has business been transacted since the last quorum call?

The PRESIDING OFFICER. Routine business has been transacted since the quorum call.

Mr. FERGUSON. Then I shall not object, because it would be of no value in preventing another quorum call.

The PRESIDING OFFICER. Without objection the request of the Senator from Alabama is approved. The name of the junior Senator from Massachusetts will be added.

VII. THE ANDERSON SUBSTITUTE BILL AND THE OIL-FOR-EDUCATION AMENDMENT

Mr. HILL. Mr. President, I turn now to a discussion of the Anderson substitute and the oil-for-education amendment thereto.

The Senator from New Mexico [Mr. ANDERSON] has offered in the nature of a substitute for Senate Joint Resolution 13, a bill to give effect to the three Supreme Court decisions which held that the coastal States do not own, and never did own, the lands underneath the open ocean adjacent to their coasts, but that the Federal Government, by reason of constitutional responsibility for external affairs, has paramount rights in such lands.

No legislation providing for the administration of these areas and the development of their vast oil and gas deposits has been enacted. The Anderson substitute provides the legislative authority for development of these oil and gas reserves by the Federal Government through the Department of the Interior, the agency which has responsibility for oil and gas development on Federal lands within the borders of the States.

The Anderson substitute specifically—

First. Permits immediate resumption of oil and gas development in the ocean-submerged areas under the administration of the Secretary of the Interior, but only in conformance with specific standards set by the Congress.

Second. Gives full and complete protection to all holders of bona fide leases issued by the States or any political subdivision of the States respecting the areas and permits them to continue in accordance with their terms.

Third. Confirms the titles of the States to all lands beneath their rivers, lakes, ports, and harbors—to all lands beneath inland navigable waters; that is, including lands covered by the ebb and flow of the tides, namely, tidelands proper.

Fourth. Grants ownership to a State or its political subdivision of filled-in, reclaimed, or made lands when such work was authorized and undertaken for a public purpose. This applies both to existing areas within that category and also constitutes a grant of future title to the States.

Fifth. Gives the States an unquestioned right to control the development and taking of fish, oysters, sponges, kelp, and the like within their State boundaries.

Sixth. Gives the States a generous share, 37½ percent, of the revenues from oil and gas operations within their State boundaries which, by definition, extend 3 miles from mean low tide.

The oil-for-education amendment deals with the balance of the revenues—62½ percent within the 3-mile limit and 100 percent beyond the 3-mile limit going out to sea.

The amendment offers a two-edged weapon for national defense by providing that during the present emergency the royalties from this offshore oil may be used for the urgent needs of national defense and then it is our proposal that the royalties from this oil should then be used exclusively for educational purposes—primary, secondary, and higher education—in all the 48 States. For we cannot longer neglect the education of our children if we expect as a nation to remain intelligent enough to recognize international danger, continue to fortify and strengthen our democracy, and be able to preserve our freedom.

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

Mr. HILL. I yield for a question only.

Mr. KEFAUVER. I wish to ask the Senator if he does not think that the provision of the Anderson substitute with his amendment is a very fair and generous proposal to the so-called tidelands oil States of California, Texas, and Louisiana, in that it gives them, before anything is taken for the rest of the Nation, 37½ percent of the revenues derived from oil in the submerged lands off their coasts? Particularly, does not the Senator think that this is a generous proposal in view of the fact that legally, and under the decisions of the Supreme Court, they are no more entitled to even the 37½ percent than are all the other States?

Mr. HILL. The Senator from Alabama certainly thinks this is a generous provision. I am very proud at this time to call the attention of the Senate to the fact that the distinguished Senator from Tennesee is one of the authors of the pending amendment, the oil-for-education amendment. In writing that amendment the Senator from Tennessee and other Senators felt that they were doing a very fine and generous thing in providing this gift of 37½ percent to the particular States.

Mr. KEFAUVER. Mr. President, will the Senator yield for another question?

Mr. HILL. The Senator from Alabama yields for a question.

Mr. KEFAUVER. Even if it should be assumed—and, of course, it cannot be assumed, because the Supreme Court has definitely, seven times, decided the issue the other way—that the land under the sea out from the States is within the boundaries of those States, would not the 37½ percent still be a fair offer, in view of the fact that the Mineral Leasing Act provides that 37½ of the revenue from minerals inside the State goes to the State where the minerals are located.

Mr. HILL. The Senator is exactly right. We have followed that generous provision, as the Senator suggests, making a grant of 37½ percent to the particular States.

As the United States Commissioner of Education, Hon. Earl James McGrath, has said:

Life does not stop while we build the Nation's military strength. Children are born and grow up. They go to school and to college. You cannot put a generation into educational cold storage and then later put them into an educational hothouse.

The necessities of the long pull before us are not merely military essentials. There are equally basic essentials in non-military areas. To provide the essentials in all areas is our continuing objective. Only thus can we meet the demands of the long pull which lie before us—a period in which the preparedness of the Nation must be at hitherto undreamed-of-peacetime levels, while at the same time the basic essentials of life and growth must be provided for all our people, including all the children.

As I have said many times before, it may be very difficult, in fact impossible, for the free world to match the Communist world in terms of manpower. Of course, we all pray for the time when, without global war and by peaceful means, we may witness the liberation of those who are held in the bondage of totalitarian communism, but such a day may be long in coming, and as the struggle proceeds for the minds of men we must pit quality against quantity. The basic strength of the free world lies in the fact that free institutions, unlike the institutions of dictatorship, are capable of developing men and women with intelligence, with initiative, with originality, with discrimination, and with inquiring and adventurous minds.

OUR HERITAGE OF EDUCATION

That we have in so many respects outstripped the world technically and managerially is due in large part to our system of free education developed under free institutions. This was the essence of the American dream as it matured in the great creative mind of Thomas Jefferson, and along with it grew and developed the traditional American policy of dedicating the proceeds of our public lands to the cause of education. Thomas Jefferson declared:

That nation which expects to be ignorant and free in a state of civilization expects that which never was and never will be.

Twenty-two months ago, when we introduced the oil-for-education amendment on the floor of the Senate, I tried to indicate that our precious heritage of education for all our people was in danger of becoming a myth. At that time—and many times since then—I cited the dilapidated condition of our schools, the huge increases in our child population, and the alarming exodus of our inadequately paid teachers from the teaching profession into better paying pursuits.

In connection with its consideration of the oil-for-education amendment, the Senate Committee on Interior and Insular Affairs heard expert testimony concerning the financial plight of the Nation's grammar schools, high schools, and colleges, and of the unsuccessful efforts of the States and local communities unassisted to catch up with a 20-year lag in school construction, and meet the vastly increased financial needs of our growing school population.

It was demonstrated to the committee that deficiencies in our school system and in the education of our people are having serious effects upon our national defense program and our national security.

THE CRISIS IN EDUCATION

The evidence presented to the committee shows that our educational system today faces a severe crisis. The physical condition of our schools and school plants is in so many ways dilapidated. Our school population is increasing at a rapid, indeed an almost overwhelming rate, and our underpaid teachers are leaving the field of education in order to find jobs that will maintain them and their families at an American standard of living. Today we must sadly admit that the school teachers and and the boys and girls who are studying in our schools are to an alarming degree the forgotten people. We are crowding our children into bursting and obsolete classrooms, into dangerous, inadequate and unsanitary buildings. We are paying our teachers too little and working them too hard. We are failing to train and prepare needed recruits for the teaching profession.

This is not a temporary or short-run condition. The measures which we have taken to meet it are not adequate. Competition with industry and defense-related jobs has taken many of the best teachers from the classrooms. Many communities are scraping the bottom of the barrel to get even inadequately prepared teachers. Schools are not being built fast enough to meet the needs of a rapidly expanding enrollment. More than a million additional children entered the public schools last fall as compared with the year before. This rate of increase will continue for at least for the next 6 years as the 1952 birthrate was the alltime high. The education of 4 million children is being impaired because of inadequate buildings, poorly trained teachers, and double sessions or part-time instruction. Every seventh child in the Nation is being shortchanged in his education—shortchanged in his future strength and worth to his country.

TEACHER SHORTAGE SERIOUS

Observing the teacher shortage in the United States, Dr. McGrath, head of the United States Office of Education, recently had this to say:

A grave threat to our schools is the alarming shortage of fully qualified teachers. Our schools employ the services of the country's largest professional group—more than 1 million persons. It takes a lot of new recruits each year just to replace those who leave the profession through resignation and death. Conservative estimates of the annual need merely to maintain normal ratios between supply and demand of teachers put the figure at about 95,000. In addition, the number of children to be taught swells each year, and by the end of the decade the normal needs for replacement of public school teachers will be 110,000 per year.

Dr. McGrath continues:

For the elementary schools, the number of qualified teachers now available annually is only one-third of the number needed. The result is either the employment of a poorly qualified or unqualified teacher on an emergency certification, or the doubling up of classes and the gross overloading of teachers.

Speaking of rural schools, Dr. McGrath said:

The preponderance of emergency certifications issue of necessity to poorly qualified persons are issued for teachers in our rural schools. It is too great a compliment to the sons and daughters of the farms to say that they can be educated just as well as city children, with less able teachers.

A recent survey of educational needs throughout the country by the New York Times shows just how grave is the situation. Typical of the situation in other States is that in North Carolina. Two thousand new white elementary teachers will be needed this year. The supply from North Carolina colleges last spring was only 536. Here, as elsewhere, the shortage is more acute in rural areas.

South Dakota public schools are employing 1,000 teachers who have less than 1 year of college training and another 1,400 who have less than 2 years. Even a relatively high-income State such as Michigan has 5,500 teachers who have not met the minimum requirements. In New Jersey, another relatively high-income State, 900 classes are on double session and 750 classes are using makeshift classrooms.

The New York Times study shows that the Nation's schools needed this year 100,000 additional qualified elementary teachers, and had just some 30,000 from whom to choose.

This does not include qualified replacements for the 64,000 teachers that are this year teaching with substandard certificates. The number of poorly qualified teachers has reached alarming proportions. When we entered World War I, only 1 public-school teacher in 340 had lower qualifications than those legally prescribed. This year, every 16th teacher in the Nation holds a substandard certificate. Not 1 out of every 340, but 1 out of every 16.

Mr. President, at this point I ask unanimous consent to have printed in the RECORD an article which appeared in the New York Times of April 10. It shows the situation in the relatively rich State of New York, and shows how that State is being forced today to put on an intensive recruiting drive in a desperate effort to get teachers who are so desperately needed, even in that great and rich State of New York.

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

STATE GETS "CURE" FOR TEACHER NEED—$2,574,000 PROGRAM URGED TO FILL ELEMENTARY SCHOOL POSTS UPSTATE IN NEXT 5 YEARS—RECRUITING DRIVE IS ASKED—INSTRUCTORS' COLLEGES SHOULD RAISE ENROLLMENT BY 50 PERCENT, UNIVERSITY GROUP SAYS

The teachers' colleges of the State University of New York will have to increase their enrollments by one-half to help meet the anticipated demand for elementary-school teachers upstate in the next 5 years, the university's board of trustees was told yesterday.

Referring to estimates by the State Education Department that teaching positions would rise by 10,000 to 42,500 in that period in 1,800 school districts outside this city, a special committee of the board presented four recommendations to increase teacher supply.

The group's report was made at the board's monthly meeting at its offices, 522 Fifth Avenue.

The committee urged that recruitment efforts be intensified immediately and continued over the period to increase elementary department enrollments of State teachers' colleges from 6,611 to 10,000. This, it said, would produce 2,000 graduates annually and increase operating costs by $2,485,500 to $11,517,000.

END OF A SUMMER FEE URGED

The group also recommended that the initial summer session of instruction for new enrollees in the intensified teacher-training program for graduates of other than teachers' colleges be fully State-supported. The 500 graduates completing this program have paid an instruction fee of $100 each. The committee said its proposal would expand the enrollment from 450 last year to 750, at a cost of $75,000.

Special summer session workshops should be provided for teachers serving on emergency licenses to qualify them for permanent licenses, the committee held. The cost was not estimated.

Finally, the group said, student aid in the form of 70 laboratory assistantships paying $200 each would help to keep students of limited financial resources in the teachers' colleges and free professors for professional work.

The committee said the total cost of the program would exceed $2,574,000. It would increase qualified graduates from 2,565 to 3,050 in 1956, a total which, with other graduates, would rise to 3,375, the group estimated. Allowing a 15 percent loss, the committee said the net increase would be from 2,393 to 2,869.

EX-TEACHER POOL CITED

If, it added, about 1,000 former teachers return to service each year and out-of-State sources continue to supply 500 more, the recommended program would produce the remainder needed.

The board gave provisional approval to local sponsorship of each of its institutes in Binghamton, Buffalo, New York City, Utica and White Plains, a step in their transition to 2-year community college status.

The trustees unanimously approved the application of Broome County to take over the State's institute in Binghamton as a community college. They also approved the plan of the Auburn Board of Education to become sponsor of a new community college.

Dr. Lawrence L. Jarvis, executive dean, will meet with groups in Glens Falls on Tuesday and Watertown next Friday to discuss plans for establishing community colleges there.

Dr. William S. Carlson, president of the State University, reported that he expected legal steps in the acquisition of a 347-acre tract in the town of Vestal, Broome County, for a campus for Harpur College to be completed by mid-June.

Mr. LEHMAN. Mr. President, will the Senator from Alabama yield for a question?

Mr. HILL. I yield to my friend, the distinguished Senator from New York, for a question.

Mr. LEHMAN. I am very glad the distinguished Senator from Alabama has made reference to the educational difficulties of New York State. I ask him whether it is not a fact that in New York State, which is a relatively wealthy State, teachers today are grossly underpaid, that classes are much larger than good practice dictates, and whether it is not true that great difficulty is being found in obtaining replacements for teachers and in securing teachers with the training and experience which even the minimum of caution and interest would dictate?

Mr. HILL. The Senator from New York is familiar with the situation in his own State. He speaks from first-hand knowledge. He brings here the facts as they exist. He gives us the picture as it exists in New York State today. He is absolutely right about it. The deplorable situations in respect to the shortage of teachers, inadequately paid teachers, teachers who are not properly qualified to teach, crowded classrooms, and too many pupils having to be taught by too few teachers exist today not only generally but even in the great and relatively wealthy State of New York. We all look upon New York, if not as the richest State in the Union, certainly as one of the wealthiest States. Yet in that State we find those unfortunate conditions to exist.

We are guilty of shocking neglect of our teachers. We have never given them the recognition, the appreciation and the financial security they deserve. Poorly paid even before World War II, their situation is much worse today. Their earnings have not kept pace with earnings in general. Rising costs of living have forced thousands upon thousands of teachers from the classrooms out of economic necessity, and they are still leaving. The drain as we might expect, is greatest among our best trained teachers.

Teacher-training colleges cannot even begin to meet the huge demand for teachers from the dwindling graduating classes, as young people abandon their teaching ambition in the face of stark economic necessity.

The deplorable state of teacher income is revealed in a recent survey by the National Education Association. The NEA survey shows how we have let our teachers drop to the absolute bottom of the economic ladder. Teachers are now the lowest paid of all employed groups in America.

Last week disturbing evidence came to light to uphold the thesis that superior high school graduates shy away from teaching. The annual report of the Educational Testing Service at Princeton, N. J. presented evidence that men who are preparing to be teachers are, as a group, the poorest students of all those attending colleges and universities.

The Princeton Service, headed by Dr. Henry Chauncey, administers the college entrance examination board tests and most of the recognized examinations on the higher education level. About a year ago the armed services asked the board to give the draft deferment tests to young men in college who are of military age. In 1951–52, the bureau gave more than 400,000 tests as part of its selective service college qualifiation test program. The results are startling, to say the least. It was found that students in education—those men who are preparing to be teachers and will teach our children—did worse on the tests than any other group of students.

As we read these findings, can we fail to comprehend that these are our future teachers, those upon whom we must depend upon to endow our children with knowledge and teach them to think, and help them build their character and to help prepare themselves for American citizenship?

Do we forget that the teacher is the central figure in the education process?

For many hours of the day, we entrust the minds and the character of our most precious resource—our children—to the teacher to mold the children for the responsibilities of manhood and womanhood. Inevitably, the character and influence of the teacher is woven into the character of the entire Nation.

Not only are we losing teachers out of the classrooms. Not only is enrollment in teacher-training classes dwindling rapidly. Not only are we failing to attract the best young brains into teachers' colleges but we are failing to attract the average brains, and, according to the test, even the poorest brains, the subaverage brains, and those below normal. At the same time increasing numbers of our young teacher graduates are failing to take up teaching. This fact is revealed in an article by Dr. Samuel Engle Burr, chairman of the department of education at American University, in Washington, D. C.

Dr. Burr's article was based on his survey of teacher graduates from that institution since the fall of 1947. The survey reveals that only 55 percent of the graduates in education actually hold teaching positions, and that 25 percent are working in some field other than that for which they are especially trained. In short, the survey reveals that 25 percent are working in some other activity, not in the field of teaching, for which they were trained, even though large amounts of funds have been invested in the institution where they were trained to be teachers.

Mr. LEHMAN. Mr. President, will the Senator from Alabama yield to me?

The PRESIDING OFFICER (Mr. BUSH in the chair). Does the Senator from Alabama yield to the Senator from New York?

Mr. HILL. I yield.

Mr. LEHMAN. Does the Senator from Alabama agree with me that the figures he has cited are not surprising, in view of the fact of the average pay of teachers is less than the average pay of manual workers in the United States, and that in many cases even a college-trained teacher is being paid less than the salary paid to a dog catcher or a garbage collector?

Mr. HILL. Yes—or less than the salary of a comfort-station hostess.

Mr. LEHMAN. That is correct.

Does not the Senator from Alabama agree with me that under those circumstances it is not surprising that we are losing many of the best trained teachers we have?

Mr. HILL. Certainly. As the Senator from New York has suggested by his question, it is only natural that the teachers, who today constitute the lowest-paid group in our country, have been forced by economic necessity into positions such as those mentioned by the Senator from New York.

The article to which I have just referred lists the following as among the types of employment in which some of

the young men who prepared for the teaching profession are earning their livelihood—public relations counselor, grocer, importer and distributor of books, curios and art materials, magazine sale promotion representative, statistical draftsman, payroll clerk, and music cataloger in a library.

It appears that all these types of employment pay better salaries than does teaching, or offer other advantages, such as greater opportunity for advancement, better working conditions, or employment in a favored locality. Here is demonstrated once again how sadly we have neglected our teachers. We have failed to make teaching the honored, respected, financially secure profession that we expect it to be, and that it must be.

Let Dr. Burr speak:

> It seems a peculiar paradox that young people who want to teach, who are capable of doing good teaching work, and who have taken education courses to prepare themselves for certification as teachers should find it advantageous to enter other fields in an era when there is an acute shortage of teachers.
>
> All the national surveys of education indicate that several thousands of additional teachers are needed today. Teachers' agencies and placement bureaus are begging for the names of people who can qualify for teaching jobs. But one-quarter of the young people whom we prepare for this important work choose other kinds of employment because they can't afford to teach. The need for larger financial income drives them out of teaching and into other fields.

Many other colleges and universities throughout the United States report conditions similar to those among the education graduates of American University.

I want to call attention to the results of a survey by the Beta field chapter of Phi Delta Kappa, as set forth in an article by Mr. Adolph Unruh, published in the Phi Delta Kappan. The question studied was, How many male teachers in the city and county of St. Louis, Mo., find it necessary to supplement their regular income from teaching by doing other kinds of work?

The survey revealed that only 8 percent of the male teachers suported themselves and their families by teaching alone. Ninety-two percent held supplementary jobs, or their wives worked, or they had some income which was independent of their earnings in the field of education.

The survey listed over 100 kinds of employment performed by these male teachers in addition to regular teaching. It is interesting to note the wide range of jobs that these men performed after school was over in the afternoon, for as long as an 8-hour shift. In other words, after teaching all day, they have to work at other jobs for 8 hours in order to be able to provide meat and bread for their families. It would seem that few of the outside jobs bear any real relationship to their specialized work as a teacher or to their specialized training for their profession.

The jobs vary from bowling alley manager to frozen-custard-stand operator to short-order cook. Fifty-two percent reported that they felt the extra hours detracted from their effectiveness in teaching.

This shocking situation in St. Louis is by no means an isolated example. It is not confined to that great and rich city. In community after community we find teachers having to turn to outside work in order to live.

Mr. KEFAUVER. Mr. President, will the Senator from Alabama yield to me?

Mr. HILL. I yield.

Mr. KEFAUVER. Aside from the St. Louis survey, which deals with the problem in that city do we not find that in many rural areas the teachers are forced to engage in other activities in order to supplement their income from teaching?

Mr. HILL. I am glad the Senator from Tennessee has asked that question. I was coming to it. Of course, the situation in rural areas is even more deplorable than that in the richer communities, such as St. Louis. The situation is indeed a desperate one. It forces the teachers to get other jobs. That desperate situation is even greater in the rural areas than it is in the city and metropolitan areas.

We must not forget that most persons who are engaged in business—for instance, in industry, farming, or other types of employment—look forward to constant improvement in their income. They have a right to look forward to it. I may say that prospect or promise is held out to them, and is realized if they do their jobs well. However, that is not true in the case of teachers. After approximately 12 or 14 years of teaching, they reach their maximum income. No matter how long thereafter they continue to pursue their profession of teaching, their income is not increased; by that time the teacher has come to the end of his financial blind alley.

A recent survey revealed that two-thirds of New York City's 10,000 high-school teachers find it necessary to hold part-time jobs outside of school. More than half of these reported that at least one other member of their family must work, to make ends meet. Fifty-eight percent reported that they had been unable to avoid going into debt during the past few years, and others said that indebtedness for them had been avoided only by exhausting their savings.

Besides the poor pay, there is another important reason why ambitious young teachers are leaving the classrooms.

With the first taste of the lowest-paid job in the United States, a young teacher begins to take stock of future opportunities to better his condition. What does he see ahead? An inadequate and antiquated salary schedule that—try as he may—will permit him only the most meager yearly increases, increases out of all proportion to the rewards in other pursuits and to the contribution he has made.

And how long may he look forward to increased earnings? Well, for only about 12 or 14 years, which will bring him to his prime. Then he will have reached the top of the average teacher pay scale. Beyond that point he cannot go, no matter how deserving he may be. He has come to the end of his financial blind alley.

Deploring the tragedy of this financial trap, Mr. Paul Woodring, professor of psychology at Western Washington College of Education, recently had this to say:

> The simple fact is that most teachers are pretty normal human beings who are living in the same economic environment as businessmen, tradesmen, and laborers. They have the same desire for new automobiles and flyrods as does the man next door. Their wives have the same interest in pretty clothes, attractive homes, labor-saving gadgets as do the wives of the plumbers or the grocers. Their daughters demand the same cashmere sweaters, their sons the same bicycles and baseball gloves as do the businessman's children.
>
> Under the circumstances, the teacher who can renounce worldly goods is a pretty odd character, for all of these things cost money, the same kind of money which is so useful to the businessman. As a result of all these pressures, teachers, particularly the more able teachers, are leaving the classrooms in droves.

Mr. President, the only way that we shall be able to meet the unprecedented demand for teachers and the cry for competency in the classroom is to halt the alarming drift away from the teaching profession, and to train more teachers. This means that we shall have to stop regarding teaching as a second-class or, should we say, a last-class profession, and must pay our teachers adequately. The laborer not only is worthy of his hire, but if we are to obtain the benefit of the services of the laborer, he must be paid a salary which at least in some degree will be comparable to value of the job he does.

SHORTAGE OF SCHOOL BUILDINGS SEVERE

Now, let us look at the facts on the shortage of school buildings. Today the need for schoolhouse construction is without precedent in the history of the Nation. In the 10-year period from 1920 to 1930, the enrollment in public and nonpublic elementary and secondary schools increased by slightly more than 5 million, or 5,028,182. In the decade from 1948 to 1958, the increase will be doubled that amount, or 10,152,000. The tide of war-born babies is engulfing the lower grades, and it will move right on up through the elementary and high schools. Classrooms must be provided for these children, and they must be provided now—not next year, not in 10 years or not in 20 years.

Mr. KEFAUVER. Mr. President, will the Senator from Alabama yield to me for a question?

Mr. HILL. I yield.

Mr. KEFAUVER. On Saturday, I had the privilege of being in a rural county in Tennessee. I found there a tremendous interest in the Hill amendment, not only because the people are interested in having teachers receive larger salaries, but because in that community the people are confronted with the necessity of building school buildings to the value of $700,000. Those buildings are needed at once. Several persons called to ask me about the prospect of obtaining from submerged oil funds which could be used to help them construct those school buildings.

I desired to ask the Senator whether he did not find that throughout the United States counties were in a similar plight, and that that was the explanation of the fact that not only the school teachers, but also the county officials,

and even the taxpayers themselves, were interested in the adoption of the Hill amendment to the Anderson substitute.

Mr. HILL. Mr. President, as I have sought to make clear, this is not an isolated situation. It is not a situation peculiar to any one county, peculiar to any one State, or peculiar to any one section of the United States. The tragic, deplorable situation of which I speak exists throughout the United States. It represents a crisis which faces our public school system, as well as the State universities in the 48 States.

Mr. KEFAUVER. Mr. President, will the Senator yield further?

Mr. HILL. I yield for a question.

Mr. KEFAUVER. Does the Senator know of any other measure that is before the Congress which has any possibility of immediately affording assistance not only to teachers, but also to the school-building program, other than the Hill amendment to the Anderson substitute?

Mr. HILL. If there is any other such legislative proposal, I certainly do not know of it. Were there such, I think the Senator from Tennessee and also the Senator from Alabama would be aware of it.

Mr. President, if we had only the population increase to face, the situation would be serious enough; but it is doubly difficult to find room for these new millions of children because for 20 years there was a marked decline in school construction. During the 1930 decade, schoolhouse construction lagged far behind the needs, largely due to a shortage of local funds during the depression years. Even a considerable amount of Federal assistance through public-works programs was not enough to keep pace with the need. During the 1940 decade, the backlog of need continued to grow as the school construction lagged further behind. Throughout the war years, shortages of labor and materials made it difficult to hold to even a normal program of maintenance. For this reason, depreciation was accelerated. School construction remained at a low level until 1948, and it was not until 1950 that the annual rate of expenditure for school construction reached the average for the 1920's. By 1950, it was estimated that the national backlog of need was more than 250,000 classrooms.

The second progress report of the school-facilities survey which is now being made by the Office of Education estimates the total cost of the Nation's school-plants needs as of September 1952, to be $10.7 billion. With the increased enrollments now evident, and taking into consideration regular replacements for obsolescence, it may be estimated that by 1958 a total of 600,000 additional classrooms will be needed, and that the cost will be between eighteen and nineteen billion dollars, in 1951 dollars.

In far too many communities, classrooms are so overcrowded as to make effective teaching almost impossible. School basements, apartment-house basements, empty stores, garages, churches, and even trailers are being utilized to take care of the overflow. In one community, children were found to be attending class in a morgue. What a pleasant memory they will have of their alma mater. Even with the use of such facilities, many communities are having to resort to half-day and even third-day sessions to carry the load.

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

Mr. HILL. I yield to the distinguished Senator from Illinois for a question.

Mr. DOUGLAS. If the classroom were located in a morgue, would not the subjects be somewhat dead?

Mr. HILL. Mr. President, I think that is a very logical conclusion, suggested by the question of my distinguished friend, the Senator from Illinois [Mr. DOUGLAS], a great educator himself. I may say that the reference to third-day sessions relates to a class which is in session for but one-third of a day.

Mr. HUMPHREY. Mr. President, will the Senator yield at this point for a question?

Mr. HILL. I yield to the Senator from Minnesota, for a question only.

Mr. HUMPHREY. I wonder whether the Senator is familiar with the recent study made by the Federal Security Agency, authorized by title 1 of Public Law 815 of the 81st Congress, namely, the school-facilities survey?

Mr. HILL. I am familiar with it, and I know that it is a very excellent survey. Certain of the facts I have been citing in my remarks are to be found in that particular survey, I may say. I repeat, it is a very excellent survey. I commend it to the reading of all Senators.

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

Mr. HILL. I yield for a question.

Mr. HUMPHREY. Does the Senator recall that, during the second session of the 81st Congress, a subcommittee of the Committee on Labor and Public Welfare held extensive hearings on the subject matter of school facilities throughout the United States, their shortage and also their inadequacy?

Mr. HILL. I recall it well. I had intended to cite certain figures from those hearings.

Many States have been fighting hard to overcome the shortage of school buildings. For example, the New York Times survey reveals that in the last 4 years North Carolina has spent $181 million on school buildings. Some 6,500 new classrooms and hundreds of auditoriums, gymnasiums, libraries, and other facilities have been constructed. In spite of this effort, the State needs 7,400 new classrooms by next September. Last year 43,000 North Carolina pupils went to school in hallways, basements, auditoriums, and other makeshift quarters. Ten thousand were in churches, lodge halls, and rented quarters. Another 11,000 were in barracks, and 9,000 were on split shifts.

Many States face similar situations. In Minnesota, nearly 100,000 pupils have attended school in buildings which should be abandoned, and in school-owned barracks and similar structures not designed for school use.

Nationwide there is a shortage of 325,000 classrooms and auxiliary facilities.

These words by Dr. Walter Maxwell, executive secretary of the Arizona Education Association, tell the story for community after community:

> Numerous times I have seen children lined up in front of a schoolhouse door, marching in to take their places in the school after the first shift marched out—just like the changing of shifts in factories.

Over a million boys and girls are not getting a full school day. Imagine, if you will, what this does to the morale of the children, the parents, the teachers, and the community. Schooling lost is schooling gone forever, for a child is 6 but once. Students are attending sessions which last but half a day, and, in some instances, but a third of a day.

Mr. President, I am delighted to note that the distinguished Senator from Arkansas [Mr. FULBRIGHT] honors us by his presence. The Senator from Arkansas made one of the finest, ablest, and most revealing of speeches on the pending measure, particularly with reference to the tragic situation facing our schools, when he recently spoke on the pending measure. It was a magnificent contribution, a challenging presentation of the situation which exists today in the schools of the United States. I certainly appreciated his very kind words.

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

Mr. HILL. I am glad to yield to my friend from Arkansas, for a question.

Mr. FULBRIGHT. Does the Senator possibly realize how much I appreciate the kind words he has just spoken regarding me?

Mr. HILL. Mr. President, the Good Book tells us, "Out of the fullness of the heart, the mouth speaketh." I assure the Senator from Arkansas that it was out of the fullness of my heart that I was moved and inspired to say what I did, having had the privilege of being on the floor to hear his magnificent address the other day.

Furthermore, United States Office of Education surveys show that 1 out of 5 schoolhouses now in use should be either abandoned or extensively remodeled. Many of them are fire hazards and fire traps—wholly unsafe for school use. Others are so obsolete in structure and design as to be completely unsuited for today's educational needs. Still others are so lacking in sanitary conveniences as to constitute a health menace. They do not include the hit-or-miss contraptions now used as schools on an emergency basis. I referred earlier to those hit-and-miss contraptions — garages, trailers, and the morgue.

Miss Selma Borchardt, vice president of the American Federation of Teachers, called the plight of the Nation's schools "shocking" and told the committee that:

> Forty-four percent of all elementary school buildings now in use, housing 27 percent of all elementary pupils, are held to be unfit and unsatisfactory for classroom use.

Sanitary facilities are lacking for over a million school children.

Adequate medical facilities are lacking in 85 percent of the schools.

The Nation's public elementary and secondary school population needs additional floor space equal to a 1-story building 52 feet wide extending from New York City to San Francisco, Calif.

This amount of floor space equals the total residential housing space in a city the size of Philadelphia, Pa.

The U. S. News & World Report, in an editorial entitled "School Jamming: Worst Ever," sums up for us the following effects upon our children of the severe classroom and teacher shortages:

Makeshift classrooms—in store buildings and other unsatisfactory structures—for 1.8 million pupils.

Short days—so that two or three classes may use the same room—for more than 1 million.

Fire danger to 6.4 million in buildings that do not meet minimum standards of safety against fire.

"Little red schoolhouse" training for 1.9 million in one-room, one-teacher schools.

Overcrowding for 14 million who find 30 or more classmates in their classrooms. Among them are 800,000 in rooms with 50 or more.

The Educational Policies Commission, representing the National Education Association and the American Council on Education, sees these additional effects:

Overcrowded schools, with their part-time classes, overworked teachers, mass instruction, and watered-down programs produce effects which are not always immediately observable, but are nonetheless serious. Pupils do not learn the things they should, and they master less well the things they do learn.

Relations between home and school are weakened, and the well-balanced development of children is prevented. Ingenious administrative arrangements to utilize every building to the limit are helpful, but they are no substitute for the careful ministrations of a teacher who has time to teach each child well. Fitness for freedom is not mass-produced.

Mr. T. M. Stinnett, executive secretary of the National Commission on Teacher Education and Professional Standards, has called the conditions in our schools a public school scandal. Addressing a conference on that subject, he said, "It is a scandal born of public neglect, public confusion and public fear." Then Mr. Stinnett named these seven neglects around which it centers:

Too few schoolrooms to house children decently; too few teachers, many overworked, overloaded teachers in overflowing classrooms; unsafe, unsanitary, obsolete classrooms, inadequately prepared teachers; too few recruits for teaching; too little money to fulfill basic requirements.

We cannot forget that educational benefits once lost can never be reclaimed. When a child loses a day or a week or a year of his schooling, he has lost it forever. If our schools are forced to continue to resort to such expediences as one-half and one-third day sessions, if we continue to send many of our children to be taught by ill-prepared and incompetent teachers, the damage can never be repaired.

NEEDS OF HIGHER EDUCATION

We are also facing a critical situation in the field of higher education. Contrary to the trend in the elementary and high school—our colleges and universities have suffered a sharp drop in enrollment. Besides the draft and the completion of the GI training of World War II veterans, there is a third reason. Our birth rate in the depression years was, as is always true in depressions, quite low. The depression babies are now entering the colleges. Today, we have a situation in our colleges and universities that is just the opposite of what it will be a few years from now when the tremendous crop of war and post-war babies are ready for their training as our doctors, lawyers, teachers, engineers, chemists and as leaders in other professions and in business. When that period arrives, we must have colleges ready to receive them. It is our duty to keep alive and in good condition our facilities for college training.

Almost all our 1,900 institutions of higher learning are in financial trouble, whether they are State institutions, land-grant colleges, the large private universities or the small college. The New York Times survey shows that 1 out of every 3 of our liberal arts colleges is operating in the red. The colleges that are hardest hit are the small colleges with enrollments under 500. They may be small colleges for women or city colleges without a campus. These are the kind that too often do not have the endowment of a large private college and, of course, do not have the tax support of the State institutions. But if you will look through Who's Who in America and pick at random the names of the men and women whom you regard as important on the national scene you will be surprised at how many received their educations in these small colleges. I invite you to look at the Congressional Directory and see how many of our colleagues in both Houses of Congress received their education in such institutions.

Income from gifts and endowments is off sharply, as is student enrollment. Faculties have been reduced in many institutions. Some of them have begun to lower academic standards to keep their campuses open. Tuition rates have risen to new peaks.

The financial difficulties of higher education have been caused by 5 pressures according to a 3-year study by the Commission on Higher Education, whose work was carried on under grants from the Rockefeller Foundation and the Carnegie Corporation. These five pressures are:

First. Inflation, which in little over one decade has reduced the purchasing power of the educational dollar by almost one-half.

Second. The expansion of educational services demanded by the increasing complexity of our knowledge, by the need for more research, by improvement in instructional methods, and by expanded personnel and advisory services.

Third. Fluctuation of student enrollment which was reduced by the Second World War, greatly enlarged by the flood of veterans, reduced as this flood receded, and then again threatened by the manpower requirements of the Armed Forces.

Fourth. Needs for enlarged and modernized capital plant.

Fifth. Uncertain sources of income from gifts, endowments and government with which to meet all these complicated situations.

I spoke earlier about New York State. I do not desire to pick on New York State. I have a tremendous regard for the State of New York. Nearly everyone looks upon it as a wealthy State, and it is, relatively speaking.

Dr. Louis A. Wilson, New York State Commissioner of Education, declares that the colleges and universities in the Empire State, in common with those in the rest of the country, have critical financial problems, with inflation throwing out of balance the economic basis upon which they have operated. He declares, further, a substantial number of our institutions are facing the most severe crisis of their entire history.

Dean Rusk, president of the Rockefeller Foundation, told 900 college faculty leaders and administrators meeting in Chicago last month that the Nation's colleges and universities need between three and four hundred million dollars a year of new money not now available and stressed that endowments and foundations could not supply that kind of money.

Tuition rates have gone so high that the board of trustees of New York State University last month called for a downward revision in tuition and other fees at the State institutions to prevent forcing many young men and women out of school.

In citing the need for an equitable tuition and fee policy, the trustees had this to say:

Behind State University of New York is a conviction that there must be broad opportunities for higher education.

The opportunities should be available to every young man and woman capable of benefiting from a high order of intellectual and technical disciplines. One of State University's duties is to open doors for able young people who, in the absence of such a public university, could not take advantage of opportunities of higher learning.

Mr. President, I ask unanimous consent to have placed in the RECORD at this point in my remarks an article from the New York Times of April 5, 1953.

The PRESIDING OFFICER (Mr. BUSH in the chair). Without objection, it is so ordered.

The article is as follows:

MEDICAL SCHOOL NEEDS—GREATER COMMUNITY ROLE CALLS FOR MORE OPERATING FUNDS

American medical schools need an average of $250,000 more each year in order to do a first-rate job, according to Dr. Ward Darley, president of the Association of American Medical Colleges and dean of the department of medicine at the University of Colorado.

The chief cause of the financial crisis, writes Dr. Darley in the Journal of Medical Education, is the 500-percent increase in operating costs of the medical schools over the past 30 years.

Aside from the increased costs of educating medical students, the medical schools are also called upon to help in the instruction of many kinds of health personnel other than future doctors, furnish medical services to the community, and support extensive research activities in order to keep pace with the constantly advancing field of medical science.

ENDOWMENT INTEREST DECREASE

Our changing economy also has a part in contributing to the difficulties of the schools, observes Dr. Darley. Although in 1941 35 percent of the schools' income came from endowment interest, this percentage dropped to 20 percent in 1948 despite a 21-percent increase in endowment capital.

While not recommending any single course of action, Dr. Darley summarizes the various ways in which medical schools can brighten their financial picture. These include selling medical and hospital services, increasing

community support for operation of teaching hospitals and clinics, recovering the actual costs involved in research programs, receiving larger city and State appropriations, soliciting more and larger gifts, increasing tuition, and accepting Federal subsidy.

Mr. HILL. Think of it, Mr. President—a 500-percent increase in operating costs of medical schools over the past 30 years. That means, if I understand arithmetic, that where it used to cost $1 for a certain item, it now costs $5.

The tuition rates have gone so high that the board of trustees last month called for a downward revision to prevent forcing many young men and young women out of school who are now attending school.

Mr. President, I ask unanimous consent to have inserted in the RECORD at this point in my remarks an article from the New York Times of April 5, 1953, referring to the high cost of learning not only in New York, but in many other State colleges, as well.

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

AROUND THE NATION'S CAMPUSES—HIGH COST OF LEARNING

Middlebury College, Middlebury, Vt., will increase its tuition, room, and board by $100, beginning with the 1953–54 academic year. Yearly tuition will be $650. Scholarships will be adjusted to cover the new fee.

Wheaton College, Norton, Mass., will raise its charges for tuition, room, and board from $1,650 to $1,750. Most of the additional revenue is to be used for higher faculty and staff salaries and for increased scholarship aid.

Harvard College, Cambridge, Mass., will increase its tuition from $600 to $800 for the academic year, beginning next fall. Financial aid to students will be adjusted to help able students of limited means to meet the increase.

Radcliffe College, Cambridge, Mass., will increase undergraduate tuition from $600 to $800. Thereafter the total charge, including room, board, tuition, and health fees will be $1,867 for students occupying single rooms in dormitories.

Mr. FULBRIGHT. Mr. President, will the Senator from Alabama yield for a question?

Mr. HILL. I yield for a question only.

Mr. FULBRIGHT. Is it not a fact that aside from the great increase in costs, there is simply no place for students who want to study? In my own State there are about 10 persons who wish to go to medical school but who cannot enter regardless of the cost. Is not that a fact?

Mr. HILL. The Senator is correct. I think the Senator finds himself in the same situation as I find myself in connection with the State of Alabama. Day after day I receive a letter from some constituent asking me to help him get his boy into a medical school. There is a serious shortage of physicians in the United States, and, although many fine, able, splendid, ambitious young men want to become physicians, there is no school for them to attend, no place for them to enter in order to prepare themselves for the practice of medicine.

Mr. MAGNUSON. Mr. President, will the Senator from Alabama yield for a question?

Mr. HILL. I yield for a question.

Mr. MAGNUSON. Does the Senator also appreciate the fact that although the shortage of medical facilities is very great, the real shortage is in basic scientists?

Mr. HILL. I so understand, and I shall speak about that at a later time.

Mr. MAGNUSON. The committee received testimony only last Friday to the effect that in number for the first time Russian-trained scientists have surpassed those who are under training in this country.

Mr. HILL. I intended to give those very figures to the Senate.

Mr. President, we all know Mr. Roger Babson. I think he is well esteemed in all circles, whether they be conservative, safe, sane, or otherwise. He recently issued a most interesting paper with reference to the financial stress of our colleges, in which he had this to say:

To help relieve their financial stress, colleges have raised tuition costs, increased class size, trimmed faculties and raised board and room rent. The result: The old larger colleges now cost parents $2,000 per year. Add to this clothing, transportation and amusement and Dad is lucky if he gets out of it for $2,500 per year.

How many fathers can afford $2,500 per year for 4 years when the top 27 percent of our population holds 93 percent of our total net savings. This leaves the bottom 80 percent with but 7 percent of our national savings. Add to this the fact that the average annual earnings for full-time employees in the United States are around $3,250 and you begin to think that the old colleges and universities may be pricing themselves out of the market.

Should present trends continue, I am afraid that Harvard, Yale, Princeton and other famous institutions will be for only the privileged few who can afford their education, rather than for those who most deserve it. Democracy needs the best character and brains of its citizenry, irrespective of their families' wealth.

Mr. FULBRIGHT. Mr. President, will the Senator from Alabama yield for a question?

Mr. HILL. Yes. I want to move on, but I shall be delighted to yield to my friend from Arkansas for a question.

Mr. FULBRIGHT. Does not the Senator agree that small average earnings have contributed to the amount of illiteracy in this country, and that there is no opportunity for those who wish to attend schools?

Mr. HILL. The Senator is correct. There is no opportunity for boys and girls to get the education which they seek.

Mr. FULBRIGHT. They do not have the money.

Mr. HILL. That is correct.

Completely aside from the question of the necessity for preparing our young men and women to be good citizens and to earn a livelihood, we are here posed with the question of providing for the future military security of our Nation, and the crisis in our educational system is already imperiling that security.

EDUCATION AND NATIONAL SECURITY

No Member of the Senate is unaware of the enormous rate of rejection of men under selective service for educational deficiencies during World War II. Seven hundred and fifty thousand men were found unfit to serve because of illiteracy or educational deficiency. That is the equivalent of 40 divisions. The figure becomes all the more startling when we consider that it is equal to almost half the total strength of the Army at the peak of mobilization and is more than all the men who fought in combat divisions in the entire Pacific area.

But that was not the only price we were to pay for the neglect of our youth. As the pace of mobilization quickened, we soon hit the bottom of our educated manpower barrel. It is significant to note that, despite the great emphasis which we as a Nation have always placed on public education, there were at the outbreak of World War II still 1½ million young men of draft age totally illiterate or barely able to read and write.

We were forced to take into the armed services some 435,000 illiterates, and at huge cost in money and previous time to undertake—

First. To teach the men to read at least at a fourth-grade level so that they would be able to comprehend bulletins, written orders and directives, and basic Army publications.

Second. To give the men sufficient language skill so that they would be able to use and understand the everyday oral and written language necessary for getting along with officers and men.

Third. To teach the men to do number work at a fourth-grade level, so that they could understand their pay accounts and laundry bills, conduct their business in the PX, and perform in other situations requiring arithmetic skill.

These handicaps that resulted from the induction of these illiterates and poorly educated is summed up for us in the following revealing remarks of the Navy's Director of Training:

1. It took approximately four times as long to train an illiterate to perform an average Navy job as it did to train one who could read.

2. A training program which did not depend on the use of printed matter would have been both difficult and expensive. Experience showed that it was simpler and more economical to teach men to read than to devise other training materials.

3. The establishment of a smooth administrative routine was greatly complicated by the presence of nonreaders. A system for the rapid handling of records was a virtual impossibility where men could not fill out information blanks, pay receipts, beneficiary forms, etc.

4. Sufficient education to read safety precautions was essential for men working with machinery, high explosives, and heavy cargoes. Serious accidents were traced directly to the inability of men to read warnings and study safety instructions.

5. A serious social barrier was found to exist between literate and illiterate personnel.

6. The administrative dualism entailed by grouping literates and illiterates together caused much confusion. Literates tended to resent the long oral directions which were given for the sake of the illiterates in their number.

7. A large number of minor disciplinary problems were direct outgrowths of misunderstandings caused by the inability to read station orders, watch bills, leave and liberty regulations, and safety precautions.

8. The inability to read and write letters constituted a serious morale problem and a consequent obstacle to satisfactory adjustments to naval life.

Thousands of the illiterate and poorly educated inductees were so deficient and

such slow learners that they could not absorb the concentrated doses of first-, second-, third,- and fourth-grade fundamentals offered in the special-training classes, and had finally to be discharged.

Gentlemen, this is a partial picture of the sad situation in which we found ourselves military manpowerwise under full mobilization.

Even under the present partial mobilization, educational deficiency has caused more rejections than all other disqualifying factors combined. In the first year following the outbreak of hostilities in Korea, we saw over 300,000 men rejected for illiteracy and educational deficiency. And since that time the number has climbed much higher.

I do not know whether the Senators from Kentucky saw a recent article in the New York Times reporting that 1 out of every 3 of their fellow Kentuckians called up for military service has been turned down for illiteracy. And, incidentally, Miss Ethel Dupont, president of the Kentucky Federation of Teachers, that strongly supports the oil-for-education amendment, advises me that in the year 1953—midway of the 20th century—Kentucky still has 3,400 one-room schoolhouses.

The cold fact is that all the people in the United States are but 6 percent of the world population, and we cannot afford to neglect the education of a single person who is capable of receiving an education.

We need to increase our pool of trained manpower to the absolute maximum degree. By that, I do not mean just the provisions of enough education to enable a man to bear arms if need be. But to provide an opportunity for every American boy and girl to develop to the fullest extent of his or her capabilities.

EDUCATION AND MOBILIZATION

The plain fact is that we need more specialists of every kind—more scientists, more chemists, more physicists, more doctors, more professional and business leaders, more agriculturists, and more engineers and skilled workers. The shortage of engineers and scientists is a source of growing anxiety for defense-mobilization officials.

Defense officials have declared that to bring the United States to maximum military strength, there must be a tremendous acceleration in the training of scientists and engineers. They point out that a speedup in research and industrial technology is an integral part of the defense program and that, therefore, scientific development which normally would have been spread over a decade has had to be telescoped into less than half that time.

The Director of Defense Mobilization reports that—

> Acute shortages are continuing among highly skilled professional, scientific, and technical workers needed in defense and essential civilian industries. Under full mobilization, the lack of such workers would be critical. There are now 61 occupations on the critical list for which demand is greater than supply. The numbers now enrolled in college courses or taking other types of training are not sufficient to meet future needs.

The editors of Steelways, official organ of the American Iron and Steel Institute, put their finger on the secret of America's industrial genius when in the current issue they declared:

> One significant distinction between America and much of the rest of the world is our ever-increasing reliance on skilled manpower.
>
> Tremendously outnumbered as we are today by potential aggressors, we must continue to rely more and more on the quality rather than the quantity of our work force. We need highly skilled men in our industrial plants.

Writing on the critical manpower shortage, in the same issue of the magazine, Maj. George Fielding Eliot declared:

> Manpower is our country's most valuable asset—and one that until recently we have taken for granted.
>
> Our new military needs have complicated our manpower situation in two ways: directly, in terms of men for the service; and indirectly, in terms of workers to supply food, equipment, and arms for the fighting men.
>
> Secondary manpower demands, too, are growing. The need for workers in transportation, communications, administration, sales, public relations, and finance is steadily increasing.

Interpreting for us the meaning of these shortages in terms of what the Nation must do about it, Major Eliot declared:

> It means more education. We need more scientists. We need more engineers to translate their discoveries into processes and machines. We need more trained technicians to carry out the processes; trained operators to control the machines; trained foremen and supervisors to keep operations moving efficiently, and trained administrators to integrate the various parts of the business or factory and key it in with the economy as a whole.

The Engineering Manpower Commission of the Engineers Joint Council warned last month that industrial production and expansion, which the council said had been hampered for the past 2 years by a serious shortage of engineers and scientists, will continue to be held back this year from attaining full output of civilian and defense materials because of a serious shortages of engineers and scientists.

Voicing the same concern over the shortage of engineers, Mr. Maynard M. Boring, personnel manager of the General Electric Co. and a member of the American Society for Engineering Education, recently told an Armed Forces conference that, if the shortage in industry continues, defense contracts might have to be extended or canceled entirely.

He said that a survey group in studying demands had questioned 357 industrial companies and Government agencies and found that the country was short about 40,000 engineers. To understand this matter, to have it come right home to us, think of this: We remember that the bomber which was used for most of the bombing in World War II was the B-17. To manufacture that bomber required 350,000 engineering man-hours. Of course, every Senator knows that today we have a better bomber than even the B-36, but the B-36 requires not 350,000 enginering man-hours, but 10 times as many engineering man-hours—3,500,000.

Based on a comprehensive survey of the Nation's scientific and professional manpower resources, the National Manpower Council reports that—

> One of our most dangerous shortages may come to be a shortage of brains at the frontiers of human knowledge.

The Council found that only 1 in 4 Americans of college age have any college education, ranging from 1 in 10 for South Carolina to 1 in 2 for Utah. The principal reasons for the low utilization of college training were found to be poor high schools and a lack of finances.

I see sitting before me the distinguished senior Senator from Kentucky [Mr. CLEMENTS]. I wish I had the time to discourse with him a little upon how times have changed since Daniel Boone took his rifle in his hands, and with cap on his head, went forth into the area now comprised in the State of Kentucky and also into sections of the Northwest. How everything has changed since then.

The same deep concern over our waste of manpower was expressed to the committee by Dr. John K. Norton, head of the department of educational administration, Columbia University, and former Chairman of the Educational Policies Commission when President Eisenhower and Dr. Conant, of Harvard, were members of the Commission. Dr. Norton declared that—

> We have about a 50 percent educational system in the products it turns out and in the support it receives today.

He continued:

> More than half of the children who enter at the first grade fail to finish high school. Perhaps even more important in terms of its effects upon our preparedness is the fact that only half of our top talent, those who get high marks in high school, who pass intelligence tests, who it is generally agreed could do college work and do it well, actually do so.
>
> We are wasting one-half of our top talent in terms of giving them substantial professional, technical or vocational training.

Mr. DOUGLAS. Mr. President, will the Senator from Alabama yield for a question?

Mr. HILL. I yield for a question.

Mr. DOUGLAS. It is not the intention of the Senator from Alabama by his amendment to get, from the off-shore oil and gas, funds which could be used as scholarships for poor and able students, so that they might attend institutions of higher learning?

Mr. HILL. That would certainly be one educational deficit that might well and properly be taken care of under the amendment, namely, by devoting to educational purposes the funds received from oil.

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

Mr. HILL. I yield.

Mr. DOUGLAS. Would not the system of making available to deserving and able students scholarships which could be used in any qualified institution meet one of the present difficulties regarding public and private education?

Mr. HILL. Certainly. We have a fine example before us. We have the experience gained under the GI bill of rights. The objective the Senator has mentioned was accomplished under the GI bill of rights, passed by Congress.

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

Mr. HILL. I yield.

Mr. LEHMAN. Is it not the purpose of the Hill amendment to make available to all 48 States of the Union, to 159 million people in the United States, upon a per capita basis, the revenues which would come from the valuable mineral resources, so that Mississippi, Arizona, New Mexico, Alabama, Illinois, California, and Massachusetts would be placed exactly on the same basis as any of the other States of the Union?

Mr. HILL. It is certainly the purpose of the authors of this amendment that every one of the 48 States shall benefit under the amendment.

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

Mr. HILL. I yield.

Mr. KENNEDY. Has the Senator from Alabama made an estimate of how much it would cost to provide, even in rich States like New York, as well as in poor States, for the construction of a sufficient number of schools to enable all children who are eligible to go to lower and higher schools; to enable all boys and girls who wish to go to medical schools, to go to medical schools; to enable all young men and women who are eligible mentally for advanced scientific work, to go to advanced scientific schools; and to provide for all the programs which all of us consider desirable? Has the Senator ever made an estimate of the cost to provide all those facilities which are considered desirable?

Mr. HILL. No; I have not made such an estimation, but I have what I believe to be reliable figures on the subject from reliable sources, such as the National Education Association, the New York Times, and other such agencies. The figures run into billions of dollars.

Mr. KENNEDY. Would not the Senator say that, considering the difficulty we are now having in balancing the budget, unless we get an extraordinary fund such as would be derived from these resources, it is doubtful whether these things, which are highly desirable, could be accomplished. In fact, we should be somewhat ashamed if they could not be done. Without such a fund as this, would it not be doubtful whether they could be done within a reasonable time?

Mr. HILL. I think the Senator has placed his finger on one of the most important matters facing the Senate today. Unless we take steps by this amendment to make funds available, we shall probably find that nothing adequate will be done.

While we are being reminded of our failure to capitalize half the talent of our youth, our intelligence sources tell us that Russia and her satellites have been since the end of the war—I remind Senators that that was 8 years ago—working feverishly to train large numbers of scientists, engineers, technicians, and skilled workers, instructed by highly trained teachers taken out of East Germany since the war's end.

The masters of the Kremlin know all too well that their chances in their cold war, or an all-out hot war, or in the long-range struggle for world markets, depend upon maximum efficiency in production. The lessons of history are as clear to them as to us—or they should be clear to us—that intellectual and scientific competence, not sheer numbers of people or vast natural resources, is the key to supremacy.

We see many areas around the world where whole populations live in poverty, admidst tremendous wealth in natural resources. We see other nations that have used their limited natural resources to produce high-level economies, through education and scientific and technical development of their people.

Russia is not blind to what we have done here in this country. She is not blind to the fact that in the past we have put education and vast natural resources together to produce the highest standard of living in all the world.

What we have done for education throughout the life of our country has been a very great thing indeed. No one disputes that. We are all proud of it. But are we content to rest on our laurels? Have we begun to falter? The facts show that we have. We all know it, or should know it, but apparently are afraid to admit it, even to ourselves.

Whether Russia knows it or not, her propaganda mills cover the earth with streams of propaganda telling of across-the-board educational advancement and educational opportunities in her own country, and the lack of them in non-Communist nations, including our own.

Let me read from one of Russia's propaganda pieces—the U. S. S. R. Information Bulletin, published right here in the United States:

> Workers in plants and factories in the Soviet Union are given every opportunity to advance themselves to better jobs and higher skills through plant institutes, night schools, or correspondence courses.
>
> The institute gives employee-students the equivalent of a complete technical-college education. The capitalist countries, whose governments, while expending huge sums on the preparation of new wars, at the same time allocate miserly sums for public education.

Doubtless the extent of the Red educational effort is subject to the usual discounting, but Dr. Alan T. Waterman, Director of the National Science Foundation, has warned the House Appropriations Committee that Russia is outstripping us in the training of scientists and engineers. Dr. Waterman told the committee that—

> In the year 1955 the estimate is that 50,000 engineering graduates will be produced in the Soviet Union, compared to some 17,000 in the United States. A similar situation exists in the United States with respect to the production of trained scientists of all types.

Dr. Waterman told the committee that—

> Our output of young scientists and engineers is now dropping to nearly one-third of the output in 1950, at a time when our research and development effort has approximately trebled.

The appalling waste of our human resources because of poor education or none at all is graphically pictured in a current progress report of Columbia University's great research project known as The Conservation of Human Resources. Motivated by his wartime experience with manpower wastage in World War II, President Eisenhower initiated the project shortly after he became president of Columbia University.

The current report is based on an exhaustive study of the poorly educated in military and civilian life.

Let me read from the report:

> From the viewpoint of public policy, one general conclusion is unmistakable. If the United States wants to strengthen its military arm, if it desires to contribute to the heightened productivity of the economy, if it wants to buttress the foundations of American democracy, then it is incumbent upon the country to work for the eradication of illiteracy among the population. Its major attack must be directed toward the source which means the strengthening of elementary education, particularly in the poorer States.

The report then makes this observation:

> There runs throughout our history evidence of the conviction that a man should have access to education so that he could develop his potentialities to the full. We did much to establish and expand an educational system from kindergarten to professional training, supported by public funds and available to all. But we saw no special urgency to train our human resources potential as quickly and as completely as possible. With enough people available most of the time to meet most of the needs of agriculture and industry, the rate of progress in expanding our educational and training facilities appeared unimportant.

The report concludes with this serious challenge to the Nation:

> Only recently have we seen the problem for what it is. In the struggle in which the United States and the other free nations are currently engaged to maintain their way of life, our strength lies in the quality of our human resources—in the competence, imagination and dedication of the population—not in sheer numbers. We can no longer ignore the wastage of our human resources which results either from our failure to develop all latent potentials to the full or our failure to utilize them fully after they have been developed. For the welfare and security of the United States, in fact of the free world, have come to depend upon granting every individual citizen the opportunity for the full development and utilization of his human potentialities.

Despite the record amount spent for schools this year, in terms of 1952 dollars, the percentage of national income that goes for public elementary and secondary schools is considerably lower than it was 20 years ago.

Although the mounting expense of running the public school system is criticized in some quarters, education does not get so much of the national income as do some of the luxury items.

It is interesting to note that in 1951 we spent $6¾ billion for public schools. In the same year of 1951 we spent $8 billion for alcoholic beverages; almost $5 billion for tobacco, $11 billion for amusements and recreation—almost four times as much for luxuries as we did for education.

Can we honestly say our pride in education, our respect for the teaching profession, our concern for our children, our zeal to preserve our freedom are all we claim?

VIII. THE HISTORIC PRECEDENT FOR THE OIL-FOR-EDUCATION AMENDMENT

Mr. President, I now turn to a discussion of our oil-for-education amendment and the historic precedent which it follows. While it, like other legislation, is not a panacea, it will go far toward curing the financial crisis in today's education without placing a further burden on the back of the taxpayer. I should like to answer some of the questions on the purpose of this amendment which have been raised by other Senators and by educators, parents, teachers, and citizens in every State in the Union.

I want to emphasize that the oil-for-education amendment proposes no new departure into uncharted seas. It is simply a continuation of one of our oldest and wisest national policies—the use of public lands and the revenues therefrom for educational purposes, for the benefit of the whole Nation.

From earliest beginnings in colonial times, many of the Colonies earmarked public lands for the establishment and support of schools. The earliest case was in Virginia in 1618. Colleges started with the aid of land grants in the various Colonies include Harvard in Massachusetts, William and Mary in Virginia, Yale in Connecticut, Princeton in New Jersey, and others in South Carolina and Georgia.

After the American Revolution, we were faced with a situation which was similar in some respects to the present demands of the three coastal States for the national property in the submerged lands lying beyond the low-tide mark. Individual States laid claim to the territories west of the Appalachians. But Congress wisely withstood these claims of the few and, in 1780, passed a resolution containing a pledge that these western lands would be disposed of for the benefit of all the people.

In 1785 and 1787, ordinances were passed by the Congress which specifically set aside every sixteenth section of the public lands west of the mountains for the establishment and maintenance of schools. In speaking of the ordinance of 1787, Daniel Webster declared:

> I doubt whether one single law of any lawgiver, ancient or modern, has produced effects of more distinct, marked and lasting character than the ordinance of 1787 * * * it set forth and declared it to be a high and binding duty of the Government to support schools and advance the means of education.

In certain contracts for the sale of public lands in 1787 and 1788, the Congress again designated lands to be used for the establishment and support of schools and universities.

In 1802, the Congress took action in continuation of the national policy of support for education initiated 17 years earlier. With the admission of Ohio to the Union in that year, the Congress set aside lands in townships for school support. As other States formed from the public domain were admitted, the land grants for schools were continued. New States as well as old States received lands for the endowment of universities. Many of our great State universities like the University of Alabama, were started with the aid of such handsome grants of public lands.

It is interesting to note in that connection that in those public lands lay rich coal and iron ore deposits. So those lands have turned out to be perhaps even more beneficial to the State university than the Federal Government realized at the time the lands were being granted.

In 1848 the land grants to new States for school purposes were increased to 2 sections in each township, and in 1896 the grants were increased to 4 sections in each township.

Congress also made other grants of land, such as saline and swamp land, for various purposes, including education. States were permitted and, in some cases directed, to use for schools a part or all of the funds derived from these grants.

All of these actions by Congress clearly reflected the declared policy that the public lands were a public trust to be used in the national interest.

The schools that were established benefited not alone the States in which they were located but the whole Nation as well.

Furthermore, the funds derived from the sale of public lands by the National Government went into the general funds of the Treasury and served the whole population. In the early days such revenues constituted a large part of the income of the National Government. In further support of the view that revenues from public lands were common treasure the Congress in 1837 distributed among all the States over $28 million of surplus funds in the Treasury. The surplus was largely derived from land sales. The States utilized a considerable portion of the money for schools.

In 1841 the Congress passed an internal improvement act and provided for the distribution of the proceeds from the sale of public lands among the several States and Territories. Here again portions of the money were used for schools.

THE MORRILL ACT AND LAND-GRANT COLLEGES

In 1862 Congress passed the historic Morrill Land Grant College Act, signed into law by President Abraham Lincoln, granting to each State 30,000 acres of land or land scrip for each Senator or Representative in Congress to which the State was entitled for the establishment and maintenance of colleges for the benefit of agricultural and mechanic arts. Every State in the Union has shared in these grants.

I do not have to remind the Senate of the Morrill Land-Grant College Act. It is interesting to remember that when that act was first passed it was vetoed by the then President of the United States, President Buchanan. However, when it was passed the second time there was a far wiser President sitting in the White House, who knew of the struggle and the hardship of trying to get an education. He signed the Morrill Act, and it became law. Every State in the Union has its land-grant college which was established by that act. We need look only to Cornell University in New York, the Massachusetts Institute of Technology in Massachusetts, the Alabama Polytechnic Institute, and other schools in every State of the Union.

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

Mr. HILL. I yield for a question.

Mr. MORSE. In the opinion of the Senator from Alabama, have those land-grant colleges in any way jeopardized the right of any State to maintain and control the educational policy of the State?

Mr. HILL. I am very glad the Senator from Oregon has asked that question, because the record is without a blemish. The record is that the Federal Government has not in any way whatever attempted to interfere with, or in any way tried to control, or in any way to dab in, as we might say, in the administration of the land-grant colleges. The full authority, the full jurisdiction, the full control, and the full administration of those colleges has always been in the States.

Mr. MORSE. Mr. President, will the Senator yield further?

Mr. HILL. I am glad to yield to my friend from Oregon.

Mr. MORSE. Does the Senator from Alabama agree with me that as the result of the passage of the Morrill Act, we have been able to give scientific training and educational training to large numbers of scientists, physicists, chemists, and engineers, as well as in the whole gamut of sciences, which we would not have been able to do if the act had not been passed, and that many thousands of boys and girls would not have had such education made available to them otherwise, and therefore could not have gone to college?

Mr. HILL. The Senator from Oregon is right. Many thousands of boys and girls were afforded an opportunity to go to college by the establishment of the land-grant colleges. They would not have been able to go to college but for the wise action of Congress in passing the Morrill Land-Grant Act, providing for the establishment of land-grant colleges.

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

Mr. HILL. I yield for a question.

Mr. MORSE. Does the Senator from Alabama agree with me that we must stay ahead of Russia in the training of American brain power because we cannot stay ahead of her so far as the quantity of manpower is concerned?

Mr. HILL. I brought out a few moments ago that the entire population of the United States—and we think of it as being a large population—is only 6 percent of the world's population. The great resources of manpower, as we know, are outside the United States, and much of that manpower is under the dominion and control of Communist Russia.

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

Mr. HILL. I yield to my friend from Oregon for a question.

Mr. MORSE. Does the Senator from Alabama agree that there can be no question about the fact that if the Hill amendment should become the law of the land the funds which would be available under it would result in the training, in the high schools and colleges, of many thousands of American boys in the decades immediately ahead, the training of whom would be of great help to the defense of our country, to its economic welfare, to its culture, and to its general health?

Mr. HILL. The Senator confirms and ratifies by his question what the Senator from Alabama has been trying to say. The Senator from Alabama sought to bring out the cost of sending a boy or girl to college today, and how that cost is prohibitive to what might be called the average full-time employee, so far as sending his boy or girl to college is concerned. The Senator from Alabama quoted from the statement of Dr. Waterman, the Director of the National Science Foundation, and from other scientists and scientific institutions as to the shortage of engineers, scientists, and trained technicians, indicating how we are failing to meet the demands for the defense of our country.

Mr. MORSE. Mr. President, will the Senator from Alabama yield for a final question?

Mr. HILL. I am glad to yield to the distinguished Senator from Oregon.

Mr. MORSE. Does the Senator from Alabama agree with me that one of the primary reasons for the little band of liberals—at the head of whom is the Senator from Alabama [Mr. HILL] and the Senator from New Mexico [Mr. ANDERSON], as our leaders in the opposition to the joint resolution—fighting the joint resolution and urging a prolonged debate for some time yet in the future is because we want the American people to have the time to understand the relationship between the joint resolution and their own welfare in the natural resources of the country, of which the oil reserve is only a part?

Mr. HILL. The Senator is exactly right.

Mr. President, the land-grant colleges are an integral part of the public higher educational system in the South and West. It is possible that easterners have too easily forgotten that land-grant support from the Federal Government is also given to their most prized educational institutions. Do we not recall, for example, that the great Massachusetts Institute of Technology in Cambridge, Mass., which this Nation has long regarded as a pinnacle of engineering and scientific teaching and to which Washington turns when we need scientists to lead our scientific defense effort, is a beneficiary under the Morrill Act?

And the people of New York well know that Cornell University at Ithaca, where my distinguished colleague on the other side of the aisle, the senior Senator from New York [Mr. IVES] once taught and which is a pioneer of scientific agriculture in this country, is a land-grant college receiving aid from the Federal Government through the Morrill Act.

After the land-grant colleges had become fairly well established throughout the Nation with the assistance provided by the land grants under the Morrill Act, many of the States experience difficulty in supporting these colleges. In a number of subsequent acts, Congress provided for the further endowment, support, and extension of the services of these institutions with funds derived from public lands.

Among these were the Hatch Act of 1887 for the establishment and support of agricultural experiment stations at land-grant colleges and the second Morrill Act of 1890 for the permanent endowment and support of land-grant colleges.

The Homestead Act of 1900 provided that in case the annual sales of public lands were not sufficient to cover the Federal payments to the land-grant colleges and experiment stations, the deficiency should be made up from other Federal funds.

THE ENDOWMENT MAGNIFICENT

Benefits accruing to the Nation from this fruitful and farsighted policy of educational endowment have been great beyond measure. The grant of 175 million acres for primary, secondary, and higher education has been called the endowment magnificent.

Indeed, it has given us the intellectual and scientific competence by which our Nation solves its productive problems to a degree never approached by any other nation.

Dr. Norton, of Columbia University, told the committee that the land grants constituted "the greatest gift to the development of education in the history of the whole world." This statement by one of the Nation's foremost authorities on education, who served as Chairman of the Educational Policies Commission when President Eisenhower and Dr. Conant, of Harvard, were members, was followed by his estimate that enactment of legislation of the type proposed by the oil-for-education amendment would represent an exhibition of statesmanship equivalent to what was done in 1785, 1787, 1862, and the other great landmarks in the leadership of the Federal Government in developing education in this country.

ADOPT OIL-FOR-EDUCATION AMENDMENT

We do not suggest that the oil-for-education proposal will prove a cure-all for every ill and every need that vexes our educational institutions, but we do feel that the revenues which will eventuate from the development of these resources can contribute importantly to meeting the needs—to giving to our 50-percent school system a degree of perfection hitherto undreamed of.

Here is a windfall for easing the financial straits of our elementary and secondary schools, for providing more and better-paid and better-trained teachers, and for building desperately needed classrooms.

Here is a bonanza for relieving the agonizing difficulties of colleges and universities, medical schools, dental schools, nursing schools, technological schools, and research institutions with scholarships and grants-in-aid for specific training and research projects. The possibilities challenge the imagination.

Let us recall the words of that great Frenchman, L'Enfant, whose genius turned a swamp into the most beautiful of all American cities—the city of Washington. We remember that he said, "Make no little plans; they have no magic to stir men's blood."

The use of public-lands resources set us on the road to realizing the dream of Washington, Jefferson, Madison, Monroe, John Quincy Adams, and other statesmen of our early history of a great system for the dissemination of knowledge such as we have today. The challenge to this generation and to this Congress is that we have the wisdom to use similar resources to give to that system the high standards of quality that our Founding Fathers envisioned.

Let us not be less wise and foresighted than those early statesmen who seized similar opportunities to dedicate great national resources for education to the benefit of our country and of succeeding generations, including our own.

If there are among us any who are disposed to take our educational system for granted, I would remind them of the vision of that great educator and theologian, Bishop George Washington Doane, who in 1838—over a hundred years ago, when our American system of free education was but a dream—gave us this stirring challenge:

> Look to your schoolhouses. See that they are convenient of access, that they are comfortable, that they are neat and tasteful.
>
> Look to the teachers. See that they are taught themselves and apt to teach—men that fear God and love their country. See that they are well accommodated, well treated, well remunerated. Respect them and they will respect themselves, and your children will respect them.
>
> Look well to the scholars. Remember you are to grow old among them. Remember you are to die and leave your country in their hands.

All of us shall pass.

But here we have a magnificent opportunity to carry on the great American tradition of providing for the education of our children, of strengthening the wellsprings of our democracy, of following the policy established by the Founding Fathers, of dedicating great natural resources for the development of our precious human resources, the children of the Nation.

Yet, Mr. President, instead of agreeing to this amendment, we are faced with a proposal to lay the amendment on the table. It is proposed to follow an extraordinary and most unusual procedure for the Senate, namely, to put an end to debate on the amendment and to kill it by laying it on the table.

I wonder whether some Senators who are opposed to limitation of debate realize what a motion to lay on the table means and the precedent it sets and the door it opens and what may be the consequences if it is followed to its logical conclusion. Once we begin to indulge in motions to lay on the table, then, in effect, we are doing what another body does when it adopts the previous question. In short, then we are putting an end to debate, we are cutting off speeches, we are requiring an immediate vote. I know of no better way to impose cloture than by means of a motion to lay on the table. I know of no way that will bring a vote more immediately or will put an end to debate more immediately or will stop all speeches more immediately than a motion to lay on the table. In short, a motion to lay on the table is a cloture procedure.

So when Senators vote on the motion to lay on the table, I hope they will fully realize what they are doing. I hope they will realize that when a bill was under consideration on the floor, if the majority saw fit to do so, a motion could

be made to lay on the table each amendment and each motion which might be offered in connection with the bill; and in that way the minority could be stifled, and would not have an opportunity to debate or to speak or to be heard, and the proposed legislation would be rammed through without debate and without speeches.

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

The PRESIDING OFFICER (Mr. SCHOEPPEL in the chair). Does the Senator from Alabama yield to the Senator from Ohio?

Mr. HILL. I yield.

Mr. TAFT. I think it was a week ago that I gave full notice. So the minority has had an entire week to debate the Hill amendment. Is not that true?

Mr. HILL. It makes no difference when the Senator from Ohio gave notice. The fact is that a motion to lay on the table is a motion of cloture, a motion that ends debate, a motion that puts a padlock on the mouths of Senators. Such a motion means that Senators no longer can speak or be heard; such a motion is a motion of cloture.

Mr. MORSE. Mr. President, will the Senator from Alabama yield to me for a question?

Mr. HILL. I yield to the distinguished Senator from Oregon for a question only.

Mr. MORSE. Does not the Senator from Alabama agree with me that if we could obtain a vote on the Hill amendment, on its merits, there would be a much larger vote for the Hill amendment than would be reflected in a vote to lay the amendment on the table?

Mr. HILL. I agree with my friend.

At this time I ask the majority leader to give us an opportunity to vote on the amendment for oil for education. This amendment bears the names of 23 Members of the Senate, who are its sponsors. In other words, there are 23 authors of the amendment in the Senate. The amendment has the support of some 40 great organizations, including farm organizations, educational organizations, labor organizations. All kinds of organizations support the amendment.

So I appeal to the Senator from Ohio to let us have a straight vote—a vote of either "yes" or "no" —on this amendment. If my friend, the Senator from Ohio, will agree to that, I will sit down now, and will let the vote on the amendment be taken.

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

Mr. HILL. I yield to my distinguished friend, the Senator from Ohio.

Mr. TAFT. I may point out to the Senator from Alabama that at any time during the last 4 weeks, whenever the Senator from Alabama and his friends chose to stop talking, there would have been a vote on the Hill amendment, if the Senator from Alabama had wanted it.

Mr. President, will the Senator from Alabama yield further to me?

Mr. HILL. Oh, yes; I yield to my friend.

Mr. TAFT. The present proposal is to attach the Hill amendment to the Anderson amendment in the nature of a substitute. I do not think any Member of the Senate thinks the Anderson substitute amendment will be adopted by the Senate; there does not seem to be a chance in the world that it will be adopted by the Senate.

Therefore, the present undertaking in connection with the Hill amendment is a purely futile gesture; it accomplishes nothing.

If we come to the question of the Continental Shelf, and at that time if the Senator from Alabama wishes to submit a bona fide amendment, calling for the use for educational purposes of some of the funds coming from the resources in the Continental Shelf, that will be different. I myself have been in favor of Federal aid to education.

On the other hand, in the present case the Senator from New Mexico [Mr. ANDERSON] can agree to accept the Hill amendment as a modification of his amendment in the nature of a substitute or he can refuse to do so. I do not care what happens to the Hill amendment, because I know it is a completely futile gesture.

Mr. HILL. Mr. President, I have been associated with my good friend, the Senator from Ohio, in our battles for Federal aid to education. At this time I am appealing to him, on the basis of his past record in favor of Federal aid to education, to give us an opportunity to vote this amendment either up or down. If the Senator from Ohio will agree to have that done, I will sit down at once, and the clerk can begin the call of the roll, so that we may vote on this amendment for Federal aid to education.

Will the Senator from Ohio agree to let us vote on the amendment?

Mr. MORSE. Mr. President, will the Senator from Alabama yield to me?

Mr. HILL. I yield.

Mr. MORSE. Does the Senator from Alabama agree with me that if this amendment is such a futile amendment, as the majority leader has said, then it is impossible to imagine any reason at all why the majority leader should not wish to let us proceed to vote on the merits of the amendment, and thus let Senators be counted "yes" or "no" on the amendment?

Mr. HILL. The Senator from Oregon is entirely correct. If this amendment be a futile one, if it be a gesture, why are Senators afraid to meet the issure squarely? Are they afraid of this amendment? Dare they not face the question? Dare they not meet the test presented by this amendment?

How easy it will be to let the clerk call the roll on the question of agreeing to the amendment. Are there Senators who dare not meet the test? Are they afraid of it?

Mr. LEHMAN and Mr. KNOWLAND addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Alabama yield; and if so, to whom?

Mr. HILL. I yield first to my friend, the Senator from New York, who was first on his feet. Thereafter, I shall yield to the Senator from California.

Mr. LEHMAN. Is it not a fact that the Hill amendment is offered as an appendage to the Anderson substitute, or as an amendment to it?

Mr. HILL. That is correct.

Mr. LEHMAN. Under those circumstances, how can the Senate, even as a matter of parliamentary procedure, shortcircuit the Hill amendment? Does not the Senate have to vote on the Hill amendment before it votes on the other amendment?

Mr. HILL. The Senator from New York knows that the regular procedure in the Senate would be to vote on the pending amendment, which in this case is the education amendment. That is the regular procedure. Not to vote on the amendment would be to follow an unusual, an extraordinary, and an almost unprecedented procedure, at least during the 15 years I have been a Member of the Senate.

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

Mr. HILL. I yield.

Mr. LEHMAN. Is it not a fact that during the debate we have been told that we have to speak on the pending Hill amendment, and that we could not speak more than twice on it?

Mr. HILL. That is correct.

Mr. LEHMAN. No Senator has spoken on the other amendments. [Laughter.]

Senators have proceeded in the belief and the certainty that the Hill amendment would be voted on first, in accordance with the customary procedure. I ask the Senator from Alabama if my understanding is not absolutely correct.

Mr. HILL. The Senator from New York is entirely correct. No Senator has had a chance to speak on the Anderson amendment.

Mr. President, I see my distinguished friend, the Senator from New Mexico [Mr. ANDERSON], sitting in the Chamber. If the distinguished majority leader will give us an opportunity to vote on the pending Hill amendment, I think there will be no disposition on the part of the Senator from New Mexico to delay a vote on the Anderson substitute amendment. Is that correct? I think it is correct.

Mr. KNOWLAND. Mr. President, will the Senator from Alabama yield to me?

Mr. HILL. I yield to my friend, the Senator from California, to whom I certainly wish to extend every courtesy.

Mr. KNOWLAND. I should like to ask the distinguished Senator from Alabama, in view of the statement he has just made, in a plea for a vote on the so-called Hill amendment, and for a vote on the Anderson substitute, whether he is prepared immediately to permit a vote on the submerged-lands joint resolution on the same day when we get a vote on those amendments?

Mr. HILL. No; I would not think the Senate would be prepared to do that, in view of the fact that other Senators have amendments to offer. The distinguished Senator from Florida has an amendment, I understand. The distinguished Senator from Tennessee has an amendment. There are other amendments. I may say I am prepared to go ahead to consider the amendments in any logical, reasonable, and fair way.

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

Mr. HILL. I yield to the Senator from California, for a question.

Mr. KNOWLAND. Would not the distinguished Senator from Alabama admit that the purpose of the filibuster, in and of itself, is to prevent a majority of the Senate from expressing itself on a matter of public policy? We have now had 5 weeks of discussion on the submerged-lands measure, and all we are asking is to have the Senate given an opportunity to vote on it. Is not the distinguished Senator from Alabama depriving the Senate of an opportunity to so vote?

Mr. HILL. No, not at all, Mr. President. On the contrary, I am standing on the floor of the Senate begging the Senator from Ohio and his associates, including my good friend, the Senator from California, to allow us to vote now on the pending amendment, and as soon as that amendment is disposed of, the question will come immediately on the amendment in the nature of a substitute, offered by the Senator from New Mexico. I think I can assure the Senate there will be no effort on this side to delay a vote on the Anderson substitute. What I am pleading for is that we may vote on the pending amendment.

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

Mr. HILL. I yield to the Senator from Michigan, for a question.

Mr. FERGUSON. Is it not true that there could have been a vote on the pending amendment an hour ago?

Mr. HILL. No. We might have had a vote, but certainly there would have been a quorum call. Senators would have had to come to the Senate floor. My distinguished friend, the majority leader, advised Senators the vote would come at 3 o'clock. In view of that advice and that notice, I doubt whether the Senate would have felt that it could vote an hour or so earlier than 3 o'clock. Undoubtedly there are Senators who have not been present, but who have been attending to important business elsewhere. They were relying upon the notice that the vote would come at approximately 3 o'clock. I therefore question whether we could have had a vote an hour ago.

Mr. FERGUSON. Is it not a fact that, had the Senator quit talking, we could have voted Saturday? [Laughter.]

Mr. HILL. No. Theoretically, it might have been possible to vote on Saturday, but I say again that the distinguished majority leader, for the purpose of accommodating all Senators, announced that the vote would come this afternoon about 3 o'clock. That was notice to Members of the Senate, and such notices are given time and time again with reference to anticipated votes. The purpose of the notice was to enable Senators who were busy with other matters, who had business to attend to more compelling, as they saw it, than remaining on the Senate floor, might attend to those other matters. Under those circumstances, the Senator from Alabama would not be disposed to vote other than in accordance with the notice previously given by the distinguished majority leader.

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

Mr. HILL. I yield to the Senator from Michigan.

Mr. FERGUSON. Is there not always one way of getting a vote in the Senate; namely, by ceasing to talk? When Senators quit talking, they vote.

Mr. HILL. I have said—and I say again, again, and again [laughter]—that I will quit talking now if my good friend, the distinguished Senator from Ohio, will allow us to vote on the pending amendment. I have been merely taking an extra minute or two in which to appeal to him to allow us to vote on the amendment.

Mr. President, Napoleon Bonaparte, speaking of Marshal Ney, said:

> Every time I see him, I feel braver.

Every since I have known the Senator from Ohio, I have felt that he was always willing to meet an issue, that he was always willing to stand up and face a question squarely. All I am asking now is that the roll be called on the pending educational amendment, so that Senators may be given an opportunity to face the issue, to measure up to the question. That is all we are asking.

As I have said before, I am unable to think that there are Members of this distinguished body who have any qualms or fears, and who dare not vote directly and immediately on the pending question. As the Senator from Illinois suggests, it must be voted on. Surely, if the procedure suggested by the Senator from Ohio is followed, there will be a vote, and it will be a test. It will be a test as to whether we are going to give away the property involved in the pending measure, property which the Supreme Court, in 3 decisions, has held to be the property of all the people. The question is whether, as trustees, the Federal Government is to use the property for the benefit of all the people, or whether we, in our role as trustees of the people, are to give away the property. That is the issue. That will be the issue when the vote is taken on the Anderson substitute.

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

Mr. HILL. I yield to my distinguished friend from Florida, for a question only.

Mr. HOLLAND. A provision of the amendment of the distinguished Senator from Alabama reads as follows:

> During the present national emergency and, until the Congress shall otherwise provide, the moneys in such special account shall be used only for such urgent developments essential to the national defense and national security as the Congress may determine.

Is it not true that under that provision of his amendment there is no assurance at all as to when any money will ever be available for schools?

Mr. HILL. No.

Mr. HOLLAND. Is it not a fact there would be no assurance as to when it would be available?

Mr. HILL. No. The Senator has evidently forgotten his history. He knows that we are at war today. We are at war in Korea with Communist China and with North Korea. The Senator knows that we entertain the hope, at least, that that war will end soon. When it ends, that will be the end of the present emergency. I am sure there is no Senator who would not concede that, when we are at war, every resource must be applied first to the defense of our country. That is the story.

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

Mr. HILL. I may say I do not mind yielding to the Senator from Florida, but I told him, and I also told the distinguished majority leader, that I was not going to try to prevent a vote. I did not mean to include the answering of questions. I merely want the Senator to know, in a way, that this affects his time, not mine.

Mr. HOLLAND. I thank the Senator. Having in mind the fact that the revenues from offshore oil and gas deposits in 2 of the 3 States are now going to the schools of those States, is it not true that, if the amendment proposed by the Senator from Alabama became applicable, it would really have the effect of taking money away from the schools and applying it to other things?

Mr. HILL. No. We know that the great bulk of the money which is going to the schools in the States that are using the funds for the schools is coming from the oil obtained from the uplands, from the dry lands, and is not coming from the submerged lands at all. We also know that what we are asking is only that each State shall have its fair share—that the State of Florida shall have its fair share; that Texas shall have its fair share; that Louisiana shall have its fair share; that California shall have its fair share; and that all the other States shall receive their fair shares.

Mr. HOLLAND. Mr. President, will the Senator yield for one more question?

Mr. HILL. I yield to the Senator from Florida, for a question.

Mr. HOLLAND. Having in mind the fact that the Congress of the United States has previously refused to pass a measure for Federal aid to education, because of the arguments about States' control of education, about the participation of religious and private schools in the distribution, about segregation, and other kindred subjects, is the Senator prepared to say that there is any better chance of passing a bill for Federal aid to education now, or at any foreseeable time in the future, than there has been in the past, since we know that previous efforts have failed completely?

Mr. HILL. Again, Mr. President, the Senator from Florida has forgotten his history. It is well known that within the past few years the Senate, by overwhelming votes, has passed two bills for Federal aid to education. The fact that those bills may have encountered certain delays or troubles in the House should not deter us from doing our duty, and should not deter us from doing all we can to correct the deplorable and tragic situation which is facing our schools and facing the education of the youth of America today. So, Mr. President, I make my final appeal to the distinguished majority leader, the Senator from Ohio, that he allow us to vote now on the pending amendment. Let us face the issue; let us meet the test. Never

let it be indicated, never let it be intimated, that there are those who are afraid to face the question.

Mr. HUMPHREY. Mr. President, will the Senator from Alabama yield for a question?

Mr. HILL. I yield for a question.

Mr. HUMPHREY. Am I to understand that if the majority leader does not accede to the Senator's request, we shall be denied the privilege of voting on the so-called Hill amendment?

Mr. HILL. We shall have no opportunity to vote on the Hill amendment. The Hill amendment will be lumped in with the Anderson substitute. Although I favor the Anderson proposal, it contains many things which are not contained in the so-called Hill amendment.

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

Mr. HILL. I yield for a question.

Mr. HUMPHREY. Does the Senator know that there have been literally thousands of resolutions, petitions, and communications received from parent-teacher associations, city councils, farm bureau organizations, farmers union groups, and other groups, asking for a vote on the Hill amendment?

Mr. HILL. The Senator is correct. I tried to say that there are many great national organizations, such as farmers organizations, educational organizations, labor organizations, and other organizations of all kinds asking the Senate, appealing to the Senate, to vote on the Hill amendment.

Mr. HUMPHREY. Mr. President, will the Senator from Alabama yield for a further question?

Mr. HILL. I yield for a question.

Mr. HUMPHREY. Is the Senator aware of the fact that the majority leader has said he thought that when we voted upon the Anderson amendment it would be defeated; in other words, that it would be buried in an early grave?

Mr. HILL. I am aware of that fact; and I have said before—and I want to reiterate—that if we can have a vote now on the pending amendment there will be no disposition on the part of anyone who favors the Anderson amendment to delay a vote on that amendment.

We can call the roll on the Hill amendment, and as soon as the result is announced, we can proceed to vote on the Anderson amendment, and thereby demonstrate to the country that we are facing these questions, and then and there we shall escape the proposition of imposing cloture on the Senate.

Mr. HUMPHREY. Mr. President, will the Senator from Alabama yield for a further question?

Mr. HILL. I yield for a question.

Mr. HUMPHREY. Is it not true that not only does the majority leader wish to put the Anderson amendment in its legislative grave, but he also wishes to put the Hill amendment in its legislative grave, and also in the same coffin—2 burials in 1 coffin?

Mr. HILL. The Senator is correct. I am glad he asked the question because I have a very deep affection and a tremendous regard for the Senator from New Mexico, but, if I am to be buried, I am entitled to my own little 6 feet of ground.

Mr. HUMPHREY. Mr. President, will the Senator from Alabama yield for another question?

Mr. HILL. I yield for a question. But, first, let me say, what are we going to do on resurrection day? The Senator and I will be in such a hurry to come out of that coffin that we might have a collision. Surely I am entitled to my own little plot. If the Senate votes to kill the amendment and to bury me with the amendment, surely this one last request is a reasonable one and should be granted—that I may have my little 6 feet of ground.

Mr. LEHMAN. Mr. President, will the Senator from Alabama yield for a question?

Mr. HILL. I yield.

Mr. LEHMAN. I should like to ask the Senator from Alabama this question: Is my recollection correct that the Senator from Alabama made the statement that he does not recall, in his 16 years of service in the Senate, a single instance in which an amendment to a bill or a substitute bill which had not been accepted by the author of the bill was laid aside without a vote?

Mr. HILL. I know of no instance of a Senator being required to be buried in the same grave with another Senator.

Mr. DOUGLAS. Mr. President, will the Senator from Alabama yield for a question?

Mr. HILL. I yield for a question.

Mr. DOUGLAS. If the very able majority leader advocates using the guillotine by a motion to lay on the table, is not the Senator from Alabama doing him the favor of permitting him to use the guillotine twice, once on the Hill amendment and then on the Anderson amendment?

Mr. HILL. He would have an opportunity to use it twice, if he wanted to resort to the use of the guillotine. But I have appealed to the Senator to let us have a vote on the Hill amendment and then a vote on the Anderson substitute, because, as I have said, I want to give solemn warning today to Senators that a motion to lay on the table is cloture, and it may well come back to plague and haunt those who become a party to it by voting for such a motion.

Mr. FREAR. Mr. President, will the Senator from Alabama yield for a question?

Mr. HILL. I yield for a question.

Mr. FREAR. The Senator from Delaware must decide whether he wants to be buried with the Senator from Alabama, and therefore he would like to pose this question: The Senator from Alabama stated that this body had on one or two previous occasions voted Federal aid to education in one manner or another, and that it did not get past the other body and was not sent to the President, and therefore did not become law. I ask the Senator from Alabama if he would object to the same stipulation on the Federal-aid-to-education amendment as was contained in the bill that passed this body?

Mr. HILL. I would not object, but we are not trying by amendment to write out the stipulations and the details. The funds would be applied to education in all the 48 States, including Delaware, and then Congress would pass a law setting forth the provisions and the stipulations for the disbursement of the funds in the various States.

Mr. FREAR. Mr. President, will the Senator from Alabama yield for a further question?

Mr. HILL. I yield for a question.

Mr. FREAR. Would the Senator be willing, if there were any funds available by reason of his amendment, to permit the States to expend the money after the Federal Government had granted it?

Mr. HILL. Let me say to my friend that if he had studied the Federal-aid-to-education bills a little bit he would know that the bills which the Senate has twice passed and to which I have referred earlier in my remarks were like those which were passed beginning away back in the time of the Continental Congress. In each and every one of the bills the entire jurisdiction, the full control, and the full administration of the funds were left in the hands of the States. The two Federal-aid bills which the Senate passed only recently used the strongest kind of language to insure that the States would have full and complete control, jurisdiction, and administration over the funds.

Mr. FREAR. Mr. President, will the Senator from Alabama yield for a further question?

Mr. HILL. I yield.

Mr. FREAR. Does the Senator now contend that his amendment to the Anderson proposal so provides?

Mr. HILL. I do not make that contention, because I have stated that all the amendment does is to dedicate the funds to education, and then Congress will have to act further. It will have to pass a bill. I think the Senator knows from past experience that the Congress will adhere to the policy which has been established for more than 175 years, of giving the funds to the States to be expended entirely under the jurisdiction, the authority, and the administration of the States.

Mr. FREAR. Then, is it the opinion of the Senator from Alabama that there will be attached to any Federal aid to States for educational purposes a provision that the State boards of education will have full and complete control of any Federal moneys expended?

Mr. HILL. I may say to the Senator that I would fight to the bitter end to give to the States what they have always been given in all past legislation. If the Senator had found it possible to be here—I understand that he has been busy on other important matters—he would have heard me cite many acts of Congress. In all those acts, the full administration and control of funds were placed in the hands of the States. The Senator from Alabama would fight to the bitter end——

Mr. TAFT. Mr. President, I have been most lenient toward the Senator from Alabama. On condition that I would not seek to obtain the floor at the beginning of today's session, it was agreed that I should have the floor at half past two. I have now sat by for a half hour, partly because my friends were questioning the Senator from Alabama, and partly be-

cause his friends were questioning the Senator.

Mr. HILL. The Senator from Ohio has been most courteous, in that he has given me a reprieve of 30 minutes. I wish to thank him and tell him how much I appreciate his extending me that courtesy. Of course, we all know that what has delayed the Senator from Alabama has not been his own remarks, but the fact that so many other Senators have seen fit to ask questions. The Senator from Ohio knows that I wish to be courteous and considerate to my fellow Senators.

As the Senator from Ohio will recall, some of the questions came from the distinguished author of the Holland joint resolution.

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

Mr. HILL. I yield.

Mr. KENNEDY. In the Hill amendment we really decide that this money shall be devoted to education; is not that correct? We do not make determination whether it should be used to build schools, or to supplement the salaries of teachers, or decide in exactly what method the funds shall be distributed.

Mr. HILL. The Senator is absolutely correct. All that is provided in the amendment is that the funds shall be devoted to education. Then the question would be left to future acts of Congress, and the wisdom, good sense, and judgment of Congress, as to how to make disbursements of the funds.

As I have said time and again, there are all kinds of precedents for such action. The law has been well established over a period of 175 years, that such funds shall go to the States without any Federal strings tied to them, to be spent by the States under the full control, authority, jurisdiction, and administration of the States.

Mr. HUMPHREY. Mr. President, will the Senator yield for a parliamentary inquiry?

Mr. HILL. Mr. President, the Senator from Minnesota wishes to make a parliamentary inquiry. Ordinarily, any Senator may address a parliamentary inquiry to the Chair.

I should like to submit a parliamentary inquiry. Would it be necessary for the Senator from Alabama to ask unanimous consent that the Senator from Minnesota may be permitted to make a parliamentary inquiry? Would the Senator from Alabama have to ask unanimous consent that that may be done? The Senator from Minnesota desires to make a parliamentary inquiry, and I do not desire to cut him off from doing so. However, the only way in which I could accede to his request would be either to yield the floor or to ask unanimous consent that he may be permitted to propound his parliamentary inquiry.

The VICE PRESIDENT. Is there objection to the request of the Senator from Alabama to yield to the Senator from Minnesota for the purpose of allowing the Senator from Minnesota to propound a parliamentary inquiry?

Mr. TAFT. No; I have no objection.

The VICE PRESIDENT. The Senator from Minnesota will state his parliamentary inquiry.

Mr. HUMPHREY. My parliamentary inquiry is very simple. Will the Chair please state what is pending before the Senate? In other words, what amendment is it the Senate is to vote upon?

The VICE PRESIDENT. At this time the pending question is on agreeing to the amendment proposed by the Senator from Alabama, commonly called the Hill amendment, to the amendment in the nature of a substitute proposed by the Senator from New Mexico [Mr. ANDERSON].

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

The VICE PRESIDENT. The Senator will state it.

Mr. HUMPHREY. Is it the understanding of the Presiding Officer that the question before the Senate, to which we shall direct our attention, and upon which we shall cast our votes, is singularly and solely the Hill amendment?

The VICE PRESIDENT. At the present time, that is the case. Of course, a motion to table may be directed against the Hill amendment or against the Anderson substitute, depending upon the desire of the Senator making the motion.

Mr. HUMPHREY. Will the Presiding Officer permit me a further inquiry?

The VICE PRESIDENT. Yes.

Mr. HUMPHREY. In other words, as matters now stand, the question before the Senate for the purpose of decision or vote is the Hill amendment, and solely the Hill amendment, without any other amendment or encumbrances?

The VICE PRESIDENT. If a vote were to be taken at this time, the vote would be upon the Hill amendment to the Anderson substitute.

Mr. HUMPHREY. I thank the Chair.

Mr. HILL. In other words, the regular procedure of the United States Senate would be to proceed to vote on the Hill amendment. I am appealing once more to the distinguished majority leader to let us meet the issue, face the question, and vote upon the Hill amendment.

Mr. TAFT. Mr. President, I think it was last Monday that I gave notice that on last Tuesday I would make a motion to lay the Anderson amendment on the table. At any time since then the distinguished Senator from Alabama could have had a vote on the Hill amendment, if he and other Senators had stopped talking. They have chosen, by deliberate filibuster, to prevent the Senate from voting, although they had the power, if they had liked, to decide what we should vote on first and what we should vote on second. Now they have chosen the other course. They have chosen the course of demanding that there shall be no vote at all, and have refused today to agree to any date upon which this joint resolution may be voted upon.

Consequently, under the procedure of the Senate, it is for the mover of a motion to lay on the table to determine which vote shall be taken first. It seems to be perfectly clear that the only reason for proceeding to vote on the Anderson amendment is that it is the substantial issue before the Senate. The Hill amendment is a side issue. What would we gain by voting on the Hill amendment? If after a vote on the Hill amendment, we lay the Anderson amendment on the table, the Hill amendment, whatever vote might be cast for it, even if we adopted it, is gone. If we decide not to lay the Anderson amendment on the table, the Hill amendment is still before the Senate, and we can vote on the Hill amendment.

So far as the great issue before the Senate is concerned, the Hill amendment is merely a side issue.

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

Mr. TAFT. It seems to me that, at best, the Hill amendment is merely a gesture.

I have favored Federal aid to education. I have favored bills which would have provided Federal aid to education. I have supported them in their passage through the Senate. It requires a very complete, technical study to determine the form such aid should take in order to protect the States against Federal interference.

The Hill amendment, if Senators will read it, provides that:

> During the present national emergency and, until the Congress shall otherwise provide—

Leaving the matter entirely up to Congress—

> the moneys in such special account shall be used only for such urgent developments essential to the national defense and national security as the Congress may determine and thereafter shall be used exclusively as grants-in-aid of primary, secondary, and higher education.

Whether Senators favor Federal aid to education or do not, the whole question will be determined when we come to consider whether we want to give Federal aid to education. Do we want to determine that question in a prior bill, a bill which does not provide for 1 cent of Federal aid to education for all time to come? Congress need not provide that this money go to education. Under the terms of the Hill amendment, it is clearly stated that such funds shall first be given to "such urgent developments essential to the national defense."

In my opinion, for many years we shall be spending many more billions of dollars for national defense than we could possibly derive from the submerged lands, or probably from taxes which could be collected from the people of the United States.

So, as I have said, the Hill amendment is merely a gesture. If Senators would like to vote in favor of education—and I am in favor of education—I do not regard the question as in any sense a basic matter as affecting the Anderson amendment.

I am interested in the fact that the distinguished Senator from New Mexico [Mr. ANDERSON] has refused to accept the Hill amendment as an amendment to his bill. This morning I offered him an opportunity to permit that to be done. He could have done so anyway without my permission. Therefore, I refused to regard the Hill amendment as a serious issue. Certainly, at this late date, it is not an issue, and it seems to me it has

no entitlement to priority after the proponents of the amendment have refused to stop talking and have refused to permit the Senate to vote, even on the Hill amendment. We could have voted at any time during the past 3 weeks, if the advocates of the amendment had been in good faith in trying to secure a vote on the Hill amendment as soon as possible.

Mr. ANDERSON. Mr. President, will the majority leader yield to me 10 minutes before he makes his motion to lay on the table?

Mr. TAFT. Mr. President, I wish to discuss the joint resolution itself briefly. However, before I do so, I have agreed to yield not to exceed 10 minutes to the distinguished Senator from New Mexico because he, like myself, was delayed by the brilliant oratory of the distinguished Senator from Alabama [Mr. HILL]. It was understood that he was to have 10 minutes after the distinguished Senator from Alabama concluded.

I ask unanimous consent that, without losing the floor, I may yield 10 minutes to the distinguished Senator from New Mexico, who wishes to say a few words in behalf of his amendment.

The VICE PRESIDENT. Is there objection?

Mr. HUMPHREY. Mr. President, reserving the right to object, the Senator from Minnesota wants to know what the regular order is. Are we about to vote on the Hill amendment, or are we to be sidetracked to the Anderson amendment?

Mr. TAFT. Mr. President, my intention is, as soon as I have completed what I have to say, to move to lay on the table the Anderson substitute.

Mr. HUMPHREY. Still reserving the right to object, what will happen to the Hill amendment, which is the pending question?

Mr. TAFT. The Hill amendment would be carried with the Anderson amendment to the table, since it is an amendment to the Anderson amendment. If the Anderson amendment is tabled, it will carry with it the Hill amendment, because obviously we cannot have an amendment to nothing.

However, the Hill amendment could then be offered to the joint resolution itself. It could be offered to the measure which deals with the Federal money from the Continental Shelf, money which everyone admits is Federal money. The Hill amendment can be offered to provide that the money coming from the Continental Shelf to the Federal Government shall be used for aid to education. The Senator is entirely free to reoffer his amendment in any manner he sees fit.

Mr. HUMPHREY. Still reserving the right to object, does not the procedure of the Senate call for the regular order with respect to amendments? Is there any power on the part of the Presiding Officer or the majority leader to set aside the pending question, and thereby to call up, according to his personal preference, some particular amendment which he may want to bring up at a particular hour?

Mr. President, are we to follow the regular order, or the will of the majority leader?

The VICE PRESIDENT. Is the Senator from Minnesota directing the question to the Chair as a parliamentary inquiry, or merely as a rhetorical question?

Mr. HUMPHREY. I submit it as a parliamentary inquiry. Are we to follow the will of the majority leader or the regular order of the Senate?

The VICE PRESIDENT. That is not a parliamentary inquiry. It is a rhetorical question. The Chair has already stated the rule. Under the rule, if the proponents of the Hill amendment had desired a vote on the Hill amendment, as the Senator from Ohio has stated, they could have had a vote on that amendment. Under the rule a motion may be made to table, and it may be directed against the Hill amendment, or against the Anderson substitute, or, for that matter, against the joint resolution itself. The Senator from Ohio or any other Member of the Senate has the prerogative of making such a motion to table.

Mr. HUMPHREY. Mr. President, further reserving the right to object, I recognize that a motion to table may lie against the Anderson amendment or the Hill amendment. The point the Senator raises is this: What is the sequence? Can a motion to table be used to hop, skip, and jump from the Hill amendment, or must the motion to table apply to the pending question?

The VICE PRESIDENT. The Chair has answered that inquiry previously. The sequence is determined by the Senator making the motion. The motion to table may be directed against the Hill amendment, the Anderson substitute, or the joint resolution itself. The Senator from Ohio will make his motion in due time, and will determine the sequence. The same privilege is reserved to all other Members of the Senate.

Mr. HUMPHREY. Mr. President, further reserving the right to object, I realize that the same privilege is reserved to all Members of the Senate. The question about which the Senator from Minnesota is deeply concerned is this: How can we set aside the pending question by a motion to table, by skipping the pending question, and moving up to any one of the numerous amendments which lie on the table?

Mr. KNOWLAND. Mr. President, a point of order.

The VICE PRESIDENT. The Senator will state it.

Mr. KNOWLAND. I call for the regular order. It seems to me that the parliamentary inquiry has been propounded and answered on three different occasions. I do not believe that under a reservation to object a Senator can carry on a debate on the floor of the Senate.

The VICE PRESIDENT. The regular order has been requested.

Mr. HUMPHREY. What is the regular order?

The VICE PRESIDENT. The question is on agreeing to the unanimous-consent request of the Senator from Ohio [Mr. TAFT] that he may, without losing his right to the floor, be permitted to yield not to exceed 10 minutes to the Senator from New Mexico [Mr. ANDERSON]. Is there objection?

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

Mr. LONG. Mr. President, I object.

The VICE PRESIDENT. Objection is heard.

Mr. TAFT. Mr. President, I regret the fact that I am unable under the circumstances to give to the distinguished Senator from New Mexico the right to make the speech which he could have made at any time during the past week, but which I would have been very glad to have him make at this time if he wished to do so.

Mr. LONG. Mr. President, I am sure the Senator realizes that I would not object to the Senator from Ohio being granted permission to yield 10 minutes to the Senator from New Mexico. But if other Senators are to speak under a reservation of objection in a parliamentary maneuver, then, of course, some Senator should object.

Mr. TAFT. Mr. President, I again ask unanimous consent that I be allowed, without losing the floor, to yield 10 minutes to the Senator from New Mexico.

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

Mr. ANDERSON. Mr. President, I express my appreciation to the distinguished Senator from Ohio for yielding this time to me.

The inference is left that we have been engaging in filibustering for the past 4 days and refusing to vote on the pending question. I desire to call attention to the fact that on Tuesday the distinguished majority leader stated that he wished to vote on his motion at 7:30 Wednesday evening. On Tuesday night in the Senate he served notice of his intention to make the motion at 7:30 o'clock on Wednesday evening.

The next day he stated that several Senators who were out of the city had telephoned or telegraphed him that he had not given them adequate notice. He said, "There are also 3 or 4 Senators who have felt that there should be some additional debate." The Senator from Ohio stated that they were Senators who favored the joint resolution. That should show they were not supporting the substitute. The majority leader, therefore, announced his intention of voting on Monday, saying that that was a fitting and proper time, and would allow adequate debate. "At that time," he said, "every Senator will have a chance to be present and every Senator will feel there has been adequate debate."

We have tried to follow his plan strictly in approaching this discussion. If there has been a filibuster since Wednesday, it was not our fault. However, I believe that before we vote we need to realize a few things with reference to this type of legislation.

First of all, the substitute which is now before the Senate deals with the Continental Shelf. I ask Senators to recall the testimony of the Secretary of the Interior—not a previous Secretary of the Interior, although the testimony of previous Secretaries would have been similar, but the present Secretary of the Interior in the Eisenhower administration—who appeared before the Senate Committee on Interior and Insular Af-

fairs. His testimony will be found at page 512. He said:

I believe that the national defense—

Not any political cause—

will be best served by getting more active production from these submerged lands and that it is equally important, therefore, that the Congress should in the same legislation establish a procedure by which development may go forward on all of the lands on the Continental Shelf outside of a line marking the historical boundaries of the several States with all of the revenues to go to the Nation as a whole.

I call attention to the fact that that is the exact testimony of the Secretary of the Interior. He stated that in the same legislation we should deal with the Continental Shelf, with all the revenues to go to the Nation as a whole. There should be no extraction tax, no severance tax. All the revenues should go to the Nation as a whole.

I call attention to the fact that in the hearings at page 926 the distinguished Attorney General of the United States, in his testimony, suggested that "any statute combine a program (a) authorizing the States to administer and develop the natural resources from the submerged lands within a line marking their historic boundaries with (b) specific authorization to the executive branch of the Federal Government to develop the lands outside of that line, with the income therefrom going to the entire Nation. The statutes also should reserve to the United States its powers to regulate navigation, conduct the national defense, and conduct international relations in the so-called State areas."

I ask why the proponents of the legislation, particularly those who seek to support the administration, try to bury two of the administration leaders in the same grave with the Senator from Alabama and the junior Senator from New Mexico.

They are willing to take the recommendations of the Attorney General and junk them. Mr. President, they are even willing to take the recommendations of the Secretary of the Interior, and junk them. They want to pay no attention at all to the recommendations of the Members of the Eisenhower Cabinet who have been testifying on this subject.

Therefore, I point out that my substitute, which it is proposed to lay upon the table, does provide for the development of the Continental Shelf, and does provide for all of the revenues to go to the entire Nation, just as previous administrations have recommended, and as the present administration has recommended through its spokesmen.

Mr. HOLLAND. Mr. President, will the Senator from New Mexico yield for a question?

Mr. ANDERSON. I have only a few minutes. I decline to yield.

Secondly, we come now to the question of the 3-mile boundary. The Attorney General, in his testimony, again at page 926, suggested that a line be drawn, so as to eliminate certain international problems that might otherwise arise if territorial ownership claims are asserted in the States or Federal Government beyond their historic 3-mile limit.

I call attention to the fact that my substitute, which it is attempted to put into the grave, does try to follow the 3-mile limit to which the Attorney General has referred, whereas the Holland joint resolution does not do so. Instead, the joint resolution sets a line as far as 10½ miles off the shore.

If Senators wish to follow the recommendation of the Attorney General they must be against the Holland joint resolution, and they must not lay on the table my substitute measure.

I call attention to the testimony of the representative of the Secretary of State, appearing in the printed hearings at page 1057. The reading of his testimony will show that it would be a dangerous precedent for the United States or any State of the Union to claim as a boundary a distance of more than 3 miles.

Nevertheless, Senators would bury the Secretary of the State in the same grave. He realizes the problem that we face.

My bill provides for a 3-mile limit. It does not go beyond such 3-mile limit. It does not bring the State Department into trouble all over the earth. It recognizes that the State Department is disputing the claim of Russia to a limit of 12 miles. Nevertheless, the Senate, while asking our diplomats to resist the claims of Russia, would put them in the position of the claiming that our boundary is 10½ miles off the shores of Texas and Florida. What would happen then to our diplomatic representatives in their efforts to resist the claims of Russia, or any other claims? They would become the laughing stock of the world.

Mr. President, we should not do it. We should not adopt the Holland substitute. I suggest that the substitute which I have offered does not cause our State Department trouble and will not.

Finally, the Attorney General suggested the drawing of a line marking off the boundaries of all States. The Holland joint resolution does not do it. My bill makes it unnecessary to draw such a line. Therefore, apparently another recommendation of the present administration must be tossed into the grave.

If Senators will concede anything, they will concede that the Holland joint resolution carries a cold, studied disdain for almost every recommendation of the Eisenhower Cabinet. It carries with it disdain for the Supreme Court and its decisions, and for the executive departments and their recommendations. Certainly that is a dangerous precedent to establish. Why should we ignore the Executive, and why should we reverse the Supreme Court?

Years ago Bob La Follette stood on the floor of the Senate with his plan of overriding the decisions of the Supreme Court. At the time it was referred to as a Bolshevik idea. It was called a drastic and unreasonable plan to override the decisions of the Supreme Court. Nevertheless the attempt now is being made to follow that attempt and make that effort our accepted policy.

My substitute bill does not override the Supreme Court of the United States.

Mr. President, if the Senate wishes to give California, Texas, and Louisiana 100 percent of the revenue from the oil lying within 3 miles of their shores, all that the Senate need do is to take up my substitute and cross out the provision giving 37½ percent of royalties to the States and insert in lieu thereof 100 percent. In that way we would not slap the face of the Secretary of State, we would not slap the face of the Secretary of the Interior, and we would not slap the Attorney General three times across the mouth. The Attorney General tried hard to make it plain to the Committee on Interior and Insular Affairs just what ought to be done. He tried hard to make the committee understand that we must not plunge the State Department into trouble all over the world. Yet the Senate is about to decide that we should ignore the advice of the Eisenhower Cabinet.

Mr. President, I am not surprised that some Democratic Senators should not care about ignoring or repudiating the administration, but I cannot understand why the Republican majority should wish to ignore what the Eisenhower administration has testified with respect to what should be done. Instead, we will apparently override the Supreme Court, the Attorney General, the Secretary of State, and the Secretary of the Interior, and pay no attention whatever to their recommendations.

Why should we plow under every third Cabinet officer just to be able to give something to three individual States? If we want to give the oil away, why do we not try to confine it to what can be, as clearly indicated by the Attorney General, a proper and constitutional method? Why does not a Republican Senator who wishes to support Republican Cabinet officers move to strike out the 37½ percent of royalties provision in my amendment and insert 100 percent in lieu thereof? Then the Senate would at least be proceeding along the lines recommended by officials of the Government to the Senate Committee on Interior and Insular Affairs, and would act in accordance with what has been going on for many years?

Mr. President, there has been a great deal of discussion of this issue. There has been a great deal of time devoted to its study. Many men have sat in the committees, day after day, trying to find a solution of the problem.

I do not understand why we should pass a bill which is certain to face a constitutional test, which is certain to be again brought before the same Supreme Court, the same Supreme Court which we are asked to override now?

Why do we not proceed with a method that is entirely proper and constitutional, and which the Attorney General has suggested as a possible means of avoiding conflicts? The adoption of my substitute makes that possible.

Mr. President, I hope that the Senate will insist on passing my substitute.

I note that my time has about expired. In order to accommodate the desires of the distinguished Senator from Alabama [Mr. HILL]—although I have thus far refused to be a sponsor of the Hill amendment, and have thus far refused

to allow his amendment to be tied to my substitute—and in order to permit him to have at least one vote on his amendment, I modify my amendment by adding to it the Hill amendment for education.

The VICE PRESIDENT. The Senator from New Mexico modifies his amendment accordingly.

Mr. TAFT. Mr. President, I have sat here a good many days listening to the arguments made against the Holland joint resolution. The latest count shows that up to Friday night the proponents of the joint resolution had spoken 190,526 words, and that the opponents had spoken 708,155 words, or 3½ times as many words as the proponents.

There cannot be much doubt in anyone's mind—and there is not any doubt in the minds of the press—that a filibuster is being conducted.

I may say that 900,000 words, the approximate number of words spoken up to Friday night, represent the content of 6 books of good substantial size; 150,000 words are usually considered to represent a very good sized book.

While these words have been spoken, I have kept quiet. I have personally never had a tremendous direct interest in the joint resolution. However, I do wish to say a few words as to why I have always been in favor of State ownership of the lands under the marginal seas, along the coasts of those States.

A vote on the Anderson amendment is substantially a vote on the main issue before us. The Anderson amendment merely provides that the Federal Government shall have the right to the money from the leasing of those lands. The Holland joint resolution provides that the States shall have the lands and that right.

It is a clear issue between the States and the Federal Government.

Of course, I do not think the Anderson amendment is a very fair amendment. The Anderson amendment gives title to the Great Lakes States to approximately 38 million acres of land lying in the Great Lakes well beyond the 3-mile limit. It also acknowledges title in the inland States to 27 million acres lying under inland waters. However, it provides that the 17 million acres along the coast, within a 3-mile limit, shall go to the Federal Government, not to the States. That does not seem to me to be very fair treatment.

Of course, I recognize the inducement that is made to those of us who come from Great Lakes States. However, I do not understand how that in any way affects the basic principles upon which we should base our decision.

Mr. HOLLAND. Mr. President, will the Senator from Ohio yield for a question?

Mr. TAFT. I should like first to conclude my remarks. Then I shall be glad to yield for questions.

Several times before Congress has determined that the States should be the real owners of the submerged lands within their historic boundaries. They approved such ownership in 1946 before the Supreme Court opinion, and they approved it after the Supreme Court opinion.

Mr. President, it is not a new issue. It has been considered by previous Congresses, and the previous Congresses have repeatedly reaffirmed the belief that these lands belong to and should belong to the States.

The prolonged debate and filibuster this year appears even more unreasonable when we consider that the whole matter has been before Congress ever since 1946.

The measure which is before us today has been urged by the governors of nearly all the States, and by the attorneys general of nearly all the States during this period.

The Republican platform of 1952 clearly stated:

> We favor restoration to the States of their rights to all lands and resources beneath navigable inland and offshore waters within their historic boundaries.

In the campaign General Eisenhower endorsed that plank, and stated even more clearly his belief that the States are entitled to the lands within their historic boundaries, and that in that connection the Texas historic boundaries amounted to 3 marine leagues, by reason of the annexation agreement in the case of Texas.

The President has, therefore, written to us a letter—only called for by the demand of Senators on the other side that he state his position—in which he states his belief in favor of this joint resolution as a part of his general program.

Mr. President, for weeks there has been a discussion of the value of the oil under the submerged lands. I have not gone into the figures involved, but we have heard figures of millions of dollars and billions of dollars bandied about, and others have disputed those claims. That matter can go into history, so far as I am concerned, for it seems to me that all that argument completely ignores the real issue, which is the simple question, Who really owns, or should own, the submerged lands—the States or the Federal Government? Whether millions or billions of dollars are involved, should not affect the result.

I am quite certain that all the States are anxious that the rights of other States be fairly determined, even if they themselves may indirectly lose some revenue from the result. The value of the lands in dispute has no bearing whatever on the merits of our determination to do justice in this case, in spite of the efforts of the opponents to make this a demagogic political issue.

I have always supported the claims of the States to ownership of these lands, for the simple reason that it seemed perfectly clear to me at all times that the States were the real owners of these lands, and that the Supreme Court opinions were clearly wrong. I have read those opinions. I read them when they first came out, and at that time I simply could not understand the logic of the opinions. I cannot understand it now, and I could not understand it when the opinions were first called to my attention. It has always seemed perfectly clear to me that the Thirteen Original Colonies owned these lands. If they did own them, there is absolutely nothing in the Constitution which can possibly be construed as a transfer by the States to the Federal Government of the ownership they—the States—held. The Constitution does not mention the subject, either directly or impliedly. If the States owned the lands before the adoption of the Constitution, they certainly owned those lands afterward.

So far as the other, newer States were concerned, they were established and were taken into the Union on the same conditions as those applying to the Original Thirteen States, and therefore had exactly the same right to ownership of the lands within their historic boundaries as did the Original Thirteen States. The case of Texas is special, because there was an express understanding that Texas should retain the lands she owned within her historic boundaries. However, it seems to me that that does not and should not in any way reflect on the ownership of other States, such as California, which had no such express agreement.

The ownership of these lands was always considered to be in the States—always, by every authority—by the opinions, by the executive, by the judges—until the Supreme Court's opinion in the California case on June 23, 1947. Even in that case the Court specifically stated that "this Court" had in previous decisions many times "used languages strong enough to indicate that the Court then believed that States not only owned tidelands and soil under navigable inland waters, but also owned soils under all navigable waters within their territorial jurisdiction whether inland or not."

In the California case, the Supreme Court admitted it was reversing the opinion of every Supreme Court Justice who preceded them.

Whether the particular facts of each case covered lands beyond low tide is not always clear in the various cases; but the rule of law was clear, and no one ever seems to have considered that the so-called low-tide mark had the slightest significance in determining where the State boundaries were or where the State ownership ended.

In the case of *Pollard* v. *Hagen* (3 Howard 212, 230), Mr. Justice McKinley said:

> First, the shores of navigable waters and the soils under them were not granted by the Constitution to the United States, but were reserved to the States respectively. Secondly, the new States have the same rights, sovereignty, and jurisdiction over the subject as the original States.

That particular statement, whether bearing directly on the facts or merely considered as a dictum, has been repeatedly approved by the Supreme Court and by many important Justices of the Supreme Court since that time, and particularly in a case following that one, which I think clearly explained the position which was the law of this continent for many years before the 1947 case in the Supreme Court.

In the case of Mumford against Wardwell, Mr. Justice Clifford said:

> Settled rule of law in this court is that the shores of navigable waters and the soils under the same in the original States were not granted by the Constitution to the United States, but were reserved to the several

States, and that the new States since admitted have the same rights, sovereignty, and jurisdiction in that behalf as the original States possess within their respective borders.

When the Revolution took place, the people of each State became themselves sovereign, and in that character hold the absolute right to all their navigable waters and the soils under them, subject only to the rights since surrendered by the Constitution.

As pointed out by the distinguished Senator from Oregon [Mr. CORDON], every administrative ruling of the Federal Government, every opinion of every court until 1947, assumed that the States owned the submerged lands within the State boundaries.

The Supreme Court in 1947, to support its opinion, suggests that there was no express understanding of a 3-mile limit in 1776, and that is probably true. But it is also true that many international law authorities long before that time spoke clearly of the ownership by each state or nation of the submerged lands beyond their tidal waters. Every authority agreed on such ownership in fact, and the only point on which the Court was right was that 3 miles was not generally accepted as the limitation of their ownership. Going back to the international law which prevailed long before 1776: In 1670, Matthew Hale, the Lord Chief Justice of England, said:

The narrow sea, adjoining the coast of England, is part of the wast and demesnes and dominions of the King of England, whether it lie within the body of any country or not. * * *

In this sea the King of England hath a double right, viz: a right of jurisdiction. * * * and a right of property or ownership. * * *

And besides, the soil itself under the water is actually the King's.

That was in 1670, more than 100 years before the formulation of the Constitution of the United States.

Samuel Pufendorf, who is recognized as one of the great German writers on international law, said in 1688:

For upon this consideration the sea becomes a portion, as it were, of the land, like trenches, or even as the adjoining marshes and swamps are held to be a part of a city. * * * Just as in the occupancy of immobile objects there is no need to touch each part with the body, but when one part has been touched, that act is understood to bring the entire thing of which it is a part under the right of ownership.

Sir Philip Medows, of England, said in 1689:

And yet 'tis a thing undoubted, and never brought into question by any; but that every Prince, whose Country adjoyns to the Sea, * * * has some portion of the Sea belonging to him in property, as an accession of the Land, or appendant to it.

Mr. President, I do not need to quote further from the authorities and opinions, although there are four more leading international law authorities, who wrote prior to 1776, who asserted without question that the countries have ownership in the lands known as the marginal seas.

Certainly, however, no State ever admitted that its ownership stopped at the low-tide mark. No one ever made that distinction until the Supreme Court did in 1947. The States were uncertain how far their dominion extended into the open sea, but certainly it was a dominion which extended far beyond the low-tide line. The States built docks and piers far outside the low-tide mark, and no one ever questioned the right of the States to that land. The States filled in lands which had been submerged far outside of the low-tide mark. They assumed the jurisdiction over fishing rights within easy distance from the shore. No one ever suggested that this admitted ownership and interest in the waters off the shores of the various States, and nations were limited by the low-tide mark.

It is claimed that Thomas Jefferson, in 1793, was the first to insist on a 3-mile limit, and that therefore title was acquired by the Federal Government. However, if we read the letter which Mr. Jefferson wrote—as that letter is set forth on page 318 of the hearings—we see that he never had any doubt that the Government had and that the States had, at all times, a distinct ownership over some distance from the coastline. His letter is rather one to cut down that ownership to 3 miles, than it is to extend it to 3 miles; and the letter was written to indicate that the United States would not claim jurisdiction for 5 miles from land, and that therefore the United States would release the British brig *Fannie*, which had been captured at a distance of 5 miles from the shore.

However, in its 1947 opinion, the Supreme Court simply ignored international law and ignored, in an astonishing way, I think, the arguments presented by the various States.

I do not know what happened, Mr. President, but apparently the States started to develop all the lands in question, and then some persons got the idea that they could file Federal claims, and raise the question. Finally, in 1937, they persuaded Mr. Ickes to change his mind. They found some bright young man in the roaring thirties who decided that the United States Government should undertake to assert a claim to something it never had any right to, and he set out to persuade the Court. He was acting in a period when the general philosophy was in favor of the expansion of the power of and regulation by the Federal Government, and he seems to have found a sympathetic point of view in that philosophy from the then Supreme Court. I do not believe the members of the Supreme Court would deny that they were in effect reversing the accepted opinion of all previous Supreme Courts in order to effect the result which they brought about.

Some of the opponents of the pending measure have repeatedly asserted that Congress cannot possibly reverse an opinion of the Supreme Court. There is nothing in the Constitution which gives the Supreme Court the final right to determine the meaning of the Constitution, or the laws, or the meaning of other questions of a political nature like that of ownership of the submerged lands. In the California case itself the Court clearly says "that the Constitution invests in Congress power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States," so that, even assuming the Supreme Court is right, we have full power to write the law differently for the future, and the Supreme Court, itself, admits it. The opinion goes on to say:

We have said that the constitutional power of Congress in this respect is without limitation; thus neither the courts nor the executive agencies could proceed contrary to an act of Congress in this congressional area of national power.

The Court said again:

But beyond all this, we cannot and do not assume that Congress, which has constitutional control over Government property, will execute its powers in such a way as to bring about injustices to States, their subdivisions or persons acting pursuant to their permission.

It seems perfectly clear, therefore, that Congress may return these lands in order that justice shall be done to States, if they feel that injustice has been done by the Supreme Court opinions. That is certainly what I feel, and have felt, for 6 years. I am confirmed in my opinion by the fact that Mr. Justice Reed and Mr. Justice Frankfurter evidently disagreed with the opinion of the majority, and dissented from its opinions. At least Mr. Justice Reed dissented from both, and I think Mr. Justice Frankfurter dissented, certainly from the ideas expressed in those opinions.

As to whether Congress is justified in reversing the Supreme Court, one may ask with equal force whether the Supreme Court was justified in reversing the Supreme Court, since that is what it did in 1947. I notice that the gentlemen who are called by the distinguished Senator from Oregon "the little band of liberals," were very violently opposed to the Supreme Court in the days when the Supreme Court was conservative, and did not hesitate by law after law to circumvent the opinions of that Court and gradually by change in the character of the Court bring about a reversal of its previous opinion.

Congressmen have not only a right but a duty to interpret the Constitution as they consider it should be interpreted. They are not bound by opinions of the Supreme Court on that subject, and have an independent obligation to see that the Constitution is not violated. They are particularly justified in doing it at this time because the people of the United States had the issue before them clearly stated in 1952, and decided the issue from the point of view of popular opinion. The Republican candidate took a clear position in favor of the ownership by the States of submerged lands. The Democratic candidate took a clear position against that ownership and in favor of the ownership as determined by the Supreme Court of the United States. The majority was more than 6 million votes for the man who advocated ownership by the States of the submerged lands.

Therefore, Mr. President, and Members of the Senate, I urge upon you the passage of the pending measure, and, as a first step toward that result, I urge the elimination of the substitute, which attempts to proceed upon the theory that the submerged lands shall be considered

hereafter the property of the Federal Government.

Mr. President, I move to lay on the table the amendment of the Senator from New Mexico, in the nature of substitute for Senate Joint Resolution 13.

Mr. BUTLER of Maryland. Mr. President——

The VICE PRESIDENT. The motion is not debatable.

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

The yeas and nays were ordered.

Mr. BUTLER of Maryland. Mr. President, I ask unanimous consent to have printed in the body of the RECORD a statement by me with reference to the pending joint resolution, the statement to follow the remarks of the Senator from Ohio [Mr. TAFT].

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

STATEMENT BY SENATOR BUTLER OF MARYLAND

Sifting the voluminous testimony and the ebullient oratory with respect to the submerged lands issue—sometimes described as the tidelands issue—if one can eliminate the emotion and passion of partisanship and sectionalism, there remains only the fundamental question of Federal ownership or States' rights.

For many years now, we have observed the manifestations of a growing centralization of power in the Federal Government, the ramifications of which are multifarious. This philosophy of government erroneous and ill-conceived as it may be, has been fostered by the proponents of the New Deal, the Fair Deal, and other socialistic programs. These theories, through more than 20 years of application, or should I say mis-application, have engendered a following of persons who must be awakened to the fallaciousness of the continued and increased concentration of power in the hands of the Federal Government, a power which constitutionally, inherently, traditionally and historically rests with the States of the Union.

This great Nation has been predicated and nurtured on the concept of a decentralized government, insofar as possible. Under this concept, our renowned free enterprise system has developed to the point that world leadership has befallen to us. This fundamental principle of States rights must be cherished and preserved within the framework of our traditional Government.

We are now at an important crossroad in history. The record of the last 20 years can hardly be cited as an example of States' rights, and many people have been deeply repulsed by the malignancy of Federal power. The free world, and I strongly suspect the Communist dominated world, is viewing our deliberations here as an indication of whether or not we will travel further along the road toward greater governmental interference and domination in the affairs of our States.

To my mind, this debate can be resolved only on the basis of States' rights versus additional Federal controls, whether they be direct or indirect. It is worthy of note that the Federal Government already owns approximately 24 percent of the land within the continental limits of these United States, and this does not include the so-called tidelands. This one observation should forcefully illustrate the need for a delineation of Federal ownership.

In this regard, a portion of President Eisenhower's speech in New Orleans, La., on October 13, 1952, I think, is especially significant and deserving of repetition at this time:

"First, I deplore and I will always resist Federal encroachments upon the rights and affairs of the States. Second, I am gravely concerned over the threat to the States inherent in the growth of this power-hungry movement. Third, the resources of these submerged areas, though still owned by the States, will be available for America's defense in time of emergency. Fourth, the orderly development of these resources under the States need not interfere with any valid Federal function. Fifth, I believe that the law twice passed by Congress which would recognize these State titles is in keeping with basic principles of honest dealing and fair play. These things are important, they are vital, in governmental affairs as well as in private dealings."

This viewpoint, in my opinion, reflects the present attitude of the greater majority of the people of this country.

It is indeed unfortunate that the subject of oil has been introduced into this discussion, thereby creating an erroneous impression that there are no other resources, of even greater potential value, involved. A great deal of emotionalism has resulted from this aspect which is but a small part of a far reaching question of control and jurisdiction of natural resources. Right to our natural resources would place in the hands of the Federal Government, the absolute control of our economic policies, and ultimately complete dominance of the economic life of this great Nation, including the economic life of our States. Nothing could be more contrary to the basic principle of government as understood by the American public and as evidenced by our great heritage.

It is my considered conviction that the passage of legislation conveying to the States the rights to these submerged lands, exclusive of the Continental Shelf which extends beyond the historic boundaries of the States, would be completely consistent with the best possible plan for the continued development of the land and its resources and in keeping with the ideals on which our country was founded.

Mr. FULBRIGHT. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state the inquiry.

Mr. FULBRIGHT. In view of the acceptance of the Hill educational amendment by the Senator from New Mexico, is a vote to table the Anderson substitute, in fact, a vote against the Hill educational amendment?

The VICE PRESIDENT. The Chair holds that that is not a parliamentary inquiry. The question is on the motion to table the Anderson substitute, as modified by the Hill amendment. The yeas and nays having been ordered, the Secretary will call the roll.

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

The VICE PRESIDENT. The Secretary will call the roll.

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

Aiken	Dworshak	Jackson
Anderson	Ellender	Jenner
Barrett	Ferguson	Johnson, Colo.
Beall	Flanders	Johnson, Tex.
Bennett	Frear	Johnston, S. C.
Bricker	Fulbright	Kefauver
Bridges	George	Kennedy
Bush	Gillette	Kilgore
Butler, Md.	Goldwater	Knowland
Butler, Nebr.	Gore	Kuchel
Byrd	Griswold	Langer
Capehart	Hayden	Lehman
Carlson	Hendrickson	Long
Case	Hennings	Magnuson
Clements	Hickenlooper	Mansfield
Cooper	Hill	Martin
Cordon	Hoey	Maybank
Daniel	Holland	McCarran
Dirksen	Humphrey	McCarthy
Douglas	Hunt	McClellan
Duff	Ives	Millikin
Monroney	Robertson	Stennis
Morse	Russell	Symington
Mundt	Saltonstall	Taft
Murray	Schoeppel	Tobey
Neely	Smathers	Watkins
Pastore	Smith, Maine	Welker
Payne	Smith, N. J.	Williams
Potter	Smith, N. C.	Young
Purtell	Sparkman	

The VICE PRESIDENT. A quorum is present.

The question is on the motion of the Senator from Ohio [Mr. TAFT] to lay on the table the amendment of the Senator from New Mexico [Mr. ANDERSON] in the nature of a substitute, as modified by the amendment of the Senator from Alabama [Mr. HILL].

The amendment proposed by Mr. ANDERSON, as modified, is to insert the following in lieu of the language proposed to be inserted by the committee amendment:

That (a) the provisions of this section shall apply to all mineral leases covering submerged lands of the Continental Shelf issued by any State or political subdivision or grantee thereof (including any extension, renewal, or replacement thereof heretofore granted pursuant to such lease or under the laws of such State): *Provided*—

(1) That such lease, or a true copy thereof, shall have been filed with the Secretary by the lessee or his duly authorized agent within 90 days from the effective date of this joint resolution, or within such further period or periods as may be fixed from time to time by the Secretary;

(2) That such lease was issued (i) prior to December 21, 1948, and was on June 5, 1950, in force and effect in accordance with its terms and provisions and the law of the State issuing it, or (ii) with the approval of the Secretary and was on the effective date of this joint resolution in force and effect in accordance with its terms and provisions and the law of the State issuing it;

(3) That within the time specified in paragraph (1) of this subsection, there shall have been filed with the Secretary (i) a certificate issued by the State official or agency having jurisdiction and stating that the lease was in force and effect as required by the provisions of paragraph (2) of this subsection or (ii) in the absence of such certificate, evidence in the form of affidavits, receipts, canceled checks, or other documents, and the Secretary shall determine whether such lease was so in force and effect;

(4) That except as otherwise provided in section 3 thereof, all rents, royalties, and other sums payable under such a lease between June 5, 1950, and the effective date of this joint resolution, which have not been paid in accordance with the provisions thereof, and all rents, royalties, and other sums payable under such a lease after the effective date of this joint resolution shall be paid to the Secretary, who shall deposit them in a special fund in the Treasury to be disposed of as hereinafter provided;

(5) That the holder of such lease certifies that such lease shall continue to be subject to the overriding royalty obligations existing on the effective date of this joint resolution;

(6) That such lease was not obtained by fraud or misrepresentation;

(7) That such lease, if issued on or after June 23, 1947, was issued upon the basis of competitive bidding;

(8) That such lease provides for a royalty to the lessor of not less than 12½ percent in amount or value of the production saved, removed, or sold from the lease: *Provided, however,* That if the lease provides for a lesser royalty, the holder thereof may bring it within the provisions of this paragraph by consenting in writing, filed with the Secretary, to the increase of the royalty to the minimum herein specified;

(9) That such lease will terminate within a period of not more than 5 years from the effective date of this joint resolution in the absence of production or operations for drilling: *Provided, however,* That if the lease provides for a longer period, the holder thereof may bring it within the provisions of this paragraph by consenting in writing, filed with the Secretary, to the reduction of such period, so that it will not exceed the maximum period herein specified; and

(10) That the holder of such lease furnishes such surety bond, if any, as the Secretary may require and complies with such other requirements as the Secretary may deem to be reasonable and necessary to protect the interests of the United States.

(b) Any person holding a mineral lease which comes within the provisions of subsection (a) of this section, as determined by the Secretary, may continue to maintain such lease, and may conduct operations thereunder, in accordance with its provisions for the full term thereof and of any extension, renewal, or replacement authorized therein or heretofore authorized by the law of the State issuing such lease: *Provided, however,* That if oil or gas was not being produced from such lease on or before December 11, 1950, then for a term from the effective date hereof, equal to the term remaining unexpired on December 11, 1950, under the provisions of such lease or any extensions, renewals, or replacements authorized therein, or heretofore authorized by the laws of the State issuing, or whose grantee issued, such lease. A negative determination under this subsection may be made by the Secretary only after giving to the holder of the lease notice and an opportunity to be heard.

(c) With respect to any mineral lease that is within the scope of subsection (a) of this section, the Secretary shall exercise such powers of supervision and control as may be vested in the lessor by law or the terms and provisions of the lease.

(d) The permission granted in subsection (b) of this section shall not be construed to be a waiver of such claims, if any, as the United States may have against the lessor or the lessee or any other person respecting sums payable or paid for or under the lease, or respecting activities conducted under the lease, prior to the effective date of this joint resolution.

SEC. 2. The Secretary is authorized, with the approval of the Attorney General of the United States and upon the application of any lessor or lessee of a mineral lease issued by or under the authority of a State, its political subdivision or grantee, on tidelands or submerged lands beneath navigable inland waters within the boundaries of such State, to certify that the United States does not claim any proprietary interest in such lands or in the mineral deposits within them. The authority granted in this section shall not apply to rights of the United States in lands (a) which have been lawfully acquired by the United States from any State, either at the time of its admission into the Union or thereafter, or from any person in whom such rights had vested under the law of a State or under a treaty or other arrangement between the United States and a foreign power, or otherwise, or from a grantee or successor in interest of a State or such person; or (b) which were owned by the United States at the time of the admission of a State into the Union and which were expressly retained by the United States; or (c) which the United States lawfully holds under the law of the State in which the lands are situated; or (d) which are held by the United States in trust for the benefit of any person or persons, including any tribe, band, or group of Indians or for individual Indians.

SEC. 3. In the event of a controversy between the United States and a State as to whether or not lands are submerged lands beneath navigable inland waters, the Secretary is authorized, notwithstanding the provisions of subsections (a) and (c) of section 1 of this joint resolution, and with the concurrence of the Attorney General of the United States, to negotiate and enter into agreements with the State, its political subdivision or grantee or a lessee thereof, respecting operations under existing mineral leases and payment and impounding of rents, royalties, and other sums payable thereunder, or with the State, its political subdivision or grantee, respecting the issuance or nonissuance of new mineral leases pending the settlement or adjudication of the controversy: *Provided, however,* That the authorization contained in this section shall not be construed to be a limitation upon the authority conferred on the Secretary in other sections of this joint resolution. Payments made pursuant to such agreement, or pursuant to any stipulation between the United States and a State, shall be considered as compliance with section 1 (a) (4) hereof. Upon the termination of such agreement or stipulation by reason of the final settlement or adjudication of such controversy, if the lands subject to any mineral lease are determined to be in whole or in part submerged land of the Continental Shelf, the lessee, if he has not already done so, shall comply with the requirements of section 1 (a), and thereupon the provisions of section 1 (b) shall govern such lease. The following stipulations and authorizations are hereby approved and confirmed: (i) The stipulation entered into in the case of United States against State of California, between the Attorney General of the United States and the attorney general of California, dated July 26, 1947, relating to certain bays and harbors in the State of California; (ii) the stipulation entered into in the case of United States against State of California, between the Attorney General of the United States and the attorney general of California, dated July 26, 1947, relating to the continuance of oil and gas operations in the submerged lands within the boundaries of the State of California and herein referred to as the operating stipulation; (iii) the stipulation entered into in the case of United States against the State of California, between the Attorney General of the United States and the attorney general of California, dated July 28, 1948, extending the term of said operating stipulation; (iv) the stipulation entered into in the case of the United States against State of California, between the Attorney General of the United States and the attorney general of California dated August 2, 1949, further extending the term of said operating stipulation; (v) the stipulation entered into in the case of United States against State of California, between the Attorney General of the United States and the attorney general of California, dated August 21, 1950, further extending and revising said operating stipulation ; (vi) the stipulation entered into in the case of United States against State of California, between the Attorney General of the United States and the attorney general of California, dated September 4, 1951, further extending and revising said operating stipulation; (vii) the notice concerning "Oil and Gas Operations in the Submerged Coastal Lands of the Gulf of Mexico," issued by the Secretary of the Interior on December 11, 1950 (15 F. R. 8835), as amended by the notice dated January 26, 1951 (16 F. R. 953), and as supplemented by the notices dated February 2, 1951 (16 F. R. 1203), March 5, 1951 (16 F. R. 2195), April 23, 1951 (16 F. R. 3623), June 25, 1951 (16 F. R. 6404), August 22, 1951 (16 F. R. 8720), October 24, 1951 (16 F. R. 10998), and December 21, 1951 (17 F. R. 43), respectively.

SEC. 4. (a) In order to meet the urgent need during the present emergency for further exploration and development of the oil and gas deposits in the submerged lands of the Continental Shelf, the Secretary is authorized, pending the enactment of further legislation on the subject, to grant to the qualified persons offering the highest bonuses on a basis of competitive bidding oil and gas leases on submerged lands of the Continental Shelf which are not covered by leases within the scope of subsection (a) of section 1 of this joint resolution.

(b) A lease issued by the Secretary pursuant to this section shall cover an area of such size and dimensions as the Secertary may determine, shall be for a period of 5 years and as long thereafter as oil or gas may be produced from the area in paying quantities, or drilling or well reworking operations as approved by the Secretary are conducted thereon, shall require the payment of a royalty of not less than 12½ per centum, and shall contain such rental provisions and such other terms and provisions as the Secretary may by regulation prescribe in advance of offering the area for lease.

(c) All moneys paid to the Secretary for or under leases granted pursuant to this section shall be deposited in a special fund in the Treasury to be disposed of as hereinafter provided.

(d) The issuance of any lease by the Secretary pursuant to this section 4 of this joint resolution, or the refusal of the Secretary to certify that the United States does not claim any interest in any submerged lands pursuant to section 2 of this joint resolution, shall not prejudice the ultimate settlement or adjudication of the question as to whether or not the area involved is submerged land beneath navigable inland waters.

SEC. 5. (a) Except as provided in subsection (b) of this section—

(1) thirty-seven and one-half percent of all moneys received as bonus payments, rents, royalties and other sums payable with respect to operations in submerged lands of the Continental Shelf lying within the seaward boundary of any State shall be paid by the Secretary of the Treasury to such State within 90 days after the expiration of each fiscal year.

(2) All other moneys received under the provisions of this joint resolution shall be held in a special account in the Treasury during the present national emergency and, until the Congress shall otherwise provide, the moneys in such special account shall be used only for such urgent developments essential to the national defense and national security as the Congress may determine and thereafter shall be used exclusively as grants-in-aid of primary, secondary, and higher education.

(3) It shall be the duty of every State or political subdivision or grantee thereof having issued any mineral lease or grant, or leases or grants, covering submerged lands of the Continental Shelf to file with the Attorney General of the United States on or before December 31, 1953, a statement of the moneys or other things of value received by such State or political subdivision or grantee from or on account of such lease or grant, or leases or grants, since January 1, 1940, and the Attorney General shall submit the statements so received to the Congress not later than February 1, 1954.

(b) The provisions of this section shall not apply to moneys received and held pursuant to any stipulation or agreement referred to in section 3 of this joint resolution pending the settlement or adjudication of the controversy.

(c) If and whenever the United States shall take and receive in kind all or any part of the royalty under a lease maintained or issued under the provisions of this joint resolution and covering submerged lands of the Continental Shelf lying within the seaward boundary of any State, the value of such royalty so taken in kind shall, for the purpose of subsection (a) (1) of this section, be deemed to be the prevailing market price thereof at the time and place of production, and there shall be paid to the State entitled

thereto 37½ percent of the value of such royalty.

SEC. 6. (a) The President may, from time to time, withdraw from disposition any of the unleased lands of the Continental Shelf and reserve them for the use of the United States in the interest of national security.

(b) In time of war, or when the President shall so prescribe, the United States shall have the right of first refusal to purchase at the market price all or any portion of the oil and gas produced from the submerged lands covered by this joint resolution.

(c) All leases issued under this joint resolution, and leases, the maintenance and operation of which are authorized under this joint resolution, shall contain or be construed to contain a provision whereby authority is vested in the Secretary, upon a recommendation of the Secretary of Defense, during a state of war or national emergency declared by the Congress or the President after the effective date of this joint resolution, to suspend operations under, or to terminate any lease; and all such leases shall contain or be construed to contain provisions for the payment of just compensation to the lessee whose operations are thus suspended or whose lease is thus terminated.

SEC. 7. Nothing herein contained shall affect such rights, if any, as may have been acquired under any law of the United States by any person on lands subject to this joint resolution and such rights, if any, shall be governed by the law in effect at the time they may have been acquired: *Provided, however,* That nothing herein contained is intended or shall be construed as a finding, interpretation, or construction by the Congress that the law under which such rights may be claimed in fact applies to the lands subject to this joint resolution or authorizes or compels the granting of such rights of such lands, and that the determination of the applicability or effect of such law shall be unaffected by anything herein contained.

SEC. 8. The United States consents that the respective States may regulate, manage, and administer the taking, conservation, and development of all fish, shrimp, oysters, clams, crabs, lobsters, sponges, kelp, and other marine animal and plant life within the area of the submerged lands of the Continental Shelf lying within the seaward boundary of any State, in accordance with applicable State law.

SEC. 9. The United States hereby asserts that it has no right, title, or interest in or to the lands beneath navigable inland waters within the boundaries of the respective States, but that all such right, title, and interest are vested in the several States or the persons lawfully entitled thereto under the laws of such States, or the respective lawful grantees, lessees, or possessors in interest thereof under State authority.

SEC. 10. Section 9 of this joint resolution shall not apply to rights of the United States in lands (1) which have been lawfully accrued by the United States from any State, either at the time of its admission into the Union or thereafter, or from any person in whom such rights had vested under the law of a State or under a treaty or other arrangement between the United States and a foreign power, or otherwise, or from a grantee or successor in interest of a State or such person; or (2) which were owned by the United States at the time of the admission of a State into the Union and which were expressly retained by the United States; or (3) which the United States lawfully holds under the law of the State in which the lands are situated; or (4) which are held by the United States in trust for the benefit of any person or persons, including any tribe, band, or group of Indians or for individual Indians. This joint resolution shall not apply to waterpower, or to the use of water for the production of power, or to any right to develop water power which has been or may be expressly reserved by the United States for its own benefit or for the benefit of its licensees or permittees under any law of the United States.

SEC. 11. (a) Any right granted prior to the enactment of this joint resolution by any State, political subdivision thereof, municipality, agency, or person holding thereunder to construct, maintain, use, or occupy any dock, pier, wharf, jetty, or any other structure in submerged lands of the Continental Shelf, or any such right to the surface of filled-in, made, or reclaimed land in such areas, is hereby recognized and confirmed by the United States for such term as was granted prior to the enactment of this joint resolution.

(b) The right, title, and interest of any State, political subdivision thereof, municipality, or public agency holding thereunder to the surface of submerged lands of the Continental Shelf which in the future become filled-in, made, or reclaimed lands as a result of authorized action taken by any such State, political subdivision thereof, municipality, or public agency holding thereunder for recreation or other public purpose is hereby recognized and confirmed by the United States.

SEC. 12. Nothing in section 11 of this joint resolution shall be construed as confirming or recognizing any right with respect to oil, gas, or other minerals in submerged lands of the Continental Shelf; or as confirming or recognizing any interest in submerged lands of the Continental Shelf other than that essential to the right to construct, maintain, use, and occupy the structures enumerated in that section, or to the use and occupancy of the surface of filled-in or reclaimed land.

SEC. 13. The structures enumerated in section 11, above, shall not be construed as including derricks, wells, or other installations in submerged lands of the Continental Shelf employed in the exploration, development, extraction, and production of oil and gas or other minerals, or as including necessary structures for the development of waterpower.

SEC. 14. Nothing contained in this joint resolution shall be construed to repeal, limit, or affect in any way any provision of law relating to the national defense, the control of navigation, or the improvement, protection, and preservation of the navigable waters of the United States; or to repeal, limit, or affect any provision of law heretofore or hereafter enacted pursuant to the constitutional authority of Congress to regulate commerce with foreign nations and among the several States.

SEC. 15. Any person seeking the authorization of the United States to use or occupy any submerged lands of the Continental Shelf for the construction of, or additions to, installations of the type enumerated in section 11 of this joint resolution, shall apply therefor to the Chief of Engineers, Department of the Army, who shall have authority to issue such authorization, upon such terms and conditions as in his discretion may seem appropriate.

SEC. 16. Within 2 years of the date of the enactment of this joint resolution, the Chief of Engineers shall submit to the Congress his recommendations with respect to the use and occupancy of submerged lands of the Continental Shelf for installations of the type enumerated in section 11 of this joint resolution.

SEC. 17. The Secretary is authorized to issue such regulations as he may deem to be necessary or advisable in performing his functions under this joint resolution.

SEC. 18. When used in this joint resolution, (a) the term "tidelands" means lands situated between the lines of mean high tide and mean low tide; (b) the term "navigable" means navigable at the time of the admission of a State into the Union under the laws of the United States; (c) the term "inland waters" includes the waters of lakes (including Lakes Superior, Michigan, Huron, Erie, and Ontario to the extent that they are within the boundaries of a State of the United States), bays, rivers, ports, and harbors which are landward of the ocean; and lands beneath navigable inland waters include filled-in or reclaimed lands which formerly were within that category; (d) the term "submerged lands of the Continental Shelf" means the lands (including the oil, gas, and other minerals therein) underlying the open ocean, situated seaward of the ordinary low-water mark on the coast of the United States and outside the inland waters; and extending seaward to the outer edge of the Continental Shelf; (e) the term "seaward boundary of a State" means a line 3 nautical miles seaward from the points on the coast of a State at which the submerged lands of the Continental Shelf begin; (f) the term "mineral lease" means any form of authorization for the exploration, development, or production of oil, gas, or other minerals; and (g) the term "Secretary" means the Secretary of the Interior.

The VICE PRESIDENT. On this question the yeas and nays have been ordered, and the Secretary will call the roll.

The legislative clerk called the roll.

Mr. SALTONSTALL. I announce that the Senator from Minnesota [Mr. THYE] is absent by leave of the Senate.

The Senator from Nevada [Mr. MALONE] is necessarily absent.

The Senator from Minnesota [Mr. THYE] is paired on this vote with the Senator from Rhode Island [Mr. GREEN]. If present and voting, the Senator from Minnesota would vote "yea" and the Senator from Rhode Island would vote "nay." If present and voting, the Senator from Nevada [Mr. MALONE] would vote "nay."

The Senator from Wisconsin [Mr. WILEY] is absent on official business. If present and voting, the Senator from Wisconsin [Mr. WILEY] would vote "nay."

Mr. CLEMENTS. I announce that the Senator from New Mexico [Mr. CHAVEZ] and the Senator from Rhode Island [Mr. GREEN] are absent by leave of the Senate.

The Senator from Mississippi [Mr. EASTLAND] is absent by leave of the Senate because of illness in his family.

The Senator from Oklahoma [Mr. KERR] is absent on official business.

I announce also that on this vote the Senator from Mississippi [Mr. EASTLAND] is paired with the Senator from New Mexico [Mr. CHAVEZ]. If present and voting, the Senator from Mississippi would vote "yea" and the Senator from New Mexico would vote "nay."

I announce further that the Senator from Rhode Island [Mr. GREEN] is paired on this vote with the Senator from Minnesota [Mr. THYE]. If present and voting, the Senator from Rhode Island would vote "nay" and the Senator from Minnesota would vote "yea."

The result was announced—yeas 56, nays 33, as follows:

YEAS—56

Barrett	Bridges	Byrd
Beall	Bush	Capehart
Bennett	Butler, Md.	Carlson
Bricker	Butler, Nebr.	Clements

Cordon	Ives	Purtell
Daniel	Jenner	Robertson
Dirksen	Johnson, Tex.	Russell
Duff	Johnston, S. C.	Saltonstall
Dworshak	Knowland	Schoeppel
Ellender	Kuchel	Smathers
Ferguson	Long	Smith, Maine
Flanders	Martin	Smith, N. J.
George	Maybank	Smith, N. C.
Goldwater	McCarran	Stennis
Hendrickson	McCarthy	Taft
Hickenlooper	Millikin	Watkins
Hoey	Mundt	Welker
Holland	Payne	Williams
Hunt	Potter	

NAYS—33

Aiken	Hennings	Mansfield
Anderson	Hill	McClellan
Case	Humphrey	Monroney
Cooper	Jackson	Morse
Douglas	Johnson, Colo.	Murray
Frear	Kefauver	Neely
Fulbright	Kennedy	Pastore
Gillette	Kilgore	Sparkman
Gore	Langer	Symington
Griswold	Lehman	Tobey
Hayden	Magnuson	Young

NOT VOTING—7

Chavez	Kerr	Wiley
Eastland	Malone	
Green	Thye	

So Mr. TAFT's motion to lay on the table the Anderson substitute, as modified by the Hill amendment, was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, its reading clerk, announced that the House had passed the bill (S. 1419) to permit the Board of Commissioners of the District of Columbia to establish daylight-saving time in the District, with an amendment, in which it requested the concurrence of the Senate.

TITLE TO CERTAIN SUBMERGED LANDS

The Senate resumed the consideration of the joint resolution (S. J. Res. 13) to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, and to provide for the use and control of said lands and resources.

The VICE PRESIDENT. The question recurs on the committee substitute, which is open to amendment.

Mr. IVES. Mr. President, I call up my amendment dated April 8, 1953.

The VICE PRESIDENT. The clerk will state the amendment offered by the Senator from New York.

The CHIEF CLERK. It is proposed on page 17, before the period in line 2, to insert the following: "or in the case of the Great Lakes, to the international boundary."

Mr. IVES. Mr. President, this is an amendment to section 4 of Senate Joint Resolution 13 to provide that the boundary of each original coastal State, in the case of the Great Lakes, is approved and confirmed to the international boundary line. My own State of New York is the only original coastal State which would be affected by this amendment.

It is my understanding that the amendment is consistent with a decision of the United States Supreme Court which held that the bed of Lake Ontario lying within the boundary of the State of New York belongs to the State of New York to the international boundary line. I refer to the case of *Massachusetts* v. *New York* (271 U. S. 65), decided in 1926.

Therefore, I submit this amendment for the purpose of assuring the continued recognition of the boundary of New York State in the bed of Lake Ontario, to the international boundary line.

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

Mr. IVES. I yield.

Mr. CORDON. While the acting chairman of the committee has no authority from the committee with respect to the amendment of the senior Senator from New York, speaking for myself, I desire to say that the amendment is consonant with the philosophy of the joint resolution, and might well be accepted and made a part of it. The State of New York, being one of the Thirteen Original States, has boundaries confirmed on its seaward side, but the committee completely overlooked the fact that New York is bounded also by one of the Great Lakes. So the boundary on the Great Lakes side might as well be confirmed as that on the seaward side.

Mr. President, I would hope that the amendment of the Senator from New York might be agreed to.

Mr. IVES. It was my understanding that that was the situation. That is why the amendment is being offered.

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

Mr. IVES. I yield.

Mr. FERGUSON. Do I understand correctly that the amendment does not apply to any other State bordering on the Great Lakes?

Mr. IVES. It is applicable solely to the State of New York.

Mr. FERGUSON. The Senator from New York did not wish to question the title of any other State to the international boundary by offering his amendment merely with respect to the State of New York?

Mr. IVES. No other State is involved in this matter, nor could it possibly be, because the State of New York is the only one of the Thirteen Original States affected.

Mr. HOLLAND. Mr. President, will the Senator from New York yield?

Mr. IVES. I yield.

Mr. HOLLAND. The first sentence in section 4, under the heading "Seaward Boundaries," was inserted at the request of the distinguished Senator from New York, based upon a request by the Attorney General of the State of New York, and clearly confirmed the boundaries of the Thirteen Original States. At that time the attention of the Attorney General had not been drawn to the fact that New York, as one of the Thirteen Original States, also had boundaries in the Great Lakes, since there were on the other side of the State areas of the Dominion of Canada.

I believe the amendment suggested by the senior Senator from New York makes complete the suggestion made by the Attorney General of New York. Certainly I have no objection to the inclusion of the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from New York [Mr. IVES].

The amendment was agreed to.

The VICE PRESIDENT. The committee amendment is open to further amendment.

DAYLIGHT-SAVING TIME FOR THE DISTRICT OF COLUMBIA

Mr. CASE. Mr. President, the Senate has previously passed S. 1409, to permit the Board of Commissioners of the District of Columbia to establish daylight-saving time in the District of Columbia.

This afternoon, the House of Representatives considered the Senate bill, struck out all after the enacting clause, and inserted a paragraph which is substantially identical with the final paragraph of the bill as it passed the Senate. It would confer upon the Commissioners of the District of Columbia authority to establish daylight-saving time in the District of Columbia as a yearly matter.

Mr. President, I ask unanimous consent that the bill may be immediately considered and the amendment of the House concurred in, in order that the bill may go to the White House forthwith.

The VICE PRESIDENT. Is there objection?

Mr. KNOWLAND. I object.

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Mr. TAFT. Mr. President, what is the question before the Senate?

The VICE PRESIDENT. The question before the Senate is the committee substitute, which is open to further amendment.

Mr. TAFT. I ask for the yeas and nays on the committee substitute.

Mr. DOUGLAS. Mr. President——

The VICE PRESIDENT. Is the demand for the yeas and nays seconded?

The yeas and nays were ordered.

Mr. DOUGLAS. Mr. President, I send to the desk an amendment, which I ask to have stated.

The VICE PRESIDENT. The clerk will state the amendment.

The legislative clerk read the amendment offered by Mr. DOUGLAS (for himself and Mr. ANDERSON), as follows:

On page 10, beginning with "and to the" in line 21, strike out all through "miles" in line 3 on page 11.

On page 11, beginning with "as they" in line 9, strike out all through "Congress, or" in line 11.

Cordon	Ives	Purtell
Daniel	Jenner	Robertson
Dirksen	Johnson, Tex.	Russell
Duff	Johnston, S. C.	Saltonstall
Dworshak	Knowland	Schoeppel
Ellender	Kuchel	Smathers
Ferguson	Long	Smith, Maine
Flanders	Martin	Smith, N. J.
George	Maybank	Smith, N. C.
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On page 11, beginning with "as they" in line 9, strike out all through "Congress, or" in line 11.

On page 11, line 17, strike out "The" and insert in lieu therof "In title II the."

On page 12, insert after line 23 the following:

"(i) The term 'submerged lands of the Continental Shelf' means the lands (including the natural resources therein) underlying the open ocean, situated seaward of lands beneath navigable waters, and extending seaward to the outer edge of the Continental Shelf;

"(j) The term 'mineral lease' means any form of authorization for the exploration, development, or production of oil, gas, or other minerals; and

"(k) The term 'Secretary' means the Secretary of the Interior."

On page 17, beginning with the comma after "confirmed" in line 11 strike out all to the period in line 18.

On page 20, beginning with line 9, strike out all through line 16 and insert in lieu thereof the following:

"TITLE III

"SUBMERGED LANDS OF THE CONTINENTAL SHELF

"SEC. 9. All natural resources within the submerged lands of the Continenal Shelf shall appertain to the United States and be subject to its jurisdiction and control as provided for in this title.

"SEC. 10. (a) The provisions of this section shall apply to all mineral leases covering submerged lands of the Continental Shelf issued by any State or political subdivision or grantee thereof (including any extension, renewal, or replacement thereof heretofore granted pursuant to such lease or under the laws of such State): *Provided*—

"(1) That such lease, or a true copy thereof, shall have been filed with the Secretary by the lessee or his duly authorized agent within 90 days from the effective date of this joint resolution, or within such further period or periods as may be fixed from time to time by the Secretary;

"(2) That such lease was issued (i) prior to December 21, 1948, and was on June 5, 1950, in force and effect in accordance with its terms and provisions and the law of the State issuing it, or (ii) with the approval of the Secretary and was on the effective date of this joint resolution in force and effect in accordance with its terms and provisions and the law of the State issuing it;

"(3) That within the time specified in paragraph (1) of this subsection, there shall have been filed with the Secretary (i) a certificate issued by the State official or agency having jurisdiction and stating that the lease was in force and effect as required by the provisions of paragraph (2) of this subsection or (ii) in the absence of such certificate, evidence in the form of affidavits, receipts, canceled checks, or other documents, and the Secretary shall determine whether such lease was so in force and effect.

"(4) That except as otherwise provided in section 3 hereof, all rents, royalties, and other sums payable under such a lease between June 5, 1950, and the effective date of this joint resolution, which have not been paid in accordance with the provisions thereof, and all rents, royalties, and other sums payable under such a lease after the effective date of this joint resolution shall be paid to the Secretary, who shall deposit them in a special fund in the Treasury to be disposed of as hereinafter provided:

"(5) That the holder of such lease certifies that such lease shall continue to be subject to the overriding royalty obligations existing on the effective date of this joint resolution;

"(6) That such lease was not obtained by fraud or misrepresentation;

"(7) That such lease, if issued on or after June 23, 1947, was issued upon the basis of competitive bidding;

"(8) That such lease provides for a royalty to the lessor of not less than 12½ percent in amount or value of the production saved, removed, or sold from the lease: *Provided, however,* That if the lease provides for a lesser royalty, the holder thereof may bring it within the provisions of this paragraph by consenting in writing, filed with the Secretary, to the increase of the royalty to the minimum herein specified;

"(9) That such lease will terminate within a period of not more than 5 years from the effective date of this joint resolution in the absence of production or operations for drilling: *Provided, however,* That if the lease provides for a longer period, the holder thereof may bring it within the provisions of this paragraph by consenting in writing, filed with the Secretary, to the reduction of such period, so that it will not exceed the maximum period herein specified; and

"(10) That the holder of such lease furnishes such surety bond, if any, as the Secretary may require and complies with such other requirements as the Secretary may deem to be reasonable and necessary to protect the interests of the United States.

"(b) Any person holding a mineral lease which comes within the provisions of subsection (a) of this section, as determined by the Secretary, may continue to maintain such lease, and may conduct operations thereunder, in accordance with its provisions for the full term thereof and of any extension, renewal or replacement authorized therein or heretofore authorized by the law of the State issuing such lease: *Provided, however,* That if oil or gas was not being produced from such leases on or before December 11, 1950, then for a term from the effective date hereof equal to the term remaining unexpired on December 11, 1950, under the provisions of such lease or any extensions, renewals, or replacements authorized therein, or heretofore authorized by the laws of the State issuing, or whose grantee issued, such lease. A negative determination under this subsection may be made by the Secretary only after giving to the holder of the lease notice and an opportunity to be heard.

"(c) With respect to any mineral lease that is within the scope of subsection (a) of this section, the Secretary shall exercise such powers of supervision and control as may be vested in the lessor by law or the terms and provisions of the lease.

"(d) The permission granted in subsection (b) of this section shall not be construed to be a waiver of such claims, if any, as the United States may have against the lessor or the lessee or any other person respecting sums payable or paid for or under the lease, or respecting activities conducted under the lease, prior to the effective date of this joint resolution.

"SEC. 11. The Secretary is authorized, with the approval of the Attorney General of the United States and upon the application of any lessor or lessee of a mineral lease issued by or under the authority of a State, its political subdivision or grantee, on lands beneath navigable waters vested and assigned to such State under title II of this joint resolution, to certify that the United States does not claim any proprietary interest in such lands or in the natural resources within them.

"SEC. 12. In the event of a controversy between the United States and a State as to whether or not lands are submerged lands of the Continental Shelf, the Secretary is authorized, notwithstanding the provisions of subsections (a) and (c) of section 10 of this joint resolution, and with the concurrence of the Attorney General of the United States, to negotiate and enter into agreements with the State, its political subdivision or grantee or a lessee thereof, respecting operations under existing mineral leases and payment and impounding of rents, royalties, and other sums payable thereunder, or with the State, its political subdivision or grantee, respecting the issuance or nonissuance of new mineral leases pending the settlement or adjudication of the controversy: *Provided, however,* That the authorization contained in this section shall not be construed to be a limitation upon the authority conferred on the Secretary in other sections of this joint resolution. Payments made pursuant to such agreement, or pursuant to any stipulation between the United States and a State, shall be considered as compliance with section 10 (a) (4) hereof. Upon the termination of such agreement or stipulation by reason of the final settlement or adjudication of such controversy, if the lands subject to any mineral lease are determined to be in whole or in part submerged lands of the Continental Shelf, the lessee, if he has not already done so, shall comply with the requirements of section 10 (a), and thereupon the provisions of section 10 (b) shall govern such lease.

"SEC. 13. (a) In order to meet the urgent need during the present emergency for further exploration and development of the oil and gas deposits in the submerged lands of the Continental Shelf, the Secretary is authorized, pending the enactment of further legislation on the subject, to grant to the qualified persons offering the highest bonuses on a basis of competitive bidding oil and gas leases on submerged lands of the Continental Shelf which are not covered by leases within the scope of subsection (a) of section 10 of this joint resolution.

"(b) A lease issued by the Secretary pursuant to this section shall cover an area of such size and dimensions as the Secretary may determine, shall be for a period of 5 years and as long thereafter as oil or gas may be produced from the area in paying quantities, or drilling or well reworking operations as approved by the Secretary are conducted thereon, shall require the payment of a royalty of not less than 12½ percent, and shall contain such rental provisions and such other terms and provisions as the Secretary may by regulation prescribe in advance of offering the area for lease.

"(c) All moneys paid to the Secretary for or under leases granted pursuant to this section shall be deposited in a special fund in the Treasury to be disposed of as hereinafter provided.

"(d) The issuance of any lease by the Secretary pursuant to this section, or the refusal of the Secretary to certify that the United States does not claim any interest in any lands beneath navigable waters pursuant to section 11 of this joint resolution, shall not prejudice the ultimate settlement or adjudication of the question as to whether or not the area involved is land beneath navigable waters.

"SEC. 14. (a) Except as provided in subsection (b) of this section, all moneys received under the provisions of this title shall be held in a special account in the Treasury during the present national emergency and, until the Congress shall otherwise provide, the moneys in such special account shall be used only for such urgent developments essential to the national defense and national security as the Congress may determine and thereafter shall be used exclusively as grants-in-aid of primary, secondary, and higher education.

"(b) The provisions of this section shall not apply to moneys received and held pursuant to any stipulation or agreement referred to in section 12 of this joint resolution pending the settlement or adjudication of the controversy.

"SEC. 15. (a) The President may, from time to time, withdraw from disposition any of the unleased submerged lands of the

Continental Shelf and reserve them for the use of the United States in the interest of national security.

"(b) In time of war, or when the President shall so prescribe, the United States shall have the right of first refusal to purchase at the market price all or any portion of the oil and gas produced from the submerged lands of the Continental Shelf.

"(c) All leases issued under this title, and leases, the maintenance and operation of which are authorized under this title, shall contain or be construed to contain a provision whereby authority is vested in the Secretary, upon a recommendation of the Secretary of Defense, during a state of war or national emergency declared by the Congress or the President after the effective date of this joint resolution, to suspend operations under, or to terminate any lease; and all such leases shall contain or be construed to contain provisions for the payment of just compensation to the lessee whose operations are thus suspended or whose lease is thus terminated.

"SEC. 16. The Secretary is authorized to issue such regulations as he may deem to be necessary or advisable in performing his functions under this title."

On page 20, line 17, strike out "SEC. 10." and insert in lieu thereof "SEC. 17."

On page 20, line 22, strike out "SEC. 11." and insert in lieu thereof "SEC 18."

Amend the title so as to read: "Joint resolution to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, to provide for the use and control of such lands and resources, and to confirm and provide for the jurisdiction and control of the United States over the natural resources of the submerged lands of the Continental Shelf seaward of State boundaries."

The VICE PRESIDENT. Does the Senator from Illinois desire to have his amendments considered en bloc?

Mr. DOUGLAS. I do, Mr. President.

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

The VICE PRESIDENT. The Secretary will call the roll.

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

Aiken	Gore	McCarran
Anderson	Griswold	McCarthy
Barrett	Hayden	McClellan
Beall	Hendrickson	Millikin
Bennett	Hennings	Monroney
Bricker	Hickenlooper	Morse
Bridges	Hill	Mundt
Bush	Hoey	Murray
Butler, Md.	Holland	Neely
Butler, Nebr.	Humphrey	Pastore
Byrd	Hunt	Payne
Capehart	Ives	Potter
Carlson	Jackson	Purtell
Case	Jenner	Robertson
Clements	Johnson, Colo.	Russell
Cooper	Johnson, Tex.	Saltonstall
Cordon	Johnston, S. C.	Schoeppel
Daniel	Kefauver	Smathers
Dirksen	Kennedy	Smith, Maine
Douglas	Kilgore	Smith, N. J.
Duff	Knowland	Smith, N. C.
Dworshak	Kuchel	Sparkman
Ellender	Langer	Stennis
Ferguson	Lehman	Symington
Flanders	Long	Taft
Frear	Magnuson	Tobey
Fulbright	Malone	Watkins
George	Mansfield	Welker
Gillette	Martin	Williams
Goldwater	Maybank	Young

The PRESIDING OFFICER (Mr. HENDRICKSON in the chair). A quorum is present.

The question is on agreeing to the amendment offered by the Senator from Illinois [Mr. DOUGLAS].

Mr. TAFT. Mr. President, I ask unanimous consent, with reference to Senate Joint Resolution 13, that beginning on Tuesday, April 28, the Senate proceed to the consideration of further amendments to the joint resolution, and that no Senator shall speak more than once or more than 1 hour on any such amendment, or amendments thereof or any appeal, that no Senator shall speak more than once or longer than 1 hour on the bill, and that if debate is not sooner concluded then the Senate shall vote finally at 5 p. m. on May 5 on the joint resolution and all amendments thereto, that all time on May 5 be divided equally between advocates of the joint resolution, and opponents of the joint resolution — including proposers of amendments—the time of the advocates of the joint resolution to be controlled by the Senator from Oregon [Mr. CORDON], and of the opponents by the Senator from New Mexico [Mr. ANDERSON]. Amendments filed after the making of this agreement to be germane to the subject of the joint resolution.

The PRESIDING OFFICER. The Senate has heard the unanimous-consent request of the Senator from Ohio. Is there objection?

Mr. MORSE. I object.

Mr. TAFT. Mr. President, all of the opponents of the joint resolution have stated repeatedly that they are not trying to prevent a final vote on it. I thought May 5 was a pretty generous date to set. I wonder, if May 5 is not satisfactory, whether any other date is satisfactory to the opponents of the joint resolution, and whether any one of them is willing to agree upon a final date for a vote on the pending joint resolution. Mr. President, I wonder whether they are in good faith in their statement that they are not trying to prevent a final vote on the joint resolution.

Mr. MORSE. Mr. President, the Senator from Oregon is in good faith. The Senator from Oregon is not ready yet to enter into a unanimous-consent agreement. The time will come when we will vote on the joint resolution, but we are not ready as yet to do so. We are not ready today to agree to a unanimous-consent agreement, because we are still holding conferences. Our little group is still holding conferences, and we have another conference set for tomorrow. In due course of time we shall come to some conclusion.

Mr. TAFT. Mr. President, I thought the Senator from Oregon, in the 22 hours and a half of his magnificent show of strength, covered every possible item that could be covered in connection with the joint resolution. Therefore, I did not expect any objection from him to a unanimous-consent agreement. I thought that perhaps there might be a reasonable request for additional time on the part of one of the other Senators.

Mr. MORSE. Mr. President, will the Senator from Ohio yield?

Mr. TAFT. I wonder whether any other Senator has any objection to the setting of the date of May 5 as the date for a vote on the joint resolution.

The PRESIDING OFFICER. The Chair would like to state that he heard no other objection.

Mr. MORSE. Mr. President, will the Senator from Ohio yield?

Mr. TAFT. I yield.

Mr. MORSE. I should like to say that in my 22-hour speech I did not cover very many amendments. There are a great many amendments I have not commented on, and I expect to discuss them at some length.

[Manifestations of applause in the galleries.]

The PRESIDING OFFICER. The occupants of the galleries will remember that they are the guests of the Senate, and will abide by the Senate rules. The galleries will be in order.

Mr. TAFT. Mr. President, I expect to bring to the attention of the country the fact that, although a filibuster is being conducted, we are not in any way trying to limit the debate, but are perfectly willing to give sufficient time for debate. We are willing to make the date May 15, so far as we are concerned.

It seems to me that the time has come when it is reasonable to ask unanimous consent that the Senate fix a date when the debate may be terminated. I cannot interpret the refusal to give such consent other than as a determination to continue the filibuster.

[Manifestations of applause in the galleries.]

We shall remain in session this evening until 10 o'clock. Perhaps tomorrow night we shall continue through the entire night. Senators should be prepared accordingly.

The PRESIDING OFFICER. The Chair would like to state that a rule of the Senate provides that there shall be no demonstrations on the part of the occupants of the galleries. The Chair hopes the good folks who are visiting us today will abide by that rule.

Mr. DOUGLAS. Mr. President, it was the intention of the junior Senator from New Mexico [Mr. ANDERSON] to offer the amendment which has been read. Because of his unfortunate illness, following his very remarkable speech, it has fallen upon the Senator from Illinois to present the amendment, which otherwise the Senator from New Mexico would have offered.

By defeating the Anderson substitute and apparently confirming the intention of the Senate to pass the Holland joint resolution, we have given away to the coastal States, particularly to the States of California, Texas, Louisiana, and possibly Florida——

(At this point Mr. DOUGLAS yielded to Mr. BYRD, who asked and obtained consent to have printed in the RECORD a statement prepared by him entitled "Balancing the Budget." His statement appears in the RECORD at the conclusion of Mr. DOUGLAS' speech.)

Mr. DOUGLAS. As I was saying, Mr. President, by the defeat of the Anderson substitute and the apparent determination to pass the Holland joint resolution, it seems that we shall be giving to California, Texas, Louisiana, and Florida the submerged lands seaward from the low-water mark on their coasts.

Mr. LONG. Mr. President, will the Senator from Illinois yield to me?

Mr. DOUGLAS. No, I should like to have a chance to complete my statement; and then the Senator from Louisiana can make his statement.

Mr. President, we are doing this not only (a) for all coastal States, out to 3 miles from the coast, but (b) in the cases of Florida and Texas for 9 nautical miles, and (c) in the opinion of many of us, we are creating an open end——

Mr. MILLIKIN. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will please be in order. Will the Senator from Illinois please suspend until the Senate is in order?

Mr. DOUGLAS. Certainly.

The PRESIDING OFFICER (after a pause). Now the Chair recognizes the Senator from Illinois. The Chair hopes there will be order from now on.

Mr. DOUGLAS. Or, Mr. President, (c) we are also creating the possibility that under obscure laws passed in the past or surreptitious actions taken in the future, State claims to property in the submerged lands beyond the 9-mile limit may be recognized. Therefore, we are opening the way to the taking by the coastal States of the entire Continental Shelf.

I wish to say very frankly that I am opposed to having the coastal States take or be granted submerged lands out even to the 3-mile limit. I think that is wrong. However, this amendment is an attempt to limit and reduce the possible damage and loss to the 48 States of resources which the Supreme Court has held belong to all the people.

The amendment says, in effect, "If the Senate insists upon giving to the coastal States, and particularly to these 3 or 4 States, the submerged lands out to the 3-mile limit, at least let us save for the Federal Government the submerged lands beyond the 3-mile limit."

So the amendment would cut off the surrender to coastal States at the 3-mile limit and vest in the Federal Government the power to grant leases and encourage development of resources beyond the 3-mile limit, and it would give to the Federal Government all revenue derived from lands beyond the 3-mile limit. Then the amendment also provides that these revenues shall be distributed according to the Hill amendment, namely, that during the period of the present national emergency they shall be used for defense purposes, and that after the period of the national emergency has ended, they shall be used for education.

In other words, we are saying, "We have been beaten in the case of the lands inside the 3-mile limit, so at least we shall try to save for the United States the submerged lands beyond the 3-mile limit and the great resources under them."

Of course, in practice this would give to the State of California about all she wants, because there is no Continental Shelf, or very little Continental Shelf, beyond the 3-mile limit, off the coast of California; but the amendment would save most of the land under the Gulf of Mexico and would save the great revenues from the land under the Gulf of Mexico. As the United States Geological Survey has said, probably the major part of the oil, gas, and other mineral resources is in land beyond the 3-mile limit.

The sponsors of the Holland joint resolution have said it is not their intention to push their claims or the possibilities of claims under their measure beyond the 3-mile limit, or at least beyond the 9-mile limit in 2 cases, Texas and the west coast of Florida. We are taking them up on that statement of purpose, and we are proposing to vest in the Federal Government the power to develop the lands beyond the 3-mile limit and to receive the revenues from the lands beyond the 3-mile limit, and to use those revenues, as I have said, during the present national emergency, for the purposes of defense, and after the emergency is over, for the purposes of education.

I should like to point out that this amendment avoids some of the international complications which are present in the case of the Holland joint resolution, because the amendment provides that the States' ownership shall not extend beyond that part of the marginal sea, which Jefferson recognized was the property and responsibility of the Federal Government and which international law has come to accept as the limit of our territorial waters; and the amendment provides that to the degree to which oil or gas may be developed in the lands beyond that point, the oil or gas shall be in the hands of the Federal Government and the revenues from those resources shall go to the Federal Government. Of course, it is the Federal Government, not the States, which can deal in international affairs with foreign governments which may file contrary claims.

Mr. President, I hope we may have some discussion of the amendment, and may have a yea-and-nay vote upon it.

During the delivery of Mr. DOUGLAS' speech——

Mr. BYRD. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. Does the Senator from Virginia ask me to yield for the purpose of making an insertion in the RECORD?

Mr. BYRD. Yes.

Mr. DOUGLAS. With the understanding that I do not lose my rights to the floor and that the insertion will be printed at the end of my remarks, I shall yield.

The PRESIDING OFFICER (Mr. HENDRICKSON in the chair). Is there objection?

The Chair hears none, and it is so ordered.

Mr. BYRD. Mr. President, with that understanding, I ask unanimous consent to insert in the body of the RECORD a statement entitled "Balancing the Budget," prepared by me.

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

STATEMENT BY SENATOR BYRD—BALANCING THE BUDGET

I disagree with current defeatist talk to the effect that the budget cannot be balanced in the next fiscal year. It can be done if there is a will to do it.

It is true that the present administration last January inherited a Truman budget for fiscal year 1954, beginning July 1 this year, calling for $78.6 billion in expenditures, providing for only $68,700,000,000 in revenue, and piling $9.9 billion of deficit spending on top of a Federal debt which is now nearly $265 billion.

It must be conceded that reductions in the Truman expenditure budget are doubly difficult because nearly half of it is for commitments made by the Truman administration out of appropriations previously enacted under the Truman administration. My analysis of the more than 800 items in the budget indicates that Truman expenditure estimates can be cut by $6.8 billion to $71.8 billion without reduction in either major military procurement or armed force strength. Under present conditions it is doubtful whether the country would accept reductions in these two items without assurance that they would not impair defense security, and this assurance must come from President Eisenhower himself, in whose military judgment there is implicit confidence.

Expenditure reductions of this magnitude would still leave a deficit of $3.1 billion on the basis of Truman revenue estimates. Here also the new administration is working under an inherited handicap. Under the 1951 revenue act, automatic tax expirations in the coming year will reduce revenue by $2.1 billion. Excessive taxes have been a cruel burden on the taxpayers of this country for many years. They must be reduced as soon as practicable, but under existing circumstances restoration of Federal fiscal responsibility is vital, and if these expirations were postponed to July 1, 1954, the Truman receipts estimate would be increased to $70.8 billion.

The expenditure reductions of $6.8 billion, and the postponement of tax expirations totaling $2.1 billion just described would reduce the deficit to $1 billion. Examination of financial reports of Government corporations and other agencies engaged in business-type activities leaves little doubt that at least this much could be recaptured from them in time to balance the 1954 budget. It is indicated also that additional sums, in the form of Treasury receipts, could be salvaged from this source in subsequent years. In short:

Byrd budget compared with Truman estimates

[In billions]

	Truman request	Byrd budget
Expenditures	$78.6	$71.8
Revenue	[1] 68.7	[2] 71.8
Deficit	9.9	

[1] Reduced by $2.1 billion in automatic tax expirations.
[2] With postponement of automatic tax expirations to July 1, 1954, and $1 billion of previously paid taxes recaptured from Government corporations and business-type agencies.

There may be other ways to balance the new budget which are better. If they are produced, I shall support them. It is too much to expect a perfect approach at this time. The new administration needs a full year in which to prepare and present its policies coordinated with both expenditure and tax reductions. At this time it must exercise extreme care to avoid premature action on both sides of the budget, and, at the same time, avoiding further deficit financing is urgent.

DEFICITS, DEBT, AND INTEREST

The Federal budget has been balanced in only 3 of the last 23 years. A whole genera-

tion of Americans has come of age under a deficit-financed Government. If we were to pay Federal taxes for the next 23 years at a rate in excess of $10 billion a year more than the Government spends, we would not reduce the Federal debt to where it was when this generation of young Americans was born. In these 23 years Federal deficits have totaled $241.7 billion.

We are paying interest on this debt at the rate of approximately $6.5 billion a year. The deficit in the current fiscal year ending June 30 may run as high as $7 billion (a billion more than the Truman budget estimate); so we are borrowing money, which will cost us more interest to pay interest on the public debt. This compounds the interest. We are paying interest twice—first, on the debt, and then on money borrowed to pay interest on the debt.

There is no yardstick by which the solvency of such a Government as ours can be measured, but it is obvious to all who think about it that Federal deficits must stop if national solvency is to be preserved.

Loss of revenue resulting from the 1951 Revenue Act schedule of tax expirations will continue for 3 years. Expenditure commitments already made by the previous administration against unexpended balances in previously enacted appropriations will substantially affect expenditure budgets for at least 3 years. When these 2 factors, along with expenditure-rate testimony by Assistant Secretary of Defense McNeil and Assistant Budget Director Staats, are taken into consideration, the Truman budget projected for 3 years would develop deficits approaching $15 billion a year. The statutory debt limit would have to be raised within a year, and in the third year the Federal debt would be around $300 billion.

Truman budget projected 3 years

[In billions]

	Fiscal year 1954	Fiscal year 1955	Fiscal year 1956	Total
Expenditures	$78.6	$75.0	$75.0	$228.6
Receipts (based on tax expirations as scheduled in 1951 Revenue Act)	68.7	60.8	60.4	189.9
Deficit	9.9	14.2	14.6	38.7

Chronic deficit spending always breeds such evils as inflationary tendencies, which have already cut the purchasing power of the American dollar in half since 1940; tendencies toward fiscal irresponsibility exemplified by the frequent contention that a few hundred million dollars more of deficit spending is inconsequential if the budget is already out of balance; piling up the Federal debt, and piling up interest costs which are paid out of the Treasury, so that before the debt is paid, if it ever is, total interest probably will exceed the principal several times over; an impaired fiscal system which, through cheapening the purchasing power of the dollar, will lead to the destruction of our solvency and ultimate disaster.

NEW OBSTACLES TO OVERCOME

Under the conditions we have inherited it will not suffice to resort to trick phrases such as "balancing the cash budget." It will not suffice to depend on delayed expenditures which merely stretch out deficit financing from one year to another while the revenue continues to decline. To delay balancing the real budget in terms of real budget expenditures and real budget revenue will only make it more difficult as time goes by and raise new obstacles. It must be balanced now despite two great hitherto unexperienced obstacles which already have developed in too much delay.

The first new obstacle is in the form of automatic tax reduction, becoming effective in the fiscal year beginning July 1, which next year will reduce revenue by $2.1 billion, which in the second year will reduce revenue by $7.9 billion, and which in the third year will reduce revenue by $8.3 billion. The second new obstacle is in the form of nearly $100 billion already available for virtually uncontrollable expenditure from unexpended balances in previously enacted appropriations.

Automatic tax reductions

The automatic tax reductions will become effective under existing law, inherited from the previous administration, unless positive action is taken to extend present rates. Best available estimates at this time on how and when the reductions will take form follow:

1951 Revenue Act schedule of tax expiration

[In billions]

Tax reductions which will become effective under existing law	Effect in fiscal year 1954 (beginning July 1, 1953)	Effect in fiscal year 1955 (beginning July 1, 1954)	Effect in fiscal year 1956 (beginning July 1, 1955)
The 30-percent excess profits tax scheduled to expire June 30, 1953	$0.8	$2.3	$2.3
The increase of 5 percentage points in the corporate normal tax provided by the Revenue Act of 1951 and scheduled to expire as of Mar. 31, 1954		1.5	1.9
The increase of approximately 11 percent in individual income taxes provided by the Revenue Act of 1951, and scheduled to terminate as of Dec. 31, 1953	1.1	3.1	3.1
The excise tax rate increases provided by the Revenue Act of 1951 and scheduled to terminate as of Mar. 31, 1954	0.2	1.0	1.0
Total	2.1	7.9	8.3

Unexpended balances

As of June 30, unexpended balances in previous appropriations to regular and special fund accounts will total more than $81 billion, and unexpended balances in revolving and management fund authorizations will total more than $21 billion. Appropriations enacted in the current session of Congress will be in addition. These unexpended appropriations hanging over from the Truman administration are largely—but not entirely—an accumulation of funds, requested and provided in the name of the Korean war and the Russian threat, far in excess of end-item production expenditures which have not kept pace with the rate of authorization.

The Truman budget estimates for the coming year showed that $37 billion would be expended from these hangover appropriations, and $42 billion would be from appropriations currently before Congress. By the same token, of the $73 billion of new appropriations requested in the Truman budget $42 billion, as just indicated, would be for expenditure in the coming fiscal year and $31 billion would be for expenditure in some future year.

Thus it is seen that there may be a vast difference between expenditures in a given year and current appropriations for expenditure in that year. Reductions in current appropriation bills are in terms of appropriations—not next year's expenditures. The extent to which these reductions will affect 1954 expenditures can be determined only when it is indicated whether they apply to that part of the new appropriation which is for expenditure in the coming year or to that part which is for expenditure in some subsequent year. Limiting next year's expenditures from unexpended balances in old appropriations is equally difficult.

This obstacle in the way of balancing the budget is formidable because present legislative processes do not facilitate action by Congress to control annual expenditures from either current multiyear appropriations now under consideration or those enacted in previous years. However, if Congress desires to exercise such control, it can do so in substantial degree. In addition, if he chooses, the President by Executive order can exercise further expenditure control.

EXPENDITURE REDUCTIONS

Expenditure reductions totaling $6.8 billion will not come easily, but they can be accomplished with—

1. Action by Congress, so far as it can under present legislative procedures, to limit expenditures from prior appropriations and authorizations;

2. Action by Congress to reduce expenditures in fiscal year 1954 from new appropriations now before it;

3. Action by the President, through Executive order, to accomplish further reductions to hold expenditures to an aggregate not exceeding receipts;

4. A cooperative attitude, and constructive assistance, by all administrative officials of the executive branch toward fulfillment of the administration's promise to balance the budget and reduce taxes.

With such action and attitude, expenditures in fiscal year 1954 can be reduced to $71.8 billion by—

1. Holding military expenditures to the current year's level now estimated at $43 billion, with no reductions in estimated expenditures for major military procurement or uniformed strength (this year's expenditures will be the greatest in history, short of all-out world war);

2. Holding domestic-civilian expenditures to this year's level now estimated at $24 billion, without reneging on any legal or moral commitments under statutory programs, etc.;

3. Holding foreign military assistance expenditures to this year's level now estimated at $4 billion; and

4. Eliminating new commitments for foreign economic aid, and confining expenditures to commitments already under contract, and essential war relief and occupation costs, not exceeding $700 million.

Budget expenditures

[In billions]

Category	Fiscal year 1953 (revised estimates)	Fiscal year 1954		
		Truman estimate	Byrd budget	Decrease in expenditures
Military	$42.9	$45.4	$42.9	$2.5
Domestic-civilian [1]	24.2	25.6	24.2	1.4
Foreign:				
Economic	1.7	2.5	.7	1.8
Military	4.0	5.1	4.0	1.1
Total	72.8	78.6	71.8	6.8

[1] Includes defense-related items, such as atomic energy, for which large commitments have been made previously.

Current and prior money

To accomplish these reductions, as already explained, it will be necessary to restrict expenditures out of both current and prior appropriations. The Truman budget proposed expenditures out of current appropriations totaling $42 billion and expenditures out of prior-year appropriations total-

ing $37 billion. I propose expenditures from current appropriations of $37.5 billion. This is a reduction of $4.5 billion or approximately 10 percent under the Truman request. And I propose expenditures from appropriations enacted in prior years totaling $34.3 billion. This is a reduction of $2.3 billion or about 6 percent.

Overall, my proposed reduction of $6.8 billion represents cuts of less than 10 percent.

In summary, and in comparison with the Truman requests, the reductions I propose—by departments and agencies, and as between expenditures from current and prior appropriations—follow:

Suggested expenditure reductions by departments and agencies (showing estimated unexpended balances)

[In millions of dollars]

Executive departments and agencies	Estimated unexpended balances, June 30, 1953	Truman expenditure request			Byrd budget expenditures			Reductions		
		From prior year appropriations	From current year appropriations	Total	From prior year appropriations	From current year appropriations	Total	From prior year appropriations	From current year appropriations	Total
Executive Office of the President	1	1	7	8	1	7	8			
Independent offices	10,461	2,179	6,607	8,786	2,146	6,217	8,363	33	391	424
Federal Security Agency	624	266	1,638	1,904	263	1,604	1,867	3	34	37
General Services Administration	1,750	806	320	1,126	798	270	1,068	8	50	58
Housing and Home Finance Agency	4,931	255	125	380	243	105	348	12	20	32
Agriculture Department	6,226	1,152	879	2,031	1,152	759	1,911		120	120
Commerce Department	178	99	933	1,032	80	895	975	19	38	57
Defense Department (civil functions)	587	252	388	640	177	275	452	75	113	188
Interior Department	304	211	449	660	183	376	559	28	73	101
Justice Department	28	17	167	184	16	164	180	1	3	4
Labor Department	16	8	313	321	7	277	284	1	36	37
Post Office Department			669	669		500	500		169	169
State Department	105	70	246	316	63	219	282	7	27	34
Treasury Department	2,639	157	7,021	7,178	156	7,009	7,165	1	12	13
Federal payment to District of Columbia			12	12		11	11		1	1
President's emergency funds	1,559	212	47	259	100	1	101	112	46	158
Legislative, Judiciary, and contingent funds	11	6	121	127	6	121	127			
Total, domestic-civilian	29,420	5,689	19,943	25,633	5,389	18,811	24,200	300	1,133	1,433
Department of Defense, military functions	62,319	25,419	19,976	45,395	24,300	18,600	42,900	1,119	1,376	2,495
Foreign assistance	10,525	5,493	2,066	7,559	4,648	52	4,700	845	2,014	2,859
Total	102,264	36,601	41,985	78,587	34,337	37,463	71,800	2,264	4,523	6,787

NOTE.—Figures are rounded and do not necessarily add to totals.

PAYROLL AND PUBLIC WORKS

Of the $6.8 billion expenditure reduction approximately $1 billion would be in civilian payrolls and approximately $1.1 billion would be in public works.

Exclusive of millions of dollars in unbudgeted payroll money being used this year to meet United States Government civilian payrolls abroad, the cost of Federal civilian employment in the current year is estimated at $10.2 billion. For the coming year President Truman requested $10.5 billion. These reductions would allow $9.5 billion.

Exclusive of foreign nationals employed abroad with local currencies available in payments to the Federal Government and other funds not specifically appropriated for personal service, hitherto unbudgeted, the average number of civilians employed by the Federal Government this year is estimated at 2,576,400. President Truman requested an average for the coming year of 2,648,500, an increase of 72,000. These reductions would allow for an average of 2,403,000, a decrease of 245,500 under the Truman request and 173,000 under this year's average.

Of this reduction, 105,000 would be in civilian employment by the Defense Department where Secretary of Defense Wilson has already found 40,000 unnecessary jobs. In addition, sharp employment reductions should result from liquidation or curtailment of programs under the Reconstruction Finance Corporation, the Defense Production Act and foreign economic assistance.

Federal civilian employment and payroll

	1953 estimate		1954 estimate			
			Truman request		Byrd budget	
	Employment	Pay (in millions)	Employment	Pay (in millions)	Employment	Pay (in millions)
Domestic	1,220,700	$5,082	1,252,800	$5,271	1,166,000	$4,825
Military	1,307,200	4,932	1,347,200	4,997	1,202,000	4,480
Foreign assistance	48,500	212	48,500	212	35,000	160
Total	2,576,400	10,226	2,648,500	10,480	2,403,000	9,465
Foreign nationals [1]	280,060	177	126,058	103	99,800	84
Total	2,856,460	10,403	2,774,558	10,583	2,502,800	9,549

[1] Not included in budget prior to 1954.

Reductions in expenditures for new Federal real estate acquisition and public works construction are split about evenly between military and civilian projects. They total approximately a half billion dollars in each category.

No reductions are suggested which would impede efficient and economical construction of Air Force bases at home or abroad necessary to the defense effort.

The reductions do contemplate abandonment of all new nonessential civilian real estate acquisition and public-works construction.

RECEIPTS

In order to meet $71.8 billion in expenditures with the same amount of receipts it would be folly at this time to allow revenue reductions by default. It would be reckless to increase the deficit by still further revenue reductions as proposed in legislation now pending in Congress. No one has worked more than I to hold down taxes through reduction in expenditures. This has not been done. For years we have thrown to the winds Federal fiscal responsibility and economic management, and now the Government of the United States must meet its obligations and at the same time balance its budget. If austerity is required, then austerity it should be. The British and the Canadians have proved that budgets can be balanced and taxes reduced even in these critical years.

I do not propose additional taxes, but it is necessary to maintain the current rate of revenue until further expenditure reductions on the basis of a complete new appraisal can be made by the new administration. This will require immediate positive action by Congress. Such action will not be forthcoming without strong administration influence. Even this would produce tax revenue short of balanced budget requirements.

With this in view I have searched the financial reports of Government corporations and other business-type agencies, into which we previously have dumped billions of taxpayers' money, to determine whether they are now in a position to give up some of these funds in the form of additional miscellaneous receipts in the Treasury to offset deficit spending.

There is no doubt that at least $1 billion could be recaptured from them in the coming fiscal year to achieve a balanced budget in combination with maintaining other revenue and reducing expenditures.

Liquidation of the Reconstruction Finance Corporation, which I have proposed in a bill now pending in the Senate, would go a long way toward producing this billion dollars. This Corporation alone has assets totaling $1.3 billion. Disposal of some of its subsidiary plants is advocated by the President. Government corporations and business-type agencies have assets totaling $41 billion.

CONCLUSIONS

In the current circumstances vast expenditures for military preparedness are absolutely essential and I yield to no one in my desire for a strong national defense as invincible against the threat of Russian aggression as we can make it.

My record in the Senate as a member of the Senate Armed Services Committee is proof that throughout my service in Congress I have recognized the importance of making this country militarily strong and that I have done all I could to achieve this objective.

At the same time I have continuously urged the elimination of the terrible waste and inefficiency which has characterized the administration of our Military Establishment for years. But this waste and inefficiency still exists and, as the ammunition shortage investigation has proved, it is now so flagrant that drastic measures must be taken to nail down responsibility, eliminate red tape, and simplify procedure, and enforce efficiency. If this can be accomplished we shall have better defense at a reduction in cost which would run into billions of dollars.

I believe that all of the expenditure reductions I have proposed can be accomplished through efficiency, economy, and elimination of nonessentials; that at least $1 billion can be recovered from Government corporations and business-type agencies without disturbing necessary functions of government; that the people of this Nation are willing to have the current tax rates temporarily maintained to assure natural solvency; and that the Federal budget of the United States for fiscal year 1954 can be balanced.

Balancing the Federal budget is the foremost domestic problem of the Eisenhower administration and it is competent of fulfilling its promise to the Nation if it will act now with resolution and courage.

For the first time in many long years those advising the President are individuals successfully experienced in business and in progress through efficiency and economy. Above all, the President of the United States is pledged to a balanced budget, and I know he means it. To assist him in keeping this pledge he has enlisted the services of Mr. Joseph M. Dodge, a man preeminently qualified to direct the Federal budget, who has dedicated himself to this vital task.

To change Federal administration from unconscionable waste to frugality and efficiency is, of course, difficult. But it should challenge this administration, not discourage it.

It means ripping up profligate policies which have become ingrained and entrenched throughout the land in the so-called national economy. It necessarily will involve withdrawal of Federal support from those things which the people themselves properly should support without Washington meddling. We must not be deterred by the grumblings of a few. We must be encouraged by the knowledge that the people understand fiscal soundness is essential to their security.

The people know this, and they want the national solvency preserved. They have indicated this desire, not only in the presidential election but also in the Gallup and other polls which have developed overwhelming majorities for a balanced budget before tax reduction.

In addition to other recommendations, in the interest of sound fiscal policies and procedures, I would further propose:

1. The return to State and localities of Federal programs which properly should be administered and paid for by them; this subject has been referred by the President to a special commission for study;

2. Reevaluation, on the basis of thorough and complete review, of all of the obligations against unexpended balances, rescission of those which are not firm commitments for essential programs and projects, and the return, as nearly as possible, to a budget based on annual appropriations to meet annual expenditures;

3. Adoption by Congress of the so-called single appropriation bill procedure for enacting Federal appropriations, such as I have introduced in the Senate, whereby the country and the Congress may easily see appropriations as a whole, whereby Congress will regain control over Federal obligations, and under which current estimates of receipts would be set forth in appropriation bills along with appropriations to be enacted and commitments to be made; and

4. Congressional action authorizing the President to exercise the item veto against nonessential appropriations.

TITLE TO CERTAIN SUBMERGED LANDS

The Senate resumed the consideration of the joint resolution (S. J. Res. 13) to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, and to provide for the use and control of said lands and resources.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Illinois.

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

The yeas and nays were ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

Aiken	Green	McCarthy
Anderson	Griswold	McClellan
Barrett	Hayden	Millikin
Beall	Hendrickson	Monroney
Bennett	Hennings	Morse
Bricker	Hickenlooper	Mundt
Bridges	Hill	Murray
Bush	Hoey	Neely
Butler, Md.	Holland	Pastore
Butler, Nebr.	Humphrey	Payne
Byrd	Hunt	Potter
Capehart	Ives	Purtell
Carlson	Jackson	Robertson
Case	Jenner	Russell
Clements	Johnson, Colo.	Saltonstall
Cooper	Johnson, Tex.	Schoeppel
Cordon	Johnston, S. C.	Smathers
Daniel	Kefauver	Smith, Maine
Dirksen	Kennedy	Smith, N. J.
Douglas	Kilgore	Smith, N. C.
Duff	Knowland	Sparkman
Dworshak	Kuchel	Stennis
Ellender	Langer	Symington
Ferguson	Lehman	Taft
Flanders	Long	Tobey
Frear	Magnuson	Watkins
Fulbright	Malone	Welker
George	Mansfield	Williams
Gillette	Martin	Young
Goldwater	Maybank	
Gore	McCarran	

The PRESIDING OFFICER. A quorum is present. The question is on agreeing to the amendment of the Senator from Illinois [Mr. DOUGLAS].

Mr. HUMPHREY. Mr. President, I rise to discuss the amendment offered by the Senator from Illinois [Mr. DOUGLAS].

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

Mr. HUMPHREY. I yield to the Senator from Ohio, for a question only.

Mr. TAFT. Mr. President, merely for the information of the Senate, is it the intention of the Senator from Illinois and the Senator from Minnesota to seek a vote on the pending amendment this afternoon? Many Senators have asked me. They are anxious to be in committee, or are otherwise engaged. I am quite prepared to vote, but I did not know what the Senators had in mind.

Mr. HUMPHREY. I ask unanimous consent that the author of the amendment be permitted to reply. I assume, then, I would immediately resume my right to the floor.

The PRESIDING OFFICER. Without objection, the Senator from Minnesota may yield to the Senator from Illinois for the purpose of a reply, without losing the floor.

Mr. DOUGLAS. Mr. President, I hope we may proceed to vote very speedily on this amendment, after its contents are understood and have been discussed. It is neither the intention of the Senator from Illinois nor the intention of any one of us to delay action. We are ready to stay here all night long, and, if necessary, until 10 o'clock tomorrow morning, in order to present amendment after amendment. Mr. President, before the Senate votes to give away $300 billion, Senators had better know what they are doing; and they should also reduce the size of the giveaway, if possible.

The PRESIDING OFFICER. The Senator from Minnesota has the floor.

Mr. TAFT. Mr. President, as I understand the technique suggested by the distinguished Senator from Illinois, it is that he is going to present one amendment here after another, and ask for a vote on the various amendments. That is entirely agreeable to me. I have no intention whatever of moving to lay on the table an amendment I have not even seen and have been unable to read, up to the present moment. But I thoroughly approve, if the Senator wishes to present amendment after amendment, and to take vote after vote. That procedure is entirely agreeable to me, and Senators are advised that they had better be prepared for such votes from time to time. I may say my own intention is to have the Senate remain in session until about 10 o'clock, and then to recess for the night.

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

Mr. HUMPHREY. Mr. President, I ask unanimous consent that I may yield to the Senator from Oregon for a question, without prejudice to my right to the floor.

The PRESIDING OFFICER. Without objection, the Senator from Oregon may proceed.

Mr. MORSE. I desire to ask unanimous consent that I be allowed to make a half-minute statement, without in any way jeopardizing the rights of the Senator from Minnesota. I think the majority leader is entitled, in view of his comment, to have that half-minute statement from me.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Oregon?

Mr. HUMPHREY. I ask unanimous consent, Mr. President, that the Senator from Oregon be permitted to speak for 2 minutes, without my losing my right to the floor.

The PRESIDING OFFICER. Is there objection?

Mr. ROBERTSON. Reserving the right to object, in view of the fact that I have some constituents in my office, I would inquire how long, after the 2 minutes allotted to the Senator from Oregon, the Senator from Minnesota intends to speak.

Mr. HUMPHREY. Not too long, I may say. I have no prepared script.

Mr. ROBERTSON. Would the Senator say that would be about 2 or 3 hours?

Mr. HUMPHREY. Oh, less than that, I would say. I think the Senator from Virginia will be able to see his constituents and to entertain them with good southern hospitality.

Mr. ROBERTSON. I understand from the Senator from Illinois that the votes are to be merely a part of an educational process, a process which has already lasted a little more than 3 weeks. I did not know how much we were going to be educated on this new basis.

Mr. HUMPHREY. I may say to the Senator from Virginia that we are trying to ascertain, in view of the arithmetical proportions which the majority leader gave us a while ago as to the number of words which have been spoken, how much a word will cost in terms of the great giveaway which is sought to be consummated here. It will require a little time.

Mr. ROBERTSON. The Senator from Virginia is becoming somewhat disturbed by the reiteration of the statement that $300 billion is going to be given away. If repeated often enough, someone is going to believe it.

Mr. HUMPHREY. There is a possibility of that.

The PRESIDING OFFICER. Is there objection to the unanimous consent request of the Senator from Minnesota? The Chair hears none. The Chair recognizes the Senator from Oregon, under the request.

Mr. MORSE. Mr. President, I will not need 2 minutes. I think the Senator from Minnesota is quite correct. We have before us now a very long and complicated amendment. We need time to study it. I do not see how we can possibly get to a vote on it by 10 o'clock tonight. It needs to be discussed, and I think the discussion will take until 10 o'clock tonight, so that we will have the amendment in condition to enable us to know whether we want to vote on it tomorrow. I would not want to give the impression that we are going to have an early vote on the amendment, this evening, because we can very well discuss it until 10 o'clock.

Mr. MAYBANK. Mr. President, will the Senator from Minnesota yield for a question?

Mr. HUMPHREY. I yield for a question.

Mr. MAYBANK. Do I correctly understand that we will not reach a vote tonight?

Mr. HUMPHREY. I would not want to make a prediction as to what the Senate is going to do.

Mr. MAYBANK. I was asking for the Senator's understanding.

Mr. HUMPHREY. I want to be most courteous and charitable to the Senator from South Carolina, who is a man whom I very much admire.

Mr. MAYBANK. I also have some constituents awaiting me.

Mr. HUMPHREY. I would say to the Senator that he will have plenty of time to talk with his constituents.

Mr. MAYBANK. And then come back?

Mr. HUMPHREY. Yes. I cannot predict what other Senators are going to do. I do not intend to discuss the amendment until 10 o'clock, but I do intend to discuss the amendment of the Senator from Illinois.

As I understand it, it will leave the 3-mile limit originally applied in the territorial seas under the jurisdiction of the respective States, but all areas beyond the 3-mile limit, generally known as the Continental Shelf, will be under the complete authority, ownership, and jurisdiction of the Federal Government, and all royalties, bonuses, or revenues thereof——

The PRESIDING OFFICER. Will the Senator from Minnesota please suspend until we have order in the Senate? Let there be order.

Mr. HUMPHREY. Mr. President, I was saying that all royalties, revenues, and bonuses will be within the jurisdiction of the Federal Government. In other words, those revenues will be dedicated to a trust fund as outlined under the general purview and purposes of the Hill amendment.

So, Mr. President, what we have before us in the Douglas amendment is a recognition of the 3-mile limit as being under the title and ownership of the respective States, and the Continental Shelf as being under the complete jurisdiction, ownership, and control of the Federal Government.

The provision referring to the Continental Shelf, Mr. President, is what the Attorney General asked to have included in the measure, but it was not included. The Attorney General asked for specific, precise, and unmistakable language as to the rights and prerogatives of the Federal Government in what is known as the Continental Shelf, or beyond the 3-mile limit.

I want to make it crystal clear, also, Mr. President, that the Douglas amendment does not recognize the alleged historic boundaries of Texas and Florida. It does not include 3 leagues. It limits itself to 3 miles.

That is a very definite point of difference between many of us in the Senate. There are those who believe that the so-called historic boundaries should be fully recognized and accepted. There are others who believe that the 3-mile limit is the most that any State could possibly claim under the law. There are still others of us who believe that the 3-mile limit is under control of the Federal Government.

Mr. President, it is my intention during the period of my discussion of the amendment to analyze some of the debate which has taken place this afternoon and to direct it to the objectives which have been outlined by the Senator from Illinois.

First of all, I was very much surprised at the debate this afternoon by the majority leader. I listened attentively as the majority leader replied to our distinguished colleague from New Mexico [Mr. ANDERSON]. I have great regard for the majority leader as a lawyer, and I regret to say—and I say it in all respect for his attributes, his qualities, his integrity, and his knowledge of the law—that the majority leader either has not studied the measure and what it indicates and what it provides for within its confines, or, if he has studied it, he has not studied the law which pertains to legislation concerning submerged lands or court decisions concerning submerged lands. He made very sweeping statements. He talked about confirming the rights of the States in the areas of submerged lands. He talked about the fact that there are a number of Supreme Court cases which indicate beyond all doubt that the States do have rights in the submerged lands under the sea. He said that had been a continuing doctrine of the Supreme Court, and he said it was a decision of the Supreme Court in 1907 that overruled the decisions of prior years.

Mr. FULBRIGHT. Mr. President, will the Senator from Minnesota yield for a question?

Mr. HUMPHREY. I yield for a question.

Mr. FULBRIGHT. Is the Senator from Minnesota aware of the fact that the majority leader used the expression "navigable waters" to mean any navigable waters, which could extend all the way to Europe?

Mr. HUMPHREY. I think the Senator from Arkansas is correct. The Senator from Ohio used the terms "submerged lands" and "navigable waters," indicating that the term "navigable waters" is synonymous with the term "territorial seas"; that the term "submerged lands" is identical with and analogous to submerged lands under the territorial seas.

One who has studied the court decisions, legal precedents, and the history of our Nation knows that that is not true.

Mr. FULBRIGHT. Mr. President, will the Senator from Minnesota yield for another question?

Mr. HUMPHREY. I yield for a question.

Mr. FULBRIGHT. Is it not true that to use the language "navigable waters" without any regard whatever to the 3-mile limit, which has been the historic boundary from the days of Thomas Jefferson, if not before, would leave the proposed legislation wide open, and would indicate that the majority leader approves of that situation?

Mr. HUMPHREY. That would be my general understanding. What is more, Mr. President, it is my intention, as soon as some of my documentation arrives which I worked out some time ago, to discuss the majority leader's analysis of the history of the 3-mile limit and its application to States and to show that his analysis was based on either a figment of the imagination or on prejudice, because when he used the words interchangeably in the same paragraph and quoted from great international jurists, he knew the word "states" referred to nation states and did not refer to provinces or States as we know them within the Union.

Mr. President, I am shocked, amazed, and alarmed that the majority leader should know no more about the system of our Government than to make the statements which he made. In all my life I never heard a worse argument. I have never heard one versed in the law who so completely confused the issues. I sat here in amazement and wondered as I listened to one of the distinguished law-

yers of the country recite not the law but give a political speech, a continuation of a campaign. We are not talking about an election and we are not saying to the Supreme Court that it should listen to the result of an election. If the courts of the United States are to listen to the results of elections, then I fear that justice as America knows it is through. The courts are supposed to be above elections; they are not supposed to be listening to the results of the ballot box. When I heard the Senator from Ohio say that this question had been settled in the election, it amounted, in my opinion, to a denial of justice, because one of the reasons for a judicial system is to protect the rights of the people. One of the reasons for a judicial system such as we have is to see that justice prevails and not simply that election results prevail.

I was amazed to observe the kind of doctrine being enunciated in the United States Senate as justification for the passage of the joint resolution. It is my intention to go through the majority leader's speech word by word. I shall not indulge in fiction, nor shall I indulge in legend or myth. I shall state the law and the cases. I shall recite from the record of international law. I shall submit to the majority leader for his study—and I submit they need some study—the facts in relation to the equal-footing clause.

For example, I remember the majority leader said that the resolution of admission of Texas gave Texas some special rights. It did not. The Senator from Illinois discussed, hour upon hour, the resolution of admission of Texas. The Senator from Illinois pointed out that the resolution of admission of Texas permitted Texas to enter the Union on an equal footing with the original 13 States.

I was amazed also to hear the Senator from Ohio state that the Thirteen Original States had the 3-mile limit. Has he not read Justice Story's Commentaries? Has he not read the decision of Justice Sutherland in the case of United States against Curtiss-Wright? What kind of law is it the majority leader recites? It was not law; it was nothing more than politics which I heard from the majority leader this afternoon. As a lawyer, he knows that Justice Story's Commentaries on the Constitution gives not one bit of backing to the claim he made on the floor of the Senate.

Furthermore, he knows that the leading case on the subject of the great sovereign power of the Federal Republic, United States against Curtiss Wright, vests in the sovereign absolute sovereignty, so far as foreign affairs are concerned, and so far as activities upon the seas are concerned. The sovereignty is not in the States, but it is in the Nation.

What is more, the Senator from Ohio knows that, according to great international jurists and historians, the States at the time of the Continental Congress did not come into the Federation of States separately. They came in, as Justice Story said, as a whole, as an entirety, or as an entity, and that the Continental Congress from its very beginning proclaimed sovereignty as the chief body of government over "these United States."

The Declaration of Independence proclaims "these United States."

The United States is an entity, a whole, an entirety, as a concept of sovereign power.

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

Mr. HUMPHREY. I yield for a question.

Mr. LONG. Is the Senator from Minnesota aware of the fact that when the Constitution was adopted, Rhode Island by almost a year was the last State to ratify the Constitution and that Congress in the meantime passed a law to permit Rhode Island to bring its goods duty free into the United States for a limited period of time, with the understanding that that law would expire, and that thereafter Rhode Island would be treated as a foreign power, unless Rhode Island decided she wanted to join the Union?

Mr. HUMPHREY. I am aware of the fact. I am also aware of the fact that Rhode Island came into the Union on an equal footing with the Thirteen Original States.

Since apparently very few Senators heard my original statement, I shall again review the whole background of equal footing from the time of the constitutional convention up to the present day.

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

Mr. HUMPHREY. I yield for a question.

Mr. LONG. Then I take it that the Senator, if not agreeing with those facts, does not believe Rhode Island was an independent nation until she decided she was going to join the United States of America?

Mr. HUMPHREY. Rhode Island was never recognized as an independent nation. She was recognized as one of the members of the Continental Congress and recognized as one of the members of the Confederation under the Articles of Confederation. When Rhode Island came into the Union in 1790, one year after the 12th State to ratify the Constitution, she was required, under the Constitution, to come in with no more rights, privileges, or opportunities than were accorded any other State of the Union. She came into the Union on an equal footing. Rhode Island was never recognized by any of the nations on earth as a sovereign nation. She never proclaimed her independence; she never proclaimed that she had sovereign power; she never insisted on the exchange of ambassadors.

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

Mr. HUMPHREY. I yield for a question.

Mr. LONG. In the course of the Senator's argument, will he be so kind as to refer to the tenth amendment of the United States Constitution and to the second article of the Articles of Confederation?

Mr. HUMPHREY. I shall refer to the tenth amendment of the Constitution, commonly known as the great Federal system amendment. I do not recall the exact words, but, in effect, it provides that all powers not herein delegated to the National, or Federal, Government, are reserved to the States and the people thereof. That is what the great tenth amendment to the Constitution provides.

However, when I read from the Federalist Papers of Alexander Hamilton, I pointed out that article III, section 2, of the Constitution, which creates the original jurisdiction of the Supreme Court, when it relates to cases between the States and the Federal Government, was the article and was the provision which set up a judiciary to protect the integrity of the Federal system, to see to it that such matters did not become political questions, but that they became matters which were subject to adjudication in court.

As Alexander Hamilton pointed out, the great power struggle continued among the States during the period of the Revolutionary War, and during the time of the Articles of Confederation. The purpose of the Constitution was to put an end to the power struggle and to grant equal rights and privileges to the States and the Federal Government by the establishment of a Federal judiciary, with original jurisdiction vested in a Supreme Court to protect the integrity of the Federal Government.

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

Mr. HUMPHREY. I yield for a question.

Mr. LONG. The language of the 10th amendment to the Constitution reads:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

In light of that language, how does the Senator argue that the Federal Government has powers other than those which were delegated by the Constitution?

Mr. HUMPHREY. I shall tell the Senator why. It is by reason of the fact that the Government of the United States is a sovereign power, as I believe Justice Sutherland pointed out. I shall have my cases here in a moment. Justice Sutherland pointed out that even had there been no Constitution, even had there been no Declaration of Independence, the fact that there was an intention of action carried with it attributes of sovereignty, carried with it sovereign power, which was not at any time ever to be deeded away or given away, insofar as the foreign relations, the carrying on of war, the power to negotiate treaties, to conduct business, and to have jurisdiction over the general territorial security of the United States, were concerned. That was the purpose of establishing the 3-mile limit.

Mr. DOUGLAS and Mr. STENNIS addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Minnesota yield; and, if so, to whom?

Mr. HUMPHREY. I yield first to the Senator from Illinois.

Mr. DOUGLAS. Is it not true that whatever may be the argument concerning control over the waters inside the 3-mile limit, beyond the 3-mile limit is the international domain, where individual States do not have the power to deal with foreign nations, but where only the United States, as such, can deal with foreign nations?

Mr. HUMPHREY. The Senator is correct. That was one of the main purposes of the Constitution. We know that at the time of the Annapolis convention and the Mount Vernon conference, prior to the meeting in Philadelphia for the purpose of holding a constitutional convention, the separate States were beginning to make separate deals with foreign powers. We know that there were trade wars among the States. Tariff barriers were being established. What does the Constitution do, above all things? It establishes the dominant jurisdiction of the Central Government, the Federal Government, insofar as interstate commerce is concerned, and it proclaims the jurisdiction of the Federal Government insofar as the negotiation of treaties and, as we generally term it, the conduct of our foreign affairs, are concerned.

Mr. President, I shall point out, now that I have my documentation before me, that there is no Member of the Senate, nor is there any jurist of any credibility, who has ever denied that this country is a nation; that it has what are known as sovereign powers insofar as external matters are concerned.

It is always questionable if any power has jurisdiction over the seas, but if any power has, it is the Federal Government, or the Central Government, which represents the entire Nation; it is not its separate parts.

Mr. STENNIS. Mr. President, will the Senator from Minnesota yield?

Mr. HUMPHREY. I now yield to the Senator from Mississippi.

Mr. STENNIS. Does the Senator mean to argue that there is a law superior to the Constitution of the United States, even in connection with the power of the United States as a sovereign?

Does not the Senator know that there is an early case in the Supreme Court of the United States in which it was expressly held, in answer to an argument similar to that advanced by the Senator from Minnesota, that there was no superior law?

Mr. HUMPHREY. I did not say to my good friend from Mississippi that there was any superior law. What the Senator from Minnesota was discussing was the philosophical or legal basis of what we call sovereign power so far as external matters are concerned. What do we mean by sovereign power? What is the concept of sovereignty of a central government? Great jurists and international lawyers have said that even if it were never mentioned in the Constitution, the fact is that a nation does have sovereign power, so far as the law between the nations is concerned.

Mr. STENNIS. If the Senator will yield further, perhaps that would be covered by the established clauses in the Constitution with relation to implied powers.

Mr. MORSE. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. MORSE. I ask if the Senator from Mississippi is asking a question or making a comment.

Mr. STENNIS. I intend to ask a question. The Senator yielded only for a question.

Mr. HUMPHREY. That is correct.

Mr. STENNIS. The Senator does not make the argument, then, that there is a superior law, or that there are superior powers, over and beyond the Constitution of the United States?

Mr. HUMPHREY. That is correct.

Mr. STENNIS. If the Senator does not make such an argument, I will not challenge him.

Mr. HUMPHREY. I thank the Senator from Mississippi. The Senator from Minnesota was trying to trace—and I shall do it in a moment—what he considered to be the concept of sovereignty and sovereign power which the Federal Government exercises in the territorial and marginal seas.

I have before me some of the remarks made this afternoon by the majority leader. I note first of all that the majority leader attributes to those of us who oppose Senate Joint Resolution 13 900,000 words. He says that is the approximate number of words spoken up to Friday night, and represents the equivalent of the contents of six books of substantial size. He goes on to say that 150,000 words are usually considered to represent a pretty good sized book. He also makes note of the fact that those who have supported Senate Joint Resolution 13 have spoken 190,526 words.

Let me correct the RECORD by pointing out that those who oppose the joint resolution have spoken 708,855 words. What that means, I do not know, except to say that someone has apparently spent the money of the Government and taken the time to count the number of words spoken. If that is supposed to be a germane argument as to the merits of the respective cases, I fail to see it.

The truth is that not enough words have been spoken on this subject, because if enough words had been spoken on the subject, knowing that the Members who constitute the Senate are persons of reason, persons who will listen and make decisions on the basis of facts, I know that if the facts were presented to all the Members of the Senate, there is no doubt in my mind that those facts would lead to the conclusion that, at the very minimum, our decision should be in favor of the Douglas amendment. Basically the Anderson amendment is what our position should be.

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

Mr. HUMPHREY. I yield for a question.

Mr. FULBRIGHT. Does not the Senator think it would be fair to include in the words spoken by the proponents of the joint resolution all the words spoken during the last political campaign? They were the words which really carried weight.

Mr. HUMPHREY. Not only were they words which carried weight, but they were words which were carried over nationwide television shows. They were words which were carried over the radio. They were words which were carried in the press of the country. They were words which had been repeated during the previous 7, 8, or 9 years. They were words which had been editorialized, words which had been used in journalistic media, in radio, and in television. They were words which had been used in person-to-person, and organization-to-organization campaigns of propaganda.

Mr. FULBRIGHT. Would not the Senator agree, if it is significant, that on balance he would estimate that certainly more words had been spoken in favor of the joint resolution, to confuse the public, than had been spoken here in explanation of it?

Mr. HUMPHREY. I should say that is correct. I point out to the Senator from Arkansas that little or nothing was printed about this great issue until charges were made of filibustering in the Senate. I thank the majority leader for making the charge, because once he charged us with filibustering, then, at least, something appeared in the newspapers. Finally the people heard that something was going on. This has been the biggest hush-hush project in Washington. Talk about the Iron Curtain. What about the paper curtain, which kept the news away from the American people, news that something was happening down here which would fundamentally alter the American policy which has been followed over the past 175 years?

According to the State Department, when we alter the 3-mile limit we alter a basic policy of the Government of the United States. When we extent the boundaries of this country beyond 3 miles, according to the State Department, we are involving the Government of the United States in great international troubles and difficulties.

Let us see what else has been said here. The majority leader went on to chastise us for having taken so much time to speak so many words. Let me chastise the majority leader for being a party to a policy and a program for giving away the birthright of the American people today, and of unborn generations of Americans. What we are talking about here is not how many words have been spoken, but how many billions of dollars of natural resources are to be turned over to a handful of people, as compared with 160 million American people. The majority leader can talk all day and all night about how many words were spoken, but he is not going to hush anyone until we make it crystal clear that the burden for the responsibility of turning over these fabulous resources of the submerged lands rests squarely on the back of the majority leader and those who follow him.

Make no mistake about it. I have just returned from a 2-day visit to my home State. I regret that I must remain here tonight. Tonight I should be present at a gathering where 1,500 parents and teachers are meeting, in a suburb of the city of Minneapolis. I was ready to board a plane at 5 o'clock, and canceled my reservation at the last minute, because I felt that my responsibility was

here. A minimum of 1,500 people are meeting in that community tonight. I was told that 2,500 would be present, but I cut it down to 1,500 to be safe, and on the conservative side.

For what purpose are they meeting? They are there to support the Hill amendment, upon which we never had a chance to vote in the Senate, because of a clever parliamentary maneuver.

Cleverness may have its place in parliamentary halls but the American people are not asking for cuteness and cleverness. They are asking today for forthright decisions.

I submit that what the American people want today is a crusade. That was what we were told. This is a fine crusade. This crusade stopped dead short when it reached the Senate. We never even had an opportunity to vote upon an issue which some of us thought represented a crusade—funds for education for American children.

I am very much perturbed. The budget of the Office of Education comes to us with no money in it for school construction. Yet the state-of-the-Union message talked about the importance of school construction. Here is an amendment which would provide large sums of money for school construction, and we are not even permitted to vote on it. We are told that we cannot vote upon it because the rules make it possible to evade a vote.

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

Mr. HUMPHREY. I yield for a question only.

Mr. LONG. Does not the Senator realize that the Senator from New Mexico [Mr. ANDERSON] accepted the Hill amendment to the Anderson amendment prior to the time the vote occurred, and that therefore the vote on the Anderson amendment included the Hill amendment?

Mr. HUMPHREY. I realize exactly what the Senator from New Mexico did. He did it just about as willingly as someone behind the iron curtain signs a confession. What choice did he have? He was told that that was it. He was told that, whether he liked it or not, that was the way it was going to be done. He was told, "We are not going to vote on the Hill amendment." That is what the Senator from Alabama was told repeatedly this afternoon. He was told, "If you want a vote on the Hill amendment, put it in with the Anderson amendment."

There were Senators who did not go all the way down the line with the Anderson amendment. There were some who did not like every aspect of the Hill amendment. So we bundled them together in one package, and were told "Now vote." I submit that although that may be legal, and many things are legal——

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

Mr. HUMPHREY. I shall be glad to yield in a moment.

What is legal is what the law says is legal, but that does not necessarily mean that it is ethical, and it does not necessarily mean that that is the way we ought to conduct the business of the Senate. I say that if the administration is to be moved by a great desire for a crusade, the best place to start it is right here in the legislative chambers.

We did not do much crusading this afternoon. I yield to the Senator from Florida.

Mr. HOLLAND. Is it not absolutely correct to say that if the Hill amendment had been adopted by a separate vote and made a part of the Anderson substitute, rather than made a part of it by the act of the Senator from New Mexico himself in accepting it, the next vote would have been a vote on the Anderson amendment, as amended, by the addition of the Hill amendment?

Mr. HUMPHREY. The Senator is right.

Mr. HOLLAND. Will the Senator yield further?

Mr. HUMPHREY. I yield.

Mr. HOLLAND. Then the fact of the matter is that the vote we have just had is a vote which we would have reached after a separate expression on the Hill amendment, which was made unnecessary by the acceptance of the Hill amendment by the Senator from New Mexico [Mr. ANDERSON] as a modification of his own substitute is that correct?

Mr. HUMPHREY. No; that is not right. I may say to my friend the Senator from Florida that he may have added it up arithmetically and statistically and on the basis of logic, and thus made it seem right. It seems to me that the psychological significance of having a separate vote on the Hill amendment was very important. There are a number of Senators who would have liked to vote on the Hill amendment, because they would have had an opportunity to cast a vote for the principle of dedicating funds derived from natural resources to education throughout the 48 States.

It was an issue on its own. It was an issue that had been brought to the attention of the American people. It is an issue that was discussed over the radio, in the press, in pamphlets, and in magazines. But we never had a chance to vote on it.

Perhaps the vote would not have been much different, but in view of the strength revealed by the test vote—and apparently that strength was known by the majority leader before the vote, because he knew the amendment would be defeated—the least that we should have done was to proceed in an orderly manner.

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

Mr. HUMPHREY. I yield.

Mr. LONG. Does not the Senator from Minnesota realize that he would have had an opportunity to vote on the Hill amendment exactly the way he wanted to vote on it, if he and the other proponents of the Hill amendment had stopped talking at any time within the past 2 weeks?

Mr. HUMPHREY. There was no unanimous-consent agreement arrived at to the effect that we would vote at 3 o'clock today. There was a sort of gentlemen's understanding that we would possibly get around to voting at 3 o'clock. But I could not keep up with the majority leader. He kept changing the date for voting, and it was impossible to know on what day we would vote.

Mr. DOUGLAS. Mr. President, will the Senator from Minnesota yield for a question?

Mr. HUMPHREY. I yield.

Mr. DOUGLAS. Is it not true that, although the majority leader kept altering the date when he would make the motion to table, from the beginning he made it clear that he was going to move to table the Anderson amendment?

Mr. HUMPHREY. That is correct.

Mr. DOUGLAS. Does it not also follow, therefore, that no matter when we had finished the discussion the vote would always have been on the Anderson amendment, just as it was?

Mr. HUMPHREY. That is right.

Mr. DOUGLAS. Is it not further true the reason why the Senator from Ohio refused to make a motion earlier was because he did not have his full strength on the floor?

Mr. HUMPHREY. I do not believe there can be much doubt about that.

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

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

Mr. LONG. If the time was more to the advantage of the opponents of the joint resolution and proponents of the Hill amendment to vote immediately, why did they not stop talking, so we could have voted at a time when they had more of their adherents on the floor and fewer of the opponents of the Hill amendment?

Mr. HUMPHREY. In reply to the Senator from Louisiana asking why, I will say it is because we thought we were proceeding in an orderly manner. The pending amendment was the Hill amendment.

Generally, when an amendment is pending, the Senate can depend that a vote will first be taken on it. I am not saying that what was done was not legal. It was certainly within the rules of the Senate. I wish to say merely that there were a number of us who wanted to vote on the Hill amendment, and I submit that we did not have a chance to vote on the Hill amendment. We voted on the Anderson amendment plus the Hill amendment, which surely is not voting on just the Hill amendment.

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

Mr. HUMPHREY. I yield to the Senator from New York.

Mr. LEHMAN. Is it not a fact that many of us rose and appealed directly to the majority leader for a separate vote on the 2 amendments, and we were repulsed, even though it was perfectly clear that there were in excess of 32 or 33 Senators who wished the 2 amendments to be voted on separately?

Mr. HUMPHREY. The Senator from New York is correct. The issue was very sharply and clearly stated by the Senator from Alabama [Mr. HILL] to the majority leader. I was present during the colloquy. I made the parliamentary inquiry as to what was the pending question, and the Vice President replied to the Senator from Minnesota that the

pending question was on the Hill amendment. In my rather naive understanding, I accepted the fact that the pending amendment was the Hill amendment and that that would be the amendment to be acted on.

Of course, there are rules and there are "gimmicks," and I submit that the majority leader knows the rules, and knows them well. Therefore, he proceeded to move to table the Anderson amendment, to which the Hill amendment was to be affixed.

Mr. LEHMAN. Mr. President, will the Senator from Minnesota yield further?

Mr. HUMPHREY. I yield.

Mr. LEHMAN. Does not the Senator from Minnesota agree with the Senator from New York that it is a most unusual proceeding in the Senate to kill a child amendment by killing the parent amendment?

Mr. HUMPHREY. It is certainly most unusual. I suppose it has been done before. However, in this particular instance, we should have expected, since the Hill amendment had been the subject of such lengthy discussion, that we would have an opportunity to vote on it.

Mr. LEHMAN. I wonder whether the Senator from Minnesota is aware of the fact that a study of the procedure, conducted by a man in whom I have the greatest confidence, discloses that the latest time in which the device was used was in 1890—63 years ago?

Mr. HUMPHREY. I am not familiar with that fact. If that is the case, I am pleased to have the information in the RECORD. I am saying that, on the basis of the rules, the majority leader has complied with the rules. The rules provide many opportunities for parliamentary strategy and tactics.

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

Mr. HUMPHREY. However, on the basis of what I considered to be sound performance—I mean by that an opportunity to give the Senate a chance to vote on each amendment—it was unfortunate that the majority leader insisted upon combining the Anderson and Hill amendments.

I now yield to the Senator from Florida.

Mr. HOLLAND. Is it not true that the majority leader, as a matter of complete candor, a few days ago, about the middle of last week, informed the Senate that he proposed to make a motion to lay on the table the Anderson substitute, and that at the same time he gave the notice he stated that of course the Senator from Alabama could withdraw his amendment if he wanted to do so, or the Senator from New Mexico could adopt the Hill amendment, if he wanted to do so, and that he had no objection to either course being followed?

Mr. HUMPHREY. I must say it was very gracious of him.

Mr. HOLLAND. Did he not give complete and frank notice as to what he intended to do days ago, for the information of the Senate and the public, and is it not a fact that such information was known to the Senator from Minnesota?

Mr. HUMPHREY. I want to say that the explanation undoubtedly complies with what is contained in the RECORD. Is it not generous of the majority leader to say, "You can always withdraw the amendment"? We do not have to be reminded of it. We know it. But was it not generous of him to say that we would vote on the Anderson substitute? I am saying that the pending business before the Senate was the Hill amendment. I submit that under the rules of the game it would be ordinarily accepted that we were to vote on the pending business, whether it was by voice vote, or division, or rollcall.

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

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

Mr. DANIEL. The Senator from Texas is not as familiar with the rules of the Senate as is the Senator from Minnesota. However, would it not have been possible for the Senator from Minnesota to obtain a vote on the Hill amendment at any time before the motion to table was made today, if the proponents of the Hill amendment had been willing to stop talking and have a vote?

Mr. HUMPHREY. Apparently it was not possible, because the majority leader insisted all the way through that he was going to do what he did do.

Mr. DANIEL. Does not the Senator from Minnesota recall that the majority leader gave notice that he was going to make a motion to lay the Anderson substitute on the table, and that it would automatically carry with it the Hill amendment, unless the Hill amendment had been voted on before Monday?

Mr. HUMPHREY. Before Monday?

Mr. DANIEL. Before Monday. Before today.

Mr. HUMPHREY. Yes. I may say to the Senator that there was no unanimous-consent agreement about any of this. The majority leader announced what he did. As a matter of fact, we could have prevented the majority leader from making his motion today if we wanted to do so. Let us face the issue. The majority leader merely stated that we were going to vote today at 3 o'clock. He did not get a unanimous-consent agreement to that effect. What he got was the respect and confidence of those of us who are in opposition to the joint resolution, to the effect that when the hour of 3 o'clock came, we were prepared to vote. However, had we known that we would not be able to vote on the Hill amendment, there would have been a different attitude shown on our part. No one was of the opinion that we could not vote on the Hill amendment.

Mr. FERGUSON. Mr. President, will the Senator from Minnesota yield?

Mr. HUMPHREY. I yield for a question.

Mr. FERGUSON. Why does the Senator now say that the Senators who voted as they did on the amendment did not know that they were not going to be able to vote on the Hill amendment, when it was stated last week that the motion to table would be with reference to the Anderson amendment, and that under the rule it would carry the Hill amendment with it? Why does the Senator from Minnesota say that he did not know that he would not get an opportunity to vote on the Hill amendment?

Mr. HUMPHREY. Let me say to the Senator from Michigan that I can only speak for what I know myself.

Mr. FERGUSON. But the Senator from Minnesota is speaking for other Senators.

Mr. HUMPHREY. Let me say to the Senator from Michigan that I can speak only for what I myself know. I did not know that I was not going to have an opportunity to vote on the Hill amendment. It was for that reason that I returned here today and left an engagement that I was supposed to fulfill.

The Senator from Michigan may be able to read the minds of some persons, but he cannot read my mind.

Mr. FERGUSON. I appreciate that, and I would not attempt to read the mind of the Senator from Minnesota.

Mr. HUMPHREY. Mr. President, the Senator from Michigan is out of order. Does he wish to ask a question?

Mr. FERGUSON. Yes. Will the Senator from Minnesota yield?

Mr. HUMPHREY. I yield for a question.

Mr. FERGUSON. Did not the Senator from Minnesota say that "we"—referring to those who were voting with him—did not know they were not going to be able to vote on the Hill amendment?

Mr. HUMPHREY. That is what I assumed from my conversation with my colleagues. But, speaking precisely and definitely, I can only say what was definitely in my own mind. I asked the question today because I wanted to know why we were being denied the opportunity to vote on that amendment—not that it is a fundamental issue.

Mr. FERGUSON. Mr. President, will the Senator from Minnesota yield further to me?

Mr. HUMPHREY. I yield.

Mr. FERGUSON. When did the Senator from Minnesota first know there would be a motion to lay on the table the Anderson amendment in the nature of a substitute?

Mr. HUMPHREY. I heard about it a week ago, but the time stated kept being changed. The majority leader gave us several notices about it, but finally he said the vote would be taken on Monday, about 3 o'clock. However, that was no assurance that we would vote then, because last week the majority leader said we would vote on Friday, but we did not; he changed his mind.

Mr. FERGUSON. That being true, if the Senator from Minnesota did not know the rule of the Senate, it would have been an easy matter, would it not, for him to have inquired from the Parliamentarian as to whether a vote on the Anderson amendment carried with it the Hill amendment?

Mr. HUMPHREY. That is exactly what I was trying to find out earlier this afternoon.

Mr. President, I may not be an expert on the rules of the Senate, but I wish to say that I look like a flaming genius on the rules, as compared with the knowledge of the law that the majority leader revealed this afternoon when he discussed this case; and I am about to explain why.

Let us see what the majority leader had to say.

His first comments were directed toward the extensiveness of the debate; and with accuracy he tabulated the number of words which had been spoken—as if that matter were of any relevancy to the merits of the issue that is the subject of the debate.

Then the majority leader said:

> The Anderson amendment admits title of the Great Lakes States to approximately 38 million acres of land lying in the Great Lakes well beyond the 3-mile limit.

Mr. President, all the Anderson amendment does is to confirm what the Supreme Court has already ruled. The Holland joint resolution confirms the ownership on the part of the Great Lakes States to the land under the Great Lakes.

So I do not see that that is a very positive statement on the part of the majority leader, except that it was said positively—as if, somehow or another, that meant that some persons were getting better things out of life than others were.

I repeat that all the amendments did—namely, the sections pertaining to the Great Lakes and to the submerged lands thereunder—was to attempt to write into statutory law what has been decided upon by court law, which is not an unusual practice.

Then the majority leader referred to the Anderson amendment and said:

> It also acknowledges title in the inland States to 27 million acres lying under inland waters.

That is right, Mr. President; and that is what the Supreme Court decisions have done throughout the years, beginning in 1845, if I correctly recall the date. I think there have been approximately 50 decisions to that effect, and they have not departed from the general theme or the central core of the law, to the effect that the States have title to the lands under the inland waters and under the waters of the lakes, and, likewise, to the land under the rivers.

As the Senator from Illinois pointed out, the Illinois Central case is the key case so far as the Great Lakes are concerned. In that case the State of Illinois was told that not only did it have title but it was a trustee, and could not divest itself of that trust.

So the majority leader was not giving anyone any news; what he said then was just about as new as Ben Franklin's almanac.

Then the majority leader pointed out that the Anderson amendment "provides that the 17 million acres along the coast within the 3-mile limit shall go to the Federal Government, not to the States."

Then the majority leader stated:

> It does not seem to me to be very fair treatment.

Mr. President, that statement was not germane to the issue. The land within the States is recognized as belonging to the States. It has been recognized as belonging to the States ever since the beginning of our Republic. But the lands under the waters outside the States have never been recognized as belonging to the States. Those lands have been recognized as being under Federal jurisdiction; at least, the lands beneath the territorial waters have been proclaimed as being under Federal jurisdiction. Of course, the documentation on this point has been cited in the extensive debate.

Perhaps if the majority leader had listened to the extensive debate, he would not have made his speech.

Then the majority leader said:

> Of course, I recognize the inducement that is made to those of us who come from the Great Lakes States. However, I do not understand how that in any way affects the basic principles upon which we should base our decision.

Neither do I, Mr. President, because the issue relating to the Great Lakes States is a separate issue. The Court has ruled on it separately, and has ruled that the Great Lakes are inland seas. Of course the Court has ruled that the Great Lakes have the characteristics of open seas, but the Court has ruled that they are inland seas.

As I pointed out the other day, monkeys have some of the characteristics of people, but that does not make monkeys people. Similarly, the references, in connection with this issue, to the fact that the Great Lakes have the characteristics of open seas, does not make those lakes open seas.

Mr. DOUGLAS. Mr. President, will the Senator from Minnesota yield to me?

Mr. HUMPHREY. I yield.

Mr. DOUGLAS. Is it not true that a case cited by the very able junior Senator from Texas [Mr. DANIEL], namely, the Rodgers case, which he cited in support of his contention that the Great Lakes are open seas, was an admiralty case which has nothing whatever to do with the question of submerged lands?

Mr. HUMPHREY. That is correct. I recall that we discussed that point at some length, at the time when the Senator from Illinois presented his affirmative case in behalf of the Anderson amendment and the Hill amendment.

Later on, at the time of my discussion of the inland waters and the Great Lakes, in particular, that case was again brought up, for further discussion.

Of course, I acknowledge that all this material is in the RECORD. It is a matter of common knowledge; it is a matter of law. It is difficult for me to understand how the majority leader can say that the Supreme Court has been right for 100 years—that is what he said; he said the Supreme Court had made during the past 100 years the many, many decisions to which reference has been made, but that the Supreme Court has been wrong since 1947.

Mr. DOUGLAS. Mr. President, will the Senator from Minnesota yield further to me?

Mr. HUMPHREY. I yield.

Mr. DOUGLAS. Is it not true that in 1947 the Supreme Court for the first time faced the question of the ownership of the submerged lands seaward from the low-water mark, and that the California case was completely distinct and different from all the other 50-some cases which had related either to the tidelands proper or to the submerged lands under inland waters?

Mr. HUMPHREY. That is exactly correct, and I thank the Senator from Illinois, because I shall point that out.

Later the majority leader refused to acknowledge that difference and refused to acknowledge that the first time the Court had ruled precisely and definitely upon the submerged lands under the territorial or marginal seas was in the California case in 1947. I shall note where the majority leader indicated by his statement that the Court had ruled many times before. The majority leader went on to say:

> Several times before Congress has determined that the States should be the real owners of the submerged lands within their historic boundaries. They had such ownership in 1946 before the Supreme Court opinion.

Oh, no, they did not, Mr. President. It is not ownership—merely a claim. Many persons move on other people's property and use it, and say, "This is ours." That is why people get into court. Litigants go to court in order to settle questions like that. Squatter's rights do not necessarily mean that one has legal rights to a particular property. Possession may be nine-tenths of the law, but it is not all of it.

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

Mr. HUMPHREY. I yield to the Senator from Illinois for a question.

Mr. DOUGLAS. Is it not true that the Constitution, in article I, deals with the composition of powers of the legislative branch; in article II, with the composition and powers of the executive branch; and in article III, with the judiciary?

Mr. HUMPHREY. That is correct.

Mr. DOUGLAS. Is it not further true that, by section 2, article III, of the Constitution, the judicial power was granted the final determination of property disputes (a) involving the Federal Government, (b) between States, and (c) between States and foreign powers?

Mr. HUMPHREY. The Senator is correct. His analysis of the constitutional provisions is appropriate and very germane to the present argument. Now, Mr. President, the majority leader, referring to the States, said:

> They had ownership before the Supreme Court opinion, and they had it after the Supreme Court opinion.

He then states:

> Mr. President, it is not a new issue. It has been considered by previous Congresses.

He goes on to say they have reaffirmed possession to the States. But, Mr. President, the Court in the California case said:

> None of the foregoing cases, nor others which we have decided, are sufficient to require us to extend the Pollard inland-water rule so as to declare that California owns or has paramount rights in or power over the 3-mile belt under the ocean.

Mr. President, the Court says in that ruling that in none of the cases that were before the Court for consideration before 1947 had there been any decision which extended the inland water rule to the submerged lands under the open seas. Yet the majority leader today makes the flat statement that the inland water rule of the courts does apply to the submerged lands of the open seas. I submit it was good rhetoric, but poor law. It was stated positively, but it is

positively wrong. It is about time we labeled the statement for what it is. I am going right down through the statement of the Senator from Ohio. I never heard such an argument, and I intend to make my rebuttal now, while it is still fresh and hot.

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

Mr. HUMPHREY. I yield to the Senator from Oregon for a question.

Mr. MORSE. Is it the impression of the Senator from Minnesota, from listening to the distinguished majority leader, that the majority leader gave the impression that the junior Senator from Oregon favored the Court-packing plan in 1937?

Mr. HUMPHREY. I got that impression.

Mr. MORSE. Would the Senator from Minnesota yield for another question?

Mr. HUMPHREY. I yield for a question.

Mr. MORSE. Would the Senator from Minnesota be very much surprised if the junior Senator from Oregon had been for the Court-packing plan in 1937?

Mr. HUMPHREY. I would be very much surprised. This Senator would be very much surprised if the Senator from Oregon was for the plan.

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

Mr. HUMPHREY. I yield.

Mr. MORSE. Would the Senator from Minnesota be pleased to know that in 1937 the junior Senator from Oregon was opposed to the Court-packing plan?

Mr. HUMPHREY. I am very happy to hear that the Senator makes his position perfectly clear. I thought it had been clear. It seems to me that on other occasions I have heard the Senator from Oregon referring to the judicial system. I think I have heard him refer to the Court-packing plan. I recall having heard him refer to it at the time of our debates on the Steel case.

Mr. MORSE. Mr. President, will the Senator yield for another question?

Mr. HUMPHREY. I yield for a question.

Mr. MORSE. Would the Senator from Minnesota be pleased to know that in 1937, when the junior Senator from Oregon was dean of the Oregon University School of Law, he made clear, time and time again, that he thought the packing of the Supreme Court could not be reconciled with government by law, but constituted government by men?

Mr. HUMPHREY. I am very happy to hear the Senator make his position clear on that question again. But I may point out to my friend from Oregon that there are other ways to pack the Court, too; and one way to pack the Court is to pack it a wallop in its legal solar plexus, which is exactly what we are about to do through the passage of Senate Joint Resolution 13. The Supreme Court will go down faster than Jim Corbett went down.

Mr. MORSE. Mr. President, will the Senator from Minnesota yield for another question?

Mr. HUMPHREY. I yield to the Senator from Oregon for a question.

Mr. MORSE. Would the Senator from Minnesota, if and when he reaches that part of the remarks of the majority leader, the transcript of which he has before him, and which remarks, therefore, I have not had an opportunity to check, read to the Senator from Oregon the comment of the majority leader, which was made when I did not have the good fortune to hear him, referring to the junior Senator from Oregon, so that the junior Senator from Oregon may know exactly what the majority leader said, in order to make certain that he does the majority leader no injustice in raising the questions I am propounding? My questions are asked only on the basis of information just given to me by the press, that someone in the press formed the impression that the majority leader is laboring under the misapprehension that the junior Senator from Oregon favored the Court-packing plan.

Mr. HUMPHREY. I may say to the Senator, I do not believe that the remarks I have here, since they are only a portion of the majority leader's remarks, contain that reference. But I would suggest that we have that checked into, because no one here wants to do an injustice to the majority leader.

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

Mr. HUMPHREY. I will yield in a moment. But let me, for a moment, read from the remarks of the majority leader:

> In the California case, the Supreme Court admitted it was reversing the opinion of every Supreme Court Justice who preceded them.

That is what the majority leader says, referring to the inland-water cases prior to the case of 1947, which dealt with the submerged lands under the open seas.

Mr. President, I read a moment ago from that, and I shall proceed to read it again. I read this case recently, and I submit that when one debates issues it is well to refresh his memory. There are so many law cases, even for good lawyers, and those of us who are not good lawyers must be more careful. I read from the California case:

> As previously stated, this Court has followed and reasserted the basic doctrine of the Pollard case many times. And in doing so it has used language strong enough to indicate that the Court then believed that States not only owned tidelands and soil under navigable inland waters, but also owned soils under all navigable waters within their territorial jurisdiction, whether inland or not. All of these statements were, however, merely paraphrases or offshoots of the Pollard inland-water rule, and were used, not as enunciation of a new ocean rule, but in explanation of the old inland-water principle. Notwithstanding the fact that none of these cases either involved or decided the State-Federal conflict presented here, we are urged to say that the language used and repeated in those cases forecloses the Government from the right to have this Court decide that question now that it is squarely presented for the first time.
>
> There are three such cases whose language probably lends more weight to California's argument than any others.

The opinion then proceeds to discuss those cases. Following that, Mr. President, the Supreme Court said what I shall now read, the majority leader notwithstanding.

> None of the foregoing cases, nor others which we have decided, are sufficient to require us to extend the Pollard inland-water rule so as to declare that California owns or has paramount rights in or power over the 3-mile belt under the ocean. The question of who owned the bed of the sea only became of great potential importance at the beginning of this century when oil was discovered there. As a consequence of this discovery, California passed an act in 1921 authorizing the granting of permits to California residents to prospect for oil and gas on blocks of land off its coast under the ocean.

The Court makes it perfectly clear, and how can it be made any clearer than in the language I have read, that the inland-water rule of the Pollard case does not apply? The majority leader stated:

> In the California case, the Supreme Court admitted it was reversing the opinion of every Supreme Court Justice who preceded them.

I submit that when the majority leader misleads the Senate by such a statement, it is not lending the law to the argument, it is lending confusion to the argument.

Mr. MORSE rose.

Mr. DOUGLAS. Mr. President, will the Senator yield for a question, after which I shall defer to the Senator from Oregon.

Mr. HUMPHREY. I yield to the Senator from Illinois.

Mr. DOUGLAS. Is it not true that although in a few inland-waters cases the Court used language of a broader application which indicated that it might make a similar ruling on external waters, it was mere dictum, since it was not connected with the facts of the case, was irrelevant, and not germane, and, therefore, in no sense binding or controlling upon future decisions of the Court?

Mr. HUMPHREY. The Senator is correct. It is like a Senator receiving a letter from a constituent and replying, "I enjoyed your letter. You have a good point. You have raised questions which I never before thought of, and I am surely going to take your letter under advisement; thank you for your consideration."

It means, of course, nothing, because when a Senator votes, he either votes yes or no, and the only votes that count are those that are recorded in the roll-call. The only thing that is important in the Supreme Court's decisions is the rule of law they lay down, not the politeness, the hospitality, or the innuendoes. They are obiter dicta, and are just so much window-dressing; they make it so much more palatable. It does not mean that in the oil cases and the cases involving paramount rights of the Federal Government over submerged land such dicta control. I am not a lawyer, but I know that much.

Mr. MORSE. Mr. President, will the Senator from Minnesota yield for a question?

Mr. HUMPHREY. I yield for a question.

Mr. MORSE. What the Senator from Ohio said, according to the transcript of his speech this afternoon on the point under discussion, was as follows:

> I notice that the gentlemen who are called by the distinguished Senator from Oregon the little band of liberals were violently opposed to the Supreme Court in the

days when the Supreme Court was conservative, and did not hesitate by law after law to circumvent the opinions of the Court, and, gradually, by change in the character of the Court, to bring about a reversal of the previous opinions.

Mr. HUMPHREY. I will say to the Senator that I am glad he has read that back into the RECORD, because——

Mr. FERGUSON. Mr. President, a point of order.

The PRESIDING OFFICER (Mr. BEALL in the chair). The Senator will state it.

Mr. FERGUSON. Do I correctly understand that that was a question?

Mr. HUMPHREY. I yielded for a question.

Mr. FERGUSON. Mr. President, I make that point of order.

Mr. HUMPHREY. I yielded to the Senator from Oregon for the purpose of asking a question.

Mr. MORSE. Mr. President, will the Senator from Minnesota ask unanimous consent to allow the Senator from Oregon to raise a parliamentary inquiry with reference to the point of order made by the Senator from Michigan with the understanding that the granting of such unanimous consent will in no way jeopardize the right of the Senator from Minnesota to the floor?

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the Senator from Oregon may raise such a parliamentary inquiry.

Mr. FERGUSON. I object.

Mr. HUMPHREY. That is the end of that.

Mr. MORSE. Mr. President, will the Senator from Minnesota yield for a question?

Mr. HUMPHREY. I yield for a question.

Mr. MORSE. Does the Senator from Minnesota agree with me—and I am sure the Senator from Michigan [Mr. FERGUSON] will also agree—that after a point of order has been raised it is only fair and proper that we clear up the point of order by being allowed to answer the point made by the Senator from Michigan?

Mr. HUMPHREY. I surely agree with that, but there has been an objection recorded, and if the Senator will state it again in the form of a question I shall be glad to yield. Questions can consist of several words. Some of the greatest questions in the world have covered pages. As a matter of fact, Socrates used to do much valuable work by asking questions. He was a great interrogator. None of us is as great as was Socrates, but we can try. The Senator from Oregon is a fine man; he is capable of asking very involved but very pertinent questions. If he wants to ask a question, I shall do my best to give him an honest answer.

Mr. MORSE. Mr. President, will the Senator from Minnesota yield for a question?

Mr. HUMPHREY. I yield for a question.

Mr. MORSE. Does the Senator from Minnesota agree with me that when the press has formed an impression——

Mr. FERGUSON. Mr. President——

Mr. HUMPHREY. Mr. President, I have yielded to the Senator from Oregon for a question.

Mr. FERGUSON. I merely wanted to say to the Senator from Minnesota that if the Senator from Oregon wanted the floor to clear up a matter in the RECORD, rather than putting it in the form of a question, I would have no objection to his clearing the matter in the RECORD.

Mr. HUMPHREY. I do not quite understand. We get so formal around the dinner hour that I am a bit confused. I come here in my working clothes, and at 6 o'clock in the evening we have to put on the formalities. That happened the last time I took the floor. If the Senator from Michigan suggests that the Senator from Oregon may be permitted to make any correction in the RECORD——

Mr. MORSE. It was a matter spoken of on the floor.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the Senator from Oregon be permitted to make a statement for the purpose of clearing up a point in the RECORD.

Mr. LONG. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MORSE. Mr. President, will the Senator from Minnesota yield for a question?

Mr. HUMPHREY. I yield for a question.

Mr. MORSE. Does the Senator from Minnesota agree with me that when a Member of this body learns from the press that an interpretation is being made of a statement spoken on the floor of the Senate by the majority leader, which gives an entirely false impression of a position, in this instance one taken by the junior Senator from Oregon, a position which the transcript shows never was intended by the majority leader, that courtesy in the Senate itself dictates that the Senator involved follow the course of action which I have sought to follow by my questioning?

Mr. HUMPHREY. I think the Senator from Oregon is correct. If the Senator's understanding of the RECORD was in error, and my understanding was, I think both of us should make it quite clear that the majority leader did not make the reference on which comment has been made, and the RECORD should be amended and corrected in accordance with the facts.

Mr. MORSE. Mr. President, will the Senator from Minnesota yield for a further question?

Mr. HUMPHREY. I yield for a question.

Mr. MORSE. Does the Senator from Minnesota agree that we are only demonstrating our determination to see to it that fair play prevails in the Senate debate, and that when a serious misinterpretation of the remarks of one of our opponents in this debate is made by the press, and the Senator is not present himself to correct the misinterpretation, we are following a highly professional and ethical course of conduct in coming to the floor of the Senate and trying to get the matter clarified within the rules of the Senate?

Mr. HUMPHREY. I know the Senator is correct. I know the Senator from Oregon, as well as other Members of the Senate, wishes to have nothing in the RECORD that would in any way misinterpret or misjudge the remarks of any of our colleagues, and I am happy to see that the Senator from Oregon, after learning of the press comment, has come forth to make any corrections which may be necessary.

Mr. MORSE. Mr. President, will the Senator from Minnesota yield for a further question?

Mr. HUMPHREY. I yield for a question.

Mr. MORSE. Does the Senator from Minnesota agree with me that it is only fair to the majority leader to point out that the misinterpretation of his remarks by a member of the press is based upon the sentence I now read, to wit:

> I notice that the gentlemen, who are called by the distinguished Senator from Oregon the little band of liberals, were violently opposed to the Supreme Court in the days when the Supreme Court was conservative, and did not hesitate by law after law to circumvent the opinions of the Court, and gradually by change in the character of the Court, bring about a reversal of the previous opinions.

Mr. HUMPHREY. That is the sentence with which, I imagine, the comment would comport. I recall hearing that comment with reference to the Senator from Oregon.

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

Mr. HUMPHREY. Yes.

Mr. MORSE. Does the Senator recall that when the junior Senator from Oregon started this examination of the Senator from Minnesota, he made clear that he had not seen the comments of the Senator from Ohio, and had not been on the floor when the Senator from Ohio made his comments?

Mr. HUMPHREY. That is correct.

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

Mr. HUMPHREY. I yield.

Mr. MORSE. Does the Senator from Minnesota recall that when the junior Senator from Oregon began this examination of the Senator from Minnesota, he stated that a member of the press had told him that a press member had formed the impression, from the statement made by the Senator from Ohio, that the junior Senator from Oregon was in favor of the Court-packing plan?

Mr. HUMPHREY. That is correct.

Mr. MORSE. Does the Senator from Minnesota yield for a last question in this round?

Mr. HUMPHREY. I yield.

Mr. MORSE. Does the Senator from Minnesota agree that the Senator from Oregon has sought to correct an impression that he found existed, in the first place, and as to which, if it were not corrected on the floor of the Senate, with members of the press in the gallery listening to this colloquy, some newspapers might have gone to bed tonight containing an interpretation of what the Senator from Ohio said that would have been a great injustice to the Senator from Ohio, and a great injustice to the Senator from Oregon, as well?

Mr. HUMPHREY. I think the Senator from Oregon has stated the situation very well. I wish to thank him, and

to assure both the Senator from Oregon and the Senator from Ohio, that every effort has now been made to make the record clear and accurate, and not to indulge in any misinterpretations.

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

Mr. HUMPHREY. I yield for a question.

Mr. LEHMAN. The majority leader stated:

> The gentlemen who called themselves liberals were very violently opposed to the Supreme Court in the days when the Supreme Court was conservative, and did not hesitate by law after law to circumvent the opinions of that court and gradually by change in the character of the Court bring about a reversal of its previous opinion.

In view of that statement, I wonder if the Senator from Minnesota feels that I am one of that small band of liberals to which the distinguished Senator from Oregon has referred, those who are opposing the joint resolution.

Mr. HUMPHREY. I may say to the Senator from New York that he is one of the great so-called band of liberals. He is a great man in any group, whether it be a small band, big band, or whatever it may be.

Mr. LEHMAN. Mr. President, will the Senator yield further?

Mr. HUMPHREY. I yield.

Mr. LEHMAN. I wonder if the Senator from Minnesota knows that in 1937, when I was Governor of my State of New York, and in spite of the fact that I was a great admirer of the then President of the United States, Franklin D. Roosevelt, and have been a great admirer of him in all the years since then, I strongly opposed the plan that he submitted for a change in the personnel and the constitution of the Supreme Court of the United States.

Mr. HUMPHREY. I am happy that history records that fact. I would not have doubted at all that an independent-minded Governor of the stature and person of the former Governor of New York, Governor Lehman, would have taken that position.

Again, I think it is well to make the RECORD clear that the broad generalizations made regarding independent-minded people sometimes do not serve the cause of justice or fair play.

Mr. LEHMAN. Mr. President, will the Senator yield for another question?

Mr. HUMPHREY. I yield.

Mr. LEHMAN. Is it not a fact that what is now being attempted, and to my great distress, appears to have a very great chance of success, is an effort to retry on the floor of the United States Senate what has already been tried and already determined by the Supreme Court of the United States on three separate occasions, in the cases of California, Texas, and Louisiana?

Mr. HUMPHREY. The Senator is correct. I wish to proceed to show what I consider to be the weaknesses and the limitations and, I believe, the inaccuracies, of the argument made by the Senator from Ohio.

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

Mr. HUMPHREY. I shall yield to the Senator in just a moment for a further interrogation, but I think he would be interested in listening to what I wish to say now. When the Senator from Ohio was speaking about the California case and the ownership of these lands, he had the following to say:

> The ownership of these lands was always considered to be in the States—always, by every authority in the United States—by the executives, by the judges, until the Supreme Court opinion in the California case on June 23, 1947.

The truth is that the matter of submerged lands under the territorial seas had never been brought to the attention of the Court. As I have read from the case of California against United States, the Court made very careful note of the fact that the Pollard doctrine does not extend to submerged lands. The Court made note of the fact also that that was the first time this kind of case had ever come before the Supreme Court.

So I submit that what the majority leader has done has been to try to transfer and translate the doctrine of inland water cases into the doctrine of marginal sea cases, and to say that when the court ruled in 1947, it was just upsetting everything it had done before.

Mr. President, when I debated this question earlier, in the past week, the subject of territorial seas received considerable attention and discussion. I recall that the majority leader reminded us again and again that nothing new could be said. That was a very broad statement. I would not have minded hearing that from Aristotle, but I simply refuse to accept it from any of my contemporaries.

But something new has been said.

It ought to be sufficient to point out that the Supreme Court in the first case, having to deal with the subject of ownership of territorial seas, decided in 1947 that the Federal Government had ownership and paramount rights in those seas, and the Court reaffirmed that decision twice in 1950.

But, even more important, in 1779 a committee of the Continental Congress reported upon supreme control of the United States over the several State jurisdictions in maritime matters. The committee of the Continental Congress further stated that this control was necessary in order to compel just and uniform execution of the laws of the Nation, and as being essential to the sovereign power of war and peace, and that the Congress could not divest themselves of it.

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

Mr. HUMPHREY. The only thing that can be stated is that the Court had not ruled, up until 1947, because no cases were brought to the Court pertaining to the territorial seas or the marginal seas. If there is any weight of evidence on any side, it is on the side of the Federal Government's jurisdiction over the 3-mile belt, a jurisdiction which has been recognized for nearly 160 years.

I yield for a question.

Mr. DANIEL. The Senator does not contend, does he, that maritime jurisdiction over the waters gives the Federal Government ownership of the soil?

Mr. HUMPHREY. No; the Senator does not contend that at all. The Senator contends that when the Senator from Ohio says that the ownerships of these lands was always considered to be in the States, and when he refers to these lands about which he is talking as submerged lands under the territorial seas, the Senator from Minnesota unqualifiedly, unconditionally asserts and states, and is prepared to defend from now on out, the proposition that there is no such evidence.

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

Mr. HUMPHREY. I yield for a question.

Mr. DANIEL. In fairness to the majority leader, does not the Senator believe that what the majority leader had in mind was that the recent Court decisions had overruled or held contrary to the belief of the former members of the Supreme Court, the belief as stated by the Court itself in the California opinion, that the States owned not only the soils under navigable inland waters within their territorial jurisdiction, not only the inland waters, but all the navigable waters within their territorial jurisdiction, whether inland or not?

Mr. HUMPHREY. I thank the Senator. The Senator is correct. I read that same passage, so that the RECORD would be complete.

Then the Senator from Illinois [Mr. DOUGLAS] made note of the fact that this belief or this general attitude which had grown up with the doctrine of the Pollard case was never anything else but dictum. It was never the rule of law, because the rule of law applies only when the issue is brought up, and the issue never was brought up.

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

Mr. HUMPHREY. I yield for a question.

Mr. DANIEL. Will not the Senator agree that the United States Supreme Court has made the same mistake as the majority leader, if the majority leader has indeed made a mistake, when the Supreme Court said, for example, in Mumford against Wardwell, that—

> The settled rule of law—

We are now talking about the rule of law—

> The settled rule of law in this Court is that the shores of navigable waters and the soils under the same in the original States were not granted by the Constitution to the United States, but were reserved to the several States, and that the new States since admitted have the same rights, sovereignty, and jurisdiction in that behalf as the original States possessed within their respective borders.

Mr. HUMPHREY. Yes; but what does that refer to?

Mr. DANIEL. The settled rule of law, according to the Court, refers to all navigable waters within the respective borders of the States.

Mr. HUMPHREY. Let me say to the Senator that that was a decision handed down about 1845.

Mr. DANIEL. In 1867, I believe.

Mr. HUMPHREY. I can only say to the Senator from Texas that at that time

the issue of the submerged lands under the marginal seas and territorial seas was not a question at issue. The Court made known in the California case that it had really never become a matter of policy in connection with the ownership of submerged lands until the discovery of oil. Furthermore, at that particular stage of the game, in the light of experience and history, it is not controlling. The decisions of the Court, as they come down from year to year, are controlling. That is what controls in law.

Does not the argument of the Senator from Texas amount to this, that if the majority leader had lived a century ago he could not have been taken to task for inconsistency; but since he is living presumably in the 20th century rather than in the 19th century, he should be expected to know the decisions since 1947, and not merely the decisions prior to 1947 ?

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

Mr. HUMPHREY. I yield for a question.

Mr. DANIEL. In justice both to the majority leader and the junior Senator from Texas, let me ask if it is not true that I was speaking about the majority leader's statement that the present Court, in 1947, overruled or changed what the previous courts believed the law to be?

Mr. HUMPHREY. I submit to my friend, who is a most able lawyer, and one who, if he were on the other side of this case ,would be arguing with great vigor, eloquence, and more logic than he has presented——

Mr. DANIEL. I could never argue the other side of this case.

Mr. HUMPHREY. A good lawyer can argue either side of a case. Good lawyers are always able to argue either side of a case. I want the RECORD to show that the Senator from Texas is a good lawyer, an able lawyer, and an experienced lawyer. He could argue either side of the case. On this side he would have had more than argument. He would have had the real truth of the case.

I point out to the Senator that when he brings forth, as he has, the citation to which he has referred, he is saying for the RECORD, of course, that this is a rule of law. He is not saying that the Supreme Court in 1947 overruled a rule of law. What he is saying is that it overruled what were considered to be the beliefs or opinions of previous courts, as I commented some time ago. In the parlance of those of us who do not frequent the courtroom—at least as lawyers—that is what is called innuendo, general conversation, or, in language of the law "obiter dicta."

I submit that no good attorney—and the Senator from Texas is one of the best—would ever want to rest his entire case on the nice, melodious mutterings of the Court. What is important in the Court is the anvil chorus, when the hand of justice comes thundering down in the Court, and not the tinkling bells on the outside. What is important is the decision which is rendered. No one knows that better than does the able Senator from Texas.

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

Mr. HUMPHREY. I will yield in just a moment.

Mr. DANIEL. I thank the Senator for his kind remarks. I remind the Senator that I was referring only to the argument of the majority leader, and trying to show that he was, in truth and in fact, correct in saying that the present Court did overrule or change what previous courts—all of them—believed the law to be. Those are the words of the Supreme Court in the California case that the former courts believed the law to be that the States owned all the lands beneath navigable waters, whether inland or seaward.

Mr. HUMPHREY. If the junior Senator from Minnesota had made the argument which the majority leader made, the argument of the Senator from Texas would seem much more persuasive, because the junior Senator from Minnesota is not an attorney. He is neither a good one nor a bad one. He is not qualified. But there is no finer attorney in this body than the majority leader. His nearest equal is the Senator from Texas. I submit that the majority leader is not just giving us polite conversation when he makes these statements. He is the distinguished son of a great President and a great Chief Justice. He is a great attorney, and a great Senator. When that great Senator and great attorney says that the ownership of these lands was always considered to be in the States, always, by every authority, by the opinions, by the executives, and by the judges, until the Supreme Court's opinion in the California case on June 23, 1947, all that the Senator from Minnesota can say is that it is a good argument if one can get away with it, but I am not going to let the majority leader get away with it. It is always a good argument if it is not checkmated. What we are doing here is a little checkmating. Sincere rebuttal is indeed the life of good debate.

DAYLIGHT SAVING IN THE DISTRICT OF COLUMBIA

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

Mr. HUMPHREY. Mr. President, I understand that the Senator from South Dakota has a very important item of legislation which requires some quick action. In view of the confusion of television programs, radio schedules, airline and railroad schedules, and so forth, and because of my affection for the Senator from South Dakota, I ask unanimous consent that I may yield to him for the purpose of legislative business, without losing my right to the floor.

Mr. LONG. Mr. President, reserving the right to object, is there to be a limitation on the length of time which the consideration of the bill will consume? If there is not to be a limitation, I shall object.

Mr. CASE. I was about to submit a unanimous-consent request that the message from the House in connection with Senate bill 1419, be laid before the Senate. I understand it is a privileged matter.

Mr. LONG. Then I suggest that the Senator from Minnesota yield to the Senator from South Dakota for the purpose of asking unanimous consent to take up the bill without prejudicing the right to the floor of the Senator from Minnesota.

Mr. HUMPHREY. That is what I was going to ask for.

The PRESIDING OFFICER (Mr. BUSH in the chair). Is there objection?

Mr. CASE. Mr. President, I ask unanimous consent that debate be limited to 10 minutes in connection with the consideration of Senate bill 1419.

The PRESIDING OFFICER. Is there objection?

Mr. FERGUSON. Mr. President, reserving the right to object, as the present occupant of the majority leader's chair, I have been unable to advise Senators who desire to know whether or not we will have a vote on any matter. I feel that this matter should be held in abeyance until after the first quorum call. Therefore, I shall object at this time. That would give an opportunity to all Senators to be warned that there will be a new matter taken up on which there would be a vote. It is only for that purpose that I object.

The PRESIDING OFFICER. Objection is heard.

Mr. CASE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield further to the Senator from South Dakota?

Mr. CASE. Will the Senator yield for a question?

Mr. HUMPHREY. Yes. I understood that the Senator from South Dakota had the floor.

The PRESIDING OFFICER. Objection is heard to his request.

Mr. HUMPHREY. Of course, I yield for a question.

Mr. CASE. Would the Senator from Minnesota give the Senator from South Dakota an idea as to how long he expects to hold the floor? If I knew, I would be on the floor for the purpose of trying to claim it, or seek recognition following the conclusion of the Senator's remarks, in order that I might move that the Senate concur in the House amendment, since I understand it is a privileged matter.

Mr. HUMPHREY. I will say to the Senator from South Dakota that around 8:30 this evening he will have a chance to bring up the matter. I assume daylight-saving time will not go into effect too soon, so that we will have plenty of time to sleep. I do not want to extend my remarks beyond 8:30, and the Senator from South Dakota may regard that time as being the limit or extent of the time I shall take. If he wishes to be here earlier, perhaps it would be advisable for him to be here earlier.

Mr. CASE. Will the Senator from Minnesota yield for another question?

Mr. HUMPHREY. Surely.

Mr. CASE. Would the Senator from South Dakota be safe in going to dinner, assuming that he would be back on the floor at least by 8 o'clock, and perhaps a little earlier?

Mr. HUMPHREY. I will give the Senator from South Dakota my personal assurance that he can eat a good steak and digest it comfortably in his own

204. Also, petition of Mabel M. Hand and others, Daytona Beach, Fla., requesting passage of H. R. 2446 and H. R. 2447, social-security legislation known as the Townsend plan; to the Committee on Ways and Means.

205. Also, petition of Alfred B. Hunt and others, Orlando, Fla., requesting passage of H. R. 2446 and H. R. 2447, social-security legislation known as the Townsend plan; to the Committee on Ways and Means.

206. Also, petition of Rei Taketa and 1,450 others, Kumamoto Junior College, Kumamoto, Japan, requesting release of the Japanese people who are serving prison terms as war criminals; to the Committee on Foreign Affairs.

SENATE

TUESDAY, APRIL 28, 1953

(Legislative day of Monday, April 6, 1953)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

Our Father God, who amidst all the traffic of our busy ways dost lead our steps to this wayside sanctuary of the spirit, take Thou the dimness of our souls away. Our hearts are restless until we find Thee and are found of Thee. Without Thee we can find no light nor rest nor strength. Like those who raise their eyes from foul and narrow city streets to the snow-clad whiteness of mountain peaks and to the steadfast calm of the friendly stars, so we would lift our gaze to the infinite sky of Thy mercy and to the beckoning hills of Thy help; as we link our hopes for all humankind to Thee, who seest our little, troubled hour as one to whom a thousand years are but 1 day. We ask it in the dear Redeemer's name. Amen.

THE JOURNAL

On request of Mr. TAFT, and by unanimous consent, the reading of the Journal of the proceedings of Monday, April 27, 1953, was dispensed with.

COMMITTEE MEETING DURING SENATE SESSION

On request of Mr. TAFT, and by unanimous consent, the Subcommittee on Investigation of the Committee on Government Operations was authorized to meet today during the session of the Senate.

TITLE TO CERTAIN SUBMERGED LANDS

The Senate resumed the consideration of the joint resolution (S. J. Res. 13) to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, and to provide for the use and control of said lands and resources.

The PRESIDENT pro tempore. The question before the Senate is——

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

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

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

Aiken	Green	McClellan
Anderson	Griswold	Millikin
Barrett	Hayden	Monroney
Beall	Hendrickson	Morse
Bennett	Hennings	Mundt
Bricker	Hickenlooper	Murray
Bridges	Hill	Neely
Bush	Hoey	Pastore
Butler, Md.	Holland	Payne
Butler, Nebr.	Hunt	Potter
Byrd	Ives	Purtell
Capehart	Jackson	Robertson
Carlson	Jenner	Russell
Case	Johnson, Colo.	Saltonstall
Clements	Johnson, Tex.	Schoeppel
Cooper	Johnston, S. C.	Smathers
Cordon	Kefauver	Smith, Maine
Daniel	Kennedy	Smith, N. J.
Dirksen	Kilgore	Smith, N. C.
Douglas	Knowland	Sparkman
Duff	Kuchel	Stennis
Dworshak	Langer	Symington
Ellender	Lehman	Taft
Ferguson	Long	Thye
Flanders	Magnuson	Tobey
Frear	Malone	Watkins
Fulbright	Mansfield	Welker
George	Martin	Wiley
Gillette	Maybank	Williams
Goldwater	McCarran	Young
Gore	McCarthy	

Mr. CLEMENTS. I announce that the Senator from New Mexico [Mr. CHAVEZ] is absent by leave of the Senate.

The Senator from Mississippi [Mr. EASTLAND] is absent by leave of the Senate because of a death in his family.

The Senator from Minnesota [Mr. HUMPHREY] and the Senator from Oklahoma [Mr. KERR] are absent on official business.

The PRESIDENT pro tempore. A quorum is present.

The question is on agreeing to the amendments of the Senator from Illinois [Mr. DOUGLAS].

Mr. HOLLAND. Mr. President, I ask unanimous consent that two editorials bearing upon the issue now before the Senate be printed in the body of the RECORD. The first is an editorial entitled "Titan of Talk," published in the Washington News, and the second is entitled "MORSE Proves His Endurance," which appeared in the Washington Post.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Washington Daily News]

TITAN OF TALK

Senator WAYNE MORSE, of Oregon, set a new talking record of 22 hours, 26 minutes in the current filibuster. It cost the taxpayers between $9,000 and $10,000 to print the Senator's remarks—including some references to bologna—in the CONGRESSIONAL RECORD.

A flag-pole sitter would be cheaper.

[From the Washington Post]

MORSE PROVES HIS ENDURANCE

Senator MORSE'S feat in addressing the Senate for 22 hours and 26 minutes should be appropriately recorded in the annals of human endurance. The Senator has made pikers out of Robert M. La Follette, Huey Long, and others who have attempted to sway the Senate by the mere multiplication of words. The fact remains that most of his words were spoken to empty benches, a blear-eyed presiding officer and two sleepy members of his family. Thus the Senator was denied the applause that used to be given to the winners of the old-fashioned pie-eating contests and other extreme tests of physical stamina.

Mr. MORSE attributed his feat to his excellent physical condition and his moderation in sipping the bouillon, coffee, and tea that were brought to him. His health and his caution in some things are doubtless of interest to the public, but it does seem that he might have demonstrated both at less cost in time and money. As the speech will occupy about 95 pages in the CONGRESSIONAL RECORD, its cost to the public will be more than $8,000. As to its value, even when Mr. MORSE turned from his report for the Independent Party to the vital subject of offshore oil, his arguments were lost in the excess of verbiage. If it is mere endurance that he wishes to demonstrate, it is a pity that he does not take up polesitting or marathon dancing.

PROPOSED UNANIMOUS-CONSENT AGREEMENT

Mr. TAFT. Mr. President, I am hoping that we may today reach an agreement on the time when a vote may be taken on the pending joint resolution. The subject was discussed briefly yesterday. It seems to me that the proposal which I submitted yesterday was a reasonable proposal. However, it was objected to. It was a proposal for a unanimous-consent agreement to limit debate on amendments, and to assign all of May 5 for final debate, so that in the late afternoon or in the evening of May 5 there could be a final vote on the joint resolution.

The Senators who have conducted the opposition to the joint resolution certainly have frequently expressed the view that a time should be set for a final vote on the measure, and that an effort should not be made to prevent a vote, and they have so stated on the floor of the Senate.

Mr. President, I am taking them at their word. The distinguished Senator from Illinois [Mr. DOUGLAS], on January 7, 1953, at page 202 of the CONGRESSIONAL RECORD, said:

> A filibuster, it should be needless to say, is prolonged discussion of a measure which is designed to prevent it from ever coming to a vote. It is not discussion for the purpose of making voting more intelligent. Its purpose is to tie up business so completely that a vote will never occur. It is, therefore, a method of preventing the majority from making its decision effective. Hence it is a form of minority rule.

Mr. President, it seems to me that any Senator who believes what I have just quoted should be willing to agree to a vote on the pending joint resolution. We are now coming near to the end of the fourth week of the debate on it.

In my proposal of yesterday, I suggested May 5 as the date for a final vote. That is an entire week from today. It would seem to me to be a perfectly reasonable time to allow for further debate. However, I am willing to make the date for a vote later. I should like to have one of the Senators in opposition to the joint resolution say when the opposition would be prepared to vote. We are going ahead because of the fact they have said they want more time. I am taking them at their word. The Senate will run in continuous session tonight, tomorrow, and perhaps tomorrow night, in order that there may be full time provided in which to present all views.

The opposition has taken the view that they are not trying to prevent a vote. I can relieve the burden on many Senators and on the opposition Senators themselves, if the Senators in opposition will carry out in good faith what they have said. It is important that we agree on a date. That date may be May 5, May 15, or even May 25, so far as I am concerned. The important point is that so long as the present procedure continues we have no assurance that we will ever be able to get a vote on the joint resolution.

Regardless of what the Senators in opposition may say, the effect of their position amounts to an effort to prevent the Senate from ever voting. We are therefore trying to secure a vote with the parliamentary means available to us.

The distinguished Senator from Minnesota [Mr. HUMPHREY] has said:

> One of the least defensible and, in my mind, most undemocratic procedures of the Senate is that which permits a minority of its members to prevent a majority from acting by the device of a filibuster.

The distinguished Senator from Minnesota said further:

> Let us not speak of minority control with pride as the prerogative of the Senate. It is just the opposite. It is the weakness of the Senate. It is a weakness that can make this Senate lose prestige in the public mind and lose effectiveness as a governing body. Now, Senators have likewise spoken of the dangers of the majority rule and of the fact that it can often be wrong. I agree. Certainly majorities can sometimes be wrong, but so can minorities, and even more often and more easily.

The distinguished Senator from Minnesota [Mr. HUMPHREY] said further:

> We have this kind of distortion, this kind of legislative trickery, going on here respecting this important piece of legislation. That is done in an effort to do what? To prevent the Senate even having a chance to vote on one of the most controversial issues of our day. I submit that that shows lack of faith. It represents an unwillingness to test the courage of the respective Members of the United States Senate to see how they are going to vote.

The Senator from Minnesota said further:

> I happen to be enough of a believer in the democratic process to say that if Senators do not like a bill, they should give their arguments and should register their votes * * * and should not resort to some sort of legislative trickery, or some other legislative procedure, call it what we will, to prevent the measure from being acted upon.

Mr. MORSE. Mr. President, will the Senator from Ohio yield?

Mr. TAFT. I yield to the Senator from Oregon.

Mr. MORSE. I wish to say that I certainly do not quarrel with what the Senator from Ohio has stated; namely, that it should be possible to fix a date eventually for a vote on the pending joint resolution. I am working to that end. I am not sure, but perhaps we will be able to arrive at an agreement before the day is over, at least on the first part of the problem.

I submit most respectfully a suggestion for whatever it may be worth. I say to the majority leader that I do not speak for myself alone, although I do not know whether I speak for the entire group of the minority that has been working on this problem, but I speak for some of them when I express these views. We think we ought to sit down with the majority leader and discuss the procedure, to the end that we may determine whether we can make a start toward agreeing to a schedule for voting. However, I may say most kindly that the majority leader makes it a little difficult when he suggests that he will hold us in all-night sessions. I assure him that we can take it. We have already demonstrated that fact. On the other hand, I do not know of any better way to drive the Senate into the filibuster technique than to hold us in all-night sessions, when we say that we have no intention of preventing an ultimate vote on the joint resolution.

If the Senator from Ohio will check the personnel of the Senate he will find that they are pretty well fagged out. The official reporters are exceedingly tired.

What we ought to do is to negotiate, but not under the demand—I shall not use the word "threat"—which the majority leader has suggested, but rather that we sit down together and work out a time for a vote, with the Senate sitting for reasonable hours in the meantime. I am sure that under such circumstances the joint resolution will be disposed of in the not too distant future.

I meant it the other day when I said that I was not going to oppose a vote ultimately. The Senator has negotiated with his colleagues, and he knows as well as I do that when we sit down, as we on our side have been sitting down with 15 or 16 Members of the Senate, there is no unity of opinion among us, any more than there is among the majority leader and the Senators with whom he sits down in conference, as to just what the procedure is to be.

So, Mr. President, speaking at least for the group that I know I can speak for, if the Senator will meet with us today and discuss the problem, perhaps before the day is out we will arrive at some arrangement.

Mr. TAFT. I am encouraged by the words of the distinguished Senator from Oregon, speaking for the little band of liberals whom he defended the other night. I certainly am glad to negotiate with him. However, all the arrangements have been made for a full night session. We have worked the matter out so as to have the least burden fall upon the Senate employees and upon all others. I do not believe that we could change those arrangements, unless something very definite should be agreed upon. I do not mean to say that we must have agreement on a fixed date on which to vote, if I am satisfied that Senators are about ready to agree, because I am the last person in the Senate to want to go through a night session. I do not like night sessions. However, there seemed to be no other recourse to follow, after the long procedure, and I have given a full week's notice of our intention in that connection, during which time we have held sessions for long hours in order to permit Senators to make full statements on the subject.

Mr. President, I should be glad to meet the distinguished Senator this afternoon. If I may, a little later, I shall name an hour for meeting with him.

Therefore, Mr. President, for the moment I withhold a unanimous-consent request as to a specific date.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Bartlett, one of its clerks, announced that the Speaker had affixed his signature to the enrolled bill (S. 1419) to permit the Board of Commissioners of the District of Columbia to establish daylight-saving time in the District, and it was signed by the President pro tempore.

PRINTING IN THE RECORD OF TELEGRAMS AND LETTERS RECEIVED BY SENATOR MORSE IN REGARD TO SUBMERGED LANDS JOINT RESOLUTION

Mr. MORSE. Mr. President, yesterday I submitted, for printing in the Appendix of the RECORD, various letters and telegrams which I have received in support of my position on Senate Joint Resolution 13. They were individual letters and telegrams. I could have offered them one at a time, at length, if I had wished to do so; but I did not. Apparently, a question has been raised as to whether they should be treated under the printing rules as a single manuscript.

This is not the time to discuss that point, although later I shall discuss it at some length, for I believe that under the rule it is clear that each letter or each telegram is a separate entity and can be presented separately, and therefore, does not come under the rule requiring that an estimate of cost must be made and stated.

Be that as it may, Mr. President, I now ask unanimous consent—because the telegrams and letters bear upon my argument against the submerged lands joint resolution—that the telegrams and letters which I offered yesterday and such others as I shall offer today, shall be printed in the body of the RECORD at this point.

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

The telegrams and other communications are as follows:

DETROIT, MICH., *April 25, 1953.*

Senator WAYNE MORSE,
Senate Office Building,
Washington, D. C.

DEAR SENATOR MORSE: Congratulations to you for your courageous fight against a grab of the tidelands oil. That which belongs to all the people shouldn't be in the hands of a few, but it is hard for some selfish people to see that. Only men with courage can fight these predatory interests which seem to abound in our country. Keep up the good work.

Sincerely,

EFREM PERLIS.

DETROIT, MICH.

The Honorable WAYNE MORSE,
Senator from Oregon.

DEAR SIR: Congratulations on your stand on the tidelands issue. We need men in the Senate that represent all the people and not

Pages 4037 - 4066
purposely omitted

GAINESVILLE, TEX., *April 27, 1953.*

Senator WAYNE MORSE,
Senate Office Building,
Washington, D. C.

DEAR SENATOR MORSE: I have just read the CONGRESSIONAL RECORD of April 24, 1953. I feel that it is obligatory upon me to express my support for your position taken on Senate Joint Resolution 13.

Though this unfortunate measure be passed, the people of the United States will not soon forget your very real contribution to the debate.

I remain,

Very truly yours,

WILLIAM W. CARROLL.

WOODHAVEN, N. Y., *April 27, 1953.*

Senator WAYNE MORSE,
Senate Office Building,
Washington, D. C.

DEAR SIR: By this letter I want to do two things:

1. Congratulate you for standing so firm on what you believe to be right; and
2. Thank you for defending longly and strongly what I believe to be right.

I refer, of course, to your speech against the so-called tidelands oil bill.

More power to you especially in view of the petty childlike attempts to relieve you of the floor by Senator TAFT and his following.

I have today sent a wire to Senator TAFT, urging defeat of the bill in question. I hope I have not waited too long.

Thanking you again, I remain,

Sincerely yours,

LAURA S. FERNANDEZ.

P. S.—An added attraction to the wire: it was signed by me jointly with Mrs. Edith R. Rubinstein who also sends her congratulations and thanks.

TRANSACTION OF ROUTINE BUSINESS

Mr. TAFT. Mr. President, I ask unanimous consent that all Senators who wish to submit matters which normally are in order during the usual morning hour, be permitted to do so, provided the time required for that purpose shall not exceed 2 minutes.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Ohio? The Chair hears none, and it is so ordered.

PETITION AND MEMORIAL

A petition and a memorial were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

A resolution adopted by the Alabama Public Service Commission, protesting against the enactment of the bill (S. 281) to amend section 1 (17) (a), section 13 (3), and section 13 (4) of the Interstate Commerce Act in order to extend to the Interstate Commerce Commission power to prescribe the discontinuance of certain railroad services in intrastate commerce when found to be unreasonably discriminatory against or to constitute an undue burden on interstate commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. MAYBANK:

A concurrent resolution of the Legislature of the State of South Carolina; to the Committee on the Judiciary:

"Concurrent resolution memorializing Congress to enact suitable legislation outlawing the Communist Party in the United States and making membership therein unlawful

"Whereas the great majority of the people of the United States are united and determined to maintain the American way of life; and

"Whereas the people have become deeply concerned and view with alarm the encroachment of communism upon the free peoples of the world; and

"Whereas the people of America are particularly alarmed over learning of the vast numbers of persons who are known Communists or with communistic leanings employed in positions of trust in the service of the Government of our country on all levels; and

"Whereas the doctrine upon which our country is built and upon which it has prospered and grown great, is tolerance for all races and creeds; and

"Whereas it is appreciated by the General Assembly of South Carolina that the American doctrine of tolerance cannot and must not extend to those sworn enemies of our form of government, a part of whose doctrine is the destruction of our Government by force and violence; and

"Whereas this situation threatens the welfare of our Nation and the security of our country, as the Communists advocate the overthrow of our Government by force and violence; and

"Whereas the general assembly believes that for our own security the Communist Party should be outlawed and membership in the party should be made unlawful: Now, therefore, be it

"*Resolved by the house of representatives (the senate concurring)*, That Congress be memorialized to enact, without delay, suitable legislation looking to the outlawing of the Communist Party in America and making membership in such party unlawful; be it further

"*Resolved,* That copies of this resolution be forwarded to the President of the United States, to each United States Senator from South Carolina, each Member of the House of Representatives of Congress from South Carolina, the Senate of the United States and the House of Representatives of the United States."

SMALL BUSINESS AND DEFENSE SUBCONTRACTS—REPORT OF SELECT COMMITTEE ON SMALL BUSINESS (S. REPT. NO. 206)

Mr. THYE. Mr. President, on behalf of the Select Committee on Small Business, I submit a report on small business and defense subcontracts, and ask that it be printed.

The report sets forth the results of an 8 months' survey of defense subcontracting recently completed by the committee. During the course of the survey, the committee conferred with 29 of the Nation's largest military prime contractors.

The report includes an analysis of small business policies of the major prime contractors and sets forth a number of suggestions offered by the large manufacturers for the benefit of small concerns interested in defense work.

On the basis of your committee's survey, it would appear that there are opportunities for small concerns as subcontractors in major defense production programs. It is apparent, however, that full development of those opportunities will require close cooperation between the military departments, major military prime contractors, and small concerns.

The PRESIDENT pro tempore. The report will be received and printed, as requested by the Senator from Minnesota.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, April 28, 1953, he presented to the President of the United States the enrolled bill (S. 1419) to permit the Board of Commissioners of the District of Columbia to establish daylight-saving time in the District.

BILLS INTRODUCED

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

By Mr. HILL (for himself and Mr. SPARKMAN):

S. 1784. A bill to authorize the modification of the existing project for Mobile Harbor, Ala., in order to improve facilities for navigation; to the Committee on Public Works.

By Mr. SMITH of New Jersey:

S. 1785. A bill to amend the Labor-Management Relations Act, 1947, and for other purposes; to the Committee on Labor and Public Welfare.

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

By Mr. ROBERTSON:

S. 1786. A bill for the relief of Sonia Roller; to the Committee on the Judiciary.

By Mr. JOHNSTON of South Carolina:

S. 1787. A bill to amend the Classification Act of 1949, as amended, pertaining to the Crafts, Protective, and Custodial Schedule, and to place the position of char employee working part time in the appropriate grade of the Crafts, Protective, and Custodial Schedule; to the Committee on Post Office and Civil Service.

By Mr. PASTORE:

S. 1788. A bill for the relief of Parsegh Simidian; to the Committee on the Judiciary.

By Mr. SPARKMAN (for himself and Mr. HILL):

S. 1789. A bill to provide for the disposal of certain private hospitals, clinics, and medical facilities acquired by the Veterans' Administration, and for other purposes; to the Committee on Government Operations.

By Mr. BARRETT:

S. 1790. A bill for the relief of Dr. Philip Bloemsma and Mrs. Joy Roelink Bloemsma; to the Committee on the Judiciary.

By Mr. McCARRAN:

S. 1791. A bill for the relief of Leong Walk Hong; to the Committee on the Judiciary.

By Mr. JOHNSON of Colorado:

S. 1792. A bill to amend the Servicemen's Readjustment Act of 1944; to the Committee on Labor and Public Welfare.

By Mr. MAGNUSON (for himself and Mr. JACKSON):

S. 1793. A bill to provide for the development of the Priest Rapids site on the Columbia River, Wash., under a license issued pursuant to the Federal Power Act; to the Committee on Public Works.

By Mr. MUNDT:

S. 1794. A bill to reimburse the South Dakota State Hospital for the Insane for the care of Indian patients; to the Committee on Interior and Insular Affairs.

By Mr. LANGER:

S. 1795. A bill for the relief of Fred and Bernice Ehlers; to the Committee on Finance.

By Mr. CAPEHART (for himself, Mr. JOHNSON of Texas, and Mr. DANIEL):

S. 1796. A bill to incorporate the Board of Fundamental Education; to the Committee on the Judiciary.

By Mr. SALTONSTALL:

S. 1797. A bill to provide for the appointment of an additional district judge for the district of Massachusetts; to the Committee on the Judiciary.

which has its head office in London. This magazine is printed in the Netherlands.

This particular issue contains an article on the treatment of seafarers in Communist ports, which I believe my colleagues will find extremely interesting, especially in view of the many false charges which have been made, by those who are seeking to overthrow our immigration laws, respecting alleged hardships suffered by alien seamen coming to our shores.

Here is a magazine published by a workers' organization, for workers in the transport industry, including seamen; and the particular article to which I have referred reports what happened to some French seamen who had to enter ports in a satellite country, a country behind the Iron Curtain.

I ask unanimous consent, Mr. President, that the text of this article may be printed in the RECORD at this point as a part of my remarks.

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

THE TREATMENT OF SEAFARERS IN COMMUNIST PORTS

From Air-Terre-Mer, the monthly journal published by the ITF Mediterranean vigilance committee, we reproduce the following pertinent comments on the reception given to foreign seafarers visting the ports of Iron Curtain countries:

"We have one request to make to all those who have registered protests, which have often been out of proportion to the facts themselves, in regard to the application of the McCarran Act to the crews of foreign ships arriving in American ports; and to all those who find nothing to say against the conditions imposed on crews which have to enter ports in the satellite countries of Eastern Germany and Poland. Let them consider carefully the remarks just made to us by some seamen returning from precisely those happy shores.

"We spoke at length with these French sailors, who were members of the crew on the SS. *Bastia* returning from Gdansk (Danzig) and Gdynia (Poland).

"Without hesitation they told about their voyage and their troubles, the gist of which is as follows:

"'After unloading our cargo at the port of Aarhus, in Denmark, we headed for Gdansk and got in there one night this winter. The moment we arrived, our ship was literally invaded by a horde of armed police. All of us wondered what we had done and what was going on, but nobody could tell us.

"'The policemen, many of whom were fairly young boys, were arrogant, and they were obviously carrying out what was to them a routine job of control and supervision.

"'They suddenly decided that the entire crew was to be detained and herded us into the wardroom, where we stayed from 7 o'clock that evening until 5 the next morning. We were guarded all night by two sentinels with submachine guns, who stood at the door, evidently ready to shoot down the first person who gave signs of moving.

"'During this time the policemen, accompanied by only one of our ship's officers, conducted a thorough search of the ship. The crew's quarters were gone through without the presence of a single member of the personnel.

"'The day after our arrival, each sailor received a landing permit. This, however, was refused to eight members of the crew without rhyme or reason. Among these were the boatswain, the second-class petty officer and an officer, who were never given any explanation for this refusal.

"'Though we had a certain amount of painting to do along the sides while we were there, the boatswain who had been refused a landing permit was not even allowed to go down to supervise his men's work.

"'After loading, the ship left for Gdynia, where we were to stay for some time and take on the rest of our cargo.

"'There one of our nonadmitted seamen, who was suffering from a phlegmon, had to wait many days before he could get authorization to go to a hospital, even accompanied and under guard, for the necessary treatment.

"'One of us had a small stock of coffee which he had picked up during a stop in the Philippines. When he went ashore, he had the idea of swapping his precious coffee for merchandise, but the police arrested him, jailed him for the night, and fined him $50. Since the seaman did not have that much money, the captain of the ship had to settle the fine for him.'

"Here is one amusing incident which occurred among many grimmer ones:

"'While we were in the Gdansk roadstead, there was an Italian ship next to us. Its cat came on board our ship to explore, and we set out for Gdynia without having returned the animal to our southern neighbors. When the Italians reached Gdynia, they entered a formal claim for their cat. Pussy's return was like a vaudeville act. It took place on the pier halfway between the two ships. Each of the two sailors—the Frenchman and the Italian—had a special pass, and the whole operation was carried out under heavy police supervision.

"'There is not much to say about the few chances we had to visit the streets of Gdynia. What could we learn? It was difficult to find out anything, for we felt that we were being constantly followed and spied on.

"'The basic Polish monetary unit, the zloty, had no great value, being worth approximately 100 francs. But a half-pint bottle of vodka now costs 24 zlotys (2,500 francs). In the shop windows we saw men's suits priced between 3,000 and 4,000 zlotys, and a kilogram of coffee at 400 zlotys (40,000 francs). One of us who was wearing a silk scarf that had cost 2,000 francs in France was approached by a laborer who offered him 100 zlotys (10,000 francs) for it.

"'We had nothing to sell and found nothing to buy in this country of fearful, unhappy people who seem to live under the shadow of an indefinable terror.

"'When the day of our departure finally came, the whole crew was again assembled in the wardroom and kept under guard from noon until 6 o'clock, as a Gdansk. This time there were a number of women members of the armed police who went all over the ship, visiting the freight holds, the coal bunkers, the storerooms, the crew's quarters, and even the water ballast. Finally, after this delightful group had left, we were allowed to get underway.'

"There is nothing debatable about the strictness, the brutality, and the bestial and stupid measures applied to foreign crews in the popular democracies. Both French and Italian seafarers who visit these ports are constantly exposed to them.

"However, those political figures, journalists, and more or less well-intentioned people who protest against the controls exercised by the American Immigration Service are the same ones who either approve the savage intransigence of the popular democracies or find nothing to say against it. The surprising thing is that they can find other innocents to go along with them."

The PRESIDENT pro tempore. If there be no further unanimous-consent requests, or other similar matters, the transaction of morning business is concluded.

TITLE TO CERTAIN SUBMERGED LANDS

The Senate resumed the consideration of the joint resolution (S. J. Res. 13) to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, and to provide for the use and control of said lands and resources.

Mr. DANIEL. Mr. President, yesterday the Senate heard an excellent address by the majority leader, the Senator from Ohio [Mr. TAFT], in support of the pending resolution, Senate Joint Resolution 13. Last night the Senate heard a reply thereto by the Senator from Minnesota [Mr. HUMPHREY]. I rise to express the hope that all Members of the Senate will read those two addresses. They present the basic issues which are before the Senate in this controversy.

As stated by the Senator from Minnesota [Mr. HUMPHREY], his contention, and the contention of the Supreme Court in its 3 recent opinions, is that the Federal Government has inherent powers of external sovereignty not given to it by the Constitution of the United States, and that those inherent powers of external sovereignty should be applied in the present domestic dispute within the borders of the United States.

So that there may be no mistake about it, the lands within the 3-mile and 3-league boundaries are within the Nation and within the States. They are within the United States the same as any of the dry land of the continent. That is the theory of the State Department; and when the Senator from Minnesota [Mr. HUMPHREY] argues that inherent sovereignty in external affairs, based upon the dictum in the Curtiss-Wright case, should apply to lands within the borders of this country, he is trying to apply international law and external sovereignty to the domestic affairs of the Nation.

The Secretary of State sent a representative, Mr. Tate, to appear before our committee. He testified before the Senate Committee on Interior and Insular Affairs that the area referred to, within our territorial waters, is a part of our Nation, just as all the other territory within our boundaries. His testimony will be found at page 1074 of the hearings. I questioned Mr. Tate, and he replied as follows:

Senator DANIEL. Mr. Tate, right along the line that Senator LONG was questioning you about as to the lands within our territorial waters, using your theory of the 3-mile limit for the purpose of this question, as I understand it this country recognizes that that area is part of the United States.

Mr. TATE. That is correct.

Senator DANIEL. The same as its land territory.

Mr. TATE. That is correct.

Senator DANIEL. And domestic law applies.

Mr. TATE. That is correct.

Senator DANIEL. As Wheaton said in his book on Elements of International Law in 1836, "Within these limits," that is, out to the limit of the territorial waters, "a country's rights of property and territorial jurisdiction are absolute and exclude those of other nations." Is that correct?

Mr. TATE. That is correct.

Senator DANIEL. That is the view of this Nation?

Mr. TATE. That is correct.

Mr. President, this view was further expressed by the United States at The Hague Convention in 1930, at which this Nation agreed that—

The seabottom and subsoil covered by the territorial waters, including fish and minerals, are the property of the United States or of the individual States where they border.

In other words, Mr. President, it is clear that as to the area within the boundaries of the States 3 miles from shore and 3 leagues in the case of Florida and Texas, recognized by Mr. Tate later in his testimony, the lands are within our country, and domestic law should apply. But what would the Senator from Minnesota have us apply? Contrary to the majority leader, the Senator from Minnesota would apply, not the Constitution or domestic law but external law and international law on the basis of the dictum in the Curtiss-Wright case. The Senator from Minnesota argues that the States were never sovereign; that the proprietary rights of the Crown passed to the Nation instead of the individual States.

Mr. President, many Court decisions rendered in the past which applied domestic law to controversies between the Federal Government and the States as to lands beneath navigable waters within State boundaries. In order not to take the time of the Senate unnecessarily, I shall ask unanimous consent that I may have inserted in the RECORD as a part of my remarks quotations from several Supreme Court decisions, which hold that all rights and property of the Crown passed, on July 4, 1776, not to a national sovereign, not to the United States, but to the 13 States as separate and independent States. Each State succeeded to all rights and properties of the Crown within its own jurisdiction and territory.

Mr. President, last night the Senator from Minnesota argued that the States were never sovereign.

The issue is drawn now as to whether we want to go along with him or with our history and other Court decisions that the original States were independent and sovereign, as was set forth in the Treaty of Paris, and in the Articles of Confederation. It is an argument which has been waging since Justice Sutherland's dictum in the Curtiss-Wright case, to which Senator HUMPHREY adheres. But when we come to apply the question to domestic law, even Justice Sutherland said the Constitution should control. On that basis the Supreme Court has said that proprietary rights of the King passed to the individual States. It seems to me that the former decisions of the Supreme Court are entitled to some weight, and that three recent decisions contrary to the belief expressed in all former decisions of the Court should not be allowed to prevail for the future on the part of those who believe in States' rights as we understand them in this country.

Mr. President, I ask unanimous consent that certain quotations, which fully support the views of the majority leader, be inserted in the RECORD at this point in my remarks.

The PRESIDING OFFICER (Mr. CASE in the chair). Without objection, it is so ordered.

Mr. DANIEL. A few of the leading Supreme Court cases holding that the States, independently, succeeded to all rights of the Crown are:

Martin v. *Waddell* (16 Pet. 367, 410 (1842)):

"For when the Revolution took place, the people of each State became themselves sovereign; and in that character hold the absolute right to all their navigable waters and the soils under them, for their own common use, subject only to the rights since surrendered by the Constitution to the general government."

Shively v. *Bowlby* (152 U. S. 1, 14–16 (1894)):

"And upon the American Revolution, all the rights of the Crown and of Parliament vested in the several States, subject to the rights surrendered to the national Government by the Constitution of the United States."

Appleby v. *City of New York* (271 U. S. 364, 381 (1926)):

"Upon the American Revolution, all the proprietary rights of the Crown and Parliament, in, and all their dominion over, lands under tidewater vested in the several States, subject to the powers surrendered to the National Government by the Constitution of the United States."

County of St. Clair v. *Lovingston* (90 U. S. 46, at 68 (1874)):

"By the American Revolution the people of each State, in their sovereign character, acquired the absolute right to all their navigable waters and the soil under them. The shores of navigable waters and the soil under them were not granted by the Constitution to the United States, but were reserved to the States respectively."

Massachusetts v. *New York* (271 U. S. 65, 85–86 (1926)):

"The English possessions in America were claimed by right of discovery. The rights of property and dominion in the lands discovered by those acting under royal authority were held to vest in the Crown, which under the principles of the British Constitution was deemed to hold them as a part of the public domain for the benefit of the Nation. Upon these principles rest the various English royal charters and grants of territory on the continent of North America (*Johnson* v. *McIntosh* (8 Wheat. 543, 577 et seq., 595)). As a result of the Revolution, the people of each State became sovereign and in that capacity acquired the rights of the Crown in the public domain (*Martin* v. *Waddell* (16 Peters 367, 410))."

Mr. President, the argument of the Senator from Minnesota is predicated on the theory that the Federal Government may, solely by virtue of its powers over external affairs, appropriate to its own use real and personal property within State boundaries. This is certainly contrary to the law as we understood it to be prior to the recent court decisions. Such a theory, if allowed to prevail, will obliterate the constitutional distinction between governmental powers and proprietary rights in land, and will nullify the constituitonal principle that the grant of powers to the Federal Government carrries with it no cession or transfer of property rights, a principle which has been long recognized by our courts.

Mr. President, at this point I ask unanimous consent to have inserted in the RECORD quotations from three additional cases, which make it clear that the majority leader was right when he said that under our Constitution the States retained all their properties and rights that were not delegated specifically in the Constitution to the Federal Government, and that they did not cede waters or submerged lands as any part of maritime jurisdiction, commerce, external affairs or other Federal powers.

There being no objection, the quotations were ordered to be printed in the RECORD, as follows:

In *United States* v. *Bevans* (3 Wheat. 386 (1818)), Chief Justice Marshall said—page 388:

"Can the cession of all cases of admiralty and maritime jurisdiction be construed into a cession of the waters in which those cases may arise? This is a question on which the court is incapable of feeling a doubt. The article which describes the jurisdictional power of the United States is not intended for the cession of territory, or of general jurisdiction. It is obviously designed for other purposes. It is in the eighth section of the second article, we are to look for cessions of territory and of exclusive jurisdiction. * * * It is observable that the power of exclusive legislation (which is jurisdiction) is united with cession of territory, which is to be the free act of the States."

In *Corfield* v. *Coryell* ((C. C. N. J. 1823) 6 Fed. Ed. Cas. No. 3230, pp. 546, 551), Mr. Justice Washington said:

"The grant to Congress to regulate commerce on the navigable waters belonging to the several States, renders those waters public property of the United States for all the purposes of navigation and commercial intercourse, subject only to congressional regulation. But this grant contains no cession, either express or implied, of territory, or of public or of private property."

In *Rhode Island* v. *Massachusetts* ((1838) 12 Peters 657, 733), the Supreme Court said:

"It follows that when a place is within the boundary, it is a part of the territory of a State; title, jurisdiction, and sovereignty are inseparable incidents, and remain so, till the State makes some cession. The plain language of this Court in *United States* v. *Bevans* (3 Wheat. 386 et seq.) saves the necessity of any reasoning on this subject. * * * Title, jurisdiction, sovereignty, are, therefore, dependent questions necessarily settled when boundary is ascertained."

Mr. DANIEL. Mr. President, I have here an article written by Dean Roscoe Pound which fully supports the views of the majority leader and shows the dangers in the views stated by the Senator from Minnesota [Mr. HUMPHREY]. In the article Dean Roscoe Pound says:

If exercise of sovereignty for defense requires that the Government be owner, then there can no longer be private or State ownership of land. Under the conditions of warfare today the argument for national defense would make the United States owner of the whole land as well as of the shore of the sea and the sea adjacent to our territory.

Mr. President, I ask unanimous consent to have inserted at this point in the RECORD quotations from Dean Pound in the Baylor Law Review, volume III, 1951, pages 120 to 125, entitled "Critique on the Texas Tidelands Case." He is referring to Justice Douglas' opinion in United States against Texas.

There being no objection, the quotations were ordered to be printed in the RECORD, as follows:

EXCERPTS FROM ARTICLE BY DEAN ROSCOE POUND ON JUSTICE DOUGLAS' OPINION IN UNITED STATES AGAINST TEXAS

Four points, which, however, come down to one, are made in the opinion of Mr. Justice Douglas.

First, he tells us, the national interests, national responsibilities, and national concern, which are the basis of the paramount rights of the National Government in the California and Louisiana cases, are equally applicable to the Texas case. Accordingly, we must at the outset look at the opinion of Mr. Justice Black in *United States* v. *California* (332 U. S. 19), and the opinion of Mr. Justice Douglas in *United States* v. *Louisiana* (337 U. S. 699).

In the California case, Mr. Justice Black holds it an inescapable conclusion that "national interests, responsibilities, and therefore rights, are paramount in lands lying to the seaward of the 3-mile belt." [1]

In the Louisiana case, Mr. Justice Douglas says: "The marginal sea is a national not a State concern. National interests, national responsibilities, national concerns are involved. The problems of commerce, national defense, relations with other powers, war and peace, focus there. National rights must therefore be paramount there." [2] But as to such things as are specified, namely commerce with foreign states (e. g., obligations) and conduct of war, are not the rights or powers of the United States paramount also over the whole land? Such rights, incidents of external sovereignty, are not incompatible with ownership, dominium, as distinct from sovereignty. For example, the power of eminent domain of the Federal Government extends for Federal purposes over the whole land. Private land may be used for national defense throughout the whole land. It is not for that reason excluded from private ownership. Private land may be used for national defense throughout the country and is none the less private property because of this.

Section 4 of article IV of the Constitution provides that the United States shall protect each State against invasion. Hence defense on land no less than by sea is a national not a State concern. Hence, according to the reasoning in the California, Louisiana, and Texas cases, national rights must be paramount there, to the exclusion of ownership by a State or of private ownership. The fallacy lies in the assumption that they must be paramount for all other purposes as well as for the exigencies of defense. State ownership of land within its bounds and private ownership of parcels of such land are perfectly compatible with the paramount power of defense.

In all three of the points made in the opinion of Mr. Justice Douglas the argument gets down to the proposition that, although he concedes, what is universally agreed, that dominium and imperium are normally separable, yet as to the land beneath the marginal sea property is so subordinated to the rights of sovereignty as to follow sovereignty.[3] The proposition is not the common law, is not international law, and is not involved in, much less required by, the constitutional power and responsibilities of the United States.

As to the common law, from the time of Sir Matthew Hale's classical treatise De Portibus Maris, it has been settled that the title to the soil of the sea below high water mark is in the sovereign except so far as an individual or a corporation has acquired rights in it by express grant or by prescription or usage, and that this jus privatum or dominium, as distinct from sovereignty or imperium is subject to public right such as navigation and fishing, but is not excluded thereby.[4] This was quoted and fortified by a long list of common law decisions by the Supreme Court of the United States in 1894.) [5]

While the Crown in Great Britain cannot alienate its sovereignty, it can grant estates in the soil beneath the marginal sea because as to that it has dominium which is separable from its sovereignty.[6] Common-law lawyers and civilians have been agreed as to the nature of the right of the sovereign with respect to the land and subsoil of the marginal sea. Lord Cranworth said of the proposition that there was a property right, as distinct from sovereignty, "No one doubts that such a right exists." [7] This was said to be "the result of all the best authorities—Scotch, English, and foreign" in *Lord Advocate* v. *Trustees of Clyde Navigation* (1891), citing numerous civilians and "judments with respect inter alia to mineral under the sea." [8] These cases and the authorities they cite show that dominium as to the foreshore and as to the bed of the marginal sea is exactly the same and quite independent of imperium or sovereignty, although they may coexist. The dominium may be granted. The imperium can be lost by conquest or by cession to another sovereign. It cannot be granted.

As to international law, the distinction has been made from the time of Grotius.[9]

Nor is the proposition that dominium and imperium must be inseparable as to the soil beneath the marginal sea required under our constitutional policy because of the national guaranty of defense and the turning over of responsibility for foreign commerce, for international relations and for making war to the Federal Government.

If sovereignty with responsibility for defense and international relations did necessarily and inseparably involve dominium, that is ownership of land, all private ownership of land would have to be given up.

(a) When defense for practical purposes meant defense from attack by sea within the range of the ordnance of the time, it could have been said that jurisdiction over the marginal sea was required for defense. But now that the whole country is potentially threatened from the air and defense may have to be made from every part of the land, not merely the seacoast but every locality up and down the land may call for defensive activities of the National Government. Today, defense, in a time of long-distance bombing and long-distance invasion by air over the whole territory of a belligerent must involve a power of defense from one end of the land to the other. If exercise of sovereignty for defense requires that the Government be owner, then there can no longer be private or State ownership of land. Under the conditions of warfare today, the argument for national defense would make the United States owner of the whole land as well as of the shore of the sea and the sea adjacent to our territory.

(b) Nor do the duties of the United States Government in international relations require more than sovereignty. They do not require ownership of the land over which the sovereignty extends.

International obligations of the United States extend to what takes place on land as well as to what may go on upon the marginal sea:

(1) The Federal Government is responsible in international law for denial of justice to citizens of other States.[10] Thus the national government is internationally responsible for the subjecting of an accused alien to unjustified discrimination; [11] also for internationally illegal treatment of aliens; [12] also for neglect to prosecute offenses against aliens residing in our limits; [13] also for the consequences of mob violence to diplomats and other official personages; [14] also for injurious acts of insurgents who do injury to persons or property; [15] also for public bonds of municipalities, States, and the Nation.[16] Under treaties, inheritance laws of the State may be affected by international obligations. Where the Federal Government grants to an alien by treaty the privilege of acquiring and holding property within its domain, it finds itself under a corresponding obligation to make reasonable endeavors to protect the same and to abstain itself through any of its agencies from conduct injurious thereto.[17]

The United States has been held liable to Great Britain for violation of a treaty of a state with an Indian tribe made before the adoption of the Federal Constitution, where the Indians became wards of the British Government.[18]

All these duties are quite as exacting in respect of the powers of sovereignty as those which bind the United States with respect to the marginal sea. They do not in the latter case any more than in the former case require the Government to own the soil over which it exercises its sovereignty.

State jurisdiction of inheritance, over doing justice to resident aliens, over contracts with them and wrongs done them, over keeping the peace within State borders, and over the State's debts and promises is not thereby excluded or abrogated. The United States has jurisdiction in bankruptcy throughout the land. But State laws as to contracts, debts, and liabilities are not excluded for that reason. Federal jurisdiction, imperium for all Federal purposes, does not exclude State ownership (dominium) of all the places or things with respect to which the imperium obtains.

Thus the argument resting the decision on the sovereignty of the United States and its rights and duties with respect thereto under international law, proves altogether too much.

Mr. DANIEL. Mr. President, the National Association of Attorneys General has prepared a booklet entitled "These Men Believed." This association is financed by State funds, and not simply from three States, as was intimated a day or two ago by the distinguished Senator from Montana [Mr. MURRAY]. It has been in existence for 47 years, financed strictly by State funds, and having no private interests connected with it.

The association prepared this very short booklet. The title is derived from the statement of Mr. Justice Black in the case of United States against California, in which Mr. Justice Black clearly indicated that the Court in that opinion, as said by the majority leader yesterday, was writing the law differently from former justices believed it to be. He used these words: "The Court then believed."

Those are the words of the opinion.

So, Mr. President, the booklet is entitled "These Men Believed—That the Lands Within Navigable Waters Within

[1] *United States* v. *California* (332 U. S. 19, 36).

[2] *United States* v. *Louisiana* (339 U. S. 699, 704).

[3] *United States* v. *Texas* (339 U. S. 707, 719).

[4] Hargrave, Law Tracts, 84–85.

[5] *Shively* v. *Bowlby* (152 U. S. 1, 14 (1894)).

[6] *Gammell* v. *Commissioners of Woods and Forests* (3 Macqueen, 419, 458 (1859)). A number of such alienations by grant are cited with reference to the records in *Duchess of Sutherland* v. *Watson* (6 Session Cases (Scotland) 199, 203 (1868)).

[7] *Gammell* v. *Commissioners of Woods and Forests, supra*, at 465.

[8] 19 Session Cases, 174, 177 (1891).

[9] II, 2, 13.

[10] Hyde, International Law, 2d ed., sec. 281.

[11] Id., sec. 285.

[12] Id., sec. 286.

[13] Id., sec. 389a.

[14] Id., sec. 290.

[15] Id., sec. 399b.

[16] Id., secs. 307–308.

[17] I Hyde, International Law, sec. 203, p. 655.

[18] American-British Claims Arbitration, Cayuga Indians' case, Neilsen's Rept. 307 (1926).

the Boundaries of the States Belonged to the States."

That is the full title of the booklet.

As I have said, the idea came from the fact that Mr. Justice Black admitted that the Court previously "used language strong enough to indicate that the Court then believed that the States not only owned tidelands and soil under navigable waters, but also owned the soils under all navigable waters within their territorial jurisdiction, whether inland or not."

Mr. President, I ask unanimous consent that the citations from cases and the names of the Justices who wrote this rule of law be inserted in the RECORD at this point in my remarks.

There being no objection, the names and citations were ordered to be printed in the RECORD, as follows:

THESE MEN BELIEVED THAT THE LANDS BENEATH NAVIGABLE WATERS WITHIN THE BOUNDARIES OF THE STATES BELONGED TO THE STATES

Chief Justice Harlan Fiske Stone.

Chief Justice Charles Evans Hughes, Associate Justice Louis D. Brandeis, Associate Justice Benjamin N. Cardozo, Associate Justice Owen J. Roberts, Associate Justice Willis Van Devanter, Associate Justice George Sutherland, Associate Justice Pierce Butler, Associate Justice James C. McReynolds.

Chief Justice William Howard Taft, Associate Justice Oliver Wendell Holmes, Associate Justice Edward Terry Sanford.

Chief Justice Edward Douglas White, Associate Justice Joseph McKenna, Associate Justice William R. Day, Associate Justice Mahlon Pitney, Associate Justice John H. Clarke, Associate Justice John Marshall Harlan, Associate Justice Horace H. Lurton, Associate Justice Joseph R. Lamar.

Chief Justice Melville W. Fuller, Associate Justice David J. Brewer, Associate Justice Rufus W. Peckham, Associate Justice William H. Moody, Associate Justice Henry B. Brown, Associate Justice George Shiras, Associate Justice Stephen J. Field, Associate Justice Horace Gray, Associate Justice Howell E. Jackson, Associate Justice Joseph P. Bradley, Associate Justice Samuel Blatchford, Associate Justice Lucius Q. C. Lamar, Associate Justice Samuel F. Miller.

Chief Justice Morrison R. Waite, Associate Justice Nathan Clifford, Associate Justice Noah H. Swayne, Associate Justice David Davis, Associate Justice William Strong, Associate Justice Ward Hunt.

Chief Justice Salmon P. Chase, Associate Justice James M. Wayne, Associate Justice Samuel Nelson, Associate Justice Robert C. Grier.

Chief Justice Roger B. Taney, Associate Justice Joseph Story, Associate Justice John McLean, Associate Justice John McKinley, Associate Justice Peter V. Daniel.

The United States Supreme Court, in its opinion in the case of the *United States* v. *California*, rendered June 23, 1947, specifically stated that "this Court" had in previous decisions "many times * * * used language strong enough to indicate that the Court then believed that States not only owned tidelands and soil under navigable inland waters, but also owned soils under all navigable waters within their territorial jurisdiction, whether inland or not."

The Supreme Court Justices who held this belief are listed above.

In the California, Texas, and Louisiana cases, the Supreme Court, by a divided vote, held that all these Justices were wrong in their belief.

Following are set forth a few excerpts from the decisions of these former Justices showing the language they used to indicate that they believed the States were the owners of the lands beneath navigable waters within their boundaries:

1842

"For when the Revolution took place, the people of each State became themselves sovereign; and in that character hold the absolute right to all their navigable waters and the soils under them for their common use, subject only to the rights since surrendered by the Constitution to the General Government." (Chief Justice Taney in *Martin* v. *Waddell* (16 Peters 367, 410)).

1845

"First, the shores of navigable waters, and the soils under them, were not granted by the Constitution to the United States but were reserved to the States, respectively. Secondly, the new States have the same rights, sovereignty, and jurisdiction over the subject as the original States" (Mr. Justice McKinley in *Pollard* v. *Hagan* (3 How. 212, 230)).

1867

"Settled rule of law in this Court is, that the shores of navigable waters and the soils under the same in the original States were not granted by the Constitution to the United States but were reserved to the several States, and that the new States since admitted have the same rights, sovereignty, and jurisdiction in that behalf as the original States possess within their respective borders.

"When the Revolution took place, the people of each State became themselves sovereign, and in that character hold the absolute right to all their navigable waters and the soils under them, subject only to the rights since surrendered by the Constitution" (Mr. Justice Clifford in *Mumford* v. *Wardwell* (6 Wall. 423, 436)).

1873

"All soils under the tidewaters[1] within her limits passed to the State" (Mr. Justice Field in *Weber* v. *Harbor Commissioners* (18 Wall. 57, 66)).

1876

"In our view of the subject the correct principles were laid down in *Martin* v. *Waddell* (16 Pet. 367), *Pollard's Lessee* v. *Hagan* (3 How. 312), and *Goodtitle* v. *Kibbe* (9 *id.* 471). These cases related to tidewaters, it is true; but they enunciated principles which are equally applicable to all navigable waters. * * * it (the bed and shore of such waters) properly belongs to the State by their inherent sovereignty" (Mr. Justice Bradley in *Barney* v. *Keokuk* (94 U. S. 324, 338)).

1876

"Each State owns the beds of all tidewaters within its jurisdiction" (Chief Justice Waite in *McCready* v. *Virginia*, (94 U. S. 391, 394).

1891

"The titles acquired by the United States to lands in California under tidewaters, from Mexico, were held in trust for the future State, so that their ownership and right of disposition passed to it upon its admission into the Union" (Mr. Justice Field in *San Francisco* v. *LeRoy* (138 U. S. 656, 670–671)).

1891

"It is the settled rule of law in this court that absolute property in, and dominion and sovereignty over, the soils under the tidewaters in the original States were reserved to the several States and that the new States since admitted have the same rights, sovereignty and jurisdiction in that behalf as the original States possess within their respective borders" (Mr. Justice Lamar in *Knight* v. *United States Land Association* (142 U. S. 161, 183)).

1892

"It is the settled law of this country that the ownership of and dominion and sovereignty over lands covered by tide waters, within the limits of the several States, belong to the respective States within which they are found * * *.

"The same doctrine is in this country held to be applicable to lands covered by fresh water in the Great Lakes over which is conducted an extended commerce with different States and foreign nations. These lakes possess all the general characteristics of open seas, except in the freshness of their waters, and in the absence of the ebb and flow of the tide. In other respects they are inland seas, and there is no reason or principle for the assertion of dominion and sovereignty over and ownership by the State of lands covered by tide waters that is not equally applicable to its ownership of and dominion and sovereignty over lands covered by the fresh waters of these lakes" (Mr. Justice Field in *Illinois Central R. Co.* v. *Illinois* (146 U. S. 287, 435)).

1894

"The new States admitted into the Union since the adoption of the Constitution have the same rights as the original States in the tidewaters, and in the lands under them, within their respective jurisdictions" (Mr. Justice Gray in *Shively* v. *Bowlby* (152 U. S. 1, 57)).

1903

"When land is conveyed by the United States bounded on a non-navigable lake belonging to it, the grounds for the decision must be quite different from the considerations affecting the conveyance of land bounded on navigable water. In the latter case the land under the water does not belong to the United States, but has passed to the State by its admission to the Union" (Mr. Justice Holmes in *Hardin* v. *Shedd* (190 U. S. 508, 519)).

1906

"The maritime belt is that part of the sea which, in contradistinction to the open sea, is under the sway of the riparian States, which can exclusively reserve the fishery within their respective maritime belts for their own citizens, whether fish, or pearls, or amber, or other products of the sea" (Chief Justice Fuller in *Louisiana* v. *Mississippi* (202 U. S. 1, 52)).

1908

"The right of the State to grant lands covered by tidewaters or navigable lakes and the qualifications, as stated in *Shively* v. *Bowlby* (152 U. S. 1, 47), are that the State may use or dispose of any portion of the same 'when that can be done without substantial impairment of the interest of the public in such waters'" (Mr. Justice Holmes in *United States* v. *Chandler-Dunbar Water Power Co.* (209 U. S. 447, 451–452)).

1921

"Washington became * * * the owner of the navigable waters within its boundaries and of the land under the same" (Mr. Justice Brandeis in *Port of Seattle* v. *Oregon & W. R. Co.* (255 U. S. 56, 63)).

1926

"Upon the American Revolution, all the proprietary rights of the Crown and Parliament in, and all their dominion over, lands under tidewater vested in the several States, subject to the powers surrendered to the National Government by the Constitution of the United States" (Chief Justice Taft in *Appleby* v. *New York* (271 U. S. 364, 381)).

[1] That the term "tidewaters" includes the water area of the marginal belt is made clear by the statement of the Supreme Court in *Manchester* v. *Massachusetts* (139 U. S. 240, 258 (1891)) that "the minimum limit of the territorial jurisdiction of a nation over tidewaters is a marine league from its coast."

1935

"For that reason, upon the admission of a State to the Union, the title of the United States to lands underlying navigable waters within the States passes to it" (Chief Justice (then Mr. Justice) Stone in *United States* v. *Oregon* (295 U. S. 1, 14)).

1935

"The soils under tidewaters within the original States were reserved to them respectively, and the States since admitted to the Union have the same sovereignty and jurisdiction in relation to such lands within their borders as the original States possessed" (Chief Justice Highes, in *Borax Consolidated* v. *Los Angeles* (296 U. S. 10, 15)).

1936

"*Pollard* v. *Hagan* (3 How. 212), *Shively* v. *Bowlby* (152 U. S. 1), and *Port of Seattle* v. *Oregon-Washington R. Co.* (255 U. S. 56) dealt with the title of the States to tidelands and the soil under navigable waters within their borders" (Chief Justice Hughes in *Ashwater* v. *Tennessee Valley Authority* (297 U. S. 288, 337)).

For over 100 years the States have relied on the foregoing decisions of the Supreme Court as establishing State ownership of lands beneath navigable waters within their boundaries. Titles to real property in every State have been based upon the statements of the Supreme Court above quoted.

The effect of the decisions in the California, Louisiana, and Texas cases is to destroy the basis upon which these titles have been predicated.

Senate Joint Resolution 13 and similar bills will restore to the States their traditional property rights.

Mr. DANIEL. Mr. President, I have here another item which fully supports the views stated by the majority leader yesterday and contradicts the views of the Senator from Minnesota as to the entire subject. It is a joint memorandum signed by 11 of the world's greatest authorities on international law and the law of the sea. It was prepared at my request while I was attorney general of Texas.

Mr. President, I asked these authorities to prepare memorandum for me as to the rights of my State in the marginal belt. I employed them to study the question and write their opinions whether favorable to the State or against the State, because I wanted the benefit of their knowledge and opinion before I argued the matter before the Supreme Court of the United States. Every one of the eminent authorities to whom I submitted the material on the situation of Texas concluded that Texas was correct in its contentions. After the decision was rendered by a 4-to-3 vote against Texas, a decision which denied the State from introducing its evidence, I asked these men to prepare a joint memorandum in support of Texas' motion for rehearing.

I ask unanimous consent to have inserted in the RECORD at this point in my remarks the Joint Memorandum in Support of Rehearing in United States against Texas, signed by these 11 distinguished lawyers.

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

JOINT MEMORANDUM IN SUPPORT OF REHEARING IN UNITED STATES AGAINST TEXAS

Based upon our individual research and consideration of the pleadings, briefs, and evidentiary materials, each of us has prepared a separate memorandum opinion on the title to the lands and minerals underlying the Gulf of Mexico within the original boundaries of the State of Texas and the rules of international law applicable thereto. These memoranda were written at the request of the attorney general of Texas prior to the request of the attorney general of Texas prior to the Court's decision of June 5, 1950.

Without collaboration, each of us concluded:

1. The Republic of Texas, as an independent nation, had full sovereignty over and ownership of the lands and minerals underlying that portion of the Gulf of Mexico within its original boundaries 3 leagues from shore.[1] Under international law and under the domestic law adopted by the Republic of Texas, the ownership (dominium) of the subjacent soil and minerals was severable from the paramount governmental powers (imperium) employed in the original acquisition and in the regulation and control of commerce, navigation, defense, and international relations.

2. The transfer of national sovereignty and governmental powers relating to interstate and foreign commerce, navigation, defense, and international relations from the Republic of Texas to the United States in 1845 did not effect a transfer or relinquishment of the ownership of the lands and minerals above described. International law, as it existed in 1845, did not imply or require a cession of these proprietary rights with a transfer of national sovereignty.

3. The Republic of Texas, upon annexation, did not cede to the United States the ownership of the controverted 2,608,774 acres of lands and minerals within its original boundaries, but specifically retained this ownership under the terms of the agreement between the Republic of Texas and the United States.

4. A contrary position, first asserted by the United States 103 years after the international agreement of annexation, creates a dispute as to the meaning of the controlling documents. Under such circumstances either litigant should be entitled to present evidence bearing upon the intention of the contracting parties.

5. Available evidence of the status of international law, reflected by the customs, usages, and practices of nations in 1845 and since that date, will support the foregoing conclusions of fact and law.

After studying the majority and dissenting opinions of June 5, 1950, each of us has written a separate memorandum directed to issues raised by the majority opinion which we respectfully submit require a rehearing and judgment for Texas or at least a trial on the evidence. In the interest of brevity, this joint memorandum is submitted as a summary of our individual opinions and of the evidence of relevant customs, usages, and practices of nations which we will develop fully if given the opportunity at a trial of the case on its merits.

I

In the first instance, the majority opinion in its concept of the nature of a nation's sovereignty over and ownership of marginal belt lands and minerals is not in harmony with international law as it existed in 1845 and as it continues to exist at the present time.

The majority has written:

"Once low-water mark is passed, the international domain is reached. Property rights must then be so subordinated to political rights as in substance to coalesce and unite in the national sovereign."[2]

There is no accepted authority in international law for this notion of international domain. To the contrary, it may be said that customs, usages, and practices of nations in and since 1845 indicate complete agreement that the territorial-marginal sea and its subjacent soil and resources within its boundaries are under the full sovereignty of the littoral nation, subject only to the accepted rules of innocent passage through the overlying waters.

Under international law as it existed in and since 1845, the international domain did not, and does not now, begin at the low-water mark of a littoral state. Vis-a-vis other nations, the area of a littoral state between low-water mark and the seaward limit of its marginal belt was and is in the same category as its inland waters, uplands, and other territory within its boundaries.[3] As said by Wheaton in 1836:

"Within these limits, its rights of property and territorial jurisdiction are absolute and exclude those of every other nation." (Wheaton, Elements of International Law (Philadelphia, 1836), 142–143.)

Sala wrote in 1845 that customs and usages of nations have "converted the sea as to this portion thereof into property no different than the lands occupied by them."[4] Hautefeuille described territorial seas as under littoral state dominion "in the same manner and by the same title as the land."[5] Many writers term it a continuation of the continental territory. Olivart says "the jurisdiction of the state over its territorial sea is exclusive as it is over its land territory."[6] Among the jurist and publicists there is almost complete unanimity of opinion on this point.[7]

It is respectfully urged that no matter what the United States may gain in this case by a holding that the Texas marginal sea is "international domain," such gain could be far outweighed by the consequent gratuity to other nations. Implicit in the denomination of the area as "international domain" is the possibility of other nations having rights there in other than innocent passage through the waters. Spain, Mexico, France,

[1] The First Congress of the Republic of Texas, on December 19, 1836, fixed the boundaries as follows: "* * * beginning at the mouth of the Sabine River, and running west along the Gulf of Mexico 3 leagues from land, to the mouth of the Rio Grande" (1 Laws, Republic of Texas, p. 133; 1 Gammel's Laws of Texas 1193–1194).

[2] 70 S. Ct. at 924.

[3] The only limitation or exception is that by mutual consent and established practice there exists a right of "innocent passage" for ships of other nations. But as said by the Italian publicist, Scipione Gemma: "The limitations implied by the right of innocent passage of foreign vessels and by certain exemptions applicable to them in matters of civil and criminal local jurisdictions exercised by the coastal nations are not enough to consider the littoral sea as something different from the national territory." Gemma Appunti di diritto internazionale (Bologna, 1923) 187.

[4] Sala, Sala Mexicana, o sea La Ilustración al Derecho Real de España (Mexico, 1845, vol. 2, p. 11).

[5] Hautefeuille, Des droits et des devoirs des nations neutres en temps de guerre maritime. (Paris, 1848) 231. He continued: "There is continuous, complete, and absolute possession, as there might be of a river, a lake, or a piece of land territory." (p. 232.)

[6] 1 Olivart, Tratado de Derecho Internacional Publico (Madrid, 1903) 204.

[7] See "Summary of Available Opinions of Jurists and Publicists—1670–1950," pp. 18–50 of the Appendix to Brief for the State of Texas in Opposition to Motion for Judgment. See especially quotations from Molloy and Pufendorf (p. 18), Vattel (p. 19), Lampredi (p. 20), Rayneval (p. 21), Azuni and Schmalz (p. 22), Wheaton (p. 24), Cussy and Gardner (p. 27), Casanova (p. 29). Field (p. 30), Fiore and Martens (p. 31), Pradier-Fodéré (p. 33), Hershey (p. 38), Fenwick and Möller (p. 43), Bustamante (p. 45), Gidel and Baldoni (p. 46).

England, Russia, and other nations can make no reasonable assertion of an interest in the oil and other minerals within the 3-league gulfward boundary of Texas so long as this Court recognizes that the area was removed from international domain when it became a part of the Republic of Texas. This was accomplished by the Republic of Texas in accordance with international law as recognized at the time by the countries named and by all other civilized nations. A contrary conclusion by the United States Supreme Court could well be used by other nations as an opening for claims not now asserted.

The Court's holding in this regard is contrary to the official position of the United States as expressed by the Department of State and by Presidential proclamations. The official view of the United States at the League of Nations Conference at The Hague in 1930 was declared as follows:

"The seabottom and subsoil covered by the territorial waters, including fish and minerals, are the property of the United States or the individual States where they border." [8]

The Continental Shelf proclamations and Executive orders of the President of the United States on September 28, 1945, do not regard the bed of the Continental Shelf as "international domain." On the contrary, the proclamation regards the land and resources below low tide "as an extension of the landmass of the coastal nation and thus naturally appurtenant to it" and wholly unaffected by "the character as high seas of the waters above the Continental Shelf and the right to their free and unimpeded navigation." [9] The Executive order recognizes that ownership of the subsoil and sea-bed is possible either in the States or the United States.[10]

There is no authority in international law for the doctrine that property rights in the marginal sea must be so subordinated to political rights as in substance to coalesce and unite in the national sovereign. On the contrary, international law in and since 1845, and all domestic law with which we are acquainted, recognizes that political rights (imperium) are separate and severable from property rights (dominium) in the subsoil and minerals of the marginal belt the same as in any other soil and minerals within a nation's territory.[11] The use of the soil may be more limited by governmental restrictions and regulations designed to protect public use, innocent passage, and navigation of the waters generally, but restrictions and regulations on property use have not been understood to vest ownership of the property in the governmental power which imposes the restrictions and regulations.

There is no obligation or responsibility of a nation to other nations which requires it, rather than one of its political subdivisions, to own the soil and minerals within its territorial marginal belt, so long as it has governmental powers which guarantee innocent passage for ships of other states. The exercise of this responsibility and all other responsibilities connected with foreign and interstate commerce, defense, and international relations is wholly separate from and does not depend upon the economic use and profits connected with the proprietorship of this subsoil and minerals any more than it does the subsoil and minerals beneath uplands, inland waters, and all areas of the nation's territory.

Such was the status of international law when the Republic of Texas and the United States entered into their agreement for the annexation of Texas. A transfer of marginal sea lands and minerals was not then implied in a transfer of national sovereignty. An express cession or other clear terms indicating a transfer of these proprietary rights was as necessary then as it would be now to effect such a result. As recently said by one of the coauthors of this memorandum:

"In this day when world governments are being planned it is important that dominium is not confused with or inextricably tied to imperium. * * *

"Assume that all of this Nation's powers of external sovereignty, international relations, and defense were transferred to a United Nations of the World. This transfer of external sovereignty should not be held to carry with it any proprietary rights theretofore acquired by the United States in the marginal belt of the original States and California in the absence of a cession of the property.

"Such is the situation which existed between Texas and the United States in 1845. Texas transferred its external sovereignty and certain enumerated properties which then pertained to its national defense. It ceded no other property. This is confirmed by a specific reservation of all 'vacant and unappropriated lands lying within its limits.' The subsoil and minerals remained in the State just as the subsoil and minerals of the California belt would remain in the United States if it should transfer external sovereignty to a larger federation of States without ceding its rights of a proprietary nature beneath the marginal sea of California." [12]

II

Even if the Court believes that the lands and minerals in question would ordinarily pass to the United States with national political rights, this would not be true if the parties made an agreement to the contrary at the time of annexation.

In this case there is an international agreement which contains a specific retention of lands lying within the limits of the Republic of Texas.[13] It is of the same nature and has the same effect as a treaty or contract between independent nations. Therefore, rules of interpretation applicable to treaties, conventions, and other international agreements apply. The object of the interpretation of an agreement of this nature is to discover the understanding and intention of the parties at the time the contract or agreement was entered into.

Texas has a specific allegation at page 15 of its first amended answer that—

"By these acts on the part of the United States and the Republic of Texas, when construed, as they must be, in the light of the intention of the contracting parties, there was a binding agreement between the two independent sovereigns that upon annexation Texas would not cede to the United States any, but that the newly created State would retain all, of the lands, minerals, and other things lying beneath that part of the Gulf of Mexico within the original boundaries of the Republic, as well as the right to take, use, and develop the lands and minerals, subject only to the dominion and paramount powers of the United States as recognized in section 2, paragraph II above."

If it be found, as alleged by Texas, that the parties intended by the terms of the agreement that the lands and minerals beneath the marginal belt were to be retained by Texas the same as other lands and minerals within its limits, no other provision of the agreement should be permitted to defeat this intention. Thus, a controlling issue in this case is the fact question of whether the parties intended the retention clause to be effective to the extent of the limits of Texas, as the terms imply, or only as far as low-water mark.

The applicable rule in such case is stated in the majority opinion as follows:

"If there were a dispute as to the meaning of documents and the answer was to be found in diplomatic correspondence, contemporary construction, usage, international law, and the like, introduction of evidence and a full hearing would be essential." [14]

If this case is not determined in favor of Texas on the law and terms of the documents alone, it should not be determined against Texas without allowing it the opportunity for introduction of evidence and a full hearing. It is our opinion that the answer to the dispute will be found in diplomatic correspondence, contemporary, and subsequent construction, usage, and international law under which the parties were dealing in 1845.

Insofar as international law is concerned, it was possible in 1845 for one nation to join another and retain the lands and minerals underlying the marginal sea within its boundaries.

This was and is possible also insofar as the domestic law of the United States is concerned. Counsel for the United States itself have not contended that ownership of the marginal belt lands and minerals is an inseparable attribute of national sovereignty.[15] In the Government's brief in *United States* v. *California* (332 U. S. 19 (1947)) it was said:

"We do not argue that the effective exercise of the foregoing powers (national defense, commerce, international relations) granted to the Federal Government by the Constitution would be impossible without ownership of the marginal sea" (p. 89).

The Court in that case also recognized that ownership of this property is not a necessary incident of national sovereignty or essential to the exercise of Federal constitutional powers over the area when it said that the power of Congress to deal with such property "is without limitation." [16]

Implicit in the powers of the United States Congress to convey these lands and minerals to the States and good faith claimants and to admit new States is the power to admit Texas to the Union under an agreement that Texas retain the lands and minerals in the first instance.

The Texas Annexation Agreement of March 1, 1845, whether classed as a treaty, act, or joint resolution, was passed by Congress and carried into effect by the President, who is

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[8] Reply of the United States to the Bases of Discussion, March 16, 1929, League of Nations Conference for the Codification of International Law, Bases of Discussion, C. 74, M. 39. 1929. V. p. 128.

[9] 3 C. F. R., 1945, Sup., Proc. 2667, 13 Dept. Stat Bull. 484, 485 (1945).

[10] 3 C. F. R., 1945, Supp., E. O. 9633.

[11] It is believed that evidence of the practice of nations in 1845 will show that they treated original ownership of the subsoil and minerals of the marginal belt as within the same legal regime and property law as was applicable to other unsold and unappropriated lands within their public boundaries.

[12] Roscoe Pound, *Rights Involved in United States* v. *Texas*, pp. 10–11, Memoranda and Appendix, Brief for the State of Texas in Opposition to Motion for Judgment.

[13] 5 Stat. 797; 2 Gammel's Laws of Texas 1225, 1228.

[14] 70 S. Ct. at 922.

[15] Solicitor General Perlman, in answer to a question by Mr. Justice Reed during the argument on the motion for leave to file the complaint herein, said that if the United States owns the property, it could convey it to the States. His words:

"Oh, yes; Congress could give whatever title it has, whatever rights it has, to the States" (argument, *United States* v. *Texas*, May 9, 1949, Reporter's Transcript, p. 6).

[16] *United States* v. *California* (332 U. S. 19, 27). Also in stating that valuable improvements made in good faith under State titles are not ground for a different judgment, the Court added: "But beyond all this we cannot and do not assume that Congress, which has constitutional control over Government property, will execute its powers in such way as to bring about injustices to States, their subdivisions, or persons acting pursuant to their permission. See *United States* v. *Texas* (162 U. S. 1, 89, 90); *Lee Wilson & Co.* v. *United States* (245 U. S. 24, 32)." Id. at 40.

charged with the conduct of international affairs. This agreement provides that—

"Said State, when admitted into the Union * * * shall also retain all the vacant and unappropriated lands lying within its limits."

Thus as to Texas, Congress has acted with regard to the specific question before this Court. The Congress of Texas, and the people in convention assembled, agreed to annexation with this as one of the "conditions" and "guarantees." [17] There is no evidence in the terms of the agreement that the parties meant to retain only those lands lying above low tide on the coast. The retention clause says "lands lying within its limits." Neither is there any evidence in the terms that the parties intended the lands and minerals of the 3-league marginal belt to "coalesce and unite" with the political powers of national sovereignty transferred to the United States. Under the domestic law of the Republic of Texas, these lands and minerals involved rights of property, severable from sovereignty, but originally held by the sovereign in trust for the people.

The constitution of the new State, adopted in accordance with the terms of the annexation agreement and as a part of the annexation procedure, indicates that these property rights were to remain as they were under the laws of the Republic of Texas. It included this provision:

"The rights of property * * * which have been acquired under the Constitution and laws of the Republic of Texas * * * shall remain precisely in the situation which they were before the adoption of this Constitution." [18]

This Constitution was laid before the United States Congress and was approved by that body in the final act of admission as being in conformity to the provisions of the annexation resolution (9 Stat. 108).

On the basis of these documents it would appear that Texas retained the lands and minerals in question by the specific agreement and approval of the United States Congress. The only doubt cast on the meaning of the documents is the contention by the United States that the retention clause was not intended to include lands and minerals below low tide and the statement in the majority opinion that an equal footing clause in the annexation resolution of March 1, 1845, effected a relinquishment of the property to the United States.

The equal footing clause in the March 1 resolution for annexation of Texas was contained in section 3, which was an alternative proposal never submitted to, or considered or accepted by, Texas. Sections 1 and 2 contained the proposals, conditions, and guaranties submitted by the President of the United States and accepted by the Congress and the people of Texas. These sections provided that Texas retain its lands and pay its own debts. It is significant that they contained no equal footing clause. Only the unilateral final act of admission referred to equal footing, but it also recited that admission was granted in accordance with the proposals, conditions, and guaranties contained in the first and second sections of the March 1, 1845, annexation resolution. It could not have the effect of taking from Texas lands and minerals which had been specifically retained by the proposals, conditions, and guaranties theretofore agreed upon. Texas pleads that it has evidence which will show that no such meaning or effect was intended by the contracting parties.

If, upon rehearing, judgment is not rendered in favor of the State of Texas on the basis of the terms contained in sections 1 and 2 of the annexation agreement and its failure to cede the lands and minerals, it would indicate that some doubt still exists in the minds of the majority as to the meaning of the annexation agreement and the intention of the parties. In that event, Texas should be entitled to an opportunity to present its evidence. This was requested by Texas in its motion for the appointment of a master and in its brief in opposition to the motion of plaintiff for judgment on the pleadings. We submit that the Court should reconsider its ruling denying Texas this opportunity to develop evidence as to the intention of the parties to this international agreement.

Evidence which can and will be submitted as to the customs, usages, and practices of nations in and since 1845, the nature of the sovereignty over and ownership of marginal belt lands and minerals in international law, and all other relative interpretative matters, will support the contentions of the State of Texas as to the law and facts applicable to this case.

Respectfully submitted.

Joseph Walter Bingham, C. John Colombos, Gilbert Gidel, Manley O. Hudson, Charles Cheney Hyde, Hans Kelsen, William E. Masterson, Roscoe Pound, Stefan A. Riesenfeld, Felipe Sanchez Roman.

JULY 14, 1950.

CONCURRENCE

Time has not permitted me to assist in the preparation of this memorandum, but I am fully in accord with the position taken by the State of Texas in its brief and argument in this case. I wholeheartedly concur in the opinion that there should be a rehearing, and a judgment for Texas or at least a trial on the evidence.

WILLIAM W. BISHOP, Jr.

JULY 15, 1950.

Mr. DANIEL. Mr. President, I ask unanimous consent to have inserted in the RECORD following the memorandum a short biography of each of the signers of the memorandum, in order that Senators may know their background of experience and knowledge of the subjects about which they have written.

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

BIOGRAPHICAL DATA ON SIGNERS OF JOINT MEMORANDUM ABOVE

Joseph Walter Bingham: Chairman, the International Law Association Committee on Rights in the Seabed and Its Subsoil, American branch; professor of international law, Stanford University, 1907–44; author, Report on the International Law of Pacific Coastal Fisheries and numerous articles on international law.

William W. Bishop, Jr.: Assistant to legal adviser, Department of State, 1939–47; legal adviser, United States delegation, Council of Foreign Ministers and Paris Peace Conference, 1946; author, The Exercise of Jurisdiction for Special Purposes in High Sea Areas Beyond the Outer Limit of Territorial Waters, 1949.

C. John Colombos: King's counsel; Rapporteur, International Law Association's Committee on Neutrality, 1924, 1926, 1928, and 1932; author, International Law of the Sea, (1943), a Treatise on the Law of Prize (3d ed., 1949), and other works on international law.

Gilbert Gidel: Member of the Institute of International Law; president of the Curatorium of the Academy of International Law at The Hague; French delegate, 1930 Hague Conference for Codification of the Law of Territorial Waters; author, Le Droit International Public de la Mer (The Public International Law of the Sea) (1932–34), three volumes; fourth volume in preparation.

Manley O. Hudson: Member and first chairman, United Nations International Law Commission; Judge, Permanent Court of International Justice, 1936–46; American adviser, 1930, Hague Conference for the Codification of International Law; Bemis Professor of International Law, Harvard University, 1923 to present; author of over 300 articles and publications on international law.

Charles Cheney Hyde: Former Solicitor of the Department of State under Secretaries Hughes and Kellogg; professor of International Law and Diplomacy, Columbia University, 1925–45; author, International Law Chiefly as Interpreted and Applied by the United States (2d rev. ed. 1945), three volumes, and other works on international law; president of the American Society of International Law, 1946–49.

Hans Kelsen: Legal adviser to the Austrian Government and draftsman of the Federal Constitution of Austria, 1919–22; member of the Constitutional Court of Austria, 1921–29; author, General Theory of International Law (1934), General Theory of Law and the State (1944), and other works on international law and jurisprudence.

William E. Masterson: Department of State consultant, 1944–47; adviser on research in international law, Harvard Law School; author, Jurisdiction in Marginal Seas (1929); coauthor, the International Law of the Future (1944), and author of numerous articles on international law, constitutional law, and jurisprudence.

Roscoe Pound: Professor of jurisprudence and dean of Harvard Law School, 1910–36; Director of National Conference of Judicial Councils, 1938 to date; author of more than 850 books, articles, and addresses on jurisprudence, international law, constitutional law, etc.

Stefan A. Riesenfeld: Professor of law, University of Minnesota, 1938 to date; special consultant, Board of Economic Warfare, 1942–43; author, Protection of Coastal Fisheries Under International Law (1942), and of numerous articles on international and comparative law in German and American legal periodicals.

Felipe Sanchez Roman: Former member of the Permanent Court of Arbitration at the Hague; member of the Spanish National Academy of Jurisprudence and Legislation; legal adviser to Spanish and Mexican Governments; professor of civil law at the Central University of Madrid, 1916–36.

Mr. DANIEL. Mr. President, I hope these insertions in the RECORD and the remarks which I have made this morning will bring to the attention of the Members of the Senate how clearly the issue has been drawn in this debate as to whether we are going to follow the Senator from Minnesota [Mr. HUMPHREY] and those who say that international law and external sovereignty should apply in domestic affairs, or whether we are going to follow the Constitution of the United States; whether we are going to follow the 3 most recent decisions of the Supreme Court in writing the law for the future, or whether we are going to follow approximately 50 former opinions of the Court in which the belief of the judges was based upon the Constitution and in favor of the States.

We do not ask Congress to overrule the Supreme Court of the United States, although, I think, the Court was incorrect. We can and do accept the decisions of the Court as the interpretation of the law as it exists today, but, by the same token, the Congress of the

[17] 5 Stat. 797; 2 Gammel's Laws of Texas 1225, 1228. The Annexation Resolutions of the two nations are set out at length on pages 58–62 of the Appendix to Brief for the State of Texas in Opposition to Motion for Judgment.

[18] Art. VII, sec. 20, Constitution of 1845; 2 Gammel's Laws of Texas 1293–94.

United States, in placing its interpretation on the Constitution and in deciding the equities can write the law for the future differently from that which the Court has found it to be at this time.

That is what we propose in Senate Joint Resolution 13. We want Congress to write the law for the future exactly as it was understood and believed to be during the first 150 years of the existence of this Nation.

CONFIRMATION OF NOMINATIONS

Mr. TAFT. Mr. President, there are on the Executive Calendar four nominations. I do not think it is necessary to have the Senate go into executive session in order to consider them. I understand that all four were reported unanimously by the committees to which they were referred. Therefore, I ask unanimous consent that at this time, as in executive session, these nominations may be confirmed.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the clerk will state the nominations on the Executive Calendar.

SUBVERSIVE ACTIVITIES CONTROL BOARD

The legislative clerk read the nomination of Thomas J. Herbert, of Ohio, to be a member of the Subversive Activities Control Board.

Mr. TAFT. Mr. President, I may say that Mr. Thomas J. Herbert is a former Governor of Ohio, and his qualifications for the position to which he has been nominated are without question.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Harry P. Cain, of Washington, to be a member of the Subversive Activities Control Board.

Mr. TAFT. Mr. President, Mr. Cain is a former Senator from the State of Washington, and I ask that his nomination to be a member of the Subversive Activities Control Board be confirmed by unanimous consent.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

UNITED STATES ATTORNEY

The legislative clerk read the nomination of John B. Stoddart, Jr., to be United States attorney for the southern district of Illinois.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

UNITED STATES MARSHAL

The legislative clerk read the nomination of Howard C. Botts, of Ohio, to be United States marshal for the southern District of Ohio.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. TAFT. I ask that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

TITLE TO CERTAIN SUBMERGED LANDS

The Senate resumed the consideration of the joint resolution (S. J. Res. 13) to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, and to provide for the use and control of said lands and resources.

Mr. SPARKMAN. Mr. President, I was glad to hear the distinguished junior Senator from Texas [Mr. DANIEL] say a few minutes ago that he accepted the Supreme Court decisions. Of course, I understand his viewpoint quite well, but one thing that has bothered me in the consideration of the pending legislation has been what seemed to me to be a tendency on the part of many persons to ignore completely the Supreme Court decisions. I have noticed very often the use of such words as "confirm" and "restore," which to me seemed to glide over completely the fact that the Supreme Court, on at least three different occasions, has said that the submerged lands, regardless of what our personal views may be as to what ought to be the case, belonged to the United States.

Mr. GILLETTE. Mr. President, will the Senator yield for two questions?

Mr. SPARKMAN. I yield for two questions, though one at a time.

Mr. GILLETTE. I wished to propound the questions before the Senator proceeded too far into his speech.

It is not often that I disagree with the junior Senator from Oregon [Mr. MORSE], but he was quoted in this morning's newspapers as having stated that the opposition to the pending measure was represented by a little band of liberals. In view of the fact that yesterday on the motion of the Senator from Ohio [Mr. TAFT] to lay on the table the Anderson amendment, the vote on which may be considered a test on the joint resolution itself, the negative votes represented not only more than one-third of the Senate membership, but a majority of the Democratic membership. I should like to ask the Senator from Alabama if it would not be more proper to designate the group as a very substantial group rather than as a small band.

Mr. SPARKMAN. I certainly agree with the Senator from Iowa. I should say that the opposition is being carried on by a very substantial number of Senators, and it should not be limited by any term that would restrict it to a small group, because it is a very respectable and a very sizable part of the Senate that has been carrying on the opposition to the measure.

Mr. GILLETTE. Mr. President, will the Senator yield for the second question?

Mr. SPARKMAN. I yield for a question.

Mr. GILLETTE. My second question is this: Is it not a fact that the substantial segment to which we refer, which yesterday voted, in effect, against the proposed legislation, comprised not only the three parties represented on the floor of the Senate, but also every section of the Nation, and substantially every area of varied economic and political opinion?

Mr. SPARKMAN. The Senator certainly is correct in his analysis of the opposition to the measure in the Senate. Furthermore, I should like to add that I believe the debate on the joint resolution has been a very good one. It has been carried on in an excellent manner. I believe it has been good for the country as a whole. It has been thought provoking. So far as any suggestion of a filibuster is concerned, I submit that this is the first time I have taken the floor to speak on the measure, and I am not prepared to speak at length. I shall make a relatively short speech, setting forth my views on the pending amendments.

I wish very much that I might have had an opportunity during previous days to discuss the Anderson amendment, and the Hill amendment, while they were pending. I believe the Senate yesterday took very unwise action when it buried those amendments in the same grave.

Mr. GILLETTE. Mr. President, will the Senator from Alabama allow me to impose upon his time once more in order to ask a question?

Mr. SPARKMAN. I yield for a question.

Mr. GILLETTE. In view of the fact that the Senator from Oregon [Mr. MORSE] was quoted as having applied the appellation "a little band of liberals," would it not be the opinion of the Senator that, considering the importance of the subject matter before the Senate, the Senators who are supporting the proposed legislation, the proponents, could better be designated as liberals, since they are attempting to be very liberal with the resources of the United States in their attempt to distribute them; and that Senators who are opposing the measure could better be designated as conservatives, because they are trying to conserve the resources of the United States?

Mr. SPARKMAN. Mr. President, I think the Senator from Iowa has well stated the point. This is an attempt at deplorable liberality with resources which belong to all the people. I, for one, like to think of myself as being a conservative, interested in conserving the resources of the Nation.

I remember that when I was a boy there was a great surge of the spirit of conservation in the country. The movement began in the days of Teddy Roosevelt, and continued under the leadership of such men as Gifford Pinchot and former President William Howard Taft. At that time the people were made conscious of the fact that it was necessary to conserve the great resources of the United States. Therefore, I regret exceedingly to observe what I believe is a backward step in the conservation program.

Mr. GILLETTE. I thank the Senator from Alabama.

Mr. SPARKMAN. Mr. President, I spent last week in Alabama. There I talked to a great many people. I did not at any time make it a point to bring up the subject of the debate which is now in progress in the Senate. However, it was interesting to note how frequently people with whom I would be talking would bring up the subject. I became impressed with the fact that the people are not so indifferent as many

persons have assumed. They are keeping up with the debate, they are interested in it, and they are asking themselves questions.

The question which was asked of me more frequently than any other one pertaining to this subject was: "Just where is it proposed to set the boundaries?"

Mr. President, that is the substance of the Douglas amendment. Of course, I think that the Anderson substitute with the Hill amendment added to it presented the best solution to this problem. But now that those two proposals have been killed by the vote of a majority of the Members of the Senate, certainly we should do our best to perfect the joint resolution in order that the answer to such questions as, "Where does the boundary lie?" may be clear to the people of the United States.

Mr. President, I have listened to this debate, and have read and reread the statements of the opponents and proponents of Senate Joint Resolution 13.

I agree with those who say that the offshore oil measure proposed in Senate Joint Resolution 13 is one of the most important that has ever come before the Congress of the United States.

Its far-reaching implications cut across every aspect of our lives, both domesticwise and foreignwise. Not since I have served in Congress—and I have been here for 17 years—has a measure been offered that would so unnecessarily and unjustifiably raid the Public Treasury, and give to so few that which belongs to so many.

I agree also that regardless of the outcome now, future events will support the wisdom of those who oppose this "giveaway," and who support the Anderson bill and the Hill amendment. The leadership of the Senator from New Mexico [Mr. ANDERSON] and my distinguished colleague [Mr. HILL] in trying to protect the public welfare deserves the commendation of every one of the more than 150 million Americans.

Their courageous stand will rank with that of such great Senators as Norris, of Nebraska, La Follette, of Wisconsin, and others who fought so hard for the public good.

I recognize, Mr. President, that much has been said about the measure before us. Too much cannot be said in opposition to it, and there remain a great many more reasons unsaid as to why the offshore oil should be retained for all the people, and why passage of Senate Joint Resolution 13 would not only take that which belongs to all the people and give it to a few, but would create serious international complications.

I would not attempt to add to what my colleague [Mr. HILL] and others have said relative to the international implications of any action which might deviate from the traditional support by the United States of the 3-mile limit nor to their other masterly statements of the international aspects of this bill were I not about to quote from another great lawyer, Charles Evans Hughes. He spoke on this question before the Council on Foreign Relations, in 1924, when he was Secretary of State, and this is what he said:

The Government of the United States has repeatedly asserted that the limits of territorial waters extend to 3 marine miles outward from the coastline. This has been asserted by our Government in making claims upon other governments. With respect to Spain's claim of jurisdiction over the waters adjacent to Cuba, Secretary Seward wrote to the Spanish Minister as follows:

"It cannot be admitted, nor indeed is Mr. Tassara understood to claim, that the mere assertion of a sovereign, by an act of legislation, however solemn, can have the effect to establish and fix its external maritime jurisdiction. His right to a jurisdiction of 3 miles is derived, not from his own decrees, but from the law of nations, and exists even though he may never have proclaimed or asserted it by any decree or declaration whatsoever. He cannot, by a mere decree, extend the limit and fix it at 6 miles, because if he could, he could in the same manner, and upon motives of interest, ambition, or even upon caprice, fix it at 10 or 20 or 50 miles, without the consent or acquiescence of other powers which have a common right with himself in the freedom of all the oceans. Such a pretension could never be successfully or rightfully maintained. * * *

"In view of the considerations and facts which have been thus presented, the undersigned is obliged to state that the Government of the United States is not prepared to admit that the jurisdiction of Spain in the waters which surround the island of Cuba lawfully and rightfully extends beyond the customary limit of 3 miles."

Secretary Fish, writing to the British Minister in 1875, said:

"We have always understood and asserted that, pursuant to public law, no nation can rightfully claim jurisdiction at sea beyond a marine league from its coast."

And Secretary Evarts, in a communication to the Minister of Spain, concerning the visitation and firing upon certain American vessels near Cuba in 1880, said:

"The Government must adhere to the 3-mile rule as the jurisdictional limit, and the cases of visitation without that line seem not to be excused or excusable under that rule."

The general principle was thus stated by the Supreme Court of the United States in the recent case of the *Cunard Steamship Co.* v. *Mellon* (262 U. S. 100, 122):

"It now is settled in the United States and recognized elsewhere that the territory subject to its jurisdiction includes the land areas under its dominion and control, the ports, harbors, bays, and other inclosed arms of the sea along its coast, and a marginal belt of the sea extending from the coast line outward a marine league, or 3 geographic miles."

In the Bering Sea arbitration it was held that the United States had no jurisdiction in the Bering Sea fisheries beyond the 3-mile limit and in the case of the British schooner *Sayward* the United States was required to compensate Great Britain for interfering with its sealing operations outside the 3-mile limit. The American-British Claims Arbitration Tribunal in December 1920, awarded damages against the United States on account of the interference by officers with the British vessel *Coquitlam* because of transfer of cargo off the Pacific coast outside the 3-mile limit.

Secretary of State Hughes concluded this portion of his remarks with the observation that it was important that the United States itself recognize the 3-mile limit where its own shores were involved.

Mr. President, a few minutes ago I stated that the question was frequently put to me while I was at home, "Just what are the boundaries that are set by this measure?" In all frankness I had to say that I did not know, and that I had not found any Member of the Senate who could give an answer in exact distances. In fact, I have heard the question asked here many times. There are some places where it can be said definitely that it is 3 miles. There are other places where it is claimed to be 9½ or 10 miles. With respect to most areas, no one is able to draw a line and say, "This is it."

I have carefully read section 4 of the joint resolution, which defines seaward boundaries. I am unable to find an answer in that section as to just where the line is drawn. The section is not very long. I should like to read it at this point:

SEC. 4. Seaward boundaries: The seaward boundary of each original coastal State is hereby approved and confirmed as a line 3 geographical miles distant from its coast line.

Down to that point it is definite; but that applies only to those coastal States which were included in the original States which formed the Union. Continuing the paragraph:

Any State admitted subsequent to the formation of the Union which has not already done so may extend its seaward boundaries to a line 3 geographical miles distant from its coast line, or to the international boundaries of the United States in the Great Lakes or any other body of water traversed by such boundaries. Any claim heretofore or hereafter asserted either by constitutional provision, statute, or otherwise, indicating the intent of a State so to extend its boundaries is hereby approved and confirmed, without prejudice to its claim, if any it has, that its boundaries extend beyond that line. Nothing in this section is to be construed as questioning or in any manner prejudicing the existence of any State's seaward boundary beyond 3 geographical miles if it was so provided by its constitution or laws prior to or at the time such State became a member of the Union, or if it has been heretofore or is hereafter approved by Congress.

Mr. President, with the exception of the original States, I submit there is no certain boundary set forth in that section. If I understand correctly the amendment which is now pending, it would set a definite boundary to which we could point and say, "This is it." It would be a boundary, by the way, which would be in accord with our Government's views from the time of the first precedent down to today.

The representative of President Eisenhower's Secretary of State who appeared before the committee considering this bill testified that the United States supported the 3-mile limit at the 1930 Hague Conference for the Codification of International Law. I do not believe that the Senators would gather from that simple statement just how determined and emphatic our support was. The representative of the United States at that conference was Mr. Hunter Miller, of the Department of State.

At that time Herbert Hoover was the President and Henry L. Stimson was the Secretary of State so that it can hardly be said that Mr. Hunter Miller was expressing a Democratic view as to international law. Incidentally, it may be of some interest to the Senate to realize that Mr. Hunter Miller was the author of the book entitled "Treaties and Other International Acts of the United States." which the distinguished Senator from Texas has cited to support his position that the proper limit of the territorial

waters of the United States off the coast of Texas is 10½ miles. Mr. Hunter Miller would, I am sure, have been surprised to hear that he was quoted for this proposition because he was the strongest supporter of the 3-mile limit at the 1930 Hague Conference. In the very first session of the Conference he came out unequivocally in support of it. This is what he said:

> In the bases of discussion before us there are only two matters to which I shall refer. The first is the breadth of the coastal sea. As regards this matter, the position of the United States of America is definitely fixed. I cannot state it better than by a paraphrase of an extract from some of the recent treaties of the United States of America in which it is said that it is the firm intention of the United States of America to uphold the principle that 3 marine miles extending from the coastline outward and measured from low-water mark constitute the proper limits of territorial waters. That clause states definitely the position of my Government.

Mr. Miller did not change his mind as the Conference went on. I would like to read you what he said during the 13th meeting:

> I will read one sentence which is contained in various existing treaties of the United States: "The high contracting parties declare that it is their firm intention to uphold the principle that 3 marine miles extending from the coastline outwards and measured from low-water mark constitute the proper limits of territorial waters."

The various countries with whom we had treaties of this kind supported this position at the convention. It was opposed by the Soviet Union at this conference. I think we should stand by our pledged word to our friends. I do not believe we should back down in the face of pressure from the Soviet Union.

The attempts of the Soviet Union to establish territorial control of the air and the sea would go a long way beyond the claims which we think are right and just and permissible under international law. Although their paper claims go only to 12 miles, their outrageous action shows that if the United States were to back down in any way, they would seize on this as an excuse to turn the Baltic Sea into a Russian lake, and to extend their control of the high seas and the air above the high seas to wherever they saw fit. This is not the first time that the U. S. S. R. has tried this. They have tried this before and a brave ally, Great Britain, made them back down. I would hate to have it said that this time it was the United States which gave in.

As has been pointed out, even in the days of the czars, Russia had tried to close off the high seas. They tried it once in 1821. The United States and other countries objected and they backed down. Around the turn of the century the Russian Government seized 3 American sealing vessels which were 10 miles from Russian shores. The United States protested. It forced Russia to arbitration and obtained a decision that Russia had no right to do this and that Russia had to return the ships and pay damages.

When the Communists took over Russia and established their reign of tyranny, one of their first acts was to assert that their territorial waters extended out to 12 miles. With characteristic disregard for the rights of others, they did not consider that this was a violation of international law. They did not care about international law.

(At this point Mr. SPARKMAN yielded to Mr. JOHNSON of Texas for the purpose of making a statement on the subject San Jacinto—The Legacy of Freedom, which appears in the RECORD at the conclusion of Mr. SPARKMAN'S speech.)

Mr. SPARKMAN. The Russians just said: "Twelve miles is our limit." They attempted—it will be noted that I said "attempted"—to back this up with force. The Russians tried to make their 12-mile limit stick, but they did not get away with it, because one of our brave allies, Great Britain, had the foresight and the courage to stand up for what is right and just under international law.

In 1922 the Soviets began to arrest British vessels, mostly fishing boats, which were fishing outside the 3-mile limit. At first the British protested through diplomatic channels, as any civilized nation would do. But then the captains of these boats were turned over to the not-so-tender mercies of the People's Courts. In 1922 Captain Leighton, of the British trawler *St. Hubert,* was convicted by the People's Court of Murmansk for fishing 10½ miles off of Cape Filiberka.

Finally, on the 7th of May, 1923, a Soviet gunboat captured the British trawler *Lord Astor,* while the *Lord Astor* was fishing 10 miles off the coast in the Murmansk region. The British Parliament was in an uproar. The Under Secretary of State for Foreign Affairs instructed the British diplomatic agent in Moscow to enter a strong protest and to demand the immediate and unconditional release of the vessel and the crew.

This is not all that was done. A British warship was sent into the region. Her orders were to prevent interference with British vessels outside the 3-mile limit. She was instructed to do so by force, if necessary. There were no more seizures of British fishing vessels outside the 3-mile limit. The British seamen were released. The vessels were either returned or paid for. The incident was closed. The freedom of the high seas had been upheld.

It was in 1924, just a year after this incident, that the United States and the United Kingdom entered into the treaty in which they both pledged their support for the principle of freedom of the seas. I should like to read again what the treaty provides:

> The High Contracting Parties declare that it is their firm intention to uphold the principle that 3 marine miles extending from the coastline outward and measured from the low watermark constitute the proper limits of territorial waters.

By this treaty the British Government and the United States Government agreed that they would stand shoulder to shoulder in fighting off any attempts to encroach on the principle of the freedom of the seas. Our two Governments pledged their word that they would support the principle that, under international law, 3 miles off the coast is as far as any country has a right to assert jurisdiction, in claiming that the seas adjacent to its shores are part of its territories.

Mr. KENNEDY. Mr. President, will the Senator from Alabama yield to me?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Massachusetts?

Mr. SPARKMAN. I yield for a question.

Mr. KENNEDY. As the Senator from Alabama is pointing out, is it not true that if the United States were to sanction a claim beyond the 3-mile limit, it might well be that Canada, Newfoundland, and Nova Scotia might extend their claims beyond the 3-mile limit; and inasmuch as the Continental Shelf stretching from their shores is the area in which the fishing fleets of New England conduct their operations, might not such action threaten an industry which is of great importance to our Nation as a whole?

Mr. SPARKMAN. Yes; Mr. President, the Senator from Massachusetts has stated not only a real problem but a very practical one, and one that is of considerable concern to his section of the country, where so many of the people engage in the extensive and long-time fishing industry.

Mr. KENNEDY. Is it not true that once our boundaries were extended beyond the 3-mile limit, there would be no real justification for not going all the way to the outer edge of the Continental Shelf, as Chile, El Salvador, and other countries are now claiming—in short, a distance of possibly 200 miles?

Mr. SPARKMAN. Mr. President, the able Senator from Massachusetts was not on the floor a few minutes ago when I read from a speech made by former Secretary of State Charles Evans Hughes, who not only was a great Secretary of State but also was one of the finest constitutional lawyers our country has ever produced, I believe. In a speech which he made in 1924, Secretary of State Hughes quoted Secretary of State Seward, who made exactly that point in protesting against an attempt by Spain to extend her territorial dominion more than 3 miles off the coasts of Cuba; and he made exactly the point that if we permit our jurisdiction to extend for more than 3 miles off the coast, there is no reason why we should stop at 10 miles, 20 miles, 50 miles, or even 100 miles. In fact, he used practically those figures.

Of course, the Senator from Massachusetts is exactly correct in the statement he makes.

Mr. KENNEDY. I know the Senator from Alabama realizes that the fishing industry on both the east coast and west coast is greatly concerned about the point the Senator from Alabama is discussing.

Mr. SPARKMAN. Yes. Not only are the fishermen on the east coast and the west coast greatly concerned, but I am sure the Senator from Massachusetts is also aware of the concern which exists in the gulf area, particularly in the case of the shrimp fisheries and the operators of shrimp boats in the various coastal States which now are so eager to obtain control beyond the 3-mile limit.

At this time, so far as I know—I do not believe the controversy has been settled—we are in dispute with Mexico over that very question.

Mr. KENNEDY. I thank the Senator from Alabama.

Mr. SPARKMAN. I appreciate the contribution made by the Senator from Massachusetts.

Mr. President, when we consider how recently the government of Great Britain had stood out alone against the attempts of the Soviet Union to wipe out the freedom of the seas, who among us in this body can deny that the two governments, ours and that of Great Britain, agreed to stand shoulder to shoulder against encroachment from the very source from which it is now threatened, the Union of the Soviet Socialist Republics?

Great Britain and the United States stand shoulder to shoulder on many matters. The two great countries are linked by bonds of treaties and common understanding and friendship. By the North Atlantic Treaty, the two great countries stand shoulder to shoulder against aggression. The strength and integrity of this common bond are of the greatest importance to the peace of the world and to the security of America. I would not want to weaken it in any way. I would not want in any way to cast doubt upon the sanctity of the pledged word of the United States when it promises to stand shoulder to shoulder with an ally against attempted violations of international law.

During the summer of 1952 the security aspects of the 3-mile limit were given most detailed consideration by the Secretary of the Navy. That was in connection with a bill which was introduced in the House of Representatives by Representative YORTY, of California. The bill had to do with the manner of drawing base-lines, rather than the actual width of territorial waters; but the principles were the same. On June 20, 1952, the Secretary of the Navy wrote to the Secretary of State a letter which I should like to read to the Senate. It is set forth on page 556 of the hearings:

JUNE 20, 1952.

The Honorable the SECRETARY OF STATE.

MY DEAR MR. SECRETARY: The letter of March 28, 1952, from the Deputy Under Secretary of State to the Secretary of Defense, requesting information on certain matters related to the extension of the territorial waters of the United States as proposed by House Joint Resolution 373, which was introduced by Representative Samuel A. Yorty, of California, on February 11, 1952, has been referred to this Department for reply.

The purpose of House Joint Resolution 373 is to extend the territorial waters around the coast of the United States and Alaska as far as is permissible under the rules of international law set forth in the judgment rendered by the International Court of Justice in the Anglo-Norwegian Fisheries case on December 18, 1951. Under the joint resolution the United States would establish as the seaward boundary of its inland or internal waters a series of straight lines running between the headlands of all indentations on the mainland and, where there are offlying islands, rocks, or reefs, a series of straight lines running around the outer edges of the farthest offlying islands, rocks, and reefs.

Information is requested as to any benefits which might be derived from the extension of the territorial waters of the United States as proposed by House Joint Resolution 373; the detriments which might be suffered by the United States if other nations adopted similar legislation; and specific water areas of other countries deemed important in this regard.

No benefits would be obtained by the United States from the extension of its territorial waters as proposed by House Joint Resolution 373. From a security standpoint there would be no advantage. Should there be sensitive points requiring more expansive areas of the sea for security purposes than are afforded by the system used by the United States for delimiting territorial waters, there are available the devices of defensive sea areas and maritime control areas, which are well recognized in international law, and which the United States would expect to be able to enforce; also, as it is well recognized that a special jurisdiction may be asserted over areas of the high seas for specific purposes, such as fishery conservation and exploitation of the resources of the seabed and subsoil of the Continental Shelf, without extending sovereign waters, there would be no additional economic advantage resulting to the United States. Both from a military and commercial viewpoint, therefore, no benefits not otherwise obtainable would accrue to the United States were House Joint Resolution 373 adopted.

Were the United States to extend its territorial waters as proposed by House Joint Resolution 373, other nations could be expected to assert claims to large water areas off their coasts. Many nations have already asserted these claims and those nations could be expected to treat such action by the United States as a recognition of the validity of their previously asserted claims. Any action by other nations which would restrict the range of warships and commercial vessels and military and commercial aircraft would be clearly disadvantageous to a great maritime power such as the United States. Any action which tends to restrict free navigation of the high seas by recognizing sovereignty over territorial waters in excess of 3 miles is contrary to United States security interest. At the present stage of international relations adoption of House Joint Resolution 373 would, it is believed, serve no useful purpose not realizable by other means and could lead to embarrassing and burdensome consequences to the United States.

With regard to the effect which similar legislation would have on the jurisdictional claims of other nations, a study has been made of only a few charts randomly selected, enclosures (1) through (4), covering the coastal areas of Venezuela, Greece, Sumatra, and the Netherlands East Indies. This study reveals that the possible effects of a broad interpretation of the decision of the Anglo-Norwegian Fisheries case could seriously affect the free navigation of the seas in areas such as the Aegean Sea, the coast of Sumatra between the chain of islands from Enggano and Simeuloe, the seas in the vicinity of the Netherlands East Indies, the coastal area of Venezuela between Farallon Centinela and Morro de Robledar and between Pta Ballena and Morro de Chacopata. In other areas not mentioned similar restrictions to free navigation would likewise apply.

A report on House Joint Resolution 373, expressing the opposition of the Department of Defense to the enactment of this measure, has recently been submitted to the chairman of the Committee on the Judiciary, House of Representatives. A copy of that report is enclosed for your information.

Sincerely yours,

DAN A. KIMBALL.

I emphasize that in this letter the Secretary of the Navy asserted that any action which had the effect of recognizing sovereignty over territorial waters in excess of 3 miles is contrary to united security interests.

It will be pointed out, I am sure, that this statement was made by the Secretary of Navy in the recent administration. I answer by saying that Dan Kimball, of the great State of California, was not speaking as a Democrat or as a Republican, and not as a Californian but as an American. He was expressing the views which have been held by the Navy in every administration. He was expressing views which are soundly based in a concern for the security interests of our country. What he said has not been denied by his successor. No representative of President Eisenhower has come forward to say, "We do not care about freedom of the seas or about freedom of the air over the high seas." They have taken quite the opposite view. A representative of President Eisenhower's Secretary of State, testifying before the committee on Senate Joint Resolution 13, said:

> The purpose of this Government has been, and still is, to give effect to its traditional policy of freedom of the seas. Such freedom is essential to its national interests. It is a time-honored concept of defense that the greater the freedom and range of its warships and aircraft the better protected are its security interests.

If the Congress of the United States were to take any action which might lead to the establishment of a 10½-mile limit, we would be striking a mortal blow at the principle of freedom of the seas, which has been considered an essential principle for United States security since the foundation of the Republic. I am shocked and amazed that such a possibility is being considered against the advice of the representatives of President Eisenhower. I am shocked and amazed that such a possibility is being considered without hearing directly from representatives of our Navy or of our Air Force. I am shocked and amazed that such a possibility is being considered without having given the National Security Council a chance to consider the far-reaching implications of such a step on the security interests of our country. I am shocked and amazed that the proponents of the pending measure have not once told the American people that what they are trying to do is to break down a precedent of freedom of the seas and of the air over the high seas, a precedent which has been sustained by every President from George Washington to Dwight Eisenhower, and by every Secretary of State from Thomas Jefferson to John Foster Dulles.

I should like to read to the Senate the note which was recently delivered in Moscow to the Acting Minister of Foreign Affairs of the Soviet Union. It protests the illegal attempts of the Soviet Union to extend its territorial boundaries in violation of international law. It was delivered on November 24, and reads as follows:

MOSCOW, *November 12, 1952.*

No. 438.

His Excellency JACOB MALIK,
Acting Minister of Foreign Affairs,
Ministry of Foreign Affairs, Moscow.

EXCELLENCY: I have the honor to inform Your Excellency that the Government of the United States of America has noted with increasing concern the policy of the Union of Soviet Socialist Republics of asserting territorial jurisdiction over a belt of waters 12 nautical miles in breadth along its coasts and coasts under its control. My Government has also noted that in pursuing this

policy the Soviet Union is permitting its authorities to violate the rights of nationals of other states in what are generally recognized as international waters by ordering the seizure and detention of foreign-flag vessels between 3 and 12 nautical miles off the coasts and otherwise denying them access to that area.

It is the view of my Government that the Soviet Union, in thus attempting to appropriate to its exclusive use and control a portion of the high seas, has manifested a willingness to deprive other states, without their consent, of rights under international law. Such conclusion is inescapable in the face of a territorial-waters policy whereunder the Soviet Union would supplant free and untrammeled navigation by all vessels and aircraft over water areas comprising a part of the high seas with such controls as that Government might apply. The Government of the United States of America is not aware of any principle of international law which would support and justify such a policy. In the circumstances, my Government finds it necessary to reiterate that it cannot recognize the action of any government which is calculated to assimilate adjacent high seas to its territory.

The Government of the United States of America therefore protests the Soviet Union's closure of a 12-mile belt of waters contiguous to its coasts and to the coasts under its control, and reserves all its rights and interests of whatever nature in the high seas outside 3 nautical miles from those coasts.

Accept, Excellency, the assurances of my highest consideration.

I have read the letter, Mr. President, because I think every single sentence of it is important in connection with the renewal of the historic position this country has taken from 1793 in favor of the open seas and in support of the 3-mile limitation of its territorial waters, territorial jurisdiction, territorial ownership, or whatever we may want to call it.

Let us suppose, Mr. President, that the United States has extended its territorial waters out 10½ miles into the Gulf of Mexico. That is what will be done if Texas and Florida extend their territorial boundaries 10½ miles on the claim of historic boundaries.

It is my understanding, from statements which have been made by the distinguished junior Senator from Texas [Mr. DANIEL], that that is definitely the claim of Texas throughout the extent of its shoreline. I think I have understood correctly from the distinguished and able Senator from Florida [Mr. HOLLAND] who is sponsoring the proposed legislation and who, I know, believes sincerely in the position he has taken, that the 10½-mile limit applies to the western shore of Florida and not to the eastern shore. But, certainly, Mr. President, in those cases the seaward boundaries as described by the joint resolution would extend 10½ miles, and in other cases, as I interpret the joint resolution, it might be possible to extend them farther. As a matter of fact, I have been thinking, and I asked a question on the floor one day in regard to it, What in the world may we expect to be the boundaries of Hawaii if she is admitted as our 49th State? Some of the objections to the admission of Hawaii relate to the fact that the Hawaiian Islands are extended for I do not know how far; I believe it has been said that it is 1,500 miles.

Certainly it is several hundred miles from the northernmost island to the last island on the south. I assume, under the terms of the pending joint resolution, they have no historic boundary. If I correctly understand, if Hawaii is given the right to establish a boundary, it will become its historic boundary.

Mr. President, I was never more sincere in my life in saying that one of the most dangerous things about this measure is the fact that the limit is left wide open except so far as the original States are concerned. In two instances it is exactly contrary to what we have been contending for before the whole world—a proper limitation on territorial waters.

I read the memorandum which was handed to the Russian Government on November 24, 1952. I believe the question is still open with Russia. If I am incorrect, perhaps some Senator can correct me, but my understanding is that we are still contending that the distance of 3 miles is as far out as they can claim. But here is the Congress of the United States attempting to place the United States in the contradictory and inconsistent position of standing at the bar of the world and contending that other nations have not the right to extend their boundaries more than 3 miles, while we claim our boundaries go out a greater distance.

Mr. ANDERSON. Mr. President, will the Senator from Alabama yield for a question?

Mr. SPARKMAN. I yield for a question.

Mr. ANDERSON. Does the Senator not recognize that not only is the Russian situation open as to boundaries, but that the argument with Saudi Arabia, Chile, Peru, and dozens of other nations is still wide open?

Mr. SPARKMAN. Yes. I am glad the distinguished Senator from New Mexico has asked me that question. This country owes a tremendous debt to him for the fine leadership he has manifested in bringing the issues to the Senate and to the country. I appreciate the fine contribution he has made.

I know those cases are open, and there is another one a little bit closer to our country. I speak of Mexico. Our shrimp boats are being molested outside the 3-mile limit off the coast of Mexico, and the United States Government is protesting against it.

Mr. ANDERSON. Mr. President, will the Senator from Alabama yield for a further question?

Mr. SPARKMAN. I yield for a question.

Mr. ANDERSON. Does the Senator not recognize the fact that the Canadian Government has been considering the extension of its territorial rights in connection with the fishing industry?

Mr. SPARKMAN. Yes. A few minutes ago, while the Senator from New Mexico was unavoidably absent from the floor, the able Senator from Massachusetts [Mr. KENNEDY], who certainly is alert on that subject, because many of his constituents are gravely concerned over the matter, asked me a similar question. It is a matter of concern not only with Russia, not only with Mexico, and with our neighbor to the north, Canada, but with many other nations. It could become a very complex and embarrassing problem in many parts of the world. It places us in a position which makes it almost impossible to maintain our treaties.

I may say to the distinguished Senator from New Mexico that a few moments ago I quoted from a recent treaty which we have with the United Kingdom with reference to the 3-mile limit. In The Hague conference and in all the international conference which have been held on the question, where the matter of territorial waters has been considered, we have, without exception, argued for a 3-mile limitation and agreed with other nations on it.

Mr. President, I mentioned a few minutes ago what would result under the joint resolution without the Douglas amendments. It is to the Douglas amendments that I am addressing myself; I did not have an opportunity to speak on the Anderson amendment. I may say to the distinguished Senator from New Mexico that I stated in the early part of my remarks that had I been present last week I certainly would have sought an opportunity to speak on the substitute which he offered. I supported in the last Congress the O'Mahoney substitute. I have of course supported the Hill amendment in both sessions, and I am sorry the Senate did not have an opportunity to vote on the Hill amendment separately and apart from the Anderson substitute in order that we might have had a real test on that important measure.

But under the joint resolution, even though most of the boundaries are so uncertain that I was not able to answer the question propounded to me by my constituents while I was at home last week, namely, "Just what are the boundaries that are set by the joint resolution?" We do know that, in at least two instances, they go beyond the 3-mile limit, and the invitation is there, opening wide, almost to the extent of opening the gates, giving notice that the opportunity will come later, to permit still further extension.

Mr. ANDERSON. Mr. President, will the Senator from Alabama yield?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from New Mexico?

Mr. SPARKMAN. I understand that the Senator from New Mexico wishes to make a unanimous-consent request. If I may have unanimous consent to yield for that purpose to the Senator from New Mexico, without prejudicing my right to the floor, I shall be glad to do so.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senator from New Mexico may proceed.

(At this point Mr. SPARKMAN yielded to Mr. ANDERSON, who suggested a unanimous-consent agreement in regard to Senate Joint Resolution 13, and, following debate, such an agreement proposed by Mr. TAFT was entered. Mr. SPARKMAN yielded also for action on Senate bill 1767, to extend the District of Columbia Emergency Rent Act of 1951. These matters appear in the RECORD following Mr. SPARKMAN's speech.)

Mr. SPARKMAN. Mr. President, I have been discussing the international

problems which would be created by extending our territorial jurisdiction beyond the 3-mile limit. I take the opportunity of the pendancy of the pending amendments to make these remarks, because the Douglas amendments seek to draw a line at the historic 3-mile limit. I have contended, and I believe I have cited sufficient instances to show, that, all along, our Government has stood fast for the 3-mile limit. Every President from George Washington to President Eisenhower, every Secretary of State from Thomas Jefferson to John Foster Dulles—each of them, without exception—has insisted on the 3-mile limit; and our country has opposed efforts on the part of any other nation to extend its limits beyond 3 miles.

As a matter of fact, at this very time we are engaged in protests against attempts to extend territorial limits beyond 3 miles; we are protesting Russia's attempt to extend her jurisdiction beyond the 3-mile limit, and we are contesting similar claims on the part of Mexico and other nations.

Mr. JOHNSON of Colorado. Mr. President, will the Senator from Alabama yield to me?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Colorado?

Mr. SPARKMAN. I yield for a question.

Mr. JOHNSON of Colorado. Yes, I wish to ask a very serious question: Who is to be the owner of the valuable land under the sea beyond the 3-mile limit—such lands, for instance, as the ones which I understand occur in numerous areas in the Gulf of Mexico? Under the 3-mile-limit theory, whose land is that, and how can it be acquired?

Mr. SPARKMAN. Mr. President, Mr. Tate, who was representing the Secretary of State and the Department of State in the presentation before the committee, discussed that matter and called attention to the fact that the Government of the United States had made a claim for the resources out to the edge of the Continental Shelf. I am sure the distinguished Senator from Colorado remembers when that claim was made not so long ago. But Mr. Tate differentiates between our right to take those resources and the right of ownership. As a matter of fact, although I have not studied this question too closely, I believe that was basically the idea Attorney General Brownell was trying to impress upon the committee when he suggested that we not give fee simple title to the States, but give them the right to explore and develop the resources within that area.

Mr. JOHNSON of Colorado. I thought that was what Mr. Brownell was driving at, although it was not very clearly stated.

But it seemed to me that he was offering some sort of solution to a problem that is very serious and very important to our Nation.

Mr. SPARKMAN. Yes, and I think there was real substance in what the Attorney General was proposing. I believe the line he was drawing was that, whereas the Congress could give to the States the right to explore and develop and even to enjoy the benefits of those resources, yet the Government of the United States does not have the right to cede beyond the 3-mile limit, because of the fact that that area affixes to the National Government as a part of national sovereignty.

The question of the area beyond the 3-mile limit, out to the edge of the Continental Shelf, is different, and yet I think it is somewhat analogous to the other; and I believe Mr. Tate tried to make that differentiation in the statement he made to the committee, pointing out that whereas we recognize that the seas are free from the 3-mile limit on out, and although we do not claim title to the land in that area, yet we claim we have a right to develop those resources—in very much the way, I assume, that fisheries are developed, although I must say that I have not studied that particular subject sufficiently to feel competent to discuss it.

I have studied the question of the extension of the territorial jurisdiction, and I have cited many instances in which the United States has contended with other nations in connection with that matter, and one instance in which Britain actually sent a warship to Russia, not so many years ago—in 1924, as I recall—in order to insist on the right of freedom of the seas outside of the 3-mile limit. I have pointed out that at this very time we are contending with Mexico on that subject. We are now contending with Mexico over the seizure of certain American shrimp boats outside the 3-mile limit. Also, the question is to some extent a matter of consideration with Canada, in connection with fisheries within the great New England area, and also, I believe, on the northwestern coast.

Now let us suppose that the United States has extended its territorial waters out to 10½ miles into the Gulf of Mexico. This is what we will do if we let Texas and Florida extend their territorial boundaries 10½ miles on the claim of historic boundaries. There can be no mistake about that. Representatives of President Eisenhower's Department of State have made this perfectly clear. At page 1053 of the hearings, they testified as follows:

> The Department is concerned with such provisions of proposed legislation as would recognize or permit the extension of the seaward boundaries of certain States beyond the 3-mile limit. In international relations, the territorial claims of the United States and of the Nation are indivisible. The claims of the States cannot exceed those of the Nation. If the Nation should recognize the extension of the boundaries of any State beyond the 3-mile limit, its identification with the broader claim could force abandonment of its traditional position. At the same time it would renounce grounds of protest against claims of foreign States to greater breadths of territorial waters.

If the United States were to recognize this claimed extension of its territorial waters into the Gulf of Mexico on these alleged historic boundaries what would we have to do to our protest to the Soviet Union. We would have to write it this way. Let us look at the first sentence of the memorandum delivered to the Soviet Union on November 24, 1952.

That sentence reads:

> I have the honor to inform Your Excellency that the Government of the United States of America has noted with increasing concern the policy of the Union of Soviet Socialistic Republics of asserting territorial jurisdiction over a belt of waters 12 nautical miles in breadth along its coasts and coasts under its control.

The United States has no right to express concern if territorial jurisdiction is being asserted on the basis of a claim of historic boundaries if we are doing the same thing ourselves. This sentence would have to be changed to read as follows:

> I have the honor to inform Your Excellency that the Government of the United States of America has noted the policy of the Union of Soviet Socialist Republics of asserting territorial jurisdiction over a belt of waters 12 nautical miles in breadth along its coasts and coasts under its control. This policy has been noted with increasing concern except to the extent that territorial jurisdiction over a belt of waters 12 nautical miles in breadth along its coasts and coasts under its control is asserted on the basis of an historical claim, whether or not recognized by other countries, over this belt.

Let us now look at the second sentence:

> My Government has also noted that in pursuing this policy the Soviet Union is permitting its authorities to violate the rights of nationals of other states in what are generally recognized as international waters by ordering the seizure and detention of foreign flag vessels between 3 and 12 nautical miles off the coasts and otherwise denying them access to that area.

The United States certainly cannot make a point of the 3-mile limit if it is asserting a 10½-mile limit; so the best that could possibly be done with this sentence would be to change it to read as follows:

> My Government has also noted that in pursuing this policy the Soviet Union is permitting its authorities to violate the rights of nationals of other states in what are generally recognized as international waters, unless the Union of Soviet Socialist Republics asserts that they are within its historic boundaries, by ordering the seizure and detention of foreign flag vessels between 10½ and 12 miles off the coasts and otherwise denying them access to that area.

I think we can deal with the second paragraph as a unit. It reads:

> It is the view of my Government that the Soviet Union, in thus attempting to appropriate to its exclusive use and control a portion of the high seas, has manifested a willingness to deprive other states, without their consent, of rights under international law. Such conclusion is inescapable in the face of a territorial waters policy whereunder the Soviet Union would supplant free and untrammeled navigation by all vessels and aircraft over water areas comprising a part of the high seas with such controls as that Government might apply. The Government of the United States of America is not aware of any principle of international law which would support and justify such a policy. In the circumstances, my Government finds it necessary to reiterate that it cannot recognize the action of any government which is calculated to assimilate adjacent high seas to its territory.

If we adopt this new position, this paragraph contains some obvious errors. It will have to read as follows:

It is the view of my Government that the Soviet Union in thus attempting to appropriate to its exclusive use and control a portion of the high seas, has, except to the extent that such action is based on a claim of historic boundaries, manifested a willingness to deprive other states, without their consent, of rights under international law. If the Soviet Union asserts any rights which are not based on a claim to historic boundaries, such a conclusion would become inescapable in the face of a territorial waters policy whereunder the Soviet Union would supplant free and untrammeled navigation by all vessels and aircraft over water areas comprising a part of the high seas as that Government might apply. The Government of the United States is not aware of any principle of international law which would support and justify such a policy except the principle that a country may extend its territorial waters to the extent that it alleges claims of historic boundaries. In the circumstances, my Government finds it necessary to reiterate that it cannot recognize the action of any government which is calculated to assimilate adjacent high seas to its territory, unless this action is based on a claim of historic boundaries.

The last paragraph reads as follows:

The Government of the United States of America therefore protests the Soviet Union's closure of a 12-mile belt of waters contiguous to its coasts and to the coasts under its control, and reserves all rights and interests of whatever nature in the high seas outside 3 nautical miles from those coasts.

This paragraph would clearly have to be changed. It would have to read:

The Government of the United States of America therefore protests the Soviet Union's closure of a 12-mile belt of waters contiguous to its coasts and to the coasts under its control, except to the extent that such action is based on a claim of historic boundaries, and, to the extent that such action is not based on a claim of historic boundaries, the United States reserves all its rights and interests of whatever nature in the high seas outside of 10½ miles from those coasts.

Now let us read the note as a whole as it would have to be rewritten, if we should extend our boundaries to 10½ miles into the gulf on the basis of these alleged claims of historic boundaries:

I have the honor to inform Your Excellency that the Government of the United States of America has noted the policy of the Union of Soviet Socialist Republics of asserting territorial jurisdiction over a belt of waters 12 nautical miles in breadth along its coasts and coasts under its control. This policy has been noted with increasing concern except to the extent that territorial jurisdiction over the belt of waters 12 nautical miles in breadth along its coasts and coasts under its control is asserted on the basis of a historical claim, whether or not recognized by other countries, over this belt.

My Government has also noted that in pursuing this policy the Soviet Union is permitting its authorities to violate the rights of nationals of other states in what are generally recognized as international waters, unless the Union of Soviet Socialist Republics asserts that they are within its historic boundaries, by ordering the seizure and detention of foreign-flag vessels between 10½ and 12 miles of the coasts and otherwise denying them access to that area.

It is the view of my Government that the Soviet Union, in thus attempting to appropriate to its exclusive use and control a portion of the high seas, has, except to the extent that such action is based on a claim of historic boundaries, manifested a willingness to deprive other states, without their consent, of rights under international law. If the Soviet Union asserts any rights which are not based on a claim to historic boundaries, such a conclusion would become inescapable in the face of a territorial waters policy whereunder the Soviet Union would supplant free and untrammeled navigation by all vessels and aircraft over water areas comprising a part of the high seas as that government might apply. The Government of the United States is not aware of any principle of international law which would support and justify such a policy except the principle that a country may extend its territorial waters to the extent that it alleges claims of historic boundaries. In the circumstances, my Government finds it necessary to reiterate that it cannot recognize the action of any government which is calculated to assimilate adjacent high seas to its territory, unless this action is based on a claim of historic boundaries.

The Government of the United States of America therefore protests the Soviet Union's closure of a 12-mile belt of waters contiguous to its coasts and to the coasts under its control, except to the extent that such action is based on a claim of historic boundaries, and, to the extent that such action is not based on a claim of historic boundaries, the United States reserves all its rights and interests of whatever nature in the high seas outside of 10½ miles from those coasts.

What sort of protest would this be? What would the captain of the British warship who backed up his government's position with guns in 1923 think of an ally that would do that?

What would the countries to whom we have pledged our word that we will support the 3-mile limit think our word is worth after such an action? How will we explain it to the families of the airmen who have died supporting the principle that the Soviet Union has no right to close off the high seas or the air above the high seas? We could not explain it. And for my part I think it is a shame that we are even contemplating the possibility.

Mr. President, we have been told by some Senators who favor the proposal to give away the offshore oil that the rights of individual States to the open ocean bordering their shores extend back to the time before the Revolutionary War.

A good answer to that claim is given in an article I came across a few days ago. I wish to quote from this article resolutions and actions that occurred even prior to the adoption of the Constitution. From an article entitled "Who Owned the Ocean in 1776?" written by Irving Brant, and published in the New Republic magazine of April 20, 1953, beginning on page 12, I read:

Here is a resolution adopted by the Continental Congress on March 23, 1776, 1 year after the Revolutionary War broke out and 3 months before the Declaration of Independence was adopted:

"That all vessels * * * and cargoes belonging to the inhabitants of Great Britain * * * which shall happen to be taken near the shores of any of these colonies, by the people of the country, or detachments from the army, shall be deemed lawful prize, and the court of admiralty within the said colony is required, on condemnation thereof [to divide the prize money equally]."

That resolution and others like it had the force of national law, as anybody knows who has read Marshall's opinion in the *Olmstead Case*. It contains one possible loophole for the oil-grabbers. The Atlantic Ocean is 3,000 miles wide. Perhaps "near the shores" meant more than 3 miles out, though it is hard to see how "detachments of the army" could wade that far. That question was answered on April 2, 1776, when Congress adopted a commission for privateers, authorizing them to capture ships "on the high seas, or between high- and low-water marks." The identical scope of these actions was made plainer in a supplemental resolution adopted by the Continental Congress on July 24, 1776:

"*Resolved*, That all the resolutions of this Congress, passed on the 23d day of March last [and later] * * * relating to [British ships] * * * taken on the high seas, or between high- and low-water mark, be extended to all ships [owner by nonrevolting colonists]."

So, in the month in which the United States came into existence, Congress asserted national jurisdiction over the seashore between high and low tide. What men sponsored this spoliation of the sacred rights of the 20-day-old States? John Adams, of Massachusetts; Benjamin Harrison, of Virginia; and Robert Morris, of Pennsylvania, were the villains who drafted it.

Surely the infant States rebelled at this series of Federal laws, by which Congress thrust its long nose into the baby carriage of State sovereignty. Alas no. Read the resolution adopted by the Virginia Committee of Safety on May 10, 1776:

"Pursuant to powers received from the honorable the Continental Congress, the Committee of Safety are ready to grant commissions for making reprisals upon the property of the people of Great Britain at sea, or in the rivers below high-water mark, to any persons who shall apply for them and comply with the terms mentioned by Congress."

Federal maritime jurisdiction, as Virginia saw it in 1776, extended above the present site of Washington, D. C., on the Potomac, and up to Fredericksburg on the Rappahannock—as far inland as the tides were felt.

In the ensuing war years, some Continental privateersmen grew so enthusiastic that they went ashore in regions occupied by the British, and carried off cows and chickens belonging to American farmers. This was too much for Governor Clinton, of New York, and too much for Congress. On Clinton's complaint, a congressional committee on October 11, 1781, brought in this resolve:

"That whereas * * * citizens of these United States * * * have been plundered of their property above high-water mark under the pretence of legal authority * * * therefore resolved, that no goods taken on land above high-water mark shall be deemed legal prize within the United States."

There you have it. National sovereignty over ocean waters, in the days of the Founding Fathers, did not extend above high tide. The man who wrote this, Samuel Livermore, of New Hampshire, knew his salt water. He resigned from Congress a few months later to become a judge of the Court of Appeals in Cases of Capture.

James Madison, who later had something to do with writing the Constitution, was in the Continental Congress at this time. Nobody was more zealous in defending the "historic rights of the States" to the ocean above high tide. In a new ordinance regulating captures, he wrote to Edmund Pendleton on January 8, 1782, a clause was inserted authorizing the capture of British merchandise, owned by neutrals, "if coming into these States, and within three leagues of the coast."

"Congress," he added, "has now recommended to the States to subject them to

seizure, during the war, if found on land within their respective limits." There you have the Father of the Constitution dividing State and Federal spheres. State sovereignty was to be exercised on land, Federal sovereignty from the water's edge to 9 miles out.

But suppose a ship ran aground. Who had jurisdiction in that case? Well, that question was before Congress at the time Madison wrote. The British captured a vessel in coastal waters and ran it onto a bar. Deserted by its prize crew, did it belong to its owners or to the armed squad of Americans that went aboard. A committee of Congress undertook to settle it with this amendment to the ordinance Madison was talking about:

"And it is further ordained, that where vessels * * * sailing or being within the body of a county, or within any river arm of the sea, or within cannon shot of the shore of any of the States * * * shall be captured by the enemy, and shall be recaptured below high-water mark * * * [salvage only shall be paid]."

Mr. President, all in all, this is a very interesting article from which I have quoted rather at length. Certainly it goes beyond anything we are now contending. I think we all subscribe to the views laid down in the Pollard case, and in many subsequent cases, that on inland waters that part of the land above low tide belongs to the States, but certainly some of those who preceded us felt that the Federal Government owned much more than we contend today it owns. We often hear the question of States' rights raised in connection with the ownership of these lands. I was in the House of Representatives when I had my first contact with a bill of this nature. That was before the Supreme Court has acted on any of these cases. At that time one of my colleagues from Alabama was Representative Sam Hobbs, who was one of the finest constitutional lawyers, I believe, who ever served in the House of Representatives. He was a distinguished member of the Judiciary Committee of the House. I can say that there never was a man who was a more ardent States' rights advocate than was Representative Hobbs, of Alabama. But from the time the bill first came before the House he consistently argued, and continued so to argue as long as he lived, not only that the Federal Government had jurisdiction over the 3-mile strip, but it had rights even beyond what I am willing to claim for it or to admit; his argument being that the Federal Government had the right to exercise its jurisdiction in defense of its security, its life, and its sovereignty.

I thought it was rather significant that when the Supreme Court decided the California case the decision was based in large part upon the very views which had been expressed by Representative Hobbs, although the Supreme Court did not go as far as he would have advocated.

I may say that my good friend and esteemed colleague of those days, Representative Hobbs, felt so strongly on the subject that he voluntarily associated himself with the case when it came before the Supreme Court, in the position of amicus curiae and argued the case before the Court.

Mr. President, the spokesman for the State Department, Jack B. Tate, in his testimony on March 3 of this year before the Committee on Interior and Insular Affairs of the House of Representatives, points out the continuity of the position taken by the Continental Congress and that later held by the United States itself from its early days on down to the present.

The State Department spokesman said:

As early as 1793, this Government had to face the question of the breadth of territorial waters. At that time Jefferson, while reserving a final decision, took the position that the United States should consider territorial waters "as restrained for the present to the distance of one sea league of three geographical miles" from the seashore. This position has never been changed. The United States supported the 3-mile limit at the 1930 Hague Conference for the Codification of International Law. And in the last few years, this Government has on a number of occasions reaffirmed this position and protested the claims of other States to limits broader than 3 miles, including the claim of the Soviet Union to 12 miles. . . . The purpose of this Government has been, and still is, to give effect to its traditional policy of freedom of the seas. Such freedom is essential to its national interest. It is a time-honored concept of defense that the greater the freedom and range of its warships and aircraft, the better protected are its security interests. Likewise, the maintenance of free lanes and air routes is vital to the success of its shipping and air transport. And it is becoming evident that its fishing interest depends in large part upon fishing resources in seas adjacent to foreign states.

The maintenance of the traditional position of the United States is vital at a time when a number of foreign states show a tendency unilaterally to break down the principle of freedom of the seas by attempted extensions of sovereignty over high seas. A change of the traditional position of this Government would be seized upon by other states as justification for broad and extravagant claims over adjacent seas. This is precisely what happened when this Government issued its proclamation of 1945 regarding jurisdiction and control over resources of the Continental Shelf. It precipitated a chain reaction of claims, going beyond the terms of the United States proclamation, including claims to sovereignty extending as much as 200 miles from shore.

The Department is concerned with such provisions of proposed legislation as would recognize or permit the extension of the seaward boundaries of certain States beyond the 3-mile limit. In international relations, the territorial claims of the States and of the Nation are indivisible. The claims of the States cannot exceed those of the Nation. If the Nation should recognize the extension of the boundaries of any State beyond the 3-mile limit, its identification with the broader claim would force abandonment of its traditional position. At the same time it would renounce grounds of protest against claims of foreign states to greater breadths of territorial waters.

All this, and many comments heretofore, show that this Nation has historically for its own good—to protect our own people's interest—insisted on the sovereign rights of the Nation, not the individual States, on beyond the open shores.

Mr. President, are we, for the sake of two or three States, to become embroiled in all the international complexities the passage of Senate Joint Resolution 13 would be certain to cause? Are we, for the selfish benefit of a small handful, to jeopardize, even destroy, the rights of the tens of thousands who depend upon fishing for a livelihood?

Not many days ago there appeared in the Washington Evening Star a column written by Mr. Lowell Mellett, entitled, "Shrimps Enter Fight Over Oil." That column discusses one of the problems which I have been trying to point out this morning. It is the problem which arises when we try to extend our territorial limit beyond that which we have always recognized, namely, 3 miles, particularly if the Government of the United States is placed in the inconsistent position by the enactment by the legislative body of a measure which would extend our 3-mile boundary, while, at the same time, the same Government, through its executive department, is contending that other nations have no right to extend their boundaries beyond the 3-mile limit. Since Mr. Mellett's column is so much in accordance with these views, I should like to impose upon the time of the Senate to read it. The headline is:

"Shrimps Enter Fight Over Oil. Big Gulf Industry Opposes Claim of Mexican Government to Jurisdiction Over Waters Beyond Three-Mile Limit."

By the way, speaking of the term "big gulf industry," it is a big gulf industry. It is an industry whose vessels ply the waters off our coasts around the gulf.

When I see the statements that sometimes appear in the press, indicating that we are trying to give away something belonging to the States, and when we see Mexico in the open sea, beyond the 3-mile limit, seizing our ships engaged in shrimping and making a living for many people along the Gulf-Coast States, I reflect that we would be giving away something that belongs to all our people, that is, a right which has been theirs ever since 1793—yes; and even before that, since the days of the Continental Congress—the right to enjoy the benefits of the open sea.

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

Mr. SPARKMAN. I yield for a question.

Mr. HILL. Is it not true that the shrimping industry is quite an industry on the Gulf Coast? Cities such as Coden, Miss., and Bayou La Batre, Ala., depend almost entirely upon the shrimping industry. We may say that their economy is subject to the shrimping industry. Is that not correct?

Mr. SPARKMAN. Yes; it is correct. One of the delights which I enjoy so much on the Riviera of the Gulf Coast in our area is to sit in the sunshine, watch the waves lap upon the shore, and to see the shrimp boats going out and coming in. It is a pleasant sight, and it is very important to realize what it means to the economy of our people. Of course, some of the finest shrimp in the world come from that region. The shrimp boats bring them in because they have a right to range over the whole area.

Mr. HILL. Mr. President, will the Senator yield for another question?

Mr. SPARKMAN. I yield.

Mr. HILL. I was about to ask the Senator if at least part of his delight and delectation over being on the Gulf

Coast is not derived from buying and enjoying some of those shrimps as well as from seeing the boats bring them in.

Mr. SPARKMAN. Naturally; it certainly is.

Mr. President, I have no intention of discussing the pending joint resolution from a selfish standpoint; in fact, earlier in the day I agreed with the statement made by our distinguished colleague, the Senator from Iowa [Mr. GILLETTE] that we who are fighting on this side of the question are really conservatives, because we are trying to conserve what belongs to all the people of the Nation. But if I were measuring the question purely from the selfish standpoint, I would say that shrimping means a great deal more to Alabama than do any prospects of oil that have appeared on the horizon.

I may say to the distinguished junior Senator from Texas [Mr. DANIEL] that I do not know whether that statement would apply to Texas. I do not believe Texas has found very much oil out at sea as yet. In fact, I have been told that one of the great disappointments over the enactment of the pending measure will be the small amount of oil which will be received by Texas, unless the prospecting can push out well beyond the 10½-mile limit. I do not make this as a factual statement; I have simply heard it. However, I am certain that the shrimping industry today means a great deal more to Texas than do any proceeds or revenues from oil anywhere off the coast of Texas.

Likewise, I am certain that the shrimping industry means a great deal to Florida. I do not believe Florida has found any oil off her coasts as yet. I believe Louisiana has found some oil. Yet I know that Louisiana is one of the great shrimping States. The same is true of Mississippi, which is one of the greatest.

So, without at all posing as an authority, my guess would be that if we considered the region from the tip of Florida and went around the shores of the gulf, taking the whole area, State by State, we would find that economically the shrimping industry means a great deal more to that region than does anything that has yet appeared relating to offshore oil.

Therefore I believe Lowell Mellett's column about shrimps is one of great interest to several of the States which are greatly concerned with the proposed legislation. I do not know whether or not any shrimps are found in California waters, but certainly every Gulf State enjoys a fine shrimping industry, which contributes greatly to the prosperity of the whole area. So I feel it is quite appropriate that I should call the attention of Senators at this time to Mr. Mellett's column, which reads as follows:

SHRIMPS ENTER FIGHT OVER OIL—BIG GULF INDUSTRY OPPOSES CLAIM OF MEXICAN GOVERNMENT TO JURISDICTION OVER WATERS BEYOND 3-MILE LIMIT

(By Lowell Mellett)

A new element of confusion has been introduced into the dispute over the offshore oil lands. Shrimps. The big shrimp industry of Louisiana, Texas, and Florida is asserting a point of view, involving its own profitable enterprise, and it is a point of view that conflicts in an important way with that presented officially by the three States.

I wish Mr. Mellett had included Alabama and Mississippi, because those States certainly have a large shrimping industry.

Seems that one of the finest and most extensive shrimp-fishing areas anywhere is in the waters off the coast of Mexico. The very fattest, most succulent shrimps, it is said, can be gathered in a belt between 3 and 10 miles out from shore, and our shrimp tycoons have been gathering them there. But they run into constant trouble with Mexican shrimpers and the Mexican Government. The Mexican Government claims jurisdiction as far out as 10 miles. Our own Government has heretofore backed the contention of our own shrimpers that Mexican jurisdiction extends only 3 miles.

Not so long ago a Mexican patrol boat seized an American shrimp boat, fishing within the 10-mile limit, and it required some stubborn diplomatic palavering by our State Department to obtain the boat's release. The Department stuck to the historic 3-mile-limit theory then, as it did later in discussing the general jurisdictional question with the Senate Interior Committee. Regardless of any decision by Congress as to whether the States or the Federal Government shall own the offshore land, the Department insists that neither can claim it for a distance of more than 3 miles. Beyond that point the waters become international, the Department was compelled to tell the Senators, just as it had told the Mexican Government.

This is proving embarrassing to the States and oil companies involved, since the richest oil deposits in the Gulf of Mexico are now considered to be beyond the 3-mile limit, and since they have been demanding that the States be given title many miles beyond.

Ironically, the States might find support for their contention in a quarter where they would not wish to seek it. The Russian Government has asserted that her territorial waters extend 12 miles from her coastline. This claim was made in 1950 in defending the shooting down of an unarmed Navy patrol plane in the Baltic Sea. Our Government's insistence on the 3-mile limit has continued, however, applying it to the air as well as the sea. The weather-observation plane that exchanged shots with a Soviet plane last week was 25 miles off the coast of Kamchatka, but a spokesman for the United States Air Force asserted the right under international law to fly within 3 miles, even though there is no desire to exercise that right.

The wealth beneath the troubled waters of the gulf is still a matter of widely varying estimates. At the outset of the present argument the proponents of the Federal Government's claim used the figure of $40 billion. Since then some estimates of the value of the oil and gas have gone as high as $250 billion. Senator DOUGLAS, Democrat, of Illinois, who, like several other Senators, is now taking this issue by radio and letter to the people of his own State, noted the new and higher estimate in a broadcast Sunday. It almost equals the national debt, he pointed out.

Some geologists are convinced that much of great value beside gas and oil may be found in the gulf's wide Continental Shelf. There may be vast sulfur deposits, they say. There's money in sulfur these days. A Texan, scarcely known outside his own community, was said to be worth a quarter of a billion dollars when he died a few weeks ago. His fortune had come chiefly from the sulfur industry.

Mr. President, I do not care to hold the Senate unduly long with my discussion of this question, but inasmuch as I was unable to be present last week and discuss some other points in connection with the joint resolution, particularly the amendment which has been so ably sponsored and presented, both last year and this year, by my colleague [Mr. HILL], I wish to take occasion to say a few words about that amendment, because, if I correctly understand, it is embodied in the amendment offered by the Senator from Illinois [Mr. DOUGLAS]. Any proceeds taken by the Federal Government would be distributed in the form of Federal aid for education.

I have supported Federal aid for education ever since I first entered public office. I remember that when I first ran for the House of Representatives back in 1936 I published a little card. It had about six or eight very brief statements on it of the things in which I believed. One of them I remember very well was a very brief slogan:

Federal aid for education without Federal control.

I have stood for that principle as long as I have been in Congress, and I have worked for it on every occasion.

I know what it means to come from what might be described as an economically depressed area. It was my good fortune a couple of years ago to serve as a delegate to the United Nations. I was assigned to the Economic Committee. I started talking about underdeveloped areas. I found that the representatives of some countries took offense at my use of the term "underdeveloped." They preferred that we talk about "less accelerated prosperity," or some such term. However, I found any other term than "underdeveloped" quite awkward. One day I was making a speech before the Economic Committee, and I started by saying, "I understand some people do not like the term 'underdeveloped,' but I am speaking to you as one who came from an underdeveloped area. The South has had a terrific struggle. I am not going to review it. It has had a terrific struggle since the days of the War Between the States and the reconstruction era which followed. One of the things we struggled hard to accomplish in the South has been the building of a public-school system which would enable all our boys and girls to obtain a good education. It has been a terrific struggle."

Last week when I was in Alabama some of the people whom I saw were school teachers and others interested in schools. They are very much concerned about the hard times which our schools are undergoing at present. My colleague [Mr. HILL] had the foresight to offer his proposal several years ago. My distinguished colleague, with the aid of the distinguished majority leader at that time, and other Members of the Senate, drafted and pushed through the Senate a very fine bill to provide Federal aid for education. I regret exceedingly that it was not accepted by the House, and did not become the law of the land. In any event, he had the vision and foresight to propose a very wise use of the assets which the Federal Government might obtain from its part of the submerged oil lands.

There can be no dispute, it seems to me, of the fact that our schools are the very foundation of our way of life. If we

continue to neglect our public-school system, that foundation will eventually crumble.

I recognize the fact that some of my distinguished colleagues have already very ably discussed the present school situation and told of the plight of our schools and the immeasurable value which the Hill amendment would be to them. I shall not discuss the point at length from a national point of view. The plight of the schools in my own State—in fact, in all the southern States and all the low-income States outside the South, is typical. Indeed, there is no State in which the school system is not in need of improvement. It seems to me that no State can afford to lose the millions of dollars which would accrue to it should the Hill amendment, as embodied in the Douglas amendments, be adopted.

DISTRIBUTION OF REVENUE UNDER NATIONAL OIL AND GAS LEASING ACT

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

The PRESIDING OFFICER (Mr. POTTER in the chair). Does the Senator from Alabama yield to the Senator from Nevada?

Mr. SPARKMAN. I yield for a question.

Mr. MALONE. I suppose the distinguished Senator from Alabama understands that from 1920, when the National Oil and Gas Leasing Act was enacted to provide a method of granting permits for prospecting for oil and gas on public lands, the revenue therefrom—12½ percent—was divided 10 percent to the Government, presumably for supervision, 37½ percent to the States wherein the oil and gas leases were located, and 52½ percent to the reclamation fund. Does the Senator understand that?

Mr. SPARKMAN. Yes. I understand that to be the fact.

Mr. MALONE. Does the Senator further understand that immediately after the Supreme Court decision holding that the States did not own the submerged lands—seabottom lands—and that the Federal Government had paramount rights—which are interpreted as being the highest title to public lands—the Secretary of the Interior ruled that the National Oil and Gas Leasing Act was not applicable to the seabottom lands? Is the distinguished Senator familiar with that ruling?

Mr. SPARKMAN. I will not say that I am familiar with it. I understand that was the general effect.

Mr. MALONE. It was the ruling the Secretary made. If the Senator will yield further, is he familiar with the fact that there were 4 or 5 hundred people interested in 11 applications filed with the Secretary of the Interior under the National Oil and Gas Leasing Act for permits to prospect for oil and gas on the seabottom land offshore in California?

Mr. SPARKMAN. I am familiar with it only in a general way. I have not studied the subject.

Mr. MALONE. As soon as the Supreme Court ruled that the submerged sea-bottom lands did not belong to the States, and that the Government had the paramount rights, the Secretary made a ruling which precluded the granting of permits to prospect under those applications. Immediately the applicants under those 11 applications sued the Secretary of the Interior to reverse his decision.

I ask the Senator if he is familiar with the fact that that case has been argued in the Federal court in the District of Columbia, and is ready for decision? It is understood that the decision will be rendered as soon as the Supreme Court either accepts or amends the master's report on the question of the boundary between inland waters and the open sea. Is the distinguished Senator from Alabama familiar with that court case?

Mr. SPARKMAN. Only in a general way.

Mr. MALONE. If the decision is favorable to the applicants, which many persons expect it will be, then the National Oil and Gas Leasing Act is applicable to the lands in question, and there will be no question as to where the revenues will go. In other words, 52½ percent of the royalties, 12½ percent or whatever they are, would go into the reclamation fund.

The reclamation fund is also augmented through repayment from projects already constructed. The 17 Western Reclamation States, are in the area which would be affected.

If the decision is unfavorable, I would ask the distinguished Senator whether he would agree that all that would be needed would be an amendment to make the National Oil and Gas Leasing Act applicable to the sea-bottom lands. In other words, it would take only an amendment to remove any technicality cited in refusing to grant such permits in the first instance.

Mr. SPARKMAN. I presume that is true.

Mr. MALONE. I have the highest regard for the distinguished Senator's argument, that the proceeds of the oil should go to the educational fund. Every State needs additional funds for education. However, for 33 years 52½ percent of the royalties, whatever they may be, have gone to the reclamation fund to develop the arid and semiarid States west of the Mississippi River, which was applied to the public lands States, the arid and semiarid States. Is the distinguished Senator familiar with that principle?

Mr. SPARKMAN. Yes; I am familiar with it.

Mr. MALONE. I wanted to make the RECORD clear on that point.

Mr. SPARKMAN. I fully appreciate the Senator's position. Naturally it is a matter which comes to his attention much more clearly than it does to mine, because my State is not within the area that has been affected throughout the years.

Mr. MALONE. That is true.

Mr. SPARKMAN. It does happen that my State is in an area in which the school situation is not only of great importance, but the schools are very badly in need of help.

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

Mr. SPARKMAN. I yield.

Mr. MALONE. I should like to ask the Senator if it would not be a matter for Congress to decide whether they wanted to make a change in the distribution of royalties, and all that would have to be done would be to introduce a bill to transfer the revenues from the reclamation fund to the educational fund. Is that correct?

Mr. SPARKMAN. Assuming that the Court decision is that way; yes.

Mr. MALONE. Yes. Or in any case, even if it were ruled because of some technicality that the sea-bottom lands from low tide seaward to the State boundary did not come under the National Oil and Gas Leasing Act, or that that act was not applicable to those lands, it would be merely a technicality, because, after all, they would be public lands. Is that correct?

Mr. SPARKMAN. Congress could certainly dispose of the revenue.

Mr. MALONE. I thank the Senator.

Mr. SPARKMAN. I appreciate the contribution from the Senator from Nevada.

Mr. President, the mention made by the distinguished Senator from Virginia of the Secretary of the Navy reminded me of the action taken by the Senate in 1937, by which offshore lands were by resolution of the Senate unanimously agreed to belong to the Federal Government, and upon the request of the Secretary of the Navy, it was stated that the lands should go into our naval reserve. I thought I had the CONGRESSIONAL RECORD open at the place where that point was discussed, but I do not seem to be able to find it at the moment. But, while that resolution was taken up by unanimous consent of the Senate, I checked it a few days ago, and I found it was not considered as a pro forma matter without any Senator taking note of it. As a matter of fact, questions were asked on the floor of the Senate regarding it, and Senator Walsh, of Massachusetts, who was chairman of the Naval Affairs Committee at the time, stated that the Secretary of the Navy had recommended that the action be taken, and stated the reserves were needed as a part of our naval reserves. As I recall, a letter from the Secretary of the Navy was placed in the RECORD. Earlier in my remarks today, I quoted a letter from Secretary of the Navy Dan Kimball with reference to the extension of the 3-mile limit, or the drawing of a line outside the 3-mile limit. The Secretary of the Navy in 1937, was I believe Secretary Swanson, of Virginia, who for a long time was a distinguished Member of this body.

This subject is not a new one. Many Members of the Senate were present in 1937 when the Senate directed the Attorney General to start action to clear up or to make certain that the claim of the United States to the oil reserves under the submerged lands was made definite, and it was done at the request of the Secretary of the Navy.

Mr. President, I was just starting to say something about the schools.

The plight of the schools in my own State, is typical of that in all the Southern States, and in fact in all the low-income States outside the South.

Indeed, there is no State in which the school system is not in need of improve-

ment. There is no State which, it seems to me, can afford to lose the tens of millions of dollars that would accrue to them should the Hill amendment be adopted.

Tables have been inserted to show what this loss would amount to in each individual State. A conservative estimate is that Alabama would lose over $200 million on royalties from oil alone. The figure could be and probably would be a great deal larger. When I think of the need of the schools in Alabama for these hundreds of millions of dollars, I cannot help but believe that it would be a gross injustice, a gross wrong, to the children of Alabama and other States, to give to 2 or 3 States those riches which the Supreme Court, on more than one occasion, has declared belong to all the people of all the States.

I know that the teachers in Alabama greatly need a salary increase. Low salaries produce a big turnover among teachers, who leave each year to find better paying work. Thus, each of our children, the most valuable resource of all, are deprived of many good teachers and of efficiency in teaching.

In 1951–52, the last year for which figures are available, the average salary paid instructional personnel, including teachers, superintendents, and principals, was $2,537. The average salary paid classroom teachers alone was $2,487.

How can anyone, and particularly families with children, live on such meager incomes and meet the many community responsibilities that are demanded of all teaching personnel?

In the South alone, five States pay lower teachers' salaries than does Alabama. It seems to me that the following schedule of the average annual salaries of the instructional staff in Southern States and in the United States as a whole should convince anyone that the money from the oil now in dispute could be used to no better advantage than to raise the incomes of our teaching personnel.

Average annual salaries of instructional staff

[Includes teachers, principals, and instructional supervisors]

	1947–48	1949–50	1950–51	1951–52
United States	$2,639	$3,010	$3,100	$3,365
Alabama	1,957	2,111	2,179	2,537
Arkansas	1,545	1,801	1,804	1,882
Florida	2,641	2,958	3,043	3,236
Georgia	1,724	1,936	2,123	2,604
Kentucky	1,884	1,936	2,054	2,386
Louisiana	2,236	2,983	3,062	3,122
Mississippi	1,256	1,416	1,587	1,665
North Carolina	2,114	2,688	2,959	3,250
South Carolina	1,742	1,891	2,004	2,434
Tennessee	1,901	2,302	2,357	2,344
Texas	2,585	3,122	3,182	3,331
Virginia	2,062	2,328	2,461	2,596

Please note that Mississippi and Tennessee pay even lower salaries than does Alabama. It does not seem right to me that three of the States included in this table should be given all these moneys just because of their fortunate location and, thus, be enabled to pay salaries which exceed greatly the salaries paid by other States. Certainly, to have more than one-third of the money as an outright gift, and to have an equal share with other States in the remainder, constitute more than a fair and just share.

Mr. President, recently Mr. Frank L. Grove, secretary of the Alabama Education Association, wrote a guest editorial which appeared in one of the Montgomery newspapers. In the editorial Mr. Grove set forth some very interesting facts and also a table. I ask unanimous consent that his editorial be printed in the RECORD at this point.

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

AEA SECRETARY GROVE DISCUSSES TEACHER SITUATION IN ALABAMA

(EDITOR'S NOTE.—This week's guest editorial is written by Frank Grove, the secretary of the Alabama Education Association. In his editorial Mr. Grove discusses the teacher problem in Alabama public schools. This is another in the Examiner's weekly series of columns by outstanding Alabamians.)

In a release to the press last week State Superintendent Terry said that the shortage of qualified teachers in Alabama would worsen in September of this year. At least two causes are expected to contribute to this shortage: the largest group of 6-year-olds on record expected to enter school this fall, and the anticipated exodus of teachers to adjoining States during the summer months.

Back in 1947, 6 years ago, 87,242 babies were born in Alabama, the greatest number of any previous year. These youngsters are now about ready for school and expect to find seats and teachers when the new school year opens in September. Just where this army of boys and girls will find accommodations or who will teach them are questions already beginning to worry school boards throughout the State.

If all the students expected to graduate from the State teacher training institutions this spring were to teach next fall the number available would be well below the number needed to fill vacancies in the elementary schools. However, it is estimated that only about 25 percent of those completing teacher courses actually teach. Instead, they go into other lines of work, due primarily to the low salaries paid teachers as compared with other vocations. To meet the needs Alabama could well use several hundred teachers from other States. On the contrary, we are expected to lose many teachers to Florida and Georgia because these States pay considerably better salaries.

On this page is the average salary paid instructional personnel (teachers, supervisors, and principals) in 1951–52 in the Southern States. The records from 1952–53 are not available, but would show only slight changes.

It is noted that Alabama's average salary is $828 less than the average for the Nation, and that of the 12 States listed only 5 pay lower salaries than Alabama. These are Arkansas, Kentucky, Mississippi, South Carolina, and Tennessee. Two of the States adjoining Alabama, as disclosed in the table, pay higher salaries than does our State. In fact certain cities and counties near the Georgia-Alabama and the Florida-Alabama lines pay considerably more than the indicated salaries. These school systems offer peculiarly alluring opportunities for underpaid Alabama teachers.

It is frequently remarked that Alabama has increased teacher salaries considerably in recent years. This is true. In 1939–40, for example, the average salary paid teachers here was $744. In 1951–52 it was $2,537, an increase of $1,793 or 241 percent. However, inflation has reduced this salary to $1,470, which yields a gain of $1,067, or 73 percent, in terms of 1939–40 dollars.

But that is not all. In 1939–40 teachers were not required to pay income tax. Now they are. When the 1951–52 salary is adjusted for this tax of $374, and in terms of the 1939–40 dollar, the gain in take-home pay is reduced to $693, or 47 percent. Of course inflation and income taxes hit other groups as well as teachers, but in considering increases for teachers these two factors cannot be ignored. Salary increases are far from what they seem.

Alabama faces another serious problem in its efforts to finance schools. The causes are not hard to find. Alabama relatively has a much larger child load than most States and less wealth with which to maintain schools. Even so, Alabama citizens have repeatedly increased their tax load to improve their schools. They will do so again when convinced that increases are needed. They will have opportunity to study these needs in detail during the coming months.

Interesting facts on average annual salaries of instructional staff in South

[Includes teachers, principals, and instructional supervisors]

	1929–30	1939–40	1943–44	1947–48	1949–50	1950–51	1951–52
United States	$1,420	$1,441	$1,728	$2,639	$3,010	$3,100	$3,365
Alabama	792	744	1,009	1,957	2,111	2,179	2,537
Arkansas	673	584	845	1,545	1,801	1,804	1,882
Florida	876	1,012	1,390	2,641	2,958	3,043	3,236
Georgia	684	770	923	1,724	1,936	2,123	2,604
Kentucky	896	826	1,158	1,884	1,936	2,054	2,386
Louisiana	941	1,006	1,427	2,236	2,983	3,062	2,122
Mississippi	620	559	790	1,256	1,416	1,587	1,665
North Carolina	873	946	1,342	2,114	2,688	2,959	3,250
South Carolina	788	743	973	1,742	1,891	2,004	2,434
Tennessee	902	862	1,062	1,901	2,302	2,357	2,344
Texas	924	1,079	1,329	2,585	3,122	3,182	3,331
Virginia	861	899	1,308	2,062	2,328	2,461	2,596

Mr. SPARKMAN. Mr. President, while we are speaking of low salaries paid to our teachers, let us compare them with the salaries paid to workers in certain other Alabama industries.

The following table shows that the average annual salary paid classroom teachers is, in most cases, less than that earned by other workers—workers who are not paid too much, it is true, but who generally do not have to invest the time and money that a teacher has to invest in order to become qualified for his work:

Alabama classroom teachers' average annual salary compared with average earnings of workers in selected industries in the State

	Annual earnings
Classroom teachers	$2,487
Workers in auto repair services and garages	2,412
Workers in trucking and warehousing	2,667
Workers in textiles	2,623
Workers in building construction	2,997
Workers in bituminous coal mining	3,372
Workers in telephone and telegraph	2,906
Bricklayers	6,000

Alabama classroom teachers' average annual salary compared with average earnings of workers in selected industries in the State—Continued

	Annual earnings
Carpenters	$4,480
Electricians	5,200
Painters	4,500
Plasterers	5,040
Plumbers	5,300
Building Laborers	2,450
Local transit operating employees (beginning)	3,528
Local transit operating employees (after 1 year)	3,648

Only workers in auto repair shops and garages made less last year than did teachers.

Let us make one more comparison. Let us see how the salary of the teachers compares with the salaries of other State employees:

Alabama classroom teacher's average annual salary compared with beginning salary for certain Alabama merit system employees

	Annual salary
Classroom teachers	$2,487
Highway patrolmen	3,240
Welfare case workers I	2,880
Forester I	3,528
Bacteriologist	2,760
Accountant I	3,468
Field auditor	3,612
Revenue examiner	3,684
Employment interviewer I	2,976
Statistician	3,696
Civil engineers I	3,324
Average salary of all merit system employees	2,960

I want again to make clear that it is not my intention to imply that the other employees are paid excessive salaries. Far from it. I simply mean to point out a condition of low salaries that is adversely affecting the quality of instruction which I am reasonably sure exists in other States, and which could be corrected if Congress would only adopt the Hill amendment.

It may have been noticed in the first set of figures from which I quoted that during the past 6 years the salaries of teachers have risen moderately. We should remember, however, that the raise has been more than taken away by the increase in taxes made necessary by our national defenses and foreign-aid programs and by the decrease in the purchasing power of the dollar. It would take $21½ million alone to increase the salaries of Alabama teachers to that of the United States average.

What I have said thus far applies only to the salaries of elementary and high-school teachers. The salaries of the teaching staffs of colleges are just as inadequate. In some cases, the lag in increases has been even greater. In 1951–52, 1,071 were employed as teachers in the State-supported colleges of Alabama. These included professors, associate professors, assistant professors, and instructors. Their average salary was $3,843. Eleven years earlier, the average salary was $2,156. Thus, it would seem that during the interval there was a gain of 78 percent. This does not mean, though, that Alabama college salaries have really increased. Actually, after allowances are made for necessary increased taxes and the decreased purchasing power of the dollar, the salaries have decreased by almost 10 percent.

During this time the enrollment in our colleges increased approximately 75 percent. At the time when more and more youngsters are going to college, those who are to train them, to instruct them in our American way of life, are being further and further discouraged from taking on that great responsibility. There is simply no inducement, moneywise, for our young people to enter the teaching profession either in the public schools or at the college level.

There is another aspect of essential school cost that is in great need of additional money. I refer to the cost of transporting school children in Alabama. The annual expenditures per transported pupil enrolled for the United States and for the Southern States are as follows:

Annual transportation expenditures per transported pupil enrolled

State	1945–46	1947–48	1949–50
United States	$25.66	$30.11	$30.88
Alabama	14.69	17.80	16.82
Arkansas	15.87	21.29	19.10
Florida	19.69	24.48	19.59
Georgia	18.26	24.73	24.91
Kentucky	15.82	17.88	21.24
Louisiana	22.35	27.64	24.67
Mississippi	17.80	25.89	21.66
North Carolina	11.97	18.36	15.68
South Carolina	23.63	21.87	23.37
Tennessee	15.06	18.72	20.35
Texas	19.56	18.82	26.91
Virginia	16.04	20.27	18.39

Alabama's low cost has been made possible partly through good management. However, much of it is accounted for by insufficient, and in some cases, dangerously inadequate services. In 1951–52, for example, 931 Alabama school buses were overcrowded. There were 904 buses 10 years old or older. Some of these buses were still good, but most of them were unfit for further use. During the same year, 212 buses had wood or composite bodies, which are unsafe.

To replace this obsolete and unsafe equipment would require about $3½ million. The transportation load is increasing. It is necessary to add buses each school year, and it is obvious that the pupils transported by bus is constantly increasing.

All of us know that during recent years, many bills have been introduced to provide for more adequate school buildings. With the exception of those that apply to defense areas, these bills have generally received little positive attention. The fact, though, that they have been introduced is recognition that the problem is acute. It would take several billion dollars to modernize present buildings and to build needed new buildings to house properly our schoolchildren. It is estimated that in Alabama alone, nearly $300 million is needed for school facilities. Our share of the oil from the submerged lands would just about do the job.

The following conditions point to the need for more adequate buildings in Alabama. I am sure that many of these conditions are found in my colleagues' States, and could be alleviated if the past decisions of the Supreme Court relative to ownership of the disputed oil were followed, and if the Congress were to adopt the proposal to use for the schools the proceeds from the disputed oil.

Listen to these conditions discovered by a 1951 survey:

Three thousand eight hundred and one pupils were forced to attend school in multiple shifts.

One hundred and ninety-nine thousand six hundred and three pupils were housed in buildings that were classified as dangerous or otherwise unsuited for use.

Twenty-seven thousand one hundred and fifty-eight pupils attended school where no toilet facilities existed.

Two hundred twenty-two thousand five hundred and nine pupils were forced to use dilapidated toilet facilities that should be abandoned immediately.

Forty-one thousand five hundred and seventy-five pupils attended school where no drinking water was available on the school grounds.

The figures I have just read apply to conditions existing in the State of Alabama. Many other figures might be cited in connection with this point.

Some might say that Alabama herself should raise salaries, spend more for transportation, and construct better buildings. The answer is that Alabama is constantly doing these things, and today she ranks near the top in the effort she is making, compared to her ability, to give her children an adequate education.

The truth is that, relatively speaking, Alabama and many other States are low-income States, with high birth rates, and it is most difficult to provide even the barest minimum of education to all its children.

There are other inadequacies—such as lack of instructional equipment, insufficient funds for vocational education, inadequate care for the deaf and blind—that can be remedied only with increased funds.

These funds are simply not available in sufficient amounts from the State and local levels. They might come from Federal aid, but we know that that possibility is most uncertain.

A sure source, and a fair source of funds to alleviate these conditions is the money from the oil that lies under the submerged lands. A sure source is that which would be provided by the Hill amendment, of which I am one of the sponsors.

If these measures are not accepted by this Congress and if the rightful decisions of the Supreme Court are overridden, it is my belief, whether it is ever conceded by opposing Senators or not, that a grave injustice will have been perpetrated against the schoolchildren of this Nation.

Mr. President, a few days ago my attention was called to an editorial entitled "The Tidelands Oil Dispute," published in the Chicago Daily Sun-Times of April 13, 1953. I ask unanimous consent to have the editorial printed at this point in the RECORD, as a part of my remarks.

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

THE TIDELANDS OIL DISPUTE

The question of State versus Federal title to offshore oil lands—so-called tidelands

oil—should be settled on the basis of law. Unfortunately the controversy has aroused political passions and they, rather than the legal aspects of the case, have dominated congressional consideration of this greatly important national issue.

As matters now stand, the House has passed what amounts to a quitclaim bill. The measure would waive Federal rights to submerged land extending from the low-tide mark to certain historic offshore boundaries, ranging from 3 miles to 10½ miles in this case. The measure also would specifically grant title to these submerged lands to the adjacent States.

Legislation along similar lines is now before the Senate. Opponents of the bill, among them Senator DOUGLAS (Democrat, Illinois), have slowly been gathering strength, but not enough to defeat it. They have united behind a measure which would reaffirm Federal control of the offshore area and provide that royalties from oil be distributed among all the States to help finance public education. DOUGLAS has estimated that Illinois would receive millions of dollars annually.

Under either the House or the Senate bill, oil royalties would go only to the States which have title to the submerged lands. The States which would benefit principally are Texas, Louisiana, and California.

On three occasions the United States Supreme Court has held that the offshore areas at issue in the present legislation are part of the Federal domain and do not belong to the States. The Sun-Times has consistently supported the Federal claim to the offshore deposits and, although we supported the candidacy of President Eisenhower, we did not and do not subscribe to his belief that the submerged lands should belong to the States.

So long as it acts within the framework of the Constitution Congress can pass any laws it desires, including laws to give away Federal lands. But many legal authorities have serious doubts as to the constitutionality of legislation to convey title to the offshore deposits to the States.

Some of these doubts have been set forth in a brief prepared for opponents of the Senate bill by Urban A. Lavery, Chicago attorney and former editor of the American Bar Association Journal.

Lavery questions whether international law might not impose barriers against a nation's giving individual States title to land under territorial waters. Under long-standing principles of international law, nations rather than their political subdivisions exercise dominion over the territorial waters extending from the low-tide mark to the commonly accepted 3-mile limit.

But a nation's sovereignty over its territorial waters is limited at least to the extent that ships of foreign nations are permitted to travel freely over, and anchor in, such waters for all inoffensive purposes. Are there other limitations which would apply in the case of offshore oil deposits and submerged oil lands lying on the Continental Shelf beyond the 3-mile limit?

The Senate should ponder that question carefully before taking precipitate action. It should also adopt the Lavery brief's proposal to make the legislation inoperative until the Supreme Court has ruled, in a declaratory judgment, whether it violates the Constitution—possibly by contravening directly or indirectly international laws to which we, as a nation, have subscribed in the form of treaties or conventions.

If the Court found that the legislation did not violate the Constitution in any way, then there would be no question of Congress' right to give away the submerged land. However, we would still feel that such a step would be morally, though not legally, wrong.

While the Eisenhower administration has modified its original position on the offshore legislation, the President is apparently committed to signing it when and if it passes Congress. As an Eisenhower supporter, we nevertheless hope he will reconsider his stand.

The prospect of congressional passage of the offshore legislation has already given impetus to other assaults on the public domain. Senator HUNT, Democrat of Wyoming, wants to give his State control of federally owned oil lands which have brought $153 million in royalties to the Federal Government.

According to Senator BUTLER, Republican of Nebraska, chairman of the Senate Interior Committee, sentiment is developing to apply the offshore oil principle to all Federal lands—including public grazing lands and those which have rich mineral deposits. Enactment of the offshore legislation would set a dangerous precedent for such action.

Mr. SPARKMAN. Mr. President, I wish to say that the editorial in the Chicago Daily Sun-Times calls attention to the fact that that newspaper supported President Eisenhower in his campaign for the Presidency, but does not subscribe to his present proposal. I read from the editorial:

> Although we supported the candidacy of President Eisenhower, we did not and do not subscribe to his belief that the submerged lands should belong to the States.
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> * * * * *
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> While the Eisenhower administration has modified its original position on the offshore legislation, the President is apparently committed to signing it when and if it passes Congress. As an Eisenhower supporter, we nevertheless hope he will reconsider his stand.

Mr. President, I believe it significant to refer to the number of great newspapers in the United States that did support the candidacy of President Eisenhower, but are opposed to Senate Joint Resolution 13. Of course, the New York Times, the Washington Post, and the Chicago Sun-Times are but three of President Eisenhower's confirmed supporters that have called upon him to reverse the stand he has so far seen fit to take in the present controversy.

Mr. President, regardless of the outcome of the pending joint resolution, I believe the Senate would be doing a wise thing to adopt the Douglas amendments, in order to draw a line. As a matter of fact, I should think that even the supporters of the joint resolution would want the line drawn, in order to strengthen the position of the proponents of the joint resolution. I was about to say that the adoption of the Douglas amendment would be a wise thing, if the joint resolution goes to the Supreme Court. However, I think I should say "when it goes to the Supreme Court," because almost certainly there will be a constitutional test regarding the power of Congress to give away such national sovereignty.

Mr. KEFAUVER. Mr. President, will the Senator from Alabama yield for a question?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Tennessee?

Mr. SPARKMAN. I yield for a question.

Mr. KEFAUVER. Of course, the Senator from Alabama is aware that there is no question that the case will immediately go to the Supreme Court, because the General Assembly of the State of Rhode Island has, as the Senator from Alabama well knows, already voted unanimously to instruct its attorney general to bring a suit before the Supreme Court testing the constitutionality of the joint resolution, if it is enacted. Is not that correct?

Mr. SPARKMAN. Yes; that is correct. The General Assembly of the great State of Rhode Island, as I understand, has already instructed the attorney general of that State to prepare whatever papers may be necessary in order to take the case to the Supreme Court as soon as possible after Congress shall have concluded its action on the pending measure.

Mr. KEFAUVER. Mr. President, will the Senator from Alabama yield for a further question?

Mr. SPARKMAN. I yield.

Mr. KEFAUVER. Does the Senator from Alabama not think that those who are so greedy as to desire immediately to get the oil from the Continental Shelf, out beyond the 3-mile limit, by their insistence upon getting so much, will find that it is going to prejudice their case and that it will delay the exploitation of the oil resources, since the matter will be tied up through litigation, with the result that the oil resources will not become available to anyone for a very long time?

Mr. SPARKMAN. Yes, I may say to the able Senator from Tennessee that I have thought very well of the proposal he offered. When he proposed an amendment I told him, I believe, that I would like to join with him in sponsoring it, although I intended first to support the Anderson substitute, with the Hill amendment, and that if it were possible to pass that measure, I would, of course, prefer it. But I may say to the distinguished Senator from Tennessee that I have discussed the matter with some of the proponents of the pending measure. I have discussed it with the distinguished Senator from Florida, with the distinguished Senator from Louisiana, and, I believe, with the distinguished Senator from Texas, as well as other Senators. I realize that in one of the Supreme Court decisions, itself, there was pointed out the possibility of certain inequities. The Court undoubtedly recognized the fact that there would be created a certain stalemate in the exploration for oil and the development of the oil resources.

Therefore, I have felt all along that probably the best way in which to solve this problem would be to establish a commission. I would be willing to recommend that there be established a commission, composed of some of the finest oil geologists and some of the finest legal minds of the country, to make a study of the whole subject and to report recommendations. I am not certain whether it is contained in the Senator's proposal, but I would have suggested that the commission be empowered and directed to continue exploration, and, if need be, to make leases or other contracts, so that the exploration of the ocean areas might be continued, development might take place if that

were thought wise, and further that the life of the commission be extended for whatever period of time seemed necessary in order to enable it to reach a conclusion as to a satisfactory adjustment.

I had understood that the O'Mahoney proposal of last year very largely sought to do that very thing, though not in the same identical way. That is, the O'Mahoney bill did not propose to create a commission, but it provided for a 5-year operating plan for the purpose of making it possible for operation and development to proceed.

Yes; Mr. President, undoubtedly—and this I believe as surely as I believe that I am standing here—those who have been so eagerly pressing for speedy enactment of the pending measure are by the very provisions they have written into the joint resolution going to find themselves tied up for a very long time by litigation, and not merely by one suit. Even if the Supreme Court were to rule upon the question of the power of the Congress to dispose of sovereignty, and should decide that the Congress had that power, we should still anticipate the bringing of many lawsuits involving the question of boundaries. That is because the pending measure is so vague as to the location of the boundaries. In fact, the question of boundaries is left so uncertain that I have been unable to tell anyone the location of the boundaries, except in a few instances. I could say that, with respect to the State of Georgia, which was one of the original States, the boundary was 3 miles out, because that is in accordance with my interpretation of section 4.

I heard the distinguished Senator from Florida say that the west coast of Florida extended ten and a half miles seaward; and I am sure I could say that I heard the distinguished Senator from Texas say that Texas claimed at least 3 leagues all along its shoreline. From the statement of the distinguished Senator from Louisiana and of the Governor of that State, in the hearings, I confess I have been unable to determine the location of the boundary of Louisiana. I believe I read in the hearings a statement by the Governor of Louisiana to the effect that Louisiana's boundary lay ten and a half miles seaward; that if Texas had such a boundary, Louisiana also had it. I believe he suggested that perhaps Louisiana had not exerted as much influence as had the State of Texas, because Louisiana had not blown so hard, or had not made so much noise over the matter, as had the State of Texas. At another place in my remarks, I have referred to what the Governor of Louisiana said. I believe his statement was that the boundary of Louisiana extended to the furthermost island, plus a certain distance beyond that. So I cannot tell where the boundaries are.

I am as certain as I can be that there will be numerous lawsuits over the question of the boundaries, even assuming that the Supreme Court will allow the act to stand and I do not believe that the Supreme Court will allow it to stand.

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

Mr. SPARKMAN. I yield to the Senator from Tennessee.

Mr. KEFAUVER. I appreciate the comments of the Senator from Alabama, in which he has expressed himself as being favorable to the proposal to establish a commission, in accordance with the joint resolution I have introduced.

I should like to ask the Senator whether, in the debate on the floor of the Senate, he has observed that dozens and dozens of questions of great importance to the Nation, both with respect to its domestic affairs and also with respect to its international relations, have been raised by the discussion of the Holland joint resolution—questions which were not even discussed in the hearings before the committee when it considered the Holland resolution.

Mr. SPARKMAN. Yes. In reply to the question of the distinguished Senator from Tennessee, I wish to say that, regardless of the criticism, which at times may have been directed at the current debate, it has been one of the finest debates I have ever heard. I believe more real information has been brought out on the floor of the Senate in connection with this general subject than at any time heretofore.

I note that the senior Senator from Oregon [Mr. CORDON] is present. I do not know whether he agrees with me in this, but during the 2 days he held the floor, the interest of Senators was shown by the dozens, perhaps hundreds of questions, which were asked him. I believe the senior Senator from Oregon has come upon the Senate floor since I made my statement a few moments ago about the boundaries. I do not recall having heard him give a definite answer, yet, as to where the boundaries are. The Senator stated they were the historic boundaries, that the boundaries are in existence, whatever they may be; but I do not believe the term "historic boundaries" is to be found within the pending measure. If I am in error about that, I shall be glad to stand corrected. I do not believe that term is contained within the joint resolution; yet, if I remember correctly, the senior Senator from Oregon, who handled the pending measure when it was in committee, gave the answer that the boundaries are the historic boundaries, whatever they are—and that they exist.

Mr. CORDON. Mr. President, will the Senator from Alabama yield for a question?

Mr. SPARKMAN. I shall be glad to yield to the Senator in a moment. I shall be happy to get some light on the question. I do not think the Senator from Oregon was present when I made the statement earlier in the day when I was discussing this particular phase of the matter. I may say I spent last week in Alabama, and I should like to say to the Senator from Oregon that, contrary to what many people have thought, and contrary to what certain colmunists have written, and contrary to what certain newspapers have said, I have found that the people were not indifferent to the pending legislation, but that, on the contrary, they were very well informed concerning it. I found that they were asking questions, and the question that was asked me most frequently—and one that I frankly had to admit I could not answer—was, "What is the line of demarkation? What is the boundary?" I could not tell them. All I could say in reply was that I had talked with the Senator from Florida about Florida's boundary claims, and I also was frank to say that I knew the extent of the claim made by the State of Texas. The boundaries of those States, of course, are different from those of the original Thirteen States; but, beyond that, I do not know what the respective claims are in regard to the boundaries.

If the Senator from Oregon [Mr. CORDON] desires to address a question to me, I shall be glad to yield.

Mr. CORDON. I wanted to inquire of the Senator whether, in the discussion of boundaries, he realized that the term "historic boundaries" does not appear in Senate Joint Resolution 13?

Mr. SPARKMAN. Mr. President, I made the statement that I did not believe the term "historic boundaries" was used in the joint resolution. If I was incorrect in my statement, I should be glad to be corrected.

Mr. CORDON. What relevancy has the Senator's discussion if the term is not even applicable to the joint resolution?

Mr. SPARKMAN. I may have misunderstood the distinguished Senator from Oregon the 2 days in which he presented the joint resolution. He made a very fine presentation. I think the attention paid to him by the Senators on the floor during those days bore witness to that fact.

I made the statement a few minutes ago that if I remembered correctly, when some of the Senators were trying to get the Senator from Oregon to say what the boundaries were, he used the expression "historic boundaries." My recollection is, and I want to be corrected if I am wrong, that when some Senator asked the Senator from Oregon, "What are the boundaries?" he replied, "They are the historic boundaries. They are there, whatever they may be."

I quoted section 4 of the joint resolution earlier today, in which the term "seaward boundaries" is used. I read the entire section into the RECORD. From it I pointed out the boundaries which I could detect and about which I could tell my constituents.

Mr. HOLLAND. Mr. President, will the Senator from Alabama yield in order that I may make a brief statement?

Mr. SPARKMAN. Mr. President, since a unanimous-consent agreement has been arrived at, I suppose there will be a little relaxation of the rules.

The PRESIDING OFFICER. Is there any objection to the Senator from Florida making a statement in reply to the Senator from Alabama? The Chair hears none, and the Senator from Florida may proceed.

Mr. HOLLAND. I think it would be fair to state in the beginning that each of the States has boundaries, according to the laws under which they came into the Union, and, except as changed in the very minor ways mentioned in section 4 of the joint resolution, the boundaries are the actual legal boundaries that are more loosely spoken of as historic boundaries. They have become historic be-

cause they have been for periods of years the legal boundaries of the several States.

If the Senator from Alabama will look at section 4 of the joint resolution I shall try briefly to explain this matter, because it has seemed to give unnecessary concern to some Senators. I think a brief statement would clear up the matter for the Senator from Alabama so that there will be no further concern about it in his mind.

Starting with the statement I have just made, that what we are talking about in the beginning is actual legal boundaries which every State has, some by constitution, some by enabling act, and some by their own statute, let us now examine section 4.

The first sentence of section 4 makes uniform the matter of boundaries for the Thirteen Original States. The Senator from Alabama has already stated that, and he was correct in his statement. The reason for the necessity of such a statement is that while it is true that under Federal law 3 geographic miles has been uniformly regarded as the extent of a State's jurisdiction, except where Congress has granted a greater distance, the Original Thirteen States have done different things since their entering the Union. For instance, the State of Massachusetts has by statute provided that its boundary is 3 geographic miles offshore. Other States by their constitution have so stated. The State of Georgia has stated, I think, by a constitutional measure, that its boundary is 3 English miles offshore, which, as the Senator from Alabama knows, is nearly one-half a mile less than 3 geographic miles. So, in order to make the yardstick applicable to all of them, and to make them extend out to the limit recognized by the Federal Government as the limit of State jurisdiction, even when a State did not have any formal limits in its constitution or in its statutes, the first sentence is placed in the joint resolution to make it perfectly clear that all the Thirteen Original States have limits of 3 miles offshore.

The second sentence of section 4 relates to the States which have been admitted since the formation of the Union, of which a considerable number are coastal States, as the Senator from Alabama recognizes. I now turn to the second sentence, and I hope I may have the attention of the Senator from Alabama.

Mr. SPARKMAN. I am listening.

Mr. HOLLAND. The second sentence reads as follows:

> Any State admitted subsequent to the formation of the Union which has not already done so may extend its seaward boundaries to a line 3 geographical miles distant from its coast line, or to the international boundaries of the United States in the Great Lakes or any other body of water traversed by such boundaries.

That sentence tries to make applicable to every other State which has either been silent up to this time so far as concerns any formal expression as to where its boundaries are located or, if it has expressed itself and has had a boundary of less than 3 geographic miles laid down, it has the authority, if it has not already done so, to extend the limit to 3 geographic miles.

One State of that sort is the State of California, which has a provision in its constitution setting its boundary at 3 English miles offshore. The provision which I have read would permit the State of California to extend its boundary out to 3 geographic miles. It would apply to a State even in the absence of any constitutional or statutory provision, and it would apply in the exercise of certain kinds of police jurisdiction of the State.

So, Mr. President, I do not think the second sentence of section 4 is subject to any serious question at all. It means that any State admitted subsequent to the formation of the Union which has not already done so, may extend its boundaries 3 geographical miles distant from its coastline.

The latter part of the sentence relates to international boundaries in the Great Lakes or in any other body of water traversed by such boundaries. There are bodies of water other than the Great Lakes which are traversed by international boundaries, but that second sentence would allow to States which need to take that action the right to do so, if any such cases exist.

Mr. SPARKMAN. If I correctly understand, States included in the first two sentences would be limited to 3 geographic miles.

Mr. HOLLAND. That is correct.

Mr. SPARKMAN. Let us go from there.

Mr. HOLLAND. The third sentence approves any effort made heretofore, or which might be hereafter made by States that come within the second classification, to move out to their 3-geographic-mile boundary. It reads as follows:

> Any claim heretofore or hereafter asserted either by constitutional provision, statute, or otherwise, indicating the intent of a State so to extend its boundaries is hereby approved and confirmed, without prejudice to its claim, if any it has, that its boundaries extend beyond that line.

The emphasis in the reading of the third sentence should be upon the words "so to extend"—to extend its boundaries out to the 3 geographical miles boundary permitted under the second sentence.

Mr. SPARKMAN. May I ask if that sentence means that the joint resolution recognizes any action taken by a State to extend its boundaries out 3 geographical miles, but does not necessarily recognize its claims beyond that line; that it simply means that it does not prejudice any rights, if any there be, that a State may have beyond that line?

Mr. HOLLAND. The Senator is exactly correct.

Mr. SPARKMAN. Now we are making progress.

Mr. HOLLAND. The third sentence simply provides that in the case of a State which has, prior to this time, endeavored to utilize the 3-geographical-mile limitation, and has taken action, either by Constitution or statutory provision to claim that distance, that action is hereby approved. In other words, the action does not have to be taken afterward, as mentioned in the second sentence, but it may have been taken heretofore. So long as it goes only to the 3-mile mark, or, if it goes beyond that, then only up to that mark, that action is recognized.

I may say to the Senator, before coming to the fourth sentence, which is the sentence applicable to Texas and to the west coast of Florida, that there has been under this measure no extension whatsoever of any boundary line in the case of any State, either Texas or Florida, beyond the 3-geographical-mile limitation.

In the event that Texas and Florida do have a line extending out 3 leagues, which is our contention, and we think we will show that that is a fact, it will not be by reason of any action under the pending joint resolution, but by reason of the fact that such action was taken, and legally taken, in the past. The only provision that can be found in the fourth sentence is a provision that these two States, and any others that might be affected, though there are no others which are affected, will not be prejudiced in their right so to claim under legislation heretofore enacted, or to have their day in court if they are sued by the Federal Government upon claims which they can establish under the fourth sentence, which I shall now read. The fourth sentence reads:

> Nothing in this section is to be construed as questioning or in any manner prejudicing the existence of any State's seaward boundary beyond 3 geographical miles if it was so provided by its constitution or laws prior to or at the time such State became a member of the Union, or if it has been heretofore or is hereafter approved by Congress.

There are two different provisions, as the Senator can see from a reading of the sentence. So far as I know, the first one is applicable only to Texas, and that reads as follows:

> Nothing in this section is to be construed as questioning or in any manner prejudicing the existence of any State's seaward boundary beyond 3 geographical miles if it was so provided by its constitution or laws prior to or at the time such State became a member of the Union.

I have made a considerable study of this matter, and I do not know of any State which even claims to have had such a provision in its constitution or laws prior to its admission to the Union. Neither do I know of any of the after-admitted States who even had separate existence before they were admitted to the Union, as the State of Texas had, it having been an independent republic for some years prior to entering the Federal Union.

With reference to the State of Florida, its claim, which would be saved to it by the fourth sentence, not guaranteed, not affirmed, not confirmed, but simply saved to it, would come under the second part of the last sentence. Without re-reading the first part, I shall simply read the second part:

> Or if it has been heretofore or is hereafter approved by Congress.

It is the contention of Florida, and we believe it is a sound contention, that after our constitution was drawn in 1868, following the War Between the States, so as to have as one of its boundary provisions a clear, affirmative statement that the boundary extends 3 leagues into the Gulf of Mexico, on the west side of Florida, and when the constitution was reported to Congress, in conformity

with the mandates of Congress under the so-called reconstruction legislation, and when it was approved by Congress in 1868, Congress in effect confirmed to Florida the 3-league limitation.

I may say to the distinguished Senator from Alabama, because I wish to be completely fair and frank, that I am not claiming as a positive fact that either Texas or Florida would, at long last, after litigation, sustain their claims. I believe both would very clearly do so, but the point I am making is that any claim that Texas or Florida have their limits extended by the joint resolution is not correct, because no such result is attempted or sought to be accomplished by the joint resolution. The joint resolution simply saves, without prejudice, the full right to our two States to rely upon action which we claim was legally taken by Congress at the time of the admission of Texas, in 1845, and in 1868, in the case of the restoration of Florida to her seats in the Congress, to claim the right to stand upon these provisions, for whatever they may be worth. If they are strong enough to support our claim, as we think they are, then we should have that right. We do not believe this Congress or any other Congress can legally take away from the State of Texas or the State of Florida what long ago has been legally granted. We think that is as sound a principle of law as ever could be stated.

In the draft of the joint resolution there is not a single word about the extension of any boundary beyond the 3 geographical-miles limitation. To the contrary, the only reference to that situation—and it is contained in other places in shorter words than these—is that our situation shall be saved to us without questioning or in any manner prejudicing the existence of our situation. I think that is about as clear as I can state the point.

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

Mr. HOLLAND. I shall be glad to yield, if I may, but I am speaking under the tolerance and consent of the Senator from Alabama, which I appreciate.

There is no question that every State now has a boundary. There is no question that the proposed legislation would very greatly simplify the boundary situation of the various States. As to all States, except Texas and the west coast of Florida, it would permit the speedily making uniform of all boundaries. The only reason why it cannot be so in those two instances is that legislation was passed in this same Congress, in 1845, which admitted Texas to the Union under which Texas which already had a 3-league boundary, retained that boundary and as a State thus acquired legal rights to a boundary 3 leagues off its shore.

Similarly, Congress in 1868 passed legislation which we think accomplished the same result with reference to the west coast of Florida, and our right to stand upon that is simply not prejudiced by the proposed legislation.

So far as boundaries are concerned in the joint resolution, the total effect would be tremendously beneficial and tremendously simplifying. The joint resolution would be as uniform in its application as it could possibly be, and it would offer simply a background for the operation of the measure, because boundaries are not the principal objectives of the resolution at all. There would simply be offered a background against which the release to the States of assets lying within the boundaries of the States will be determined. Boundaries are wholly incidental to the proposed legislation. It is because of that, incidentally, that the international question, which I shall not deal with now, fades into very minor significance in this matter, because we are having to do here with assets, pure and simple, and not with territorial boundaries, which we say were set legally in 1845 and 1868, and which we are simply saving, in the case of Texas, as of 108 years ago; and in the case of Florida, as of 85 years ago; but in both cases the action took place a long time ago and our rights accrued then, not now.

I thank the Senator very much. It seems to me that the question of boundaries has been unduly confused. I think there is no necessity at all for that result. Anyone who wishes to examine the question and analyze it must realize that boundary question already existing in all our States would be very greatly simplified by the enactment of the proposed legislation.

Mr. SPARKMAN. Mr. President, I am grateful to the distinguished Senator from Florida for giving us that statement. I must say that it has cleared up some points in my mind. Let me see if I understand it correctly.

So far as the joint resolution is concerned, and so far as the action of the Federal Government is concerned if the joint resolution should become law, it would constitute a recognition by the Federal Government of the 3-mile boundary line with respect to the 13 original States, and of the possibility of such a boundary line in all the other States which may not yet have extended their boundaries to that point, but which may wish to do so. The only difference between the effect of the amendment offered by the Senator from Illinois and the joint resolution as it stands would be that the amendment of the Senator from Illinois would cut off Texas and Florida from the excess over 3 miles, whereas the joint resolution as it stands has nothing to do with that question. This provision does not recognize the claim; neither does it jeopardize it.

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

Mr. SPARKMAN. I yield.

Mr. HOLLAND. The Senator is correct in his statement so far as it goes. Of course there are other great and fundamental differences between the proposed legislation and the amendment offered by the Senator from Illinois.

Mr. SPARKMAN. I realize that. I was speaking solely of boundaries.

Mr. HOLLAND. With respect to the boundary question, I think the Senator has pretty well stated the situation. Under the joint resolution, as it stands, all States which have not done so would be allowed to go out to 3 geographic miles. In the case of the Texas shoreline and the west coast of Florida, regarding which affirmative action going beyond the 3-mile line to the 3-league line has been heretofore taken by the Congress, that situation would simply be preserved, without being affected in the slightest one way or the other. We do not ask that such a boundary be confirmed by this measure.

The Senator from Florida has more to gain than any other Senator out of the red-line proposal made by the Attorney General originally, but withdrawn after he saw what a troublemaking situation was involved. We had more to gain than any other State, because such action would have been an affirmative recognition and confirmation of our 3-league limit. If the Senator will read the testimony of Attorney General Brownell, and I am sure he has already done so, he will find that he specifically stated that it would be his intention in drafting the red line to draw it out 3 leagues off the west coast of Florida and off the shore of Texas. But, when we went into the question, we found, and I am sure the Senator will realize why we found it so, that we got into an enormously technical field in which one master of the Supreme Court of the United States had been struggling for more than 5 years to delineate a boundary off some 15½ miles of the coast of California, so far without success, and without completing his task.

So, desiring legislation which would be as little trouble as possible, many members of the committee, if not all members of the committee, came to the conclusion that it would be impossible to draft, with any degree of accuracy, the red line which was first suggested. I believe that was the conclusion of all members of the committee, without exception, although I did not speak to each one privately or personally. I am sure many of them came to that conclusion, because they so stated to me.

Secondly, they concluded that wherever such a line was drawn it would make more trouble than it would cure, and would lead to great technical difficulties, which we, by no means, intend to bring about by this legislation.

Mr. KEFAUVER. Mr. President, will the Senator from Alabama yield to me so that I may ask the Senator from Florida a question?

Mr. SPARKMAN. I wonder if the Senator from Tennessee would address the question to me. If so, I shall be very glad to yield to the Senator from Florida for the purpose of answering it. I may have to call upon him to help me out.

Mr. KEFAUVER. I am very much interested in what the Senator from Florida had to say with reference to section 4, particularly lines 17 and 18 on page 17. As I understood him, the Senator from Florida stated that the last sentence of section 4 meant that if States had claimed in their constitutions or in their laws prior to the time they were admitted to the Union that they had a more extensive boundary than 3 miles, the joint resolution would not prejudice their attempt to establish such a contention. The thing that worries me is the last phrase in that sentence, "or if it has been heretofore or is hereafter approved by Congress."

If the word were "and" instead of "or" I think the statement of the Senator from Florida would be more logical. But the word "or" seems to indicate to me that if the Congress hereafter should approve a boundary, say, for the State of Texas, of fifty-odd miles, which is now being claimed, it would be authorized under that sentence in section 4. I think that is particularly true when we refer back to two other sections of the joint resolution.

First, I refer to title I, section 2 (a) (2), which reads as follows:

SEC. 2. When used in this joint resolution—

(a) The term "lands beneath navigable waters" means—

* * * * *

(2) all lands permanently or periodically covered by tidal waters up to but not above the line of mean high tide and seaward to a line three geographical miles distant from the coastline of each such State and to the boundary line of each such State where in any case such boundary as it existed at the time such State became a member of the Union, or as heretofore or hereafter approved by Congress, extends seaward (or into the Gulf of Mexico) beyond three geographical miles—

That is a definition of what is meant by "lands beneath navigable waters." It will be seen that that is a definite statement that if the contention that the boundary extends beyond 3 geographical miles were made at the time the State came into the Union title would be vested in lands beneath the water under section 3 (a).

So the important sections, in my opinion, are section 3 (a) and section 2 (a) (2), which, as I see it, goes out beyond the 3-mile limit when such boundary existed at the time the State became a member of the Union. It also provides for the boundary heretofore or hereafter approved by Congress. If the word "or" were used, so that the extension out to 3 leagues, or 11½ miles in the case of Texas and Florida, would have to be approved later by Congress, that would be a different situation.

However, as I see these two sections, reading them together, they must mean that under the vesting clause of section 3 the State would get its 3 leagues at this time, and such other distance as the Congress may hereafter vest in it.

If that is not the intention, it seems to me that the language certainly would indicate that that is what the joint resolution means. I should like to know what the Senator from Florida thinks about it, if the Senator from Alabama will yield for that purpose.

Mr. SPARKMAN. Mr. President, I wonder if I may make a suggestion. I am virtually through. Undoubtedly, the Senator from Florida would like to answer the question with a statement. I can conclude in 2 or 3 minutes and yield the floor. If the Senator from Florida would prefer, I shall try to obtain permission to yield to him for the purpose of answering the question.

Mr. President, I ask unanimous consent that the Senator from Florida be permitted to answer the question of the Senator from Tennessee without prejudicing my right to the floor.

The PRESIDING OFFICER (Mr. DUFF in the chair). Is there objection? The Chair hears none, and the Senator may proceed.

Mr. HOLLAND. Mr. President, I thank the distinguished Senator from Alabama. I am not sure that I understood all of the question of the Senator from Tennessee [Mr. KEFAUVER], but I did clearly understand a part of it, and that is the part which relates to the "hereafter" approval.

I may say to the Senator from Tennessee—and this has already been discussed at some length by the Senator from Florida on his original appearance—that those of us who were active in the drafting and presentation of the joint resolution felt that two reasons were very clearly applicable for the inclusion of the word "hereafter."

First, nothing this Congress could do could take away from the power of future Congresses to do what they thought was right in this field.

Second, since at least some of us, particularly those of us from Florida and from Texas, do have a very definite, and, I think, we can properly say, selfish interest in the matter, we felt we should not under any circumstance take a position which would look as though we were precluding any proper consideration of claims of other States in the matter.

So far as the Senator from Florida is concerned, he has no unwillingness whatever to strike out the word "hereafter" in the various places where it occurs. Not in every place, because there is one place certainly where it should be included, in another meaning entirely. However, in the places which the Senator from Tennessee has mentioned the inclusion of the word was simply for the two reasons which the Senator from Florida has stated.

If it is the judgment of the Senate, which is now considering the measure, that it would be better to strike that word, the Senator from Florida would have no objection.

I cannot possibly refrain, however, from calling attention to the fact that complete honesty and complete fairness of approach on his part and on the part of other Senators from Florida and Texas would preclude either giving someone the right to feel that Congress had no power left to deal with this situation in the future—which of course it does—or with giving someone the right to feel that we are unwilling to have others considered on their merits for any case that they may have, for later extension, if there be such a case. I may add that I am not familiar with any such case at this time.

Before I close this statement, I wish to remind all Senators on the floor that the Senator from Florida has consistently taken the position, with reference to areas beyond State boundaries, that he feels the Federal Government is the only one who has any proper, legal claim to the development of the seabed there, and he has never been willing to support any claim of right on the part of States which were affected to have any interest there.

He is willing and has always been willing to have the Federal Government, in conjunction with the States which adjoin any of these Continental Shelf areas beyond State boundaries, to sit down and consider whether there are values in State laws or in State enforcement machinery or in other facilities which the State can offer which the Federal Government can properly accept in its own interest and in its own service, and in that case to compensate the States, and only compensate them, properly for the use of such State facilities.

The Senator from Florida wanted to be completely clear in the RECORD on that point, because he is not interested at all in any situation which would indicate that any State has a claim of right to go 1 inch beyond its boundary, and in claiming as a matter of right that it, rather than the Federal Government, should be the holder of any proprietary interest out there.

Mr. KEFAUVER. Mr. President, may I ask the Senator from Alabama [Mr. SPARKMAN] if he does not feel that by having the word "hereafter" included in the language, as it is now included in the joint resolution, it is an open notice to other nations that it is the intention of the sponsors of the joint resolution, and the intention of the States which are trying to get this vast wealth, at a later time to ask Congress to extend their boundaries out farther; and might that not lead to retaliatory action on their part in a great many instances? If the sponsors of the joint resolution did not have that in mind, I see no reason why the word should have been included. It would seem to me that if that is not the intention of the Senator from Florida, as a sponsor of the joint resolution, he should, on his own motion, move to strike out the word "hereafter," so as to clarify the matter to that extent at least.

Mr. HOLLAND. Mr. President, will the Senator from Alabama yield for a resumption of the statement by me?

Mr. SPARKMAN. I shall be very glad to do so, under the same condition, that my right to the floor be not prejudiced.

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

Mr. HOLLAND. The Senator from Florida has stated his complete willingness to accomplish that end. However, the joint resolution has been worked up over a period of many years. It has been approved by many committees. It was never approved by an abler committee than the one which handled it for the Senate this year. There are other Senators who have an interest in the legislation, besides the Senator from Florida. He has very freely and frankly stated his own position, and he stated it in open hearing on the floor of the Senate, so that no one could question what it is.

At the same time, when he is supported by 39 cosponsors of the legislation, when the legislation as now drafted has come from a committee so able as the one which has handled it, and when the committee has seen fit to report the joint resolution with the word in it, he does not feel that he should move of his own motion, without consulting with his associates and the committee, to strike out the word.

The Senator from Florida has stated very clearly his position. He would be glad to be governed by the will of the

Senate in that matter. At the same time the Senator from Florida wants to make it clear, and have it abundantly clear, that the word is not an invitation to someone to claim something to which he is not entitled. The Senator from Florida will continue in the future, as he has in the past, to object to and to oppose any effort to claim as a matter of right, on behalf of any State, that it can go beyond its boundary into a domain which is clearly that of the Federal Government.

Mr. KEFAUVER. Mr. President, if the Senator from Alabama will yield further, I hope the Senator from Florida will support an amendment which I have sent to the desk, to strike out the word "hereafter," because I think it is a very repugnant word and, in my opinion, issues an invitation to other nations, which might lead to retaliatory action.

If the Senator from Alabama will yield further, I should like to ask another question of the Senator from Florida.

Mr. SPARKMAN. Mr. President, I hesitate to decline to yield, but I believe I can conserve time by not yielding, because I have about concluded my remarks. Then the Senator from Tennessee may interrogate the Senator from Florida with reference to the amendment. I believe in that way we can save time.

Mr. President, apropos of a part of the discussion which has taken place, I should like to quote one of the recommendations made to the committee considering the legislation by the Attorney General, the Honorable Herbert Brownell, Jr.

His second recommendation was:

> Second. An actual line on a map dividing the two areas of submerged lands should be drawn by Congress in the bill to eliminate much expensive and unnecessary litigation. If the statute merely refers in words to "historic boundaries," or in words describes a line beginning at the edge of the States' inland waters or tries to describe in words bays or other characteristics of the coast, unnecessary litigation will almost surely result. Therefore we make this suggestion of an actual line on a map drawn as part of the bill, which would eliminate also, we think, certain international problems that might otherwise arise if territorial-ownership claims are asserted in the States or Federal Government beyond their historic 3-mile limit.

It seems to me that the amendment offered by the Senator from Illinois [Mr. DOUGLAS] is an effort to draw that line, to divide the two areas, as the Attorney General suggested.

Certainly, it seems to me that unless something of this sort is done, there is bound to be litigation and there is bound to be raised, and will be raised—in fact, we know it already has been raised—this constitutional question, which apparently the Attorney General is already shying away from. He recognized that it is a point which will have to be decided.

A little while ago I referred to a joint resolution which passed the Senate on August 19, 1937——

Mr. SMITH of North Carolina. Mr. President, will the Senator from Alabama yield for a question?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from North Carolina for a question?

Mr. SPARKMAN. I yield.

Mr. SMITH of North Carolina. Was not the Attorney General basing his statement upon certain assumptions of fact which do not correctly reflect the language used by the joint resolution? The Attorney General was basing his statement on the assumption that the joint resolution contains the words "historic boundaries." However, I understand that the joint resolution does not use those words. Therefore the statement the Senator from Alabama has just read would not be applicable to the pending joint resolution. It might be applicable to a measure which used the words to which the Attorney General referred; but, since the joint resolution does not use such words, how can the Senator from Alabama say that the statement made by the Attorney General is applicable to the particular provisions of the pending joint resolution?

I think I am correct about the matter. However, the distinguished Senator from Florida [Mr. HOLLAND] is present. He knows more about this matter than I do, and I know he can enlighten us upon it.

Mr. HOLLAND. Mr. President, will the Senator from Alabama yield to me for a comment?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Florida?

Mr. SPARKMAN. Yes; I am glad to yield, provided it is understood that in doing so I shall not lose the floor.

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

Mr. HOLLAND. Mr. President, I appreciate very much the suggestion which has been made by the Senator from North Carolina, and I am in accord with it.

At this time I ask the distinguished Senator from Alabama to turn, if he will, to page 957 of the hearings, which shows the specific statement made by the Attorney General upon the 3-league question.

Mr. SPARKMAN. Yes, I see that part of the page.

Mr. HOLLAND. This matter is discussed at two different points on that page.

Mr. SPARKMAN. I did not see that previously, but I understood from the previous statement the Senator made that there was provision for 3 leagues, in the case of the west coast of Florida.

Mr. HOLLAND. Yes; and also in the case of Texas.

Mr. SPARKMAN. Yes; and for the entire shoreline of Texas.

Mr. HOLLAND. That is correct. The Senator from Alabama will find that statement at two different places on page 957. One of them is in the next to the top paragraph, which I believe the Senator from Alabama has already seen.

Mr. SPARKMAN. Yes; I have seen it.

Mr. HOLLAND. In this connection, I refer also to the question and answer on that page which I now point out to the Senator from Alabama, where this matter is very specifically spelled out.

Mr. SPARKMAN. Yes.

Mr. HOLLAND. It is quite certain that the Attorney General conceded, and in fact stated with complete finality, that it was his understanding that the 3-league limitation or boundary distance was in existence in the case of the west coast of Florida and in the case of the entire coast of Texas; and he stated it again at another place—which I am not able to point out at this time—in his testimony. However, I have now pointed out two places in the testimony.

Mr. SPARKMAN. Yes.

Let me say that I did not cite his testimony for the purpose of distinguishing the 3-mile limit from the 3-league limit, but I did so to show the Attorney General's doubt about the words used.

I point out that on page 957, after the questions which were put to the Attorney General by the distinguished Senator from Florida [Mr. HOLLAND], again the Attorney General said:

> Attorney General BROWNELL. I believe that if you were to do it by words only, you would still have some disputes about the mouths of bays and things of that sort, which we could clear up if we could have reference to an official map and put the line right on it.

As I construe the definitions to be found in the joint resolution, including section 4, it seems to me that the line would be established by words. That is what the Attorney General was referring to.

Mr. HOLLAND. Mr. President, will the Senator from Alabama yield further to me?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Florida?

Mr. SPARKMAN. I ask the Senator from Florida to wait a moment, please.

First, let me address myself to the distinguished Senator from North Carolina [Mr. SMITH]. Although I am not sure that the word "uncertainty" is the correct word to use in this connection, yet I point out to him that at both points the Attorney General referred to the effort to establish the line by the use of words, and his objection was based on that assumption. He believed that such a method would apparently raise uncertainties or would fail to clear up uncertainties which might result in litigation.

Mr. SMITH of North Carolina. Mr. President, will the Senator from Alabama yield further to me?

The PRESIDING OFFICER. Does the Senator from Alabama yield further to the Senator from North Carolina?

Mr. SPARKMAN. I yield.

Mr. SMITH of North Carolina. Is it not true that if a line were drawn on a map, the line would eventually have to be identified by words, including references to longitude and latitude? Would not it have to be expressed in words at sometime or other? There would be no other way out of that situation, would there?

Mr. SPARKMAN. I believe the Senator from North Carolina is correct. Certainly the mere drawing of a pencil line on a map would not suffice for all time, for someone would have to describe it in words, in order that all might know where the boundary was.

Of course, I have previously said that it seems to me it is inevitable that there

will be a great deal of litigation if this joint resolution becomes law.

Mr. HOLLAND. Mr. President, will the Senator from Alabama yield further to me?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Florida?

Mr. SPARKMAN. I yield.

Mr. HOLLAND. I think it is beyond question that anything we do in this field will still leave some matters which will need to be cleared up and which may lead to litigation. Certainly with 5,000 miles of shoreline and with the outside line in addition, that would be the case.

However, I wish to call attention to two things: First, trouble is occasioned by the indentations in the shoreline—the mouths of bays, and so forth. In that connection, the mere drawing of a line on the water will not deprive a State of the right to challenge the accuracy of the location of the line, if the line is not drawn where it should be drawn in order correctly to establish the line.

Mr. SPARKMAN. I certainly recognize that fact.

Mr. HOLLAND. I am sure the Senator from Alabama does.

Mr. SPARKMAN. I repeat what the Senator from North Carolina has said, namely, that words must eventually be used to describe the line, wherever it is placed.

Mr. HOLLAND. In the second place, the present boundary situation is entirely one of words. We have greatly simplified and greatly made more uniform the situation by the legislation we now propose; and I believe all who have studied it have come to that conclusion.

In closing—and let me say here that I am most grateful to the Senator from Alabama for his generosity—let me say for all who are concerned, I think, that when they saw the first attempt at the drafting or drawing of a line, and when they realized that when the line crosses, as it necessarily has to do, questionable places, particularly in such jagged terrain as the coast line of the southeastern portion of Louisiana, it results in occasions for new litigation for almost every mile, there was a clear recognition by all of us that we were reducing immeasurably the opportunities for litigation—I have previously said that I thought the opportunities for litigation were reduced by nine-tenths, but I think it would be a great deal more than that—by having the opportunities for litigation confined to the outside line, rather than the inside line, because the outside line will be of very small importance, except in the few areas where oil and gas will be found.

I remind the distinguished Senator from Alabama that of the 20 to 22 coastal States—they are variously counted—there are only 3 in which such deposits have yet been found; and in the case of California, the deposits have been found on only 15½ miles of its entire coast line of 1,000 miles; and such deposits have not been found in any great or continuous degree along the shore frontage of Texas; the only place where they have been found in any great degree, up to now, has been in the waters off Louisiana.

So the opportunities for litigation are immeasurably decreased by moving the line where the State and the Nation come together—by this confirmation—clearly out to a point in the water 3 miles offshore in most places, and 3 leagues offshore in two places, because the opportunities for litigation and for controversy over any assets that may be found there are so much smaller in number with a line at that location than with the line along the coast line.

I am sure the Senator from Alabama has followed that point.

It was the unanimous conclusion of those who worked with me upon the joint resolution that we were cutting down immeasurably the opportunities for litigation, as a result of the way the joint resolution is prepared.

Mr. SMITH of North Carolina. Mr. President, if the Senator from Alabama will yield further to me——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from North Carolina?

Mr. SPARKMAN. I yield.

Mr. SMITH of North Carolina. I should like to ask a question of the Senator from Florida, for I believe that both the Senator from Alabama and myself will be interested in getting the answer of the Senator from Florida.

Mr. SPARKMAN. Although a while ago I agreed that I would soon yield to the Senator from Tennessee, who wishes to ask some questions, yet if the Senator from North Carolina wishes to ask at this time a question of the Senator from Florida and if it is permissible that he do so, I am glad to have him ask the question now, if I may obtain consent for that purpose.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. SMITH of North Carolina. I wish to ask the Senator from Florida a question in which I think both the Senator from Alabama and myself will be interested.

As I understand the pending joint resolution, no provision of it attempts to control the land beyond the 3-mile limit, or on the so-called Continental Shelf.

Mr. HOLLAND. That is correct in every place except off the west coast of Florida and the coast of Texas.

Mr. SMITH of North Carolina. Yes. Therefore, the suggestion which has been made many times—namely, that in enacting this measure we shall be giving away billions of dollars' worth of oil in the Continental Shelf beyond the 3-mile limit—is simply a figment of someone's imagination, is it not?

Mr. HOLLAND. The Senator is completely correct.

Mr. SMITH of North Carolina. When the statement is made and goes out to the public that the Congress is about to give away billions of dollars' worth of oil in the Continental Shelf, whereas the measure pending in the Senate does not even relate to the Continental Shelf, so far as I have been able to ascertain, except to the extent to which the Senator referred, that fact should be made plain so that the people will understand it. From my own thinking about the matter, and from what the Senator from Alabama has just said, control of the Continental Shelf is not contemplated by the pending measure.

Mr. DOUGLAS. Mr. President, will the Senator from Alabama yield to me for a brief statement, in view of the fact that the Senator yielded to the Senator from North Carolina?

Mr. SPARKMAN. Mr. President, under the same conditions, I shall be very glad to yield to the Senator from Illinois.

Mr. DOUGLAS. If the Senator from North Carolina wants to vest in the Federal Government title to the submerged lands of the Continental Shelf seaward from the 3-mile mark, he can do it very simply by voting for the amendments which are now before this body. We shall look forward with interest to his favorable vote.

Mr. SPARKMAN. I may say, Mr. President, that, in the time I have occupied the floor of the Senate today, practically all I have said has had reference to the Douglas amendment. That amendment, as I understand, would draw a line in accordance with our historic international boundaries. The Senator from Florida says that the international aspects are of minor importance. I must say I cannot agree with the distinguished Senator from Florida, although I recognize that he has given as much study, perhaps, as anyone else to the subject now before the Senate.

By the way, Mr. President, let me say that I was pleased to hear the Senator from Florida as he brought out the various points that he has stated here today, and particularly when he referred to the relatively small amount of assets which have been found within the 3-mile area. The distinguished Senator was not on the floor earlier in the day when I was talking about the shrimp industry in all the Southern States, or when the junior Senator from Texas essentially admitted, as I recall, the statement he made, that the shrimp industry meant a great deal more to the State of Texas today than did the prospects of obtaining oil within the limited area. I also mentioned the inconsistency in which if the joint resolution were enacted, we would find ourselves placed from the international standpoint, in protesting against the arrest by Mexican authorities of shrimp boats from Florida, Alabama, Mississippi, Louisiana, and Texas, outside the 3-mile boundary. It therefore seems to me that the international aspects of the subject are quite important.

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

Mr. SPARKMAN. I yield.

Mr. HOLLAND. In the first place, I assure the distinguished Senator that, so far as I am concerned, we have a much greater stake in our fisheries than we have in any hope of ever finding oil. We have been spending a good many millions of dollars in various efforts to find oil in our submerged lands, and we have yet to find the first drop; whereas, we

get many millions of dollars a year from the shrimping and other industries.

However, I have in my hand a letter from the president of the Southeastern Fisheries Association, making completely clear the fact that they are not interested in fishing within the 3-league limitation of Mexico, but that, to the contrary, when they go into that area, they encounter shallow waters, lose their nets, or tear them up; that all they want within that 3-league area is certain safe anchorage and exchange areas; that what they want above all is to have the line marked so that they will have some security against the forays made by the Mexican gunboats. Their complaints to us have been that they have been picked up, 18, 20, or 21 miles outside, and they are supporting us very strongly in our very effort.

They have adopted resolutions approving our position. Not only have the fishing groups of Florida, but also those of the Gulf generally, and of the Atlantic and the Pacific, adopted such resolutions; the fact being that they know perfectly well, and on this point I want to be as clear as possible, that the fact that our boundaries have gone out 3 leagues, in the case of Texas since 1845, and in the case of Florida since 1868, has not caused the slightest ripple of international concern of any sort. The boundaries have been patrolled by our own State boats for many, many years. We have controlled our citizens engaged in sponging, in fishing, in shrimping; we have issued licenses for this, that, and the other.

Our State has been upheld by our State courts and by the Federal courts in our exercise of that control. The Congress has upheld our control by approving the compact into which we have entered with all the other Gulf States, undertaking within our boundaries to conserve and to properly use the marine life that is there; and we know that there has not been the slightest ripple upon the international pond as a result of our occupancy and use—and, we think, our careful use. Certainly our use is sufficiently careful that the Federal Government, through the Congress, has unanimously approved the kind of conservation we have had, by approving in 1950 our compact with the grand State of Alabama, which is so well represented by the distinguished Senator from Alabama, and with the States of Mississippi, Louisiana, and Texas.

We therefore feel that the apprehension that the enactment of the joint resolution is something that is going to bring on grave international questions should not exist in the minds of the Senator from Alabama or anyone else who gives full consideration to this question because the Congress now would simply leave in status quo, without prejudice, something that has existed for over a hundred years. The present situation has not resulted in the slightest difficulty of any kind, in spite of its long existence, in spite of the long use, in the case of Florida and Texas, of the coastal belts that lie off those States. I cannot see how the distinguished Senator from Alabama or anyone else looking at the record of over 100 years could feel that there would be grave international commotion created by the fact that through the pending measure we would simply recognize that there is such a situation, and set up a declaration that it shall not be prejudiced, but that the good States of Texas and Florida shall be allowed to make and stand upon their claims, and to sustain them if they can.

Mr. SPARKMAN. Of course, Mr. President, I was not the one who brought up the point about international complications. It was the Department of State that did that, and also, at different times, the Department of Defense raised the question. Of course, I can understand why there would not be any complications in the case of Florida, which operates its own control boats and observes its own conservation practices. The problem would only arise when the boats of some other country came into the waters off the shores of Florida, and Florida tried to force them out, or American gunboats tried to interfere with them. Then question might arise regarding operations within the open seas.

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

Mr. SPARKMAN. I yield.

Mr. HOLLAND. I am sure the Senator knows, because I think they also go up to his own coast, that the fishing boats of Cuba use our coastal belt to a tremendous degree; and I think the same thing is true of the coastal belt of all the other States of the Gulf area, though I cannot state that of my own knowledge. With reference to the testimony of the witness for the State Department, I call the attention of the Senator from Alabama to the last part of his testimony, appearing at page 1086 of the hearings, in which he made this matter very clear. I read:

Mr. TATE. I assume what the Court was saying there was that as far as the territorial waters are concerned, 3 miles anywhere, the United States had paramount rights; and as far as the Continental Shelf rights are concerned, there would be paramount rights in the subsoil and the sea bed, and they would extend out as far as the Continental Shelf extended.

Senator KUCHEL. So you would find no conflict between the traditional policy of the State Department and the paramount rights holdings in the Texas and Louisiana cases?

Mr. TATE. I am aware of none.

Senator KUCHEL. If there is no conflict, then for the purpose of the committee in considering the claims of the States in these various bills, any action by Congress to restore or give to the States any or all of the paramount rights which the United States Supreme Court holds that the Federal Government has, would not in any respect violate the policy of the State Department.

Mr. TATE. That is correct. I assume that as far as our international relations are concerned, the United States could divide up with the States any rights which it had, and those rights would be certainly the traditional right to the 3 miles, plus the right to the Continental Shelf as set forth in the 1945 proclamation.

Senator KUCHEL. And to the extent that the Court held in each of those cases that the paramount rights doctrine went considerably seaward of the 3-mile belt?

Mr. TATE. Whatever the United States has as far as the international aspect is concerned, it may divide up with the States as it pleases.

Had the Senator noticed that part of testimony of Mr. Tate?

Mr. SPARKMAN. Yes; I have seen that testimony. Of course, what the representative of the State Department was talking about, as I understand, was not the constitutional question of title which was discussed by the Attorney General. Be that as it may, I do not care to labor the point further. I have taken more time than I intended to take. I still contend, based upon various citations of authorities which I gave in my statement, that the pending measure does raise international questions and it does place us in an inconsistent position of protesting through the Executive Department, on the one hand, against Mexico arresting our shrimp boats outside the 3-mile limit, and our contending, through the legislative branch of our Government, that we have a right to go beyond the 3-mile limit.

Mr. HOLLAND. Mr. President, there is one more question I should like to clear up as to a matter brought up earlier in our colloquy. It is found on page 944 of the printed record of the hearings, in a question by the junior Senator from Texas [Mr. DANIEL] to the Attorney General, Mr. Brownell, and the answer of the Attorney General:

I read:

Senator DANIEL. General, since you have taken note of this question as to constitutionality that has been raised here, I think it would be well to point out that I doubt that it has been very seriously raised, because the former Attorney General and the former Solicitor General both testified before this committee that whatever proprietary rights that might exist within the original 3-mile or three-league belt could be given by the Congress to the States or restored to the States. As I understand it—I just want to make it clear—you believe that would be a constitutional act of Congress, too, do you not?

Attorney General BROWNELL. That is correct, Senator.

So he did not raise any constitutional question as to the conveyance or the restitution or the restoration or the confirmation to the States of proprietary interests—and that is what we are concerned with—within their constitutional boundaries.

Mr. SPARKMAN. I realize that the Attorney General made that answer, but following that he said, in effect, "Of course we are trying to avoid as much litigation as we can."

In other words, there was always hovering over them the feeling that by the proposed legislation, unless it was very carefully phrased, these questions would be involved in court.

Mr. President, earlier in the day I referred to action taken by the Senate on August 19, 1937, in connection with a resolution. It may be that the resolution has already been read into the RECORD—I do not know as to that—but I certainly should like to have it in the RECORD. Therefore, Mr. President, I am going to read it. It is found on page 9326 of the CONGRESSIONAL RECORD, volume 81, part 8, I read:

SUBMERGED LANDS CONTAINING PETROLEUM DEPOSITS

The Senate preceeded to consider the joint resolution (S. J. Res. 208) relative to the establishment of title of the United States

to certain submerged lands containing petroleum deposits, which was read, as follows:

"Whereas the petroleum reserves in the United States are constantly decreasing; and

"Whereas the oil reserves now owned by the United States are in serious danger of depletion or loss from various causes; and

"Whereas large petroleum deposits underlie various submerged lands along the coast of the United States and below low-water mark and within a distance of 3 miles under the ocean below said low-water mark; and

"Wheras all such submerged lands below said low-water mark and within such 3-mile limit lying along the coast of the United States are asserted to be the property of the United States; and

"Whereas various persons have heretofore entered, or in the immediate future intend and purpose to enter, upon such submerged lands and remove the petroleum deposits underlying the same, without the consent or permission of the United States, and to the irreparable damage and injury of the United States; and

"Whereas immediate action on the part of the United States is necessary to preserve such petroleum deposits for the future use of the United States: Now, therefore, be it

"*Resolved, etc.*, That the Attorney General of the United States be, and he is hereby, authorized and directed, by and through speedy and appropriate proceedings, to assert, maintain, and establish the title and possession of the United States to the submerged lands aforesaid, and all petroleum deposits underlying the same, and to cause and effectuate by proper proceedings the removal and ejectment of all persons now or hereafter trespassing upon or otherwise occupying the said submerged lands or removing the petroleum deposits therefrom, without the consent and permission of the United States, and through such proper proceedings to be by the said Attorney General instituted, to stop and prevent the taking or removing of petroleum products by others than the United States from the said submerged lands as aforesaid; and be it further

"*Resolved*, That the said Attorney General be, and he is hereby, authorized to bring such actions or suits in the name of the United States, and to incur such expenses and disbursements in connection therewith as he may deem properly necessary to effectuate and accomplish the directions and purposes of this joint resolution."

Whereupon Senator King, of Utah, said:

Mr. President, I should like an explanation of this joint resolution.

Then Senator Walsh, of Massachusetts, who at that time was chairman of the Naval Affairs Committee of the Senate, I believe, responded as follows:

Mr. WALSH. Mr. President, I am not familiar with all the details of the joint resolution as it was reported from the Committee on Public Lands and Surveys, but I do know that the bill proposes to establish the title of the United States to certain submerged lands containing petroleum deposits, and it is the intention of the Government that these submerged deposits shall ultimately become part of the naval oil reserve. There is in the report a long letter from the Navy Department strongly recommending that the joint resolution be enacted into law. I entertain the same view. In my opinion the joint resolution is desirable legislation and will tend to conserve the petroleum and other valuable deposits in submerged lands that are similar to the oil deposits which the Navy now has in its possession. The passage of the joint resolution is recommended by the Navy Department. It will add to our naval oil reserves.

The question was put and the resolution was agreed to.

It is rather interesting to see the names of some of the Senators who were on the floor at that time. We certainly cannot say that the resolution went through without notice, because it was discussed, as I have read from the RECORD.

Mr. DANIEL. Mr. President, will the Senator from Alabama yield for a question?

Mr. SPARKMAN. I yield for a question.

Mr. DANIEL. Is it not true that the resolution was defeated in the House?

Mr. SPARKMAN. I simply read it as it passed the Senate. To be perfectly frank with the Senator from Texas, I do not know what became of it. I am not sure it ever got to a vote in the House. It passed the Senate. It did not become law.

Mr. DANIEL. Is the Senator familiar with the fact that there was another similar resolution authorizing the Attorney General to bring a lawsuit against the State of California, which was offered, but did not become law?

Mr. SPARKMAN. It is my understanding that no resolution of this type ever became law. I simply read it because of the fact that it was passed by the Senate, with many Senators present, who are Members of the Senate today, presumably participating in the debate.

Mr. DANIEL. Is it not true that on both occasions when the Attorney General asked Congress to assert claim to the submerged lands and to authorize lawsuits, Congress declined or failed to do so?

Mr. SPARKMAN. So far as I know, no resolution of that kind ever cleared both Houses of Congress, but the particular one which I have read, with the recommendation of the Secretary of the Navy, did clear the United States Senate.

Mr. President, there was published in the St. Louis Post-Dispatch of Sunday, April 19, an editorial entitled "A Matter of Sovereignty." I ask unanimous consent to have the editorial printed at the end of my remarks.

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

A MATTER OF SOVEREIGNTY

One of the most momentous decisions in the history of the country may be made by the Senate in the coming week.

It is the decision whether the belt of seas bordering the continental United States is subject to national sovereignty or State ownership.

The immediate legislation on which the decision will rest is Senate Joint Resolution 13. It would give California, Texas, and Louisiana the oil and natural gas in the bed of the seas off their coasts out to the distance which they regard as their historic boundaries seaward.

The House has already passed the measure. President Eisenhower has announced that he will sign it. A majority of the Senate is evidently ready to vote for it. A small group of Senators, led by DOUGLAS of Illinois, LEHMAN of New York, and HILL of Alabama, and including HENNINGS and SYMINGTON of Missouri, as well as two Republicans, TOBEY of New Hampshire and LANGER of North Dakota, are holding the thin line of defense. They hope the arguments they are advancing will persuade enough Senators to defeat the resolution, or will persuade the President to veto it.

It is a small hope, but the only remaining one. In 1946 and again in 1952 President Truman stood single-handed against the intended plunder of the national domain, saving it with the Presidential veto.

There are many cogent reasons why the United States should not surrender any part of its national sovereignty to any one of the 48 States, as it would do in this resolution.

The area involved is one of the most delicate in international diplomacy, in which the peace of the world may at any moment hang in the balance. This is a governing reason why the Supreme Court has thrice decided, in cases covering all the claimants to offshore oil, that the United States exercises and must continue to exercise sovereignty over this resource as well as all other resources of the sea-belt. "The problems of commerce, national defense, relations with other powers, war and peace focus there," said the court. "National rights must therefore be paramount."

The oil in the marginal seas, the 3-mile belt out from low-tide mark, and in the Continental Shelf, the submerged skirt of the continent where the waters are relatively shallow before plunging into the abysses of the sea, is necessary for national defense.

These undersea fields must be developed by private initiative under Federal control. When they have been drained down to what should be their reserves for national defense, someone must have the will and the authority to put the lid on. The States cannot be expected to do this; they bear no responsibility for national defense, that responsibility is the Government's.

If the reserves were dangerously depleted under State ownership, the United States might be compelled to expend much blood and treasure to keep open or reopen lines of supply from the Middle East or elsewhere, for oil which could, by the exercise of foresight, have been kept available within easy reach of our own shores.

There are grave doubts that the proposed giveaway would be constitutional. Senator ANDERSON, of New Mexico, and former Solicitor General Perlman doubt the constitutionality of the measure. Attorney General Brownell has implied doubt on the same constitutional point by trying to avoid collision with it. The Supreme Court's own words in the California case, reaffirmed in the Texas and Louisiana cases, appear to support the conception that offshore oil is an adjunct of national sovereignty and that Congress therefore is powerless to give it away. The Rhode Island Legislature has directed the attorney general of that State to contest the resolution if it is enacted.

Adoption of Senate Joint Resolution 13, accordingly, might paralyze the development of the undersea oil lands indefinitely. Existing and possible future efforts of States to extend their boundaries farther seaward could also provide additional fruitful fields for prolonged litigation. The proponents of giving the oil to the States have argued long and loudly that it is the most expeditious way of getting the fields developed. The exact opposite proves to be the case.

In a nation struggling to make financial ends meet under a crushing burden of national defense, giving away an estimated $80 billion or more of national assets does not make sense. To Missouri alone, its share of the national assets involved amounts to the equivalent of at least $1¼ billion endowment for the State's public schools.

Giving away offshore oil would be only the opening move to a giveaway of the minerals in public lands and the grasses of the western range—involving a grand total of more than a trillion dollars. No wonder Perlman called the offshore oil bill "the largest wholesale looting in history of national assets."

If the United States recognized Texas and Louisiana claims to 10½ miles seaward, it

would be embarrassed in its efforts to preserve the international convention of a 3-mile limit. Other nations might retaliate with extensions of their boundaries seaward such as would endanger the freedom of the seas, as the State Department has warned.

American States would be invited by the terms of the pending resolution to extend their borders seaward to the limits of their imaginations. Texas has extended its claim in advance to 150 miles. Senator CORDON of Oregon, floor leader for the resolution, has admitted that no one knows where the coastal boundaries of the States were when they were admitted into the Union.

There is no foreseeable end to the dispute which this resolution would open up between States and the Federal Government over the contents of the seabed. An estimated $3 billion worth of sulfur is known to exist in addition to the oil and natural gas. Still other valuable national assets as yet unknown may be present. As the Supreme Court said: "Today the controversy is over oil. Tomorrow it may be over some other substance or perhaps the bed of the ocean itself."

The Post-Dispatch has been in the battle over offshore oil since it began in earnest 8 years ago. We said on October 17, 1945, that "against any effort to use our fighting oil to any smaller purpose than the defense of our Nation, the only course is to fight." Nothing has happened in the world to lend that intention less urgency in the intervening years, and much has happened to lend it more.

The President ought to give studious and serious consideration to the accumulation of logic which speaks against this measure. He should not consider himself bound to error by opinions expressed when by his own admission he knew little of either the facts or the law. He cannot want to give the color of his signature to a quid pro quo of oil for votes in Texas and California, which cast their electoral ballots for him, and in Louisiana, a traditionally Democratic State which he narrowly lost to Governor Stevenson.

It is a decision of the gravest moment for the Senate, and for the President as for the Nation.

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

UNANIMOUS-CONSENT AGREEMENT TO VOTE ON SENATE JOINT RESOLUTION 13

During the delivery of Mr. SPARKMAN'S speech,

Mr. ANDERSON. Mr. President, I do not wish to submit a unanimous-consent request, but to suggest a procedural point, which I think should have the attention of the distinguished majority leader at this time.

Earlier the majority leader expressed the hope that it might be possible to reach an agreement for a final vote on Senate Joint Resolution 13. It is my suggestion that an agreement might be reached on some basis such as the following:

First, that we proceed to consider amendments which are now at the desk and which are germane to the bill, and to allow 2 hours to a side.

Privately, I would express the hope that the majority leader would be quite lenient with Senators on this side as to yielding a part of the time that might be available to Senators on his side of the question who do not wish to use the time for a discussion of the joint resolution itself, so that, in certain circumstances, it might be possible to exceed somewhat the 2-hour limitation. If that were done, a vote might be had on Tuesday next, May 5, at 2 p. m., which was, I believe, the date suggested earlier this morning. We are happy to meet the majority leader on the final date. We do not wish to agree to a limitation of 1 hour to each Senator, or something of that nature, but would prefer to have 2 hours on an amendment, with the hope that we might expect some liberality in the yielding of time by the other side.

I wish to point out to the majority leader that steadfastly we who have been opposed to the Holland joint resolution have said that we would not prevent a final vote. We have fought to the best of our ability and have acted in good faith. We still are acting in good faith. We have said constantly that the final vote would come; that we were not trying to prevent it. We have been trying to forewarn the American people as to the provisions we think are bad in the proposed legislation, and we wanted time in which to discuss it with them. We have discussed it, and we desire that the people have a few more days in which to reflect on the discussion.

If the distinguished majority leader would present a unanimous-consent request, following this general outline, which, I believe, would have to follow a quorum call, there would be no objection, so far as I know, from any of the Senators who have been opposing the Holland joint resolution and have favored substitute measures.

Mr. TAFT. Mr. President, I think the proposal made by the Senator from New Mexico is a fair one. I see no reason why we should not proceed at once to have a quorum call, if the Senator wishes to have one. I shall prepare a unanimous-consent request. My understanding of this suggestion is that we proceed to consider amendments now before the Senate, and that the debate on those amendments shall not exceed 2 hours on each side; that at the conclusion of the debate on the amendments, but not later than 2 o'clock p. m. on May 5, the Senate shall proceed to vote on the remaining amendments and on the joint resolution. Is that a correct statement?

Mr. ANDERSON. That is correct. I should say to the majority leader that I do not wish to take advantage of the courtesy of the Senator from Alabama in yielding to me to try to take him off the floor by having the time limitation begin to run now.

Mr. TAFT. My suggestion was that it should begin on Wednesday, April 29, which would be tomorrow.

Mr. ANDERSON. I should be happy to have it become effective when the Senator from Alabama has concluded his address.

Mr. TAFT. That would be satisfactory.

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

Mr. TAFT. The Senator from New Mexico has the floor.

The PRESIDING OFFICER. The Senator from Alabama has the floor.

Mr. SPARKMAN. I understood that I had yielded only temporarily, and without prejudice, in order to permit the proposal of the Senator from New Mexico to be stated.

Mr. FULBRIGHT and Mr. LONG addressed the Chair.

The PRESIDING OFFICER. Does the Senator from New Mexico yield; and, if so, to whom?

Mr. ANDERSON. I yield first to the Senator from Arkansas; but before doing so I merely wish to say to the Presiding Officer that I recognize that this is a somewhat unusual proceeding, but I thought we should discuss the problem for a few minutes.

Mr. FULBRIGHT. If I may have the attention of the Senator from Ohio, I should like to clarify one point. As I understood the Senator, he referred to amendments now before the Senate.

Mr. TAFT. I was merely using words which I thought were used by the Senator from New Mexico.

Mr. ANDERSON. I did not wish to limit the amendments to those now before the Senate. I was trying to state a provision for germaneness, which would apply to amendments that might subsequently be submitted, namely, that all amendments filed after the making of the agreement shall be germane to the subject.

Mr. TAFT. As I understand the Senator's proposal, if by any chance the allowance of 4 hours for each amendment does not result in disposing of all amendments by May 5, we shall, in any event, vote on any amendments and the joint resolution.

Mr. FULBRIGHT. That is correct.

Mr. FREAR. Mr. President, will whichever Senator has the floor yield to me?

Mr. ANDERSON. I yield to the Senator from Delaware.

Mr. FREAR. With respect to the amendments now being debated on the floor, the Douglas amendments, after the expiration of the time consumed by the Senator from Alabama, there will then be 4 hours of debate permitted on them; will there not?

Mr. TAFT. I trust that much time will not be necessary, but I see no reason why it should not be permitted under the agreement.

Mr. ANDERSON. I would say to the Senator from Delaware that I do not think it will be necessary, but it would be permissible.

I wish to say to the distinguished majority leader that inadvertently I may have left the impression that no other amendments were to be offered. However, a few days ago, I discussed with the distinguished Senator from Ohio the germaneness provision. As to the amendments now before the Senate, I do not think the test of germaneness would necessarily apply, but I think the test would apply to amendments which may subsequently be offered.

Mr. TAFT. With regard to the suggestion as to the debate on May 5, that the vote should be at 2 o'clock, does the Senator propose to divide the time between the proponents and the opponents?

Mr. ANDERSON. I was hopeful that the majority leader, in his unanimous-consent request, might suggest that the Senate meet at 12 o'clock and that, without additional formalities, there should be an hour allowed to each side. If he desired a quorum call before the final vote, that would carry the time a few minutes beyond 2 o'clock. But without

necessarily going into the number of hours or the question of quorum calls, we might proceed to have 1 hour of final debate on each side. If the Senator from Ohio feels that the hour of 3 o'clock would be better, we are not wedded to a particular hour.

Mr. TAFT. I think the proposal is important enough so that if the Senator from Alabama will yield for that purpose, I will suggest the absence of a quorum.

Mr. MORSE. Mr. President, will the Senator from New Mexico yield to me first?

Mr. ANDERSON. I yield to the Senator from Oregon.

Mr. MORSE. I should like to make a brief statement. I think it is only fair to our group and to the Senator from Oregon to point out that we have held meetings over a period of many days with regard to a proposal for fixing a time to vote. We intended ultimately to submit to the majority leader in keeping with the representations of speaker after speaker from the beginning of the prolonged debate on this question.

It was agreed in a meeting we held this morning that I should briefly summarize our position, as follows:

We have said from the beginning, starting with the first day of the debate, that we did not intend to follow a course of action which would prevent an ultimate vote on the joint resolution. We did say that we believed that such a dangerous measure to the public welfare, a measure which sought to give away billions of dollars of what we considered to be the natural oil resources belonging to all the people of the country, should not be voted upon quickly, and not until there had been a thorough discussion of the joint resolution, and until the public had been alerted to what we considered to be its dangerous implications.

Whether one examines the Douglas speech, the Anderson speech, the Hill speech, the Humphrey speech, the Gore speech, the Fulbright speech, the Lehman speech, or any other speech delivered during the course of this debate by the opponents of the measure, he will find in the pages of the CONGRESSIONAL RECORD time and time again the statement that the fundamental purpose of this prolonged debate was to warn and forewarn the American people as to what we consider to be the dangerous implications of the joint resolution from the standpoint of protecting the public interest and the public wealth in the Nation's natural resources.

It was agreed that when I took the floor last Friday to make my long speech I should follow a course of action which we hoped would so dramatize the situation that the public would stop, look, and listen with respect to the position taken by the little band of liberals in opposition to the joint resolution.

As a group we had observed that, so far as the press was concerned, by and large the thunders of silence had been leveled against the arguments of those of us in opposition to the bill. For the most part what the press was doing was directing stories and attacks against the individual Senators who were opposing this phase of the Eisenhower program, which we think is so much against the public interest.

We agreed in conferences that something ought to be done to dramatize the situation; and I said so quite frankly time and time again during the course of the long speech which I made. In that speech I said several times that, although we were going to come eventually to a vote on the joint resolution, we proposed to use the filibuster technique to prolong the debate until the public would stop, look, and listen.

Every membeer of the little band of liberals who has fought the joint resolution can testify today that we have received a reaction from the public which satisfies us that the public is looking and listening, and now analyzing, as it never has before, the demerits of the joint resolution.

Satisfied that we have accomplished the purpose we started out to accomplish, we now offer a terminal date for the debate which in our opinion will give the public adequate time between now and May 5 to make clear its attitude in regard to the joint resolution. I think this is the best demonstration we could make to the majority leader that we meant it when we said throughout the debate that we were acting in good faith. We have acted in good faith; and we are willing, on the basis of the record, to take the issue to the political platforms of America in 1954, in further contest with the proponents of the joint resolution, and let the people decide in 1954 whose point of view they prefer.

Mr. TAFT. Mr. President——

The PRESIDING OFFICER. The Senator from New Mexico [Mr. ANDERSON] has the floor.

Mr. TAFT. Mr. President, if the Senator will yield to me for that purpose, I should like to suggest the absence of a quorum. Of course, I have no right to call for a quorum unless the Senator from Alabama [Mr. SPARKMAN] will yield for that purpose.

Mr. ANDERSON. Mr. President, I yield the floor back to the Senator from Alabama.

Mr. SPARKMAN. Mr. President, if my right to continue in possession of the floor after the procedure following the quorum call is concluded is not in any way prejudiced, nor my right to complete the speech I have started, which I do not think will require very long, I shall be very glad to yield for the purpose of suggesting the absence of a quorum.

The PRESIDING OFFICER. Is there objection to the Senator from Alabama yielding with the understanding he has stated? The Chair hears none.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

Aiken	Butler, Md.	Cordon
Anderson	Butler, Nebr.	Daniel
Barrett	Byrd	Dirksen
Beall	Capehart	Douglas
Bennett	Carlson	Duff
Bricker	Case	Dworshak
Bridges	Clements	Ellender
Bush	Cooper	Ferguson
Flanders	Kefauver	Payne
Frear	Kennedy	Potter
Fulbright	Kilgore	Purtell
George	Knowland	Robertson
Gillette	Kuchel	Russell
Goldwater	Langer	Saltonstall
Gore	Lehman	Schoeppel
Green	Long	Smathers
Griswold	Magnuson	Smith, Maine
Hayden	Malone	Smith, N. J.
Hendrickson	Mansfield	Smith, N. C.
Hennings	Martin	Sparkman
Hickenlooper	Maybank	Stennis
Hill	McCarran	Symington
Hoey	McCarthy	Taft
Holland	McClellan	Thye
Hunt	Millikin	Tobey
Ives	Monroney	Watkins
Jackson	Morse	Welker
Jenner	Mundt	Wiley
Johnson, Colo.	Murray	Williams
Johnson, Tex.	Neely	Young
Johnston, S. C.	Pastore	

The PRESIDING OFFICER (Mr. GRISWOLD in the chair). A quorum is present.

Mr. TAFT. Mr. President, I particularly invite the attention of the Senator from New Mexico [Mr. ANDERSON] and the Senator from Oregon [Mr. MORSE] to the request I am about to make.

Mr. President, I ask unanimous consent, with reference to Joint Resolution 13, that, beginning at the conclusion of the address of the Senator from Alabama [Mr. SPARKMAN], the Senate proceed to the consideration of amendments to the joint resolution as presented, the debate on each amendment to be limited to 4 hours, the time to be divided equally between the proposer of the amendment and the Senator from Oregon [Mr. CORDON]; that a final vote be taken on the joint resolution and on all remaining amendments beginning at 2 p. m. on May 5, the time on May 5 to be divided equally between the proponents of the joint resolution, to be controlled by the Senator from Oregon [Mr. CORDON], for 1 hour, and by the opponents of the joint resolution, to be controlled by the Senator from New Mexico [Mr. ANDERSON], for 1 hour; amendments filed after the making of this agreement to be germane to the said joint resolution.

Does that state substantially the suggestion of the Senator from New Mexico? Or does he have any suggested amendments to offer?

Mr. ANDERSON. I would suggest that the time of the opponents be controlled by the ranking member of the Committee on Interior and Insular Affairs, the Senator from Montana [Mr. MURRAY].

Mr. TAFT. The Senator from New Mexico would prefer to have the Senator from Montana [Mr. MURRAY] control the time in opposition to the joint resolution, instead of himself?

Mr. ANDERSON. That is correct.

Mr. TAFT. I make that change in the request.

Mr. ANDERSON. Mr. President, I should also like to say to the Senator from Ohio that while I would not ask that it be incorporated in the unanimous-consent agreement, we should like to ask the majority leader to try to avoid so far as possible, any votes tomorrow afternoon. Some of us are confronted with a very difficult problem with respect to tomorrow afternoon, and would like to avoid any votes at that time. Of course, the debate could proceed on any amendment tomorrow, but without

bringing it to a vote tomorrow afternoon. I appreciate that it may be difficult for the distinguished majority leader to arrange it, and I am only suggesting that to do so would simplify our situation.

Mr. TAFT. All I can say is that I certainly shall be disposed to accommodate the Senator and his colleagues. If debate on an amendment should come to an end, the Senate could always proceed to consider another amendment, and then vote on both amendments on the following day, or make some other provision, such as, for example, that after the debate is completed to proceed by unanimous consent to reach such agreement as is necessary.

Mr. ANDERSON. I will say to the distinguished majority leader that there are four of us who have made plans for tomorrow afternoon. Some of the Senators were not extremely anxious that the unanimous-consent request be put in exactly the language in which it was put. The only reason it was finally agreed to in that language was because I thought I could ask the distinguished majority leader to hold off votes tomorrow afternoon, if possible. Of course, the debate could proceed without interruption. However, I do not want to include my request in the unanimous-consent agreement.

Mr. TAFT. Will the Senator from New Mexico agree that the unanimous-consent agreement shall extend also to the substitution of the pending joint resolution for the House bill and sending the whole matter to the House?

Mr. ANDERSON. That would be very agreeable.

Mr. TAFT. I add that provision to the unanimous-consent request.

Mr. KEFAUVER. Mr. President, I should like to make certain that the unanimous-consent request under the term "amendment" includes a substitute for the pending joint resolution, which I expect to offer.

Mr. TAFT. I consider the term "amendment" to clearly include a substitute. In other words, a substitute is an amendment in the nature of a substitute.

Mr. CORDON. Mr. President, does the proposed unanimous-consent agreement contemplate that a Senator in charge of time for debate may delegate such authority to another Senator?

Mr. TAFT. Of course, that can always be arranged. If a Senator wishes to leave the floor, he may ask another Senator to act for him.

Mr. CORDON. There are several appropriation matters that must receive our attention.

Mr. JOHNSON of Texas. Mr. President, will the distinguished majority leader tell the Senate, in the event the unanimous-consent request is agreed to, what his plans are for the remainder of the week?

Mr. TAFT. My plans would be to have the Senate meet every day from 12 to 6, in the usual manner, in the hope that we may conclude our consideration of the amendments. If we could not get through with the amendments, while providing adequate time for debate, we could stay in session longer, in order to give proponents of amendments adequate time to present their case fully.

The same situation would apply to next Monday. On Monday we could hold a session all day and perhaps even Monday evening, if necessary.

It has been suggested that we hold a Saturday session; but I am sure we can provide hours on other days that will be sufficient to meet the requirements of Senators.

Mr. JOHNSON of Texas. The Senator from Texas has more than a slight interest in the pending legislation; but I should like to know what the majority leader intends to take up following the disposition of the pending joint resolution.

Mr. TAFT. The first thing would be to take up the calendar, on which there is quite serious accumulation of bills. There are three or four controversial measures, which may have to be taken off the calendar. They are not measures which will take a long period of time to consider. I hope at the earliest possible date the Senator from Oregon [Mr. CORDON] will be able to report the bill dealing with the Continental Shelf. Another bill to be taken up is the defense production bill, which we should dispose of as early as possible. That is all, so far as I know, although before that time undoubtedly we will have before us an appropriation bill. We have a small appropriation bill, a supplemental appropriation bill, which is almost ready for consideration. Then we shall have the first main appropriation bill ready for consideration.

Mr. JOHNSON of Texas. So far as next week is concerned, can I understand that it is the majority leader's plan to call the calendar and then take up any appropriation bill which may be available, and that he will have in reserve the Continental Shelf bill and the defense production-control bill.

Mr. TAFT. I doubt very much that during next week we shall reach anything except a large number of the miscellaneous matters which have accumulated.

Mr. LEHMAN. Mr. President, will the Senator from Ohio yield to me?

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from New York?

Mr. TAFT. I yield.

Mr. LEHMAN. I am the Senator who suggested to the distinguished majority leader that, if necessary, we hold a session the coming Saturday. I do not make that request as a part of the proposed unanimous-consent agreement, of course; but I desire to express the hope that the majority leader will make it possible for Senators who wish to speak on pending amendments on Saturday, and who are prevented from doing so, to have an opportunity to speak at some other time, because there are a number of amendments, and I believe all Senators should have an opportunity to debate them.

Mr. TAFT. Yes. As a matter of fact, if Senators are not disposed to suggest the absence of a quorum on Saturday, we shall have a Saturday session, so that Senators may present various matters which they may wish to present.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request as proposed? The Chair hears none, and it is so ordered.

The unanimous-consent request as entered, and as subsequently reduced to writing, is as follows:

Ordered, That during the further consideration of Senate Joint Resolution 13, the so-called Submerged Lands Act, effective upon the conclusion of the speech of Mr. SPARKMAN, debate upon any amendment, motion, or appeal, that may be pending or that may be proposed to the said joint resolution shall be limited to not exceeding 4 hours, to be equally divided and controlled by the mover of any such amendment and Mr. CORDON, or a Senator designated by him: *Provided*, That no amendment, submitted and intended to be proposed subsequent to the entering into of this agreement, that is not germane to the subject matter of the said joint resolution shall be received.

Ordered further, That on Tuesday, May 5, 1953, the time between 12 noon and 2 p. m. shall be equally divided between the proponents and the opponents of the joint resolution and controlled, respectively, by Mr. CORDON, or a Senator designated by him, and Mr. MURRAY; and that any amendment pending at said hour of 2 o'clock, or thereafter proposed, shall be acted upon without debate, as shall likewise the vote on the final passage of the joint resolution.

Ordered further, That in the event of the passage of the said joint resolution, the Senate shall immediately proceed, without debate, to the consideration of H. R. 4198, the corresponding House bill, that it be deemed to be amended by striking out all after the enacting clause and inserting in lieu thereof the text of Senate Joint Resolution 13, as amended, with the exception that in lieu of the words "joint resolution", wherever they appear therein, the word "act" shall be substituted; that the engrossment of the amendment and the third reading of the bill, as amended, shall be deemed to be ordered, that a vote be taken without debate on the final passage of the said bill; that in the event of the passage of the bill the title be appropriately amended, and the vote on the passage of the Senate joint resolution be deemed to be reconsidered and that it be postponed indefinitely.

EXTENSION OF DISTRICT OF COLUMBIA EMERGENCY RENT ACT OF 1951

During the delivery of Mr. SPARKMAN'S speech,

Mr. CASE. Mr. President——

Mr. SPARKMAN. Mr. President, the distinguished Senator from South Dakota [Mr. CASE] has an urgent matter which he would like to lay before the Senate. I shall be glad to yield to him for that purpose, provided I may do so without losing my right to the floor.

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

Mr. CASE. Mr. President, I ask unanimous consent that the Committee on the District of Columbia be discharged from the further consideration of Senate bill 1767, providing for extension of the District of Columbia Emergency Rent Act of 1951, and that the bill be immediately considered by the Senate.

I also ask that any discussion of this mater be limited to not to exceed 30 minutes, and I hope it will not take more than 30 seconds.

Mr. JOHNSON of Texas. Mr. President, I thank the Senator from Alabama for his courtesy.

Mr. SPARKMAN. I am very glad to yield for the purpose of allowing the distinguished Senator from Texas to insert in the RECORD a speech delivered by former Representative Lanham, with whom I had the pleasure of serving in the House of Representatives, along with the Senator from Texas. I certainly agree with everything he said about that wise man.

Mr. JOHNSON of Texas. I thank the Senator.

TITLE TO CERTAIN SUBMERGED LANDS

The Senate resumed the consideration of the joint resolution (S. J. Res. 13) to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, and to provide for the use and control of said lands and resources.

Mr. BARRETT. Mr. President, I make the point of order that no quorum is present.

The PRESIDING OFFICER. The Secretary will call the roll.

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

Aiken	Green	McClellan
Anderson	Griswold	Millikin
Barrett	Hayden	Monroney
Beall	Hendrickson	Morse
Bennett	Hennings	Mundt
Bricker	Hickenlooper	Murray
Bridges	Hill	Neely
Bush	Hoey	Pastore
Butler, Md.	Holland	Payne
Butler, Nebr.	Hunt	Potter
Byrd	Ives	Purtell
Capehart	Jackson	Robertson
Carlson	Jenner	Russell
Case	Johnson, Colo.	Saltonstall
Clements	Johnson, Tex.	Schoeppel
Cooper	Johnston, S. C.	Smathers
Cordon	Kefauver	Smith, Maine
Daniel	Kennedy	Smith, N. J.
Dirksen	Kilgore	Smith, N. C.
Douglas	Knowland	Sparkman
Duff	Kuchel	Stennis
Dworshak	Langer	Symington
Ellender	Lehman	Taft
Ferguson	Long	Thye
Flanders	Magnuson	Tobey
Frear	Malone	Watkins
Fulbright	Mansfield	Welker
George	Martin	Wiley
Gillette	Maybank	Williams
Goldwater	McCarran	Young
Gore	McCarthy	

The PRESIDING OFFICER (Mr. WATKINS in the chair). A quorum is present.

The question is on agreeing to the amendment offered by the Senator from Illinois [Mr. DOUGLAS] to the committee amendment to Senate Joint Resolution 13. On this question the yeas and nays have been ordered.

Mr. CORDON. Mr. President, as I understand, under the unanimous-consent agreement arrived at earlier in the day control of the time begins at this juncture.

The PRESIDING OFFICER. The Senator is correct.

Mr. CORDON. As I understand, 2 hours are allowed for the proponents of an amendment and 2 hours for those in opposition to an amendment. As to the amendment now before the Senate, I understand from the proposer of the amendment, the Senator from Illinois [Mr. DOUGLAS], that it is his plan to make one presentation only in favor of this amendment. I do not see the Senator from Illinois in the Chamber. I think he will return in just a moment.

The Senator from Oregon has received no requests for time on the side of the opposition to the Douglas amendment. Therefore, the Senator from Oregon states that, so far as he is concerned, he will make a brief statement, and, on the assumption that there will be no further presentation on the other side after the presentation by the Senator from Illinois, the Senator from Oregon will be prepared to yield the remainder of the time. In that case we may assume that we can reach a vote on the pending amendment yet this afternoon. I shall discuss the matter further when the Senator from Illinois returns to the Chamber, so that the Senate may be fully advised.

Mr. DOUGLAS entered the Chamber.

Mr. CORDON. The Senator from Illinois has just returned to the Chamber. I will state again, for the benefit of the Senator from Illinois, my understanding of the situation. I understand that he has an arrangement with the Senator from Montana [Mr. MURRAY], who controls the time on the other side with respect to the joint resolution itself, that there will be only one presentation in favor of the amendment. That presentation will be made by the Senator from Illinois, and will require between 20 and 30 minutes.

Mr. DOUGLAS. I hope to make it just as brief as possible in order that we may push for a vote tonight on it, and on other amendments as well.

Mr. CORDON. Mr. President, since that is the case, and since the Senator from Illinois is the proposer of the amendment, I believe that the Senator from Oregon should state to the Senate information that ought to be before the Senate. Then, with the rebuttal that will come from the Senator from Illinois, the discussion of the amendment will be closed and the issue ready for a vote.

ARBITRARY 3-MILE BOUNDARY SOUGHT

Mr. President, the situation in which we find ourselves with the proposed amendment which was introduced yesterday by the Senator from Illinois, for himself and the Senator from New Mexico [Mr. ANDERSON], is substantially as follows: There are certain minor changes proposed to be made to Senate Joint Resolution 13 as reported, the net result of which would be that an arbitrary 3-mile limit would be established, rather than to follow the philosophy of the joint resolution itself. The resolution provides that the limit be the statutory boundary with which a State entered the Union, or as such boundary may have been subsequently approved by an act of the Congress. There were certain modifications which I previously explained to the Senate, and which I shall not repeat at this time. That is the substance of the changes in Senate Joint Resolution 13 itself which the proposed amendment would make. The amendment in essence is an attempt to breathe life into the dead.

Yesterday the Senate, by the rather conclusive vote of 56 to 33, laid on the table the Anderson amendment and with it the Hill amendment. By the acceptance on the part of the Senator from New Mexico, the Hill amendment had become a part of the Anderson amendment.

In the pending amendment it is sought to revive the Anderson amendment, to make it applicable to that portion of the Continental Shelf outside the 3-mile limit. Except for that change, the proposed Douglas amendment is the Anderson-Hill measure, which was laid on the table yesterday.

Some other, and minor, changes would be made. These proposed changes are of no consequence so far as the meat of the amendment is concerned, although I call attention to one of them, because it shows, as does the balance of the amendment, that the committee's action in the first instance is the action which today should be upheld and why this amendment proposed by the Senator from Illinois should be defeated.

LEGAL QUESTIONS AS TO OUTER SHELF

Mr. President, it will be recalled that the committee reported it was eliminating from the proposed legislation all provisions concerning development of the outer Continental Shelf, because the committee had found, in attempting to draft an amendment to the Senate Joint Resolution 13 as introduced for the outer shelf, that there were very many and very serious legal questions involved. These problems should be solved before legislation involving that area is submitted to Congress for enactment, the committee felt.

Those questions still exist, and they have had no answer either in the original Anderson bill or in this newly tailored Anderson bill, with the new look.

On page 9 of the report filed by the Senate Interior Committee on Senate Joint Resolution 13 there appears this language:

> It must follow that the interest of the United States is, from a national and an international standpoint, politically and legally, sui generis. What Federal laws are applicable, what should apply?

I invite attention to these questions, because they are questions which bothered the committee.

> What Federal laws are applicable, what should apply?

There is no answer to that question in Senator DOUGLAS' proposed amendment.

> In what court, where situated, does jurisdiction lie or where should it be placed?

We have no answer to either of these questions in the proposed amendment. They are serious questions, and they must have an answer. Another question is:

> Should new Federal law be enacted where existing statutes are wholly inadequate?

We look to the proposed amendment in vain for an answer.

> Or should the laws of abutting States be made applicable?

Evidently the answer is in the negative, because nothing is said about it in that field.

Then I call attention to this statement:

> The necessity for answering these questions is clear, when we take note of the fact

that the full development of the estimated values of the shelf area will require the efforts and the physical presence of thousands of workers on fixed structures in the shelf area. Industrial accidents, accidental death, peace, and order—these and many other problems and situations need and must have legislative attention.

Mr. President, there is nothing in the proposed amendment which takes care of any of those manifest legislative needs. There is nothing whatever in the amendment with respect to that point.

That is the amendment. It does what many opponents of Senate Joint Resolution 13 have many times charged the joint resolution does. The Douglas amendment does nothing in this wide world but provide a method of validating leases held by the oil companies and the oil operators on the outer Continental Shelf, and makes arrangements for them to get more leases. That is all.

AMENDMENT ORIGINALLY INTENDED ONLY FOR INTERIM OPERATIONS

One could say the amendment is one for the oil monopolists. I do not say that. It was not so intended. I know it was not so intended. It was intended by its original author to provide an interim method of keeping production going in the outer continental area, and I am not going to attribute to the Senator from New Mexico or any of those who are supporting the measure any other thought or idea or purpose than to do that one thing, namely, to provide interim operation of the oil areas and to provide for further exploration.

However, the language of the amendment itself would provide a sound basis for saying that it was written solely for the purpose of protecting those oil interests. One could say it on the face of the amendment. That could not be said with reference to Senate Joint Resolution 13.

I hope that we may get a little credit for restraint in this matter, and for restricting our discussion to the facts in the matter, at least in this particular debate.

LAW MORE IMPORTANT THAN HASTE

Mr. President, it is important that we do have law which will apply to this outer shelf. Such law is more important than is the validation of these leases so precipitantly. Such law is more important than the granting of new exploratory leases at this time, before we have prepared the kind of legislation which the committee indicated it would prepare. This legislation will have to be new law to care for the new situation. With respect to what laws now apply or might apply to the outer shelf, the committee's acting chairman has had two different exploratory groups at work on the problem for the past 2 weeks.

NEEDS OF WORKERS NOT MET

Legislation for the outer shelf will give consideration to the needs of thousands of working people who are not the people who sit in counting rooms or the people who have money or the top-level industrialists in oil operations. The people to which I refer are the ordinary working folks who are living by the sweat of their brows. They have a right to consideration here, but they have not had it in any of the measures proposed to us as yet.

It has never occurred to the Senator from New Mexico, seemingly—and I regret that he is not now in the Chamber—that at this time no body of law of any kind or character is applicable to the outer Continental Shelf. There is none. I can understand that that thought might not occur to him, for I say frankly that it did not occur to me until I was charged with the obligation of bringing before the Senate soundly considered proposed legislation in this particular field.

When I sought to fulfill that obligation, I found that the problem was a larger one than seemingly anyone had considered. That is why the committee did not bring in a title III providing for development of the outer shelf. In my view, the unsolved problems I have touched upon briefly are the reasons why there should be no legislation respecting the outer shelf until there can be adequate knowledge and consideration upon which to base sound and complete legislation.

Mr. HENDRICKSON. Mr. President, will the Senator from Oregon yield to me?

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from New Jersey?

Mr. CORDON. I yield for a question.

Mr. HENDRICKSON. Am I correct in understanding that it is the intention of the committee to report at this session proposed legislation to deal with the Continental Shelf?

Mr. CORDON. The answer is definitely yes.

I will say further that the proposed legislation will be reported to the Senate as soon as possible, and in any event within 2 weeks from the final disposition of the particular joint resolution now before us.

I had hoped to have a measure ready by this time. Had it not been for the intervention of duties with the Appropriations Committee, perhaps I could have had a bill ready by now, although the problem is more difficult than appeared at first.

Mr. HENDRICKSON. Mr. President, will the Senator from Oregon yield for another question?

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from New Jersey?

Mr. CORDON. I yield for a question.

Mr. HENDRICKSON. Is the distinguished Senator from Oregon, who is in charge of the pending legislation, aware that I submitted to the committee amendments which involve, in essence, the same basic principles that are involved in the present Douglas amendments?

Mr. CORDON. I recall that very well.

Mr. HENDRICKSON. Have those amendments received due consideration at the hands of the committee?

Mr. CORDON. I recall very well the proposed amendment submitted by the distinguished Senator from New Jersey. However, the primary need now is to determine specifically what existing law of the United States may be made applicable to the outer shelf area, by reference, and the extent to which perhaps other law that will be peculiar to that area must be drafted.

The basic proposition the Senator has in his amendment, and the one the Senator from New Mexico has in his amendment, and the one the House has in their amendments, will, of course, be the basis for the new legislation.

Mr. HENDRICKSON. I thank the distinguished Senator from Oregon.

Mr. AIKEN. Mr. President, will the Senator from Oregon yield to me?

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Vermont?

Mr. CORDON. I yield.

Mr. AIKEN. I think the Senator from Oregon has partially answered the question I wish to ask, which is this: What will be the tenor of the bill dealing with the Continental Shelf, which the Senator from Oregon expects to have reported to the Senate within the next 2 weeks? Will it deal with the disposal of the income or the ownership or with establishing boundaries, or just what will be provided by the bill relating to the Continental Shelf?

Mr. CORDON. Under the bill, the funds will be placed in the Treasury of the United States as general revenue. The bill will follow, I say very frankly—and I am sorry the Senator from New Mexico [Mr. ANDERSON] is not present at this time—the general outline of the Anderson bill itself, S. 107. There will have to be changes because of the conditions of which the bill does not take cognizance. The same basic principle is involved in the bill of the Senator from Texas [Mr. DANIEL].

LEASING AND "HOUSEKEEPING" LEGISLATION TO BE PROVIDED

Of necessity, the new measure will contain provision for the validation of existing leases. I say that will be done of necessity; and, of course, in justice and in fair dealing, it should be done. The new bill will provide for the granting of new leases by the Secretary of the Interior on areas not now under lease.

The bill will provide for revocation of the present Executive order, in whole; I refer to the Executive order which purports to establish the entire Continental Shelf as a naval petroleum reserve.

The bill will then provide the necessary housekeeping legislation for an area that is completely new in concept in the political and legal history of this world.

Those will be the major changes over the several types of proposed legislation which have been submitted or introduced on this floor from time to time.

Mr. AIKEN. Will the Senator from Oregon yield for another question?

The PRESIDING OFFICER. Does the Senator from Oregon yield again to the Senator from Vermont?

Mr. CORDON. I yield.

Mr. AIKEN. Will the bill which it is proposed to report to the Senate—I refer to the proposed bill to deal with the Continental Shelf—preclude any State from undertaking to extend its boundaries outward into the Continental Shelf in the future?

Mr. CORDON. It will contain the same statement that appears in Senate

Joint Resolution 13, where the statement appears in a negative form, solely because we did not care to have a partial title III. If a new subject had been gone into, a title III would have been needed.

The bill will provide for the sole jurisdiction and control of the outer Continental Shelf by the United States of America—period.

Mr. AIKEN. Do I correctly understand that the bill will provide for the disposal of the income which may be received from leases in the Continental Shelf, and will provide for having 100 percent of that income go into the United States Treasury alone?

Mr. CORDON. That is correct.

Mr. AIKEN. I thank the Senator from Oregon.

Mr. DANIEL addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Texas?

Mr. CORDON. I shall yield in a moment, Mr. President. In my opinion, it is the present view of the Senate, as I sense it—and I may say that my view has always been so—that the individual States have no rights, as such, in any part of the outer Continental Shelf. The only way there could be any State participation in that area would be in the event it were deemed advisable to "farm out," in a manner of speaking, by housekeeping law part of the Continental Shelf to a particular coastal State, and provide that the State be paid a reasonable value for governmental services rendered. That is the position that has been taken on the House side.

However, this body will have that matter clearly before it, I believe, by amendments which in all probability will be offered to the bill when introduced.

Mr. AIKEN. Then does the Senator from Oregon believe that if the joint resolution now before the Senate becomes law and if a bill which he evidently hopes the committee will report to the Senate——

Mr. CORDON. The committee will report it——

Mr. AIKEN. In the near future also becomes law, the two bills will establish definitely the limits of the coastal States in their seaward boundaries?

Mr. CORDON. Absolutely.

Mr. AIKEN. I thank the Senator from Oregon.

Mr. THYE. Mr. President, will the Senator from Oregon yield to me for a question?

Mr. CORDON. I ask the Senator from Minnesota to wait a moment please. Previously I promised to yield to the Senator from Texas [Mr. DANIEL]. I hope Senators will be able to make their questions brief, and I shall try to make my answers as brief as possible, so we shall be able to conclude this evening.

Now I yield to the Senator from Texas.

Mr. DANIEL. Mr. President, I ask the Senator from Oregon if it is not true that all the members of the Committee on Interior and Insular Affairs have stated that they will not advocate that the States be given any title or ownership beyond the boundaries that existed at the time the States entered the Union or as heretofore approved by Congress, as stated in the Holland joint resolution?

Mr. CORDON. That is correct.

Mr. DANIEL. Those who would represent that the State of Texas is trying to obtain ownership beyond our 3-league boundary as it existed at the time when it entered the Union are not stating the facts in the matter, are they?

Mr. CORDON. No such purpose was indicated in the hearings; and, particularly, no such purpose was indicated in the executive sessions which the committee has had printed, and which are available for reading by all who desire to read them.

Mr. DANIEL. I should like to ask another question: Is it not true that those who support the Holland joint resolution will be participating in the first congressional declaration—it is contained in section 9, on page 20—that all of the natural resources of the outer Continental Shelf beyond the area covered by the Holland joint resolution appertain to the United States and are subject to its jurisdiction and control?

Mr. CORDON. That is correct.

Mr. CASE. Mr. President, will the Senator from Oregon yield to me for a question?

Mr. THYE. Mr. President——

Mr. CORDON. I yield now to the Senator from Minnesota, who previously asked that I yield to him.

Mr. THYE. Mr. President, I should like to ask the following question: The statement just made by the Senator from Oregon is in accordance with the first explanation of the Holland joint resolution he made when he presented it to the Senate in the statement he then made; is it not?

Mr. CORDON. Exactly.

Mr. THYE. So no new proposal is being made here, in the case of the pending joint resolution; is that correct?

Mr. CORDON. The only new proposal being made here in this amendment is the attempt to bring back into being the Anderson bill with the Hill amendment, which were laid on the table yesterday.

Mr. THYE. They are to be brought back into being?

Mr. CORDON. Yes.

Mr. THYE. In new proposed legislation?

Mr. CORDON. The amendments now being debated would do that.

Mr. THYE. But the statement by the Senator from Oregon that the committee will report another bill is not a new stand on the part of the committee, is it?

Mr. CORDON. It is not.

Mr. THYE. The present stand of the committee is exactly the same as the stand the committee took when the senior Senator from Oregon [Mr. CORDON] reported the original Senate Joint Resolution 13; is that correct?

Mr. CORDON. That is correct.

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

Mr. CORDON. I yield to the Senator from South Dakota, for a question.

Mr. CASE. Referring to the statement made by the distinguished Senator from Texas relative to the fact that none of the States were claiming anything beyond their historic boundaries, how do those who defend the pending measure as now written get around the fact that, under the act of February 20, 1811, when the Territory of Orleans was authorized to form a State, the boundary of the new State of Louisiana was described as "thence along the middle of said river," and so forth, "to the Gulf of Mexico; thence by line of the said gulf to the place of beginning?"

Mr. CORDON. Mr. President, the question is entirely irrelevant to the question asked by the Senator from Texas and answered by the Senator from Oregon. If the Senator will read the pending measure, Senate Joint Resolution 13, he will find the answer. The Senator from Oregon cannot now turn aside to go into that matter which is now ancient history, and—I am sorry—does not propose to do so, because he does not have the time, and because he wants to continue on the pending amendment.

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

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from South Dakota?

Mr. CORDON. I yield to the Senator from South Dakota, for a question.

Mr. CASE. The Senator from South Dakota has read Senate Joint Resolution 13, and, as nearly as he can understand from a reading of the measure and the statements made by Senators defending the bill, it is proposed that the State of Louisiana shall obtain an area within the Gulf of Mexico beyond the shore of the gulf. It has been the position of the Senator from South Dakota that the States which were carved out of the Louisiana Territory heretofore had as much right to any domain beyond the edge of the Gulf of Mexico as did the State of Louisiana. The Senator from South Dakota is unable to find in the answer given by the Senator from Oregon any answer to the question posed by the Senator from South Dakota on the statement of the Senator from Texas.

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

Mr. CORDON. Just a moment, please. The Senator yielded for a question, and got an assertion; but that is all right. But I am not going into this matter in detail, Mr. President. We can argue that at various other times. I say that the pending measure does not create any State boundary lines. If the Senator desires to change the boundary lines of the State of Louisiana, I hope he can find a method of doing it. The Senator from Oregon does not know how to do it. The lines are fixed, wherever they are. They were fixed when Louisiana came into the Union as a State. They are still fixed. It is quite as useless to inquire of the Senator from Oregon, "Do you know where that boundary is in the Gulf of Mexico?" as it is to ask the Senator from Oregon, "Do you know where the Senator from Illinois was born?" The Senator from Oregon does not know the answer to either question. But he does know that the Senator from Illinois was born, and he does know that Louisiana does have a State boundary. He seeks not to turn aside to answer either question, beyond that.

PROVISIONS NEEDED IN OUTER SHELF LAW

Now, Mr. President, getting back to the amendment, the Senator from Oregon calls attention to necessary provisions in any legislation to be drafted with respect to the outer Continental Shelf. There must be law there, Mr. President, law that will protect the people who are working there. In case of personal violence, certainly there must be law that will give them protection, that will punish the guilty, and that will compensate the injured. There is no such law applicable today.

Take, Mr. President, the case of a man applying for an oil lease in that area—someone who does not have adequate financing of his own, and who may have to seek funds from outside sources. There is not a place under the shining sun where he could either file for recording the evidence of his obligation, his mortgage, his trust deed, or anything else; nor is there a court under the shining sun into which anyone could go to enforce an obligation connected with such a lease. That is why I say that this matter must have the consideration necessary to set up housekeeping law within that area.

There is nothing provided under which the workmen out there could have any protection whatever. It is even doubtful whether a murderer could be indicted and punished for his crime committed on the outer shelf. There is nothing now in the law with respect to this area, under which a workman can have any basis of compensation for unemployment, for industrial accidents, and the like—nothing. And there is no court to which a worker can appeal to have his rights protected.

ADMIRALTY LAW NOT APPLICABLE

One may say, "The admiralty law attaches." Mr. President, the admiralty law does not attach. It attaches to the waters above the Shelf. It does not attach to the land below. The law goes wherever one turns. When we get into the matter we find that these things must be attended to, and now is the time to do it; and the committee expects to attend to it.

Merely to give one other example, Mr. President, of how little attention has been given to these amendments, or to the factual circumstances surrounding them, the measure reported by the committee provides, at least, for repeal of the Executive order establishing a petroleum reserve within the area with which it deals. But the pending measure does not even repeal that portion of the Executive order which purports to make the portion of the Continental Shelf with which it deals a petroleum reserve, even though at the same time the amendment sets up another jurisdiction vested in the Secretary of the Interior. Of course, the dual jurisdiction and authority would set up an impossible situation. I call it to the attention of the Senate merely as another example of the necessity of going into this matter and properly bringing it to the floor of the Senate for decision.

AMENDMENT VIOLATES PHILOSOPHY OF COMMITTEE MEASURE

I could discuss the proposed amendment in great detail, but in closing I merely wish to say, Mr. President, that the suggested changes, so far as they affect Senate Joint Resolution 13, violate the basic philosophy of the committee measure. So far as the proposed amendment adopts the Anderson bill, it is not in any wise a fully considered piece of legislation. It would only take care of existing leasehold interests and provide for further exploration and further leasing without making applicable any of the necessary legal structure which we must have within the area in question. That area is a political entity, in a manner of speaking, over which the American flag flies. However, our jurisdiction is horizontal and not in any sense a vertical jurisdiction. In my opinion, the amendments should be rejected for that reason.

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

Mr. CORDON. I yield to the Senator from Kentucky for a question.

Mr. COOPER. As I understand, the distinguished Senator from Oregon is saying that title III of the amendments proposed by the Senator from Illinois would deal with an area which is not at all the subject of Senate Joint Resolution 13.

Mr. CORDON. That is correct.

Mr. COOPER. And the proposed methods of administration and distribution of the funds?

Mr. CORDON. That is correct.

Mr. COOPER. The Senator is saying that as the one handling the matter in the committee he will consider the area which is not now covered by Senate Joint Resolution 13, and that a bill will be introduced dealing with that area?

Mr. CORDON. And that area alone.

Mr. COOPER. Is it true that this amendment relates to the subject matter of Senate Joint Resolution 13 in that it would make uniform the boundaries of the Coastal States at a line extending 3 miles seaward from their coastal line?

Mr. CORDON. No. I do not say that, and I cannot agree with it. The proposed amendment will not and cannot make uniform the boundaries of the States. It will draw a 3-mile line as to the particular benefits that are contained therein with respect to the States, but it does not and cannot affect the boundaries of those States.

Mr. COOPER. Would this amendment differ from Senate Joint Resolution 13 in that it would limit the boundaries of all the Coastal States to a line extending 3 miles seaward from their coastal line?

Mr. CORDON. That is the same question, in other words. It does not do that. The Senator will find that what it does attempt to do is to provide that the natural resources, and so forth, which are the subject matter of the proposed legislation, namely, the resources in the soil beneath waters inside State boundaries and in the waters themselves, which are conveyed to the States, will be limited to an area the outer boundary of which is 3 miles from the coast line; but the proposed amendment cannot affect the boundaries of the States themselves.

Mr. COOPER. Would it not be possible to vote upon the last matter which I have mentioned to the Senator, without joining to it further amendments and without attempting to go into other matters?

Mr. CORDON. The amendment is a single one. How the amendment is to be treated is another matter.

Mr. COOPER. But, by a much simpler amendment, the question of the 3-mile limit could be decided without joining with it the matter of supervision of the entire Continental Shelf.

Mr. CORDON. There is no question about that.

Mr. McCLELLAN. Mr. President, will the Senator from Oregon yield for a question?

Mr. CORDON. I yield.

Mr. McCLELLAN. I think the Senator has given the answer to my question in reply to the Senator from Kentucky [Mr. COOPER]. I heard the beginning of the Senator's remarks and was called from the Chamber and returned when the Senator was discussing, as I understood, a bill now before the committee which will undertake to deal with the subject of supervision and the mechanism necessary for the Federal Government to exercise complete control over all that part of the Continental Shelf which is not involved in Senate Joint Resolution 13 and reserved to the States.

Mr. CORDON. That is correct.

Mr. McCLELLAN. As I understood the Senator, the proposed legislation is necessarily quite complicated, and that a study will have to be undertaken before the bill can be dealt with at this session of Congress.

Mr. CORDON. That is correct. I may say to the Senator that there lies on my desk at this time a 16-page, single-space memorandum from the Department of Justice involving legal propositions, and all the answers are not found in it by any means.

Mr. McCLELLAN. Assuming that the pending amendment should be agreed to, the other problem would still have to be taken care of by supplemental legislation; is that correct?

Mr. CORDON. That is correct.

Mr. McCLELLAN. This amendment is not adequate to accomplish that?

Mr. CORDON. That is correct. It is my view that it is not adequate.

Mr. McCLELLAN. What I wanted to be sure of, if the Senator can assure us of it, is that the follow-up legislation dealing with the Continental Shelf will be available for this Congress before it adjourns, so far as the Senate is concerned.

Mr. CORDON. I give that assurance as strongly as I can give it. There was not a dissenting voice at any time in the entire committee with reference to that particular matter. The members were one in the particular decision to get the matter reported by the committee as quickly as may be possible. I think the Senator from Montana will bear me out in that statement.

Mr. McCLELLAN. In other words, the matter is a very active project of the committee at this time.

Mr. CORDON. Indeed, it is.

Mr. McCLELLAN. Does the pending amendment embrace the Hill amendment or provision that was involved yesterday in the debate?

Mr. CORDON. The pending amendment offered by the Senator from Illinois [Mr. DOUGLAS] is the Anderson amendment as we laid it on the table, which at that time included the Hill amendment, but tailored to apply only to what we have sometimes termed the outer Continental Shelf or that portion of the Continental Shelf lying beyond 3 miles distant from the coast line of the coastal States.

Mr. McCLELLAN. Is the committee giving consideration, in the bill it has now undertaken to process, to the Hill proposal with respect to the revenues that may be derived from the remainder of the Continental Shelf?

Mr. CORDON. That matter has not been discussed before the committee. I will very frankly say that so far as I am concerned, I shall oppose that amendment. However, the idea of whether the Hill amendment should be included in the new bill is a matter for the Congress to determine. I am sure the energetic Senator from Alabama [Mr. HILL] will be on hand with his amendment in case it is not a part of the bill as reported and he will do his best to have it adopted on the floor of the Senate.

Mr. McCLELLAN. In other words, the Hill amendment, even if the committee rejects it, would be germane to the bill and could be made an issue on the floor of the Senate?

Mr. CORDON. Yes; and it undoubtedly will be.

Mr. HILL. Mr. President, will the Senator from Oregon yield for a question?

Mr. CORDON. Yes.

Mr. HILL. Will the Senator from Oregon agree with the Senator from Alabama that the Senator from Oregon has correctly stated the position of the Senator from Alabama, in saying that the Senator from Alabama certainly will push the amendment with all the power at his command?

Mr. CORDON. I am sure of that. The Senator from New Jersey [Mr. HENDRICKSON] will unquestionably be there presenting his views.

Mr. HENDRICKSON. The Senator from New Jersey would like to be there now, and he will be present at the proper time.

Mr. HOLLAND. Mr. President, will the Senator from Oregon yield for a question?

Mr. CORDON. I yield.

Mr. HOLLAND. In stating that this question is a matter of first impression, unlike anything else that has come up in the history of the United States, is not the Senator referring to the fact that the area outside of the State boundaries lies neither in a State of the United States, in a Territory of the United States, nor in any possession of the United States as heretofore defined by law?

Mr. CORDON. That is correct.

Mr. HOLLAND. Is not the Senator giving attention to the fact that the area in question is even without a name, up to this good date?

Mr. CORDON. The Senator from Oregon knows of no name that has been legally attached. Perhaps the Senator from Florida may desire again to suggest what would appear to be a very applicable name.

Mr. HOLLAND. The Senator may recall that he suggested the name "Suboceanica," but that suggestion did not receive the warm approval of the committee.

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

Mr. CORDON. I yield for a question.

Mr. HOLLAND. I note that in the last sentence of paragraph 5 of the committee's report, page 9, there is the following statement:

> As stated previously, the committee already has done considerable work toward recommending a legislative solution of the problems of the outer shelf, and it is committed to introducing and reporting to the Senate a measure, or measures, to that end as soon as possible during this session of the 83d Congress.

Noting that specific commitment of the Senator in his report, am I correct in my understanding that the Senator gives that assurance to the Senate today, and makes the commitment even stronger by stating that within 2 weeks after the disposition of the pending measure, Senate Joint Resolution 13, the committee will have taken action on the additional measure relating to the Continental Shelf, and will report it for action by the entire Senate?

Mr. CORDON. I have given that assurance as strongly as a man can give it. I call attention of the Senate to the fact that, so far as I know, there is no objection in the committee itself, nor do I believe objection will be heard on the floor of the Senate, to the basic proposals involved in proposed legislation for the outer shelf. Certainly there can be no objection to the application of the necessary housekeeping law to the area. There will be differences of opinion in the other field, as to what law may be made applicable, but differences can be debated on the floor of the Senate. But there cannot be any question in the wide world that a measure providing for the development of the outer Continental Shelf will be reported to the Senate.

Mr. HOLLAND. Mr. President, will the Senator yield for one further question?

Mr. CORDON. I yield.

Mr. HOLLAND. I should like to ask the Senator to state if it is not a fact that, in his first appearance during the debate upon his amendment in the nature of a substitute, the distinguished Senator from New Mexico [Mr. ANDERSON] after pointing out that title III in the House bill, as adopted in the House of Representatives, had various defects, which he regarded as serious defects, did not take the same position as did the Senator from Oregon on this question, by stating:

> I think the decision to leave out of the Senate joint resolution any provision of that kind was made very wisely by the chairman of the subcommittee, the distinguished senior Senator from Oregon [Mr. CORDON].

Mr. CORDON. Of course, the record speaks for itself. I do not recall that particular statement, but I do recall similar statements made by the Senator from New Mexico to the Senator from Oregon.

Mr. HOLLAND. I thank the distinguished Senator.

Mr. CORDON. Mr. President, I have completed my presentation of this matter. I feel that the only orderly, sound procedure is to enact that portion of the proposed legislation which is comprehended in Senate Joint Resolution 13, and to bring the remainder before the Senate, whenever it can be brought here, in such form as to discharge the whole duty of Congress with reference to the administration of the outer Continental Shelf.

Mr. MURRAY. Mr. President, will the Senator from Oregon yield for a question?

Mr. CORDON. I yield to the Senator from Montana.

Mr. MURRAY. Is it not a fact that at the hearings, the executive branch, through the Attorney General, recommended that the administration of the development of the Continental Shelf should be under the jurisdiction of the Federal Government?

Mr. CORDON. The Senator is correct.

Mr. MURRAY. Is that the sort of bill which the Senator from Oregon will propose, in order to carry on the development of the Continental Shelf?

Mr. CORDON. I suggest to the Senator from Montana that that is the kind of bill we are going to propose.

Mr. MURRAY. I see; the Senator says "we." Very well. It seems to me that the entire question of administration and the development of oil in that area should be under the Federal Government, because the Federal Government is in a position to handle any problems that may arise with reference to international questions. It seems to me that the whole administration of the area should be provided for in one bill.

Mr. CORDON. The Senator from Montana knows my views on that subject, as does every other member of the committee, I believe. I would have been willing to go along with an application of State conservation laws, and the like, to the area, with a reasonable reimbursement, as a means of getting the necessary and ordinary housekeeping law for the area, and I would still be willing to do so, so far as I am concerned. The need is not that of Federal law or State law; the need is law. What is needed is adequate social control, in order that orderly handling of the operations may be had, and in order that peace and order may prevail in the area.

Mr. President, I hope that the amendments will be rejected.

Mr. DOUGLAS. Mr. President, I am very anxious that we have a vote on my amendment tonight, so it is not my intention to speak at the length the Senator from Oregon and the Senator from Florida have spoken. I hope that we may stay in session long hours and complete action on this and other amendments tonight.

Yesterday afternoon the United States Senate was in a very giving-away mood, because when we defeated the Anderson amendment, and, apparently, placed our seal of approval on the Holland joint resolution in the form in which it then was, we paved the way for giving to the

States and to private oil interests between fifty and three hundred billion dollars' worth of oil, gas, and sulfur.

What would the Holland joint resolution do if it should pass, as it probably will? In the first place, it would give to all coastal States property in and ownership of the submerged lands out to the 3-mile limit from their shores. That would be true for all States, but we know that, so far as oil and gas are concerned, it would apply primarily, and perhaps, indeed, exclusively, to California, Texas, and Louisiana, with Florida acting as a sort of hopeful bridesmaid, and, of course, with the possibility of Alaska becoming involved later, as well. Admittedly, the bill would do that. It would give to the States ownership in the submerged lands and the resources out 3 miles from their coastal shores.

In the second place, it is expressly designed to give to some of the States, notably to Texas and to Florida, a very strong arguing point for further ownership of submerged lands from the 3-mile limit out to the 9-nautical-mile limit, or 10½ geographical-mile limit. It would do this because it is recognized in section 2 (a) (2), on page 10, of the joint resolution, that they are to have title in the submerged lands out to "the boundary line of each such State where in any case such boundary as it existed at the time such State became a member of the Union, or as heretofore or hereafter approved by Congress, extends seaward—or into the Gulf of Mexico—beyond 3 geographical miles."

We all know that Texas claims that at the time she came into the Union, her boundary extended out 9 nautical miles. We all know that Florida claims that at the time her representatives were readmitted into the Congress of the United States in 1868, her constitution claimed, and she alleges that that Congress recognized her claims, such a 9-nautical-mile boundary on the west coast of Florida.

I shall discuss the merits of these arguments later, and point out that what Texas wants are the boundaries she had before she came into the Union and not the equal footing with other States which she had after she entered the Union. And Florida wants not the boundaries she had when she entered the Union but those which she claims as a bonus for secession. If time permits, I shall return to these issues.

In addition, I think we are likely to find other States claiming that they had extensive boundaries which were recognized at the time they entered the Union. Louisiana has already shown its hand, and will probably claim at least 3 leagues, or 9 nautical miles, at the very least. We may find that some of the original States will also come forward with large claims. It must be remembered further that under the equal-footing clause, if certain claims of ownership and sovereignty are granted to some of the original States, States which were subsequently admitted under the equal-footing clause are very likely to file similar additional claims.

That is the second type of grant which a majority of the Senate was apparently willing to make. I wish to emphasize that it is a grant of ownership to the States in the submerged lands to the degree that the States may claim that their boundaries—which represent a different question—extended beyond the 3-mile limit.

In the third place, the Senate passed this open-end provision—and it is an open-end provision, or a come-and-get-it provision—that the States may have property in the submerged lands even out beyond the 9-mile limit, to the degree that their claims have been "heretofore, or may hereafter be, approved by the Congress."

If one examines the Holland bill, he will see that what it does is to create a vacuum beyond the 3-mile, or 3-league, or 9-mile limit in which Federal control or ownership is not confirmed, and with respect to which no system of development is established. Under the Holland bill, a complete vacuum exists out on the Continental Shelf beyond the 3-mile or the 3-league limit.

If we look at section 9, which is sometimes cited to refute this contention, it will be seen that the language in section 9 is true only insofar as the area is defined by section 2. So section 9 really places no Federal defense in the way of further State claims so far as this Shelf area is concerned.

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

Mr. DOUGLAS. I yield.

Mr. TAFT. I do not quite understand the Senator's argument. The language is, "all of which natural resources appertain to the United States, and the jurisdiction and control of which by the United States is hereby confirmed."

That seems to me to be very definite language.

Mr. DOUGLAS. Yes; but it relates to the area seaward and outside of lands underneath the navigable waters, "as defined in section 2." That brings us to the very point that to the degree to which the States——

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

Mr. DOUGLAS. May I finish my statement? Then the Senator may speak in his own time.

To the degree to which the States extend their claims out into the Continental Shelf, to that degree the dominance of the Federal Government becomes a receding factor. It will hold only the residual claims, which will ever shrink as the claims of the States are pushed farther and farther out into the Continental Shelf. So the farther out the States go, the smaller becomes the territory over which the Federal Government exercises dominion and control. The zone of Federal control will be like that of the Indians as they were pushed farther and farther westward. At last it will reach the jumping off place.

This outer zone may be called the Continental Shelf, but it becomes of diminishing magnitude depending upon the degree to which the States are able to assert their prior claims. It will become of diminishing magnitude to the degree to which competent authorities find that the claims of the States have been heretofore approved, or may hereafter be approved by Congress

All kinds of claims may be filed; that Congress has heretofore approved the territorial claims of the States, which are now translated by this measure into property, which is something different.

I had never heard—and I think very few other people had ever heard—of the claim of Florida until it was brought up recently. I think very few others had heard of the claim of Louisiana, but it is now coming to the surface. We are likely to find other claims covered by the "heretofore" clause, particularly in the case of these States which were colonies. In addition, under the "hereafter" provision we will recognize everything that comes hereafter. That provision is an invitation to surreptitious sleepers to be put over at the 5 o'clock hour, or at the noon hour, when no one is on the floor or on guard.

What we are likely to find is that the Continental Shelf belonging to the United States will be gradually whittled away until not very much of it will be left. That is one of the points with respect to which I found myself taking issue when the Senator from Oregon [Mr. CORDON] spoke, because there was no guarantee in what he said that the portion of the Continental Shelf which would be left would be really a sizable factor.

Mr. President, we know that Texas has designs on the entire Continental Shelf. Its State legislature has passed an act saying that the boundaries of Texas go out to the very edge of the Continental Shelf. I am not certain that my good friend the junior Senator from Texas would necessarily affirm that claim. We hope that he will be with us for a long time; but other Senators may appear who will assert claims out to the edge of the Continental Shelf.

We know that in the State of Louisiana there is a very strong political faction which has, indeed, passed an act through the State legislature extending the claims of that State out to the 27½-mile line. The States will begin competing with one another in promoting such an extension. There is no guarantee, in spite of the gentlemen's pledges, which very honorable men give on the floor of the Senate, that we may not find ourselves confronted not only with these claims, but with legislation enacted by the Congress.

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

Mr. DOUGLAS. Mr. President, I declined to yield to the Senator from Florida, but I do not want to be ill humored. I do not want to appear to be shielding myself. I am very glad to yield to the Senator from Texas, with the understanding that then I shall yield to the Senator from Florida, if he cares to renew his request.

Mr. DANIEL. The Senator does not contend, does he, that the Holland joint resolution conveys to the State of Texas anything beyond the State's 3-league boundary as it existed at the time Texas entered the Union?

Mr. DOUGLAS. It does not explicitly do so, but it unlocks the door for future grants to be made, by failing to assert Federal control over the Continental

Shelf beyond the 3-mile limit, or beyond the 9-mile limit, and by providing that if claims to boundaries have been recognized in the past, claims to ownership will be recognized in the future. Sleepers may also go through in the future granting such extended boundaries and title.

Mr. DANIEL. Does not the Senator realize that in section 9 it is explicitly provided, as to the natural resources beyond the boundaries as they existed at the time the States came into the Union or as heretofore approved by Congress, that the Congress is now asserting the rights of the Federal Government to that property? Does not this colloquy on the floor, and that which occurred in the first week of the debate, both on the part of the Senator from Florida and the Senator from Texas, to the effect that we do not interpret the joint resolution which we helped to write, as giving to the States anything beyond their boundaries as they existed at the time they came into the Union or as heretofore approved by Congress, furnish sufficient evidence of legislative intent to prevent the States from claiming anything more under this measure?

Mr. DOUGLAS. With every appreciation of the influence and prominence of the Senator in his home State, certainly such colloquy is not binding upon the State of Texas. The Senator from Texas has no power to commit the State of Texas, any more than any other Senator has power to commit his State. The Senator from Texas is not the authorized agent of the State of Texas. A change of political fortunes in Texas, or an increase in the political expansiveness of Texas—if that is possible—might readily lead to the active pushing of the claims of Texas out into the Gulf. Texas has already done pretty well. Texas already claims the entire Continental Shelf. Indeed, the Senator from Texas may find himself disavowed by the State of Texas on the ground that he is not defending the full claims of Texas and is shrinking back within a 9-mile limit, whereas Texas claims 150 miles. The Senator from Texas, who is now the hero of his State, may, when he returns to his home State, find himself rejected on the ground that he has not been sufficiently expansive in his arguments. This would be regrettable, but it might occur.

I hope that will never happen to my dear friend.

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

The PRESIDING OFFICER (Mr. PURTELL in the chair). Does the Senator from Illinois yield to the Senator from Texas?

Mr. DOUGLAS. Mr. President, my time is very short. I am very eager to hasten the debate and get to a vote. I do not want my opponents to filibuster this measure, and I should like to be permitted to continue. I will yield to the Senator from Texas, however, if he so desires.

Mr. DANIEL. Is not the issue what the joint resolution covers instead of what some people in Texas might claim it to cover? And does not the resolution clearly confine itself to lands within the boundary lines as they existed when Texas and the other States came into the Union? Is not that the real question. I am sure the Senator will agree that the question is not whether I will be criticized at home, but whether the joint resolution covers anything beyond the historic boundaries. That, it seems to me, is the real issue, and I see no basis for the imaginary fears of the distinguished Senator from Illinois.

Mr. DOUGLAS. Mr. President, the joint resolution unlocks the door through which expansive Texans may rush, even though the junior Senator from Texas may politely stand aside.

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

Mr. DOUGLAS. Mr. President, I suggest to my amiable friend that they make their speeches in their own time.

Mr. LONG. It is a question that I should like to ask the Senator from Illinois.

Mr. DOUGLAS. I am afraid I am like the girl in the operetta Oklahoma who could not say "No." When the Senator from Louisiana gets up and looks at me with that seductive look of his, I must yield to a question.

Mr. LONG. Is it not correct to say that, even if the Senator's amendment were to be adopted, sleeper legislation could always be put through giving to anyone anything the Federal Government wanted to give away?

Mr. DOUGLAS. But it would be much more difficult if the authority and control of the Federal Government in the area beyond the 3-mile limit were definitely asserted and fixed and the development of resources by it authorized and begun. In that way we would lock the door, and it would require repeal legislation to give away this area.

Mr. President, yesterday we were in a very expansive mood, and we gave away everything. My amendment now proposes to reduce the giveaway, to lessen the damage, to save as much of the oil and gas for the people of the United States as it is possible to save.

We, who are defending the rights of all the people, were beaten yesterday. We now fall back to our next position, and we say, "All right, you who favored the giveaway outvoted us. You got all these areas, layer after layer. You won yesterday, for the moment, although you made a great mistake. However we are not at this time going to refight the question of the 3-mile zone."

Mr. President, we are willing to say, for the purposes of this argument, although this will not make me vote for the joint resolution, "All right, let the States take the submerged lands out to the 3-mile limit, but for heaven's sake stop there."

In other words, at least let the submerged lands beyond the 3-mile limit out in the international zone be under the control and dominion of the Federal Government. We aim to do that by asserting Federal dominion and control and by authorizing Federal development. Far from creating a vacuum, as the senior Senator from Oregon [Mr. CORDON]—who left the floor—has stated, what our amendment would do would be to assert Federal dominion in the area beyond the 3-mile limit and save for the Federal Government the oil and gas resources beyond the 3-mile limit.

Incidentally, Mr. President, this would save for the Nation the major part of the oil and gas, because, very roughly, according to the Geological Survey—page 514 of the hearings—about 12 percent of the oil and gas seems to be within the 3-mile limit, another 5 percent off the cost of Texas between the 3- and 9-mile limits, and about 83 percent, or five-sixths, beyond the 3-mile or 9-mile limit. Since the pending amendment would cut off all States' ownership at the 3-mile mark, it would save 88 percent of the oil and gas for all of the people.

That is about what there is to the present amendment, with the proviso, of course, that the Federal share of the revenues beyond the 3-mile limit is to go during the present national emergency for defense purposes, and then for the purposes of education, according to the plan of the Senator from Alabama [Mr. HILL].

Mr. President, let us consider the present amendment in connection with the vote yesterday. It seems to me that certainly every Senator who voted for the Anderson amendment yesterday, that is, all who voted against tabling it, should vote for this amendment today. If Senators voted yesterday to save for the Nation 100 percent of all the oil and gas in the submerged lands, certainly today they should vote to save 88 percent of it. How can they say, "Yes, we wanted to save 100 percent of the gas and oil, but we do not want to save 88 percent of it"? Therefore a vote for the Anderson amendment yesterday would logically seem to carry with it inevitably a vote for the Anderson-Douglas amendment today.

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

Mr. DOUGLAS. I yield to my friend from Kentucky.

Mr. COOPER. Is it not true that the vote which was taken yesterday on the Anderson amendment dealt with the area either from the coastline seaward 3 miles, or in some cases to the historic boundary line, while today the amendment which the Senator from Illinois is sponsoring deals with an entirely different subject, namely, the area seaward of the 3 mile limit? Therefore, is it not correct to say that the Senate is not voting on the same question on which it voted yesterday?

Mr. DOUGLAS. I cannot agree with my good friend from Kentucky in saying that we are voting on an entirely different subject. We are voting on a smaller subdivision of the same subject, which was the submerged lands seaward from the low-water mark.

Yesterday the Anderson amendment proposed Federal control and Federal dominion over the submerged lands seaward from the low-water mark.

Now we are proposing Federal dominion, control, and development in the submerged lands seaward from the 3-mile point.

So that roughly, in terms of oil and gas, it is 88 percent the same as yesterday.

In addition, Mr. President, I can understand how some Senators who voted against the Anderson amendment yesterday should vote for the pending amendment today.

The very able Senator from Florida, in his initial speech on the subject, spoke at great length about filled land. He wept copious tears about what the Anderson bill would do to the private real estate developers in the cities along the west coast of Florida.

His fears were largely fictitious. They were 99 44/100 percent fictitious. I say that because the Anderson bill in its original form recognized the filled land under public and private ownership on inland waters and on ocean waters, and recognized public filled land in the future on coastwise waters. But there was one point—which we frankly admitted—namely, that of future private filled land on coastwise waters, which was not completely covered by the Anderson bill. That may have troubled not only the Senator from Florida, but the senior Senator from Massachusetts as well.

Well, Mr. President, under this amendment, all that now is given to the States. Certainly no one is going to fill land out beyond 3 miles from the present coastline.

Mr. MAYBANK. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I shall be glad to yield, provided I do not lose the floor.

Mr. MAYBANK. The States merely insist on the rights which they possessed when they joined the Union, I may say to the Senator from Illinois.

Mr. DOUGLAS. Mr. President, I know that my good friend comes from South Carolina, and he has different views about the nature of the Federal Union from mine. However, I do not wish to revive the battle of Fort Sumter, although it did play a very important part in history. I do not want to let loose again the bombardment on Fort Sumter.

Mr. MAYBANK. Mr. President, the distinguished Senator from Illinois was practically reared at Parris Island by the Marine Corps. He knows South Carolina.

Mr. DOUGLAS. That is where, in one sense, I was reborn. I am more proud of having graduated from Parris Island than from any university I have attended.

Mr. MAYBANK. We are not fighting the War of 1861–65. I was talking about the Revolution, and the rights which the States had when they joined the Union. The Senator from Illinois knows that to be the fact. I admire him very much.

Mr. DOUGLAS. I may say, Mr. President, that there is no more beloved man in the Senate than the Senator from South Carolina. We all love him, and he is a valuable asset to this body.

To come back to the previous point, we are now going to recognize in this amendment all future filled land. I do not believe that even Florida, in its most expansive moments, intends to extend Miami Beach more than 3 additional miles into the sea.

They can fill it up all they want to; and Mr. Robert Moses—and I do not know whether he wishes to fill in the bullrushes, but he has had a very distinguished career in New York City—will not have to worry at all, and therefore the Senator from Florida [Mr. HOLLAND] should weep no more tears about Rockaway Beach or other places in that area.

Furthermore, under this amendment I do not think the senior Senator from Massachusetts [Mr. SALTONSTALL] need worry as he did the other day about the future of the Massachusetts clam industry. I wish the Senator from Massachusetts were on the floor at this time. We remember how he said he wanted the Holland joint resolution enacted because it would be a means of protecting future Massachusetts clams. Of course the Anderson bill would protect them anyway. However, now the Senator from Massachusetts, under the pending amendment, will have 3 miles in which to extend the dominion of Massachusetts over clams. Even though those waters may be filled in the future by the energy of the people of Massachusetts, the clams will still be at the bottom of the filled land and future archeologists from Harvard University will be able to discover them; and the dearly beloved Hasty Pudding Club can have a clam chowder; and all of it will be legal.

So, Mr. President, to the degree that future filled land was an objection, that objection has most certainly been met.

Now let me say a word about the fishing industry. So long as we do not assert ownership beyond the 3-mile limit—to which this amendment restricts the give-away—either for ourselves or for the member States of the Union, we can with good grace say to Mexico, "You shall not assert ownership beyond 3 miles," and we can say to Canada, "You shall not assert ownership beyond 3 miles." and we can say to Russia, "You shall not assert ownership beyond 3 miles."

But when we grant to the States not only boundaries, but ownership beyond 3 miles, what those nations are likely to say then, when we protest, is, "So is your old man." [Laughter.]

They will say, "You are giving Texas 9 miles, and you are giving Florida on its west coast 9 miles, and possibly you are giving Louisiana 27 miles, and possibly you are giving Texas out to the Continental Shelf, or 150 miles. Why should not we have our place in the sun? Why should not we also extend our domain the edge of the Continental Shelf?" Then, Mr. President, when the shrimp boats come down, as they are now, from Texas, Louisiana, Florida, Alabama, and Mississippi, and fish for shrimp off the Mexican coast, between the 3-mile limit and the 9-mile limit—the 3-mile limit being the one we recognize, and the 9-mile limit being the one that Mexico claims—those shrimp fishermen are likely to be seized and thrown into the "hoosegow," as is done now; and we shall not be able to get them out. The same thing may apply to the California fishermen out of San Diego and San Pedro Harbor, who fish off the lower coast of California.

Now, Canada is getting into the act. The Canadians notice the debates that occur here. I believe the Canadian Parliament and the Parliament of British Columbia are, at this very moment, considering extending the control of Canada over the waters off her coast beyond the 3-mile limit which she has previously claimed and which we have recognized.

If that should happen, the United States fishermen from Bellingham and Everett, Wash., and from other Washington ports, who now fish in Vancouver Sound and off Vancouver Island, and in the Strait of Juan de Fuca, are likely to be in trouble; and we shall be helpless to protect them.

The same trouble will arise in the case of the Massachusetts fishermen who fish off the Grand Banks of Newfoundland; and the same trouble will be likely to occur in the case of those who fish off the coast of Alaska, in the Bering Strait; and we shall be helpless to protect them. We are likely to strike down the fishing industry of most of our coastal States.

If, on the other hand, we do not push ownership beyond the 3-mile limit, but if we assert Federal control, which is a different matter, out from the 3-mile limit, we can then with good grace protect our fishermen as they fish close to the coast, but beyond the 3-mile limit, off Mexico, Canada, and possibly Siberia.

Mr. President, I shall be very brief. There is no legislative or administrative vacuum left by the legislation we propose. In the first place, article III, section 2 of the Constitution provides that the Federal judiciary shall have jurisdiction over not only admiralty but also over maritime matters. That means that the Constitution, statute law, and the common law of the United States extends to the Continental Shelf beyond the 3-mile limit.

In the second place, the leasing and development plan of this proposed legislation is not hastily thought out; it is not a proposal by a Senator in his first term, such as I am. I am not the author of this proposal. Nor, indeed, is the Senator from New Mexico [Mr. ANDERSON], great as is his experience, the real author of this proposal. The legislation here proposed is really the O'Mahoney bill, which was introduced and presented on the floor of this body last year by former Senator O'Mahoney, of Wyoming. The present amendment was then the subject of the bill and majority report of the Committee on Interior and Insular Affairs. That bill, which was before the Senate last year, was carefully drawn and carefully considered.

Of course if this matter were merely one of the comparative competence in this field of the senior Senator from Illinois and the senior Senator from Oregon [Mr. CORDON], there would be no question but that the senior Senator from Oregon is more competent in these matters than I am. But I am merely serving, however, unworthily, as the temporary sponsor of a measure which is the crystallization of years of discussion, which is an assertion of Federal authority in a field which is now a vacuum, which declares that there is Federal dominion and control of the Continental Shelf at least beyond the 3-mile limit, which would save seven-eighths of the submerged oil for all of the people of all

the States, which would protect our fishing industry, and which would lock the door against the raids which are likely to come. I hope the amendment will be approved.

SEVERAL SENATORS. Vote! Vote!

The PRESIDING OFFICER (Mr. PURTELL in the chair). The question is on agreeing to the amendment of the Senator from Illinois [Mr. DOUGLAS], submitted for himself and the Senator from New Mexico [Mr. ANDERSON], to the committee substitute.

Mr. TAFT. Mr. President, I merely wish to say that so far as the Continental Shelf is concerned, a bill is being prepared by the committee. I am sure it will be here within 2 weeks; and I can assure Senators that the whole subject will be dealt with comprehensively in that bill, and will have most careful study.

I hope the amendment now before us will be rejected.

Mr. DOUGLAS. Mr. President——

Mr. TAFT. I yield to the Senator from Illinois, if he wishes to speak.

Mr. DOUGLAS. Yes, if I may. I simply say that I do not think we should buy a pig in a poke, without knowing what the nature of the pig is.

This present amendment is, on the the other hand, definite and decisive. The Senator from Oregon promised 2 weeks ago to have a bill before us. I doubted it, at the time. He now postpones it 2 weeks more into the future. We do not know what the contents of that bill will be. Now is the time to deal with this matter.

Mr. HOLLAND. Mr. President, will the Senator from Ohio yield for a question?

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

Mr. HOLLAND. Was not the 2 weeks——

Mr. TAFT. Yes, I should have said it was 2 weeks from the date of the passage of the joint resolution.

Mr. HOLLAND. I thank the Senator from Ohio.

Mr. TAFT. I should have said that, because of course the Senators concerned have been involved in the debate, and have been unable to do that work.

Mr. President, I merely wish to say that the joint resolution now before the Senate confirms the title of the United States to the Continental Shelf. That question is settled by the joint resolution.

The amendment now pending tends to deal with a very long and complicated question which I think can be dealt with far better by the bill the committee will introduce.

The PRESIDING OFFICER. The question is on agreeing en bloc to the amendments of the Senator from Illinois [Mr. DOUGLAS], submitted for himself and the Senator from New Mexico [Mr. ANDERSON], to the committee substitute.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

Mr. TAFT. Mr. President, first, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

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

Aiken	Gore	McClellan
Anderson	Green	Millikin
Barrett	Griswold	Monroney
Beall	Hendrickson	Morse
Bennett	Hennings	Mundt
Bricker	Hickenlooper	Murray
Bush	Hill	Neely
Butler, Md.	Hoey	Pastore
Butler, Nebr.	Holland	Payne
Byrd	Hunt	Potter
Capehart	Ives	Purtell
Carlson	Jackson	Robertson
Case	Jenner	Saltonstall
Clements	Johnson, Colo.	Schoeppel
Cooper	Johnson, Tex.	Smathers
Cordon	Johnston, S. C.	Smith, Maine
Daniel	Kefauver	Smith, N. J.
Dirksen	Kennedy	Smith, N. C.
Douglas	Kilgore	Sparkman
Duff	Knowland	Stennis
Dworshak	Kuchel	Taft
Ellender	Long	Thye
Ferguson	Magnuson	Tobey
Frear	Malone	Watkins
Fulbright	Mansfield	Welker
George	Martin	Wiley
Gillette	Maybank	Williams
Goldwater	McCarran	Young

The PRESIDING OFFICER. A quorum is present. The question is on agreeing, en bloc, to the amendments of the Senator from Illinois [Mr. DOUGLAS], offered for himself and the Senator from New Mexico [Mr. ANDERSON], to the committee substitute. The yeas and nays having been ordered, the clerk will call the roll.

The legislative clerk called the roll.

Mr. SALTONSTALL. I announce that the Senator from New Hampshire [Mr. BRIDGES] and the Senator from Vermont [Mr. FLANDERS] are necessarily absent.

If present and voting the Senator from New Hampshire [Mr. BRIDGES] and the Senator from Vermont [Mr. FLANDERS] would each vote "nay."

I announce that the Senator from North Dakota [Mr. LANGER] is absent on official business.

On this vote the Senator from Wisconsin [Mr. MCCARTHY] is necessarily absent and is paired with the Senator from Minnesota [Mr. HUMPHREY]. If present and voting the Senator from Wisconsin would vote "nay" and the Senator from Minnesota would vote "yea."

Mr. CLEMENTS. I anounce that the Senator from New Mexico [Mr. CHAVEZ] is absent by leave of the Senate.

The Senator from Mississippi [Mr. EASTLAND] is absent by leave of the Senate because of a death in his family.

The Senator from Arizona [Mr. HAYDEN], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Oklahoma [Mr. KERR], the Senator from New York [Mr. LEHMAN], the Senator from Georgia [Mr. RUSSELL], and the Senator from Missouri [Mr. SYMINGTON] are absent on official business.

The Senator from Mississippi [Mr. EASTLAND] is paired on this vote with the Senator from New York [Mr. LEHMAN]. If present and voting, the Senator from Mississippi would vote "nay," and the Senator from New York would vote "yea."

The Senator from Minnesota [Mr. HUMPHREY] is paired on this vote with the Senator from Wisconsin [Mr. MCCARTHY]. If present and voting, the Senator from Minnesota would vote "yea," and the Senator from Wisconsin would vote "nay."

I announce further that if present and voting, the Senator from Georgia [Mr. RUSSELL] would vote "nay."

The result was announced—yeas 26, nays 58, as follows:

YEAS—26

Anderson	Ives	Morse
Case	Jackson	Murray
Douglas	Johnson, Colo.	Neely
Fulbright	Kefauver	Pastore
Gillette	Kennedy	Sparkman
Gore	Kilgore	Tobey
Green	Magnuson	Wiley
Hennings	Mansfield	Young
Hill	Monroney	

NAYS—58

Aiken	Frear	Millikin
Barrett	George	Mundt
Beall	Goldwater	Payne
Bennett	Griswold	Potter
Bricker	Hendrickson	Purtell
Bush	Hickenlooper	Robertson
Butler, Md.	Hoey	Saltonstall
Butler, Nebr.	Holland	Schoeppel
Byrd	Hunt	Smathers
Capehart	Jenner	Smith, Maine
Carlson	Johnson, Tex.	Smith, N. J.
Clements	Johnston, S. C.	Smith, N. C.
Cooper	Knowland	Stennis
Cordon	Kuchel	Taft
Daniel	Long	Thye
Dirksen	Malone	Watkins
Duff	Martin	Welker
Dworshak	Maybank	Williams
Ellender	McCarran	
Ferguson	McClellan	

NOT VOTING—12

Bridges	Hayden	Lehman
Chavez	Humphrey	McCarthy
Eastland	Kerr	Russell
Flanders	Langer	Symington

So Mr. DOUGLAS' amendments were rejected.

Mr. HOLLAND. Mr. President, I send forward an amendment and ask that it be stated.

The VICE PRESIDENT. The clerk will state the amendment offered by the Senator from Florida.

The CHIEF CLERK. It is proposed on page 11, line 10, to strike out the words "or hereafter"; on page 17, line 18, to strike out the words "or is hereafter"; and on page 11, line 12, to strike out the colon and insert the following: "but in no event shall the term 'boundaries' or the term 'lands beneath navigable waters' be interpreted as extending from the coastline more than 3 geographical miles into the Atlantic Ocean or the Pacific Ocean, or more than 3 marine leagues into the Gulf of Mexico."

Mr. TAFT. Mr. President, does the Senator from Florida wish to debate his amendment? My intention was to recess at this time.

Mr. HOLLAND. Mr. President, if there is any extended debate to occur on it, I should be glad to have it go over until tomorrow morning. These are suggestions which have been made by several Senators who are opposed to the joint resolution and by several who are in favor of it. The suggested changes are minor changes for the purpose of clarification which I think will be helpful, in view of certain questions which have been raised. They do not depart in the slightest from the intention of the sponsors of the joint resolution.

If there is no extended debate, I should hope that the Senate would act on the amendment speedily.

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

Mr. HOLLAND. I yield.

Mr. HILL. Does not the Senator from Florida think there should be some explanation of the amendment?

Mr. HOLLAND. I shall be very happy to explain it.

Mr. President, there are two places in the joint resolution where the words "or hereafter" or "or is hereafter" are used, and I will indicate those places to every Senator who has before him a copy of the joint resolution, so that we may be sure of what we are doing.

On page 11, line 10, the words "or hereafter" appear just after the word "heretofore." And the same meaning applies—in the other place, which is on page 17, line 18, the words "or is hereafter" appear. In each case, those words, if stricken from the joint resolution, while they would not in the slightest degree take away the jurisdiction of Congress to act in this field if it chose to do so hereafter, would not in the joint resolution itself give any intimation that the Congress is looking forward to any such action being taken. I think nothing is added or subtracted by taking out those words, but certain Senators who are opposed to the joint resolution maintained that the appearance of those words may act as an invitation hereafter to extend the boundaries, which is not the intention and which I think would not occur.

I have already stated that, so far as I am concerned, the words are practically meaningless, because Congress has jurisdiction to act hereafter if it sees fit to do so. I have also explained in the RECORD why the words were used, because the States of Texas and Florida, which were very active in the introduction of the joint resolution, have boundaries extending by law beyond 3 geographic miles, and we did not want to appear in any sense to preclude any of the coastal States which might have a claim about which we knew nothing from asserting it. We do not want to preclude them from presenting their claims. We now want the words to be stricken because they have caused concern in the minds of both proponents and opponents of the joint resolution.

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

Mr. HOLLAND. I yield.

Mr. DOUGLAS. May I ask the very able Senator from Florida if it was by inadvertence that he strikes the words "or hereafter" on line 10, page 11, and does not strike the word "hereafter" on line 1 of page 11? Does he propose to omit the word "hereafter" on line 1, page 11?

Mr. HOLLAND. There is one place where the word "hereafter" was deliberately left in the joint resolution. As to whether that is the place, I am not sure. The amendment was drafted by my assistant, and I should like to check with him for a moment.

I am quite content to admit to the Senator from Illinois that the omission of that particular "hereafter" was inadvertent. It should have been included in the language, but was omitted. The word "hereafter" that was not affected by the amendment is in line 8 on page 17.

Mr. DOUGLAS. It was proposed to strike the words "or hereafter" in line 24, page 10, and line 1, page 11?

Mr. HOLLAND. The Senator is correct. I shall modify my amendment to so provide. As has already been stated, the intention is to remove any feeling on the part of any Senator that we are inviting a change of boundaries hereafter. That same point applies to the latter part of the amendments which, by the way, I hope will be considered en bloc, because they all affect the same situation, to bring about greater certainty where it had been felt there was not sufficient certainty.

Mr. DOUGLAS. Is the word "hereafter" written subsequently in the joint resolution?

Mr. HOLLAND. There is one place where the word "hereafter" is properly retained. In going over the joint resolution myself, I noted——

Mr. DOUGLAS. May I ask if that is on line 18, page 17?

Mr. HOLLAND. No. That is one of those which are proposed to be eliminated by my amendment.

Mr. DOUGLAS. Am I to understand that the Senator from Florida is now providing that the 3-league limit which is to be under State ownership shall be not merely for the States of Florida and Texas, but apply to the entire Gulf of Mexico?

Mr. HOLLAND. No, there is no such intention in mind, and no such intention is accomplished.

Mr. DOUGLAS. May I ask what would happen to the boundary of Louisiana?

Mr. HOLLAND. The boundary of Louisiana is not intended to be affected in any way whatever by this amendment.

Mr. DOUGLAS. I then suggest to the Senator from Florida that since the boundary of his State is 3 leagues into the Gulf of Mexico, it would seem to me that the amendment would include not merely the west coast of Florida and Texas, but also Louisiana, Mississippi, and so forth.

Mr. HOLLAND. The Senator has not correctly read the latter part of the amendment, on page 11, line 12: "but in no event shall the term 'boundaries' or the term 'lands beneath navigable waters' be interpreted as extending from the coastline more than 3 geographical miles into the Atlantic Ocean or Pacific Ocean, or more than 3 marine leagues into the Gulf of Mexico."

The words are words of limitation, not words of grant or release.

Mr. DOUGLAS. It would depend upon the definition of what the boundary of Louisiana was at the time Louisiana entered the Union.

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

Mr. HOLLAND. I yield.

Mr. KEFAUVER. I think this is substantially similar to an amendment I had sent to the desk. I agree that it does improve the joint resolution, but I wish to ask the Senator whether, if the amendment shall be adopted, it will constitute a legislative history in recognition of the understanding that out beyond the 3-mile limit on the Atlantic and Pacific coasts, and beyond 3 leagues, if it should be established as applying to the Gulf of Mexico, the United States has paramount right to submerged land out beyond those boundaries or lines.

Mr. HOLLAND. The Senator is correct, but the change proposed would not bring about that result. That result is already reached by another provision of the joint resolution, section 9. This amendment is simply clarifying language, both with reference to the meaning of section 9 and with reference to the limitation which we have already discussed in an earlier portion of the joint resolution, where the amendment appears.

Mr. KEFAUVER. Wherever that interpretation may come, I think it is very important, and I ask the Senator if he does not agree with me that we need to leave the impression with our neighbors to the south, and with Canada to the North, that we are retaining the right, or that Congress thinks there is a right, further to extend boundaries in the event that is desired, but that this Congress believes that as to anything beyond the 3-mile limit or the 3-league limit, the paramount right is in the United States, and not in the States.

Mr. HOLLAND. Of course, the Senator is correct in his position, but I would not wish the RECORD to indicate that the Senator from Florida or the Senator from Tennessee believes that these minor changes could in any way affect in the slightest the right of other Congresses to take action as they may see fit in this field, because the Senator from Tennessee knows that we could not accomplish any such result. This is just a minor change of verbiage, to make very clear that Congress at this time is seeking to do only those things which the authors and supporters of the joint resolution have so very fully, and rather repeatedly, stated for the RECORD heretofore during the course of the debate.

Mr. KEFAUVER. Mr. President, will the Senator further yield?

Mr. HOLLAND. I yield.

Mr. KEFAUVER. I was very much worried about the effect the word hereafter might have in the joint resolution. I spoke at some length about that recently. Would the adoption of this amendment have the effect of at least giving the interpretation that, so far as the Senate is concerned, by adopting the amendment, the States would not have any rights or title out beyond the 3-mile limit in the Atlantic or the Pacific, or beyond 3 leagues in the Gulf of Mexico?

Mr. HOLLAND. In general, I should say that the Senator is correct. The amendment will simply indicate that this Senate, in the passage of the joint resolution, is certainly not inviting additional claims, and it knows of no additional claims. At the same time, I repeat what I have already said, that nothing that this Senate could do, nothing that any Senator could say upon the floor, would be sufficient to indicate properly to anyone that we are seeking to deprive future Congresses in any way whatsoever of their full power. We could not do so if we wished to, and we should not desire to do so.

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

Mr. HOLLAND. I yield.

Mr. KEFAUVER. Does not the Senator believe that the legislative history of

the measure we are considering is important for purposes of interpretation in the Supreme Court, and that the Senator's amendment might aid in obtaining favorable consideration of the joint resolution by the Supreme Court?

Mr. HOLLAND. I doubt very seriously if that result would occur, because I think the amendment has very little effect. But I am perfectly willing to meet the suggestions of my friends, some of whom have been opponents, and some of whom have been supporters of the joint resolution, to the effect that they would like to have the language more clearly spelled out than it was in the original measure, to the effect that there is no intention whatsoever to grant boundaries beyond 3 geographical miles in either the Atlantic or the Pacific, and that this Congress knows of no possible situation under which greater boundaries are claimed or could be granted in the Gulf of Mexico than 3 leagues; and, in that case, this Congress knows, although this amendment does not indicate it, that there are but 2 States affected by that particular situation.

Mr. KEFAUVER. Mr. President, will the Senator yield further, in order to clarify one point?

Mr. HOLLAND. I yield.

Mr. KEFAUVER. I have a very high regard for the State of Louisiana and the very distinguished Senators from that State. But is there anything in the last part of the amendment of the Senator from Florida which might be interpreted as granting the State of Louisiana a boundary of 3 leagues out from its shore, rather than the 3 miles which I understand it now claims?

Mr. HOLLAND. I will say categorically to the Senator that there is not.

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

Mr. HOLLAND. I yield.

Mr. LONG. I am certain the Senator is aware, is he not, that there are some persons in Louisiana who contend that the language is the enabling act which brought Louisiana into the Union, referring to the boundary as including all islands within 3 leagues, might be susceptible of the construction that Louisiana had the same rights as does Florida, for example, with regard to the 3-league limit? The Senator is not, by his amendment, proposing to prevent Louisiana from seeking adjudication in the courts as to what the actual boundary is, is he?

Mr. HOLLAND. Indeed not. The Senator from Florida would not, if he could, do anything whatsoever to limit or adversely affect the State of Louisiana in that regard. Any rights the State of Louisiana has would be left undisturbed by these amendments.

Mr. LONG. Mr. President, will the Senator further yield?

Mr. HOLLAND. I yield.

Mr. LONG. With regard to Texas and Florida, these amendments do not propose to state that those States have a boundary of 3 leagues. They merely give them the right to establish that their boundary is 3 leagues.

Mr. HOLLAND. These amendments would not change the situation which has always existed. The States of Texas and Florida would simply be left where they were placed—the State of Texas by the action of Congress and its own action in 1845 and prior thereto, and the State of Florida by action of Congress in 1868 and its own prior action. We are simply left without prejudice in any way. The Senators from Florida and the Senators from Texas have made no attempt to have the boundaries of those States confirmed or reasserted, and, of course, we will not do so in this legislation. They stand for themselves as they existed at the time of admission or as heretofore approved by the Congress.

The VICE PRESIDENT. The question is on agreeing to the amendments, as modified, offered by the Senator from Florida [Mr. HOLLAND] to the committee amendment.

Mr. KEFAUVER. Mr. President, before we vote on the amendments, I should like to ask the Senator from Florida if he has included the "hereafter" on page 11, line 10?

Mr. HOLLAND. On this point the amendment, as modified, is as follows:

On page 11, line 10, strike out the words "or hereafter"; on page 17, line 18, strike out the words "or is hereafter"; on pages 10 and 11, strike out the word "or" at the bottom of page 10, and "hereafter" at the top of page 11.

The VICE PRESIDENT. The question is on agreeing to the amendments, as modified, offered by the Senator from Florida to the committee amendment.

The amendments were agreed to.

Mr. TAFT obtained the floor.

Mr. TAFT. Mr. President, I intend to move that the Senate take a recess until tomorrow. I will yield for the purposes of insertions in the RECORD.

Mr. MONRONEY. Mr. President, will the Senator yield to me for the purpose of offering certain amendments?

Mr. TAFT. I yield to the Senator from Oklahoma for the purpose of offering amendments, in order that they may be the pending question, but not in order to proceed with their consideration this evening.

Mr. MONRONEY. As I understand, action will be deferred until tomorrow.

Mr. President, I offer the amendments which I send to the desk, and ask that they be printed in the RECORD.

The VICE PRESIDENT. Without objection, the amendments offered by the Senator from Oklahoma will be printed in the RECORD.

The amendments offered by Mr. MONRONEY to the committee amendment are as follows:

On page 10, beginning with "and to the" in line 21 strike out all through "miles" in line 3 on page 11.

On page 11, beginning with "as they" in line 9 strike out all through "Congress, or" in line 11.

On page 11, line 17, strike out "The" and insert in lieu thereof "In Title II the."

On page 12, insert after line 23 the following:

"(i) The term 'submerged lands of the Continental Shelf' means the lands (including the natural resources therein) underlying the open ocean, situated seaward of lands beneath navigable waters, and extending seaward to the outer edge of the Continental Shelf;

"(j) The term 'mineral lease' means any form of authorization for the exploration, development, or production of oil, gas, or other minerals; and

"(k) The term 'Secretary' means the Secretary of the Interior."

On page 17, beginning with the comma after "confirmed" in line 11 strike out all to the period in line 18.

On page 20, beginning with line 9, strike out all through line 16 and insert in lieu thereof the following:

"TITLE III

"SUBMERGED LANDS OF THE CONTINENTAL SHELF

"SEC. 9. All natural resources within the submerged lands of the Continental Shelf shall appertain to the United States and be subject to its jurisdiction and control as provided for in this title.

"SEC. 10. (a) The provisions of this section shall apply to all mineral leases covering submerged lands of the Continental Shelf issued by any State or political subdivision or grantee thereof (including any extension, renewal, or replacement thereof heretofore granted pursuant to such lease or under the laws of such State): *Provided*—

"(1) That such lease, or a true copy thereof, shall have been filed with the Secretary by the lessee or his duly authorized agent within 90 days from the effective date of this joint resolution, or within such further period or periods as may be fixed from time to time by the Secretary;

"(2) That such lease was issued (i) prior to December 21, 1948, and was on June 5, 1950, in force and effect in accordance with its terms and provisions and the law of the State issuing it, or (ii) with the approval of the Secretary and was on the effective date of this joint resolution in force and effect in accordance with its terms and provisions and the law of the State issuing it;

"(3) That within the time specified in paragraph (1) of this subsection, there shall have been filed with the Secretary (i) a certificate issued by the State official or agency having jurisdiction and stating that the lease was in force and effect as required by the provisions of paragraph (2) of this subsection or (ii) in the absence of such certificate, evidence in the form of affidavits, receipts, canceled checks, or other documents, and the Secretary shall determine whether such lease was so in force and effect;

"(4) That except as otherwise provided in section 3 hereof, all rents, royalties, and other sums payable under such a lease between June 5, 1950, and the effective date of this joint resolution, which have not been paid in accordance with the provisions thereof, and all rents, royalties, and other sums payable under such a lease after the effective date of this joint resolution shall be paid to the Secretary, who shall deposit them in a special fund in the Treasury to be disposed of as hereinafter provided;

"(5) That the holder of such lease certifies that such lease shall continue to be subject to the overriding royalty obligations existing on the effective date of this joint resolution;

"(6) That such lease was not obtained by fraud or misrepresentation;

"(7) That such lease, if issued on or after June 23, 1947, was issued upon the basis of competitive bidding;

"(8) That such lease provides for a royalty to the lessor of not less than 12½ percent in amount or value of the production saved, removed, or sold from the lease: *Provided, however*, That, if the lease provides for a lesser royalty, the holder thereof may bring it within the provisions of this paragraph by consenting in writing, filed with the Secretary, to the increase of the royalty to the minimum herein specified;

"(9) That such lease will terminate within a period of not more than 5 years from the effective date of this joint resolution in the absence of production or operations for drilling: *Provided, however*, That, if the lease provides for a longer period, the holder thereof may bring it within the provisions

of this paragraph by consenting in writing, filed with the Secretary, to the reduction of such period, so that it will not exceed the maximum period herein specified; and

"(10) That the holder of such lease furnishes such surety bond, if any, as the Secretary may require and complies with such other requirements as the Secretary may deem to be reasonable and necessary to protect the interests of the United States.

"(b) Any person holding a mineral lease which comes within the provisions of subsection (a) of this section, as determined by the Secretary, may continue to maintain such lease, and may conduct operations thereunder, in accordance with its provisions for the full term thereof and of any extension, renewal, or replacement authorized therein or heretofore authorized by the law of the State issuing such lease: *Provided, however*, That, if oil or gas was not being produced from such lease on or before December 11, 1950, then for a term from the effective date hereof equal to the term remaining unexpired on December 11, 1950, under the provisions of such lease or any extensions, renewals, or replacements authorized therein, or heretofore authorized by the laws of the State issuing, or whose grantee issued, such lease. A negative determination under this subsection may be made by the Secretary only after giving to the holder of the lease notice and an opportunity to be heard.

"(c) With respect to any mineral lease that is within the scope of subsection (a) of this section, the Secretary shall exercise such powers of supervision and control as may be vested in the lessor by law or the terms and provisions of the lease.

"(d) The permission granted in subsection (b) of this section shall not be construed to be a waiver of such claims, if any, as the United States may have against the lessor or the lessee or any other person respecting sums payable or paid for or under the lease, or respecting activities conducted under the lease, prior to the effective date of this joint resolution.

"SEC. 11. The Secretary is authorized, with the approval of the Attorney General of the United States and upon the application of any lessor or lessee of a mineral lease issued by or under the authority of a State, its political subdivision or grantee, on lands beneath navigable waters vested and assigned to such State under title II of this joint resolution, to certify that the United States does not claim any proprietary interest in such lands or in the natural resources within them.

"SEC. 12. In the event of a controversy between the United States and a State as to whether or not lands are submerged lands of the Continental Shelf, the Secretary is authorized, notwithstanding the provisions of subsections (a) and (c) of section 10 of this joint resolution, and with the concurrence of the Attorney General of the United States, to negotiate and enter into agreements with the State, its political subdivision or grantee or a lessee thereof, respecting operations under existing mineral leases and payment and impounding of rents, royalties, and other sums payable thereunder, or with the State, its political subdivision or grantee, respecting the issuance or nonissuance of new mineral leases pending the settlement or adjudication of the controversy: *Provided, however*, That the authorization contained in this section shall not be construed to be a limitation upon the authority conferred on the Secretary in other sections of this joint resolution. Payments made pursuant to such agreement, or pursuant to any stipulation between the United States and a State, shall be considered as compliance with section 10 (a) (4) hereof. Upon the termination of such agreement or stipulation by reason of the final settlement or adjudication of such controversy, if the lands subject to any mineral lease are determined to be in whole or in part submerged lands of the Continental Shelf, the lessee, if he has not already done so, shall comply with the requirements of section 10 (a), and thereupon the provisions of section 10 (b) shall govern such lease.

"SEC. 13 (a) In order to meet the urgent need during the present emergency for further exploration and development of the oil and gas deposits in the submerged lands of the Continental Shelf, the Secretary is authorized, pending the enactment of further legislation on the subject, to grant to the qualified persons offering the highest bonuses on a basis of competitive bidding oil and gas leases on submerged lands of the Continental Shelf which are not covered by leases within the scope of subsection (a) of section 10 of this joint resolution.

"(b) A lease issued by the Secretary pursuant to this section shall cover an area of such size and dimensions as the Secretary may determine, shall be for a period of 5 years and as long thereafter as oil or gas may be produced from the area in paying quantities, or drilling or well reworking operations as approved by the Secretary are conducted thereon, shall require the payment of a royalty of not less than 12½ percent, and shall contain such rental provisions and such other terms and provisions as the Secretary may by regulation prescribe in advance of offering the area for lease.

"(c) All moneys paid to the Secretary for or under leases granted pursuant to this section shall be deposited in a special fund in the Treasury to be disposed of as hereinafter provided.

"(d) The issuance of any lease by the Secretary pursuant to this section, or the refusal of the Secretary to certify that the United States does not claim any interest in any lands beneath navigable waters pursuant to section 11 of this joint resolution, shall not prejudice the ultimate settlement or adjudication of the question as to whether or not the area involved is land beneath navigable waters.

"SEC. 14. (a) Except as provided in subsection (b) of this section, all moneys received under the provisions of this title shall be held in a special account in the Treasury and shall be used semiannually by the Secretary of the Treasury exclusively to pay and reduce the national debt of the United States.

"(b) The provisions of this section shall not apply to moneys received and held pursuant to any stipulation or agreement referred to in section 12 of this joint resolution pending the settlement or adjudication of the controversy.

"SEC. 15. (a) The President may, from time to time, withdraw from disposition any of the unleased submerged lands of the Continental Shelf and reserve them for the use of the United States in the interest of national security.

"(b) In time of war, or when the President shall so prescribe, the United States shall have the right of first refusal to purchase at the market price all or any portion of the oil and gas produced from the submerged lands of the Continental Shelf.

"(c) All leases issued under this title, and leases, the maintenance and operation of which are authorized under this title, shall contain or be construed to contain a provision whereby authority is vested in the Secretary, upon a recommendation of the Secretary of Defense, during a state of war or national emergency declared by the Congress or the President after the effective date of this joint resolution, to suspend operations under, or to terminate any lease; and all such leases shall contain or be construed to contain provisions for the payment of just compensation to the lessee whose operations are thus suspended or whose lease is thus terminated.

"SEC. 16. The Secretary is authorized to issue such regulations as he may deem to be necessary or advisable in performing his functions under this title."

On page 20, line 17, strike out "SEC. 10." and insert in lieu thereof "SEC. 17."

On page 20, line 22, strike out "SEC. 11." and insert in lieu thereof "SEC. 18."

Amend the title so as to read: "Joint resolution to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, to provide for the use and control of such lands and resources, and to confirm and provide for the jurisdiction and control of the United States over the natural resources of the submerged lands of the Continental Shelf seaward of State boundaries."

The VICE PRESIDENT. The Chair wishes to inquire from the Senator from Ohio whether or not it is the understanding that the amendments of the Senator from Oklahoma will be the pending question tomorrow?

Mr. TAFT. Exactly. No action is to be taken on them today.

The VICE PRESIDENT. The question is on agreeing to the amendments offered by the Senator from Oklahoma to the committee amendment.

Mr. DOUGLAS. Mr. President, I ask unanimous consent to have printed in the body of the RECORD at this point as a part of my remarks an editorial entitled "Giving Away Your Millions," published in the Milwaukee Journal of Sunday, April 26, 1953.

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

GIVING AWAY YOUR MILLIONS

The Senate is apparently about to approve the House bill giving control of the so-called "tidelands" to the States—and opening the door to broader claims extending to the edge of the Continental Shelf. The President has promised to sign the legislation.

There are grave constitutional questions involved in this giveaway program. But there are economic questions, too. There are dollars and cents involved for every resident of Wisconsin and every other State in quitclaiming the resources held in trust for the Nation.

Let's look at the low, medium, and high estimates of natural gas and oil resources made by experts before the congressional committees which held hearings on the tidelands bill. And let's assume that the royalties on gas and oil, based on those estimates, were divided among the States for purposes of education based on the population of children between the ages of 5 and 17, as contemplated in the almost sure to be rejected proposal of Senator HILL, Democrat, Alabama.

Low estimate is by the United States Geological Survey, which says it believes that gas and oil can be developed from the submerged lands to the tune of $50 billion. Wisconsin's share, at royalties of 12½ percent, would be $139,800,000. At royalties of 20 percent it would be $223,680,000.

Medium estimate was by L. G. Weeks, reputable petroleum expert. He estimates a value of $125 billion. At 12½ percent and 20 percent royalties Wisconsin's shares would be $349,500,000 and $559,200,000.

High estimate was by Wallace Pratt, former vice president of the Standard Oil Co. of New Jersey. His figure is $300 billion. Wisconsin's share would be $838,800,000 at a 12½ percent royalty figure and $1,342,080,000 at a 20 percent royalty.

That's what the State would get for education if the Federal Government retained title to the submerged lands and distributed the royalty funds for education. Many experts say that as the area has hardly been tapped as yet estimates may be well under real value. That's what would go to help

cut down the national debt if the Government kept the royalties for its own use.

Milwaukee talks of the need for an $18 million school-construction program—our share of the lowest estimate at 12½ percent would give us $27 million for schools; of the highest estimate at 20 percent it would give us $268 million.

That's what the "giveaway" program would give away. It's your money that Congress is preparing to hand over to the people of three States—Texas, Louisiana, and California.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, its reading clerk, announced that the House had passed, without amendment, the bill (S. 1767) to amend and extend the provisions of the District of Columbia Emergency Rent Act of 1951.

RECESS

Mr. TAFT. I move that the Senate stand in recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 6 o'clock and 14 minutes p. m.) the Senate took a recess until tomorrow, Wednesday, April 29, 1953, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 28 (legislative day of April 6), 1953:

THE SUBVERSIVE ACTIVITIES CONTROL BOARD

Thomas J. Herbert, of Ohio, to be a member of the Subversive Activities Control Board for remainder of the term expiring April 9, 1954.

Harry P. Cain, of Washington, to be a member of the Subversive Activities Control Board for remainder of the term expiring August 9, 1953.

UNITED STATES ATTORNEY

John B. Stoddart, Jr., to be United States attorney for the southern district of Illinois.

UNITED STATES MARSHAL

Howard C. Botts, of Ohio, to be United States marshal for the southern district of Ohio.

HOUSE OF REPRESENTATIVES

TUESDAY, APRIL 28, 1953

The House met at 12 o'clock noon.

Dr. Robert L. Kinnaird, pastor, Presbyterian Church, Christiansburg, Va., offered the following prayer:

Almighty God, Lord of men and nations and our Heavenly Father, humbly and sincerely we pray Thy blessing on us this day. In Thy providence Thou hast called us to the tasks of life. We are Thy servants who shall give an account to Thee. Help us to be so faithful to our duties that we shall render to Thee our account without shame or dismay. Make us right within with Thee that we may be right with our fellow men.

Grant, Heavenly Father, if it be Thy will, that peace may come to the troubled nations of the world; a peace rooted in righteousness and lasting.

These things we pray in accordance with Thy will and in the name of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Carrell, one of its clerks, announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 1419. An act to permit the Board of Commissioners of the District of Columbia to establish daylight-saving time in the District.

MAY 3 IS POLAND'S DAY

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

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

There was no objection.

Mr. LANE. Mr. Speaker, the Soviet terror can never wipe out the memory of Poland's Constitution Day.

It can never stop the Polish people from dreaming, praying, and preparing for the time when their valiant Christian nation will be free again.

In every country outside the Iron Curtain men pause in their labors to think of this day and what it means. What happened to Poland could happen to us unless all men who fear slavery shall work together to rescue mankind from the savagery that is communism.

The Polish people have proved their endurance many times in the past. They will not surrender now. No "brainwashing" technique ever devised can destroy the faith in God and the deep-rooted love of liberty that have always sustained the Poles.

Besides, they know that we in the United States, no matter where our ancestors came from, identify ourselves with them.

Our moral support is a factor not to be underestimated.

When the time is ripe, it will assert itself more vigorously and help rout the aggressors from the lands they have usurped.

It would be reckless and premature to encourage the Polish people to revolt at this time when the Communists are at the height of their material power. Sooner or later, as more people in this world become aware of their treachery and cruelty, the tide will turn, and captive nations will be liberated as communism becomes weakened by its own excesses.

That is why we honor the memory of Constitution Day, in preparation for the future when Poland will be a self-governing nation again and its people free to direct their own destinies.

I do not say this merely to encourage the millions of Americans who claim Polish descent.

I firmly believe that Poland will inevitably win back her independence as surely as right must triumph over wrong.

The observance of Constitution Day strengthens me in that opinion.

FARM PROGRAM

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

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

There was no objection.

Mr. SUTTON. Mr. Speaker, the country has been waiting for months for some sign of a farm program advocated by the new Secretary of Agriculture, Mr. Benson. Apparently, and judging from the last few days, certain officials from the Department of Agriculture have brought about the Benson plan. This plan, I presume, is to solve the problems of the Nation.

Certain officials of the Department of Agriculture have been talking about the problem of the marginal farmer. They are saying that the inefficient producer should get out of agriculture and that the farm can no longer be considered a haven for those with less-than-average ability.

Of 3,597,000 full-time family farm enterprises in the United States in 1950 1,603,000 had a net cash income of less than $1,000. Seven hundred and seven thousand of these families had incomes under $500. I do not know what the gentlemen of the Department of Agriculture consider to be a marginal farmer but presumably a family with a net income of less than $500 a year would fit their definition.

I just wonder if the Secretary of Agriculture is advocating the Benson plan to solve the farm program by plowing under every fifth farm family? If so, I am sure that the farmers of the United States will not agree with this Benson farm plan.

CALL OF THE HOUSE

Mr. SCRIVNER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Obviously, a quorum is not present.

Mr. HALLECK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 31]

Abbitt	Dingell	McCulloch
Baker	Gamble	Mason
Barrett	Gordon	Mollohan
Blatnik	Green	Oakman
Boggs	Hardy	O'Konski
Bolton, Oliver P.	Hart	Polk
Brooks, La.	Hays, Ohio	Poulson
Brown, Ohio	Hébert	Rabaut
Brownson	Hosmer	Riehlman
Cederberg	Hull	Sheehan
Chatham	James	Shelley
Condon	Johnson	Steed
Cooley	Kearney	Teague
Coudert	Keogh	Tuck
Cunningham	Kersten, Wis.	Vinson
Davis, Tenn.	Klein	
	Lesinski	

The SPEAKER. On this rollcall 379 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

SPECIAL ORDER GRANTED

Mr. PHILLIPS. Mr. Speaker, I had a special order for this afternoon for 15 minutes. I am not ready for it yet. I ask unanimous consent that it be transferred to tomorrow afternoon.

the United States (some $23 million through the Technical Cooperation Administration programs in fiscal years 1952 and 1953) as well as the use of its own resources and loans from the World Bank, is trying hard to produce the bare economic progress which the people demand. The effects of the assumption of a stiff debt burden for wheat imports in this coming year upon this development program are among the factors which must be assessed before coming to a decision on this matter.

10. REQUEST FOR UNITED STATES AID

Pakistan has formally requested United States assistance in meeting the serious deficit anticipated in the food year beginning May 1, 1953, and has stated that the quantity for which United States aid is required is a million tons. Aid grain will be needed in Pakistan by late fall of this year. The cost of 1 million tons of United States wheat delivered at port in Pakistan might be as much as $110 million.

11. UNITED STATES SURVEY MISSION

The Secretary of State and the Director for Mutual Security, Mr. Stassen, are sending Dr. Harry Reed, of Purdue University, to Pakistan for an on-the-spot survey of the wheat situation. A forecasted food crisis in this drought-stricken country is of deep concern to the United States. A first-hand report by Dr. Reed's three-man survey team will give us the latest detailed facts on the food situation and its impact on the people of Pakistan.

12. SOME PUBLIC OPINION

Among recent editorial comments on the Pakistan food situation, the following from the New York Times of April 24 is representative of many that reason for enlightened United States aid:

"WHEAT FOR PAKISTAN

"Pakistan's formal request for a million tons of wheat from this country should receive a prompt and favorable answer. Moreover, since we have wheat in surplus the assistance to this friendly state should be in the form of a grant, not a loan. Pakistan's need is critical. Many human lives actually hang in the balance. We have the substance with which to meet that need. We should have the will to make that substance available to those who are in distress.

"Pakistan's credit is good and loans can be negotiated. But Pakistan needs money that can be loaned for vital programs of development. To divert credit assets at this stage to the basic feeding problem, which under normal conditions would not even arise, would be to set back the growth and progress of the country at a time when Pakistani strength can be most helpful to the free world.

"We have not hesitated, under our mutual security program, to make investments in various parts of the world designed to strengthen those peoples who wish to be counted among the champions of liberty. We have an opportunity now to make just such an investment in Pakistan, where it will be welcomed and used. Delay and long debate made our wheat loan to India of doubtful value. Indeed, our motives were finally impugned when we were actually trying to do the right thing. We can and should avoid a similar contretemps in the case of Pakistan. We should take generous action and we should take it immediately."

TITLE TO CERTAIN SUBMERGED LANDS

The Senate resumed the consideration of the joint resolution (S. J. Res. 13) to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, and to provide for the use and control of said lands and resources.

The PRESIDENT pro tempore. The question is on agreeing to the amendments of the Senator from Oklahoma [Mr. MONRONEY].

Mr. LEHMAN. Mr. President, I send to the desk an amendment to Senate Joint Resolution 13 in the nature of a substitute, which I ask may be printed and lie on the table.

The PRESIDENT pro tempore. The amendment will be received and be printed, and will lie on the table.

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

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

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

Aiken	Griswold	Millikin
Anderson	Hayden	Monroney
Barrett	Hendrickson	Mundt
Beall	Hennings	Murray
Bennett	Hickenlooper	Neely
Bricker	Hill	Pastore
Bridges	Hoey	Payne
Bush	Holland	Potter
Butler, Md.	Hunt	Purtell
Butler, Nebr.	Ives	Robertson
Capehart	Jackson	Russell
Carlson	Jenner	Saltonstall
Case	Johnson, Colo.	Schoeppel
Clements	Johnson, Tex.	Smathers
Cooper	Johnston, S. C.	Smith, Maine
Cordon	Kefauver	Smith, N. J.
Daniel	Kennedy	Smith, N. C.
Douglas	Kilgore	Sparkman
Duff	Knowland	Stennis
Dworshak	Kuchel	Symington
Ellender	Langer	Taft
Ferguson	Lehman	Thye
Flanders	Long	Tobey
Frear	Magnuson	Watkins
Fulbright	Malone	Welker
George	Mansfield	Wiley
Gillette	Maybank	Williams
Goldwater	McCarran	Young
Gore	McCarthy	
Green	McClellan	

Mr. SALTONSTALL. I announce that the Senator from Illinois [Mr. DIRKSEN] and the Senator from Oregon [Mr. MORSE] are necessarily absent.

The Senator from Pennsylvania [Mr. MARTIN] is absent on official business.

Mr. CLEMENTS. I announce that the Senator from Virginia [Mr. BYRD], the Senator from Minnesota [Mr. HUMPHREY], and the Senator from Oklahoma [Mr. KERR] are absent on official business.

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

The Senator from Mississippi [Mr. EASTLAND] is absent by leave of the Senate because of a death in his family.

The PRESIDING OFFICER (Mr. PAYNE in the chair). A quorum is present.

The question is on agreeing to the amendments offered by the Senator from Oklahoma [Mr. MONRONEY] to the committee amendment. If there be no objection, the amendments of the Senator from Oklahoma will be considered en bloc. Without objection, it is so ordered.

Mr. TAFT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. TAFT. What is the limitation of debate on these amendments?

The PRESIDING OFFICER. The limitation of debate which was unanimously agreed to was 2 hours to each side, the proponent of the amendment to control the time allowed those in favor of the amendment, and the Senator from Oregon [Mr. CORDON] to control the time on the other side.

Mr. TAFT. Then the Senator from Oklahoma will control 2 hours of the time. I understand that the Senator from Oregon has delegated his power to the Senator from Florida [Mr. HOLLAND]. Is that correct?

Mr. CORDON. That is correct.

Mr. TAFT. The Senator from Florida will then assign time in opposition to the amendment.

I may say that if the debate on these amendments is concluded at the end of 4 hours, or before that time, I shall ask unanimous consent that the vote on the amendments be postponed until tomorrow, and that in the meantime the joint resolution be open to further amendment. Senators may remember that yesterday the Senator from New Mexico, as an informal part of the unanimous-consent request, asked that no vote be taken today, and I gave the assurance that that course would be followed. So we will vote tomorrow afternoon on all amendments which will have accumulated today and tomorrow.

Mr. MONRONEY. Mr. President, I do not believe it is necessary that the amendments be read at this time. Therefore, in order to save time, I will ask that they be not read.

I believe all their provisions are very well understood by the Members of the Senate, and have been discussed at some length in the previous debate. My amendments would accomplish three important objectives which I believe would improve the joint resolution considerably. I still do not yield to the position that we should quitclaim any of the important territory under the open sea, which the Supreme Court three times has held belongs to all the people of the 48 States, rather than only to the people of the States which lie along the tidelands area.

The three objectives of the amendments are:

First, the amendments limit the quitclaim to 3 miles from the low-tide mark seaward for all the States which lie along the sea. It sets up no differential for the State of Texas, with its alleged historic boundary of 10½ miles, or for the State of Florida, with its alleged boundary of 10½ miles into the Gulf of Mexico.

Second, the amendments provide—and I think this is a very important feature—that the Secretary of the Interior, under carefully prepared and well considered regulations and provisions, shall be allowed to go forward with the making of leases and contracts for development of the Continental Shelf beyond the 3-mile limit, which the amendments declare to be the extent of State control. It validates in this process the existing leases, and in all respects is similar to the provision in the previous Anderson amendment.

Third, the amendments provide that all funds accruing to the Federal Government from the area seaward 3 miles from the State boundaries, as fixed by these amendments, shall go into a special fund, and the money derived from the resources of the Continental Shelf, of whatever nature, shall be used exclusively for the retirement of the public debt.

The amendments are as simple as that.

I appreciate the opportunity of discussing the three points which I have mentioned, at not too great length, with the Members of the Senate.

I do not agree—and I believe most of the Senators who have been fighting this measure on my side of the aisle do not agree—that the States have now or ever did have the 3-mile or the 10½-mile limit provided in the joint resolution. I believe the Supreme Court was correct in its findings on what I consider to be the first square case in point ever to come before the High Court.

I hold to the decision of the Supreme Court, when it three times ruled that the historic and legal boundaries of all the States bordering on the sea were at the low-tide mark.

I have listened patiently and with great interest to the distinguished proponents of the joint resolution, who have supplied to this body numerous decisions by the courts, all of which I consider were before the Supreme Court at the time it ruled in the Texas, Louisiana, and California cases.

Mr. DANIEL. Mr. President, will the Senator from Oklahoma yield for a question?

Mr. MONRONEY. I am glad to yield to my distinguished friend, who is an authority on this matter. I regret I cannot agree with him as to his conclusions, but I certainly know that he is as well informed—if not perhaps better informed—on the rights of Texas as any other Member of the Senate.

Mr. DANIEL. I thank the Senator. The Senator from Oklahoma does not contend, does he, that the Supreme Court passed on the boundary question and ruled that the State boundaries do not go beyond the low tide?

Mr. MONRONEY. Mr. President, as I read the Court's decisions, the Court, in laymen's language—and I will apologize for not being a constitutional lawyer, or any other kind of a lawyer—did not wish to stretch the doctrine applying to inland waters, which at that time was confined to the waters of bays and inlets and navigable streams, and the submerged lands under those waters, and apply what I call the rule governing inland waters, to the open sea.

Perhaps the Senator from Oklahoma has misread the cases, but he believes that the Senator from Texas, who is an authority on the subject, will perhaps agree that to say the low-tide mark was the absolute boundary does not mean to say it applies to inlets or bays. The Court held, as I interpret the decision, in laymen's language, that it does not wish to apply the inland-water rule to the open sea.

Mr. DANIEL. Yes; as to ownership, that is.

Mr. MONRONEY. As to ownership.

Mr. DANIEL. But as to boundaries, is it not true that the Supreme Court did not in any of the three decisions make any ruling as to any limitation of the boundaries? The decisions involved the ownership of lands within those seaward boundaries; and, as a matter of fact, the Supreme Court, in writing its decree, followed the seaward boundary line of California in the Pacific and of Louisiana and Texas in the Gulf of Mexico. Is that not correct?

Mr. MONRONEY. But as I understand the decision, it held that the Government had paramount interest and control over those lands.

Mr. DANIEL. That is correct. The only suggestion I rose to make was that perhaps the Senator from Oklahoma would want to correct his statement, that the Court had held the boundaries of the States to be at low tide.

Mr. MONRONEY. The case in point was who controlled the bottom of the area in dispute, and the Senator from Oklahoma feels the three cases were squarely in point, and, as I have read the precedents, that issue for the first time was decided by the Court.

Mr. DANIEL. The Senator from Oklahoma does not contend, does he, that the three decisions had anything to do with fixing the boundaries, as distinguished with fixing the ownership of the submerged lands?

Mr. MONRONEY. I think the question involved was the ownership; and we are here asked to transfer at least the effective control and especially the use of these lands to the States of Texas, California, Louisiana, and the other coastal States. May I ask the Senator from Texas if that is a correct statement?

Mr. DANIEL. I did not hear all of the Senator's statement, but if it was directed to the question of paramount rights over the lands under the Court's decision, he is correct; but if the Senator from Oklahoma makes any contention that the Court passed on the boundaries of the States, of course, he is incorrect, because the Court actually used and followed the seaward boundaries of these three States in deciding who has paramount rights in the lands within those boundaries.

Mr. MONRONEY. The lands we are talking about are lands in which the Federal Government has paramount rights.

Mr. KEFAUVER. Mr. President, will the Senator from Oklahoma yield?

Mr. MONRONEY. I yield.

Mr. KEFAUVER. Mr. President, I think the RECORD should be made clear on that point. The distinguished Senators from Oklahoma and Texas were discussing what the Supreme Court holding was. The Court held that the State of California had no title or property interest, and that decree also applied to Louisiana and Texas. So, regardless of whatever may be said about any boundary, the Supreme Court has said that the State of Texas has no title to or property interest in that land.

Therefore, the distinguished Senator from Oklahoma is eminently correct in stating that this property belongs entirely to the people of the United States, as is held by these three decisions, whereas the pending joint resolution would simply give it away to someone who, under the Supreme Court's decisions, has no title thereto or property interest therein.

Mr. MONRONEY. Mr. President, I believe the Senator from Tennessee has stated the case more clearly than I was able to do. I appreciate his stressing paramount rights, title, and interest in the land in dispute.

Mr. KEFAUVER. Of course, in the California case the Court was dealing with the question of who owns the water and the land under it for a distance of 3 miles from the coast of California. The only thing the Supreme Court decided was that the State of California had no title thereto or property interest therein. It has become increasingly clear that that is and always has been the law of the land, and is the law of the land today.

The Court simply held that the States of California, Louisiana, and Texas had no title to or property rights therein, out to the boundary or to any place in the submerged lands of the sea.

Mr. MONRONEY. I thank the distinguished Senator from Tennessee.

Mr. SALTONSTALL. Mr. President, will the Senator from Oklahoma yield to me?

Mr. MONRONEY. Mr. President, I ask unanimous consent that I may be allowed to yield, without prejudice to my right to the floor, to the distinguished senior senator from Massachusetts.

The PRESIDING OFFICER (Mr. HENDRICKSON in the chair). Is there objection? Without objection, it is so ordered.

Mr. SALTONSTALL. I thank the Senator from Oklahoma.

Mr. President, in the protracted debate on Senate Joint Resolution 13, opponents of the joint resolution have repeatedly charged that its effect would be to "give away" resources belonging to the Federal Government. But the basic question at the bottom of the whole debate is whether the resources at stake do, indeed, belong to the Federal Government. In that connection, I ask unanimous consent to have inserted in the RECORD a summary which demonstrates that on 14 separate occasions concerning Massachusetts alone, and spanning more than 150 years of our history, the Federal Government itself has consistently recognized the Commonwealth's title to submerged lands by acquiring title to such lands directly from the Commonwealth.

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

MASSACHUSETTS ACTS GRANTING TITLE TO SUBMERGED LANDS TO THE UNITED STATES

Acts of 1790, chapter 4: Among the property granted to the United States by this act were four buoys at the mouth of the Merrimack River over Hum Sands, Sunken Rock, Gangway Rock, and Half Tide Rocks.

Acts of 1832, chapter 41 granted to the United States the place called Nix's Mate in the harbor of Boston for a beacon.

The petition for this legislation describes the place as a sunken island in the harbor.

Acts of 1847, chapter 109 granted Minot's rock or ledge in Massachusetts Bay, the seat of a famous lighthouse.

Acts of 1855, chapter 17 granted to the United States among other things the beacon on Point Allerton Bar and land for a lighthouse on the spit at the Narrows in Boston Harbor.

Acts of 1856, chapter 100 granted, for the construction of a fort, Clark's point at New Bedford, and contiguous shores, flats, and waters for a distance of 400 yards.

Acts of 1899, chapter 64 granted land partly below low-water mark in Boston Harbor for extending the present limits of the navy yard.

Acts of 1905, chapter 446 grants land partly below low-water mark in Weymouth Back River.

Acts of 1919, chapter 258, section 2 granted the land in Neponset River between Boston and Quincy beyond the line of riparian ownership covered by navigable water.

Acts of 1919, chapter 270 ceded jurisdiction over land for a drydock, which is conveyed by a separate deed. Most of this land consisted of flats belonging to the Commonwealth between high- and low-water mark, but rights to dredge down below water mark and to use wharves upon the place so dredged, which connected directly with a ship channel, were also given.

Acts of 1938, chapter 490 granted to the United States at the Charlestown Navy Yard additional land under water.

Acts of 1941, chapter 12 granted land for extending piers at the navy yard at Charlestown.

Acts of 1941, chapter 659 granted land for similar piers at Charlestown. In the original records on this act is a blueprint showing that the land granted goes deep into navigable waters below low-water mark.

Acts of 1942, chapter 14, special session, granted land at South Boston for the Army base. This land is mostly flats between high and low tide belonging to the Commonwealth, but the right to dredge was given to the United States and the piers extend below low-water mark.

Acts of 1943, chapter 458 granted the right, title, and interest of the Commonwealth in land covered by navigable waters which is specifically described. It included a considerable area in Boston Harbor and expressly granted land below water mark.

Mr. SALTONSTALL. Mr. President, I can only add that on two of the occasions when that action was taken, I was Governor of the State of Massachusetts.

I thank the Senator from Oklahoma very much indeed for permitting me to make this insertion in the body of the RECORD.

Mr. MONRONEY. Mr. President, before I began to yield for the very valuable contributions and insertions, I was saying that, at least to my mind, the decisions of the Supreme Court which are squarely in point firmly convince me that the Court's decisions as to the title to the property in dispute show definitely that the title to the property rests in the United States, not in the 48 States.

I grant that many lawyers would argue differently; but my study of this case leads me to find no evidence, either preponderant or infinitesimal, to the effect that the Supreme Court was wrong in its ruling or that once its ruling was made, it should be upset, as is sought to be done, by the provisions of the pending joint resolution.

However, Mr. President, it seems to me that the Senate is determined—for the votes taken in this body in respect to the pending question have so indicated—to quitclaim the property rights in the areas under the open sea. Thus this decision would take away from Federal Government jurisdiction, control, and beneficial use of the lands lying 3 miles seaward from the customary lines considered to be the boundaries of the property of the State; and, in the case of the State of Texas and in the case of the west coast of Florida, those boundary lines would be extended 10½ miles into the open sea, and thus create new property rights in those two States.

I do not agree with, and could not consent to, nor would I vote for, the giveaway of what seem to me to be very valuable property holdings and future revenues which would inure to the benefit of the Federal Government and thus to the benefit of all the people of the 48 States. But I believe it is incumbent upon those who are opposed to the joint resolution to try to improve it, in order to make it less objectionable, and to try to place in the joint resolution some provisions which, if possible, should the joint resolution become law, would make it less dangerous and less disastrous and less likely to cause confusion and trouble, as compared to what would be the case if the joint resolution were to be enacted in its present form, without such amendments.

Frankly, Mr. President, I believe the joint resolution as is, would be bad legislation. Even though the joint resolution is amended, I do not believe we shall be able to point to it with pride as a means by which we have solved the problem. On the contrary, I believe we shall create many new problems if we enact this measure.

In the first place, it seems to me that by the creation of two separate sets of property rights—one in the case of California, Louisiana, Mississippi, Alabama, and the other coastal States, extending 3 miles into the sea; and the other in the case of specific exceptions made for one large State, namely, Texas, so as to permit its property rights to extend 10½ miles into the open sea, and in the case of Florida to permit its property rights to extend 10½ miles into the open sea on the western side of the State, and 3 miles into the open sea on the eastern side of the State—we shall be establishing a very peculiar and strange yardstick which I believe will later embarrass us.

Frankly, I do not believe we shall be able to be successful in such an attempt, for by it we shall be establishing a precedent of applying political considerations to questions which I believe should be considered solely in the judicial realm. We shall be establishing a precedent which will enable California, Louisiana, and the other coastal States to ask to be given a footing equal to that given to Texas and the west coast of Florida.

I can see no logic in making fish out of one and fowl out of another by saying that most of the States shall have boundaries of 2 miles, but a few others, because of some treaty, vague or implied, or because of some alleged reservation supposedly made in the broadest general terms, rather than in specific terms, shall be exceptions.

Mr. President, having followed the legislative course of action in this body for a number of years, and in the other House for many years, it is my opinion that when one State is given certain rights, that sets a pattern for all other States to demand the same consideration. So I think the Senate will be on the defensive in trying to resist extensions, up to 10½ miles seaward for all coastal States once this dangerous pattern of going beyond the 3-mile limit is approved by the Congress.

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

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Illinois?

Mr. MONRONEY. I yield to my distinguished friend, the Senator from Illinois.

Mr. DOUGLAS. In view of the fact that Florida was admitted to the Union on equal terms with the other States and never asserted her claim to a boundary 10 miles into the Gulf of Mexico until its constitution of 1868, would not the enactment of the joint resolution be giving Florida a bonus for secession? [Laughter.]

Mr. MONRONEY. I certainly feel that there is a strong question as to whether any State constitution would give a State any such right as is proposed to be granted, any more than would an act of the State Legislature of the State of Texas or the Legislature of the State of Louisiana extending their seaward boundaries give them full and undisputed rights out to the Continental Shelf. If we should recognize Florida's State constitution, then why should we not recognize the legislative acts which have been passed by the State of Louisiana and the State of Texas laying claim to land far beyond that which they can rightfully claim?

Mr. DOUGLAS. Mr. President, will the Senator yield further?

Mr. MONRONEY. I yield to my distinguished colleague.

Mr. DOUGLAS. In the case of Texas, which, when it was a republic, had a boundary of 3 leagues, or 9 nautical miles, but which was admitted on an equal footing with the other States by joint resolution passed by the Congress in 1845 and accepted in 1846, is not Texas asking for a continuance of the conditions which existed prior to her admission to the Union, rather than the equal footing which other States had after they were admitted to the Union?

Mr. MONRONEY. The distinguished senior Senator from Illinois is eminently correct, because unquestionably, in my mind, when the Republic of Texas ceased to be a republic and became a State of the Union, she transferred the external sovereignty she had held as an independent republic to the sovereign nation which she was joining. If we were considering a United Kingdom such as Great Britain, the separate units could perhaps join as external sovereignties and could carry their external sovereignty with them.

But I certainly do not believe that any republic coming into the American Union could come in as a republic and

retain her rights as a republic. She must come in on the equal-footing basis.

Any deviation from the equal-footing basis, in my opinion, will establish a dangerous precedent.

I can almost predict with certainty, as I observe the very able and qualified and energetic and distinguished Senator from Louisiana present on the floor and note the glint in his eye, that the 3-mile boundary now proposed to be the limit of the land to be given is not going to fence the State of Louisiana in, while her next-door neighbor, the State of Texas, enjoys the 10½-mile limit proposed to be granted by the Holland joint resolution.

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

Mr. MONRONEY. I yield to my distinguished friend from Louisiana.

Mr. LONG. Inasmuch as the Senator and his colleagues, in their able arguments in respect to the three decisions, have expressed such confidence in the Supreme Court, what objection does the Senator have to letting the Court decide what the boundaries of Florida, Texas, and Louisiana happen to be? Does not the Senator have confidence in the Supreme Court?

Mr. MONRONEY. I have confidence in the Supreme Court. In fact, the three recent decisions of the Supreme Court are all squarely in point to the effect that, at present, those States have no property rights in the open sea beyond the low-tide mark, except for the inland bays.

Mr. LONG. Mr. President, will the Senator yield further?

Mr. MONRONEY. I yield.

Mr. LONG. The Senator knows, does he not, that the Court in those cases declined even to attempt to decide the question of the boundary, reserving that question for perhaps a later decision? Does the Senator have any objection to letting the Court decide what the historic boundaries of those States happen to be?

Mr. MONRONEY. We are not here dealing with boundaries, we are dealing with property rights, and that is the important phase that has been so confused in the argument on the pending measure. The Court has ruled not once, but three times, in what I consider to be the only cases squarely in point, regarding the ownership of the marginal sea. All the precedents and information presented in the Senate Chamber were before the Court. Certainly they were as well informed as is the Senator from Oklahoma regarding the precedents, and, I believe, as well as any other Senator in this body. The Supreme Court ruled; the decisions of the Court, in the opinion of the Senator from Oklahoma, became final; and, in a political arena, I do not like to see Congress upset by legislative enactment property rights as finally determined by the Supreme Court.

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

Mr. MONRONEY. I yield to my distinguished colleague.

Mr. LONG. In view of the fact that the Congress has already indicated its intention of vesting in the States proprietary rights within their historic boundaries, does the Senator have any objection to the Court's deciding what the historic boundaries are?

Mr. MONRONEY. Since we are making this a political issue, and since we are carving out property rights which the Court says do not exist except in the Federal Government, I believe we should accept the decisions of the Court as final. Let us set at rest all doubt. Let us not make fish out of one and fowl out of another. I can see that the Senator does not like the provision of the Holland joint resolution which purportedly would set up a 10½-mile boundary for Texas, and a 3-mile limit for the State of Louisiana.

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

Mr. MONRONEY. I yield to my distinguished colleague.

Mr. LONG. As a matter of fact, would not the proposed legislation simply give the States a right to establish what their historic boundaries actually were, and limit the States to 3 miles, or 3 leagues, in the Gulf of Mexico, if they could establish that their historic boundaries were that far out?

Mr. MONRONEY. As I said before, the Senate is now being asked to overturn, or to change, definite Supreme Court decisions, on the one hand, and on the other hand to leave to the Court the task of picking up the wreckage of the property rights still possessed by all the 48 States. It is proposed to give an Annie Oakley free pass to other States to join in a free-for-all, and attempt to establish a rule of law from the vague, uncertain and indeterminate language of the pending measure. In my opinion, countless Court tests will later be brought, not only by States, but also by property owners, to establish such a rule by what I consider to be the terms of a legislative measure so indefinite and uncertain as to make difficult the task of the Court, for the pending measure is without properly defined legal terms which any piece of legislation should carry.

As I have said, if we believe in the equal-footing doctrine—and I believe all Senators do—if we believe that the States all came into the Union on equal footing with respect to the 3-mile limit, which I do not believe, but which it would appear the Senate is going to declare to be so, then I do not like to see established a new 10½-mile equal footing, so that all the other States may come forward and say, "We are entitled to that." And, believe me, it will not be determined by a decision of the Supreme Court, for once the camel's nose regarding property rights within a 10½-mile limit gets under the tent, it will be decided on the floor of the United States Senate, and more particularly, on the floor of the House, where the large populations of the seaboard States will, through their representatives, bring in bills declaring a 10½-mile limit, not only for Florida, but for all the States.

There will be an argument which I know it will be difficult to refuse. It will be easy to say, "You gave it to Texas and to half of Florida; now, let us have all the States on an equal footing." So, we are establishing a precedent which will haunt this Chamber, I venture to say, for a score of years to come.

Mr. McCLELLAN. Mr. President, will the Senator from Oklahoma yield for a question?

Mr. MONRONEY. I yield.

Mr. McCLELLAN. What is meant by the phrase "equal footing"? Equal to what?

Mr. MONRONEY. Equal property rights to the borders of a State.

Mr. McCLELLAN. Does the pending measure provide for that?

Mr. MONRONEY. My understanding is that the States subsequently admitted to the Union were admitted on an equal footing with the Thirteen Original States.

Mr. McCLELLAN. Was not the term used in connection with equal responsibilities and obligations and not with respect to property?

Mr. MONRONEY. I believe it was "across the board." It involved political rights, property rights, and sovereignty, wherever their sovereignty went, for 3 miles or for 10 and a half miles. Obviously there is some cut-off line over which States cannot exercise sovereignty.

Mr. McCLELLAN. I am trying to determine whether that phrase or term "equal footing" is susceptible to this interpretation in the minds of reasonable men. My general interpretation of it would be that it refers to obligations under the Union, and not necessarily to territory, because equal territory would mean that if Texas came into the Union, notwithstanding the fact that it was a republic, it must have equal area, equal rights in all the minerals of the country, in all the wealth of the country. When we stretch "equal footing" as far as it might be stretched, we simply destroy the whole philosophy that one State has a definite area, and say that all States are a part of the Union and have no independent sovereignty.

Mr. MONRONEY. I should think it is absolutely certain that equal footing carries with it equal sovereignty within the territorial jurisdiction of the State.

Mr. McCLELLAN. The territorial jurisdiction of the State. If it had territorial jurisdiction prior to coming into the Union, it retained it under the equal-footing clause.

Mr. MONRONEY. But the Court has held three times that property rights here being discussed did not obtain in the case of the Thirteen Original States——

Mr. McCLELLAN. If my distinguished friend will yield, I know what the Court held; I am fully advised as to that. I am talking about a strained interpretation, if it is strained, of the equal-footing clause.

Mr. MONRONEY. I certainly cannot agree with the distinguished Senator from Arkansas.

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

Mr. MONRONEY. I yield to the Senator from Alabama.

Mr. HILL. Is it not true that the term applies to sovereignty and political rights?

Mr. MONRONEY. That is my understanding of it.

Mr. HILL. And the basis of the ownership of the States in the tidelands and in the beds of inland waters, such as rivers, harbors, bays, and inlets, is an attribute of sovereignty.

Mr. MONRONEY. Of State sovereignty.

Mr. HILL. Whereas, the basis of the Federal Government's paramount rights in the international domain is an attribute of national sovereignty?

Mr. MONRONEY. I believe that to be correct. I think the equal-footing clause would determine the same cutoff line between one State in its relationship with the Federal Government, and another State's. I do not think we can argue that one State comes in with more external sovereignty than does another State, and that the rights of the Republic of Texas should be transferred to the State of Texas.

Mr. McCLELLAN. Mr. President, will the Senator from Oklahoma yield for a further question?

Mr. MONRONEY. I yield.

Mr. McCLELLAN. The States did not come into the Union under the equal-footing clause with the same amount of land areas. They had different boundaries, did they not?

Mr. MONRONEY. I have never claimed that and do not now claim it. I certainly know that the State of Texas came into the Union with a great deal more land than did the State of Oklahoma or the State of Arkansas.

Mr. McCLELLAN. Wherever the boundaries were, the equal-footing clause has to be very much strained to say they did not come in with all their boundaries.

Mr. MONRONEY. I cannot agree that any State came into the Union with a limit of 10½ miles and others came in with limits of 3 miles. We are opening up for later political determination the extension to 10½ miles for all coastal States.

I think it is a very bad precedent. I think it will embarrass us not only internationally, but internally. It will certainly be to the advantage of the Congress, if we must pass the measure, which I think is a bad measure, to make the seaward boundaries uniform.

If we do not want to make the limit 3 miles for all the States, then I wish the distinguished Senator from Florida [Mr. HOLLAND] would make it all 10½ miles and avoid the countless bills which will be brought before Congress, saying, "What you give to Texas should be given to all the coastal States."

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

Mr. MONRONEY. I yield.

Mr. HOLLAND. Does not the Senator know that in the cases of California, Texas, and Louisiana the Supreme Court found no difficulty in adjusting its philosophy to whatever boundary existed in each case, in the sense of mileage out from mean low tide, and that the Supreme Court in each of those cases made no attempt whatsoever to set aside or even to fix the extent of the boundaries? In the case of California there was a 3-mile limit discussed by the Court, and not disturbed; in the case of Texas there was a 3-league limit which was discussed by the Court but not disturbed; and in the case of Louisiana there was a 3-mile limit which had been extended by statute out to 27 miles, and it was not disturbed.

Mr. MONRONEY. But what the Court was talking about was property rights. I do not see how any of the coastal States could get any comfort out of the Supreme Court's decisions.

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

Mr. MONRONEY. I will yield to the Senator, but I should like to ask the Senator who has control of the time to limit the questions as much as possible, because there are several points which I should like to discuss.

Mr. HOLLAND. I thank the Senator. I shall be glad to make some of my own time available to the Senator.

Mr. MONRONEY. The Senator from Florida has always been most gracious in yielding, and I certainly wish to be equally cooperative.

Mr. HOLLAND. Is the Senator contending for even one instant that the question of the extent of legal boundaries as granted by act of the Congress of the United States has anything whatsoever to do with the equal-footing clause?

Mr. MONRONEY. I should like to read from the Supreme Court's decision:

> The "equal footing" clause has long been held to refer to political rights and to sovereignty. See *Stearns* v. *Minnesota* (179 U. S. 223, 245). It does not, of course, include economic stature or standing. There has never been equality among the States in that sense. Some States when they entered the Union had within their boundaries tracts of land belonging to the Federal Government; others were sovereigns of their soil. Some had special agreements with the Federal Government governing property within their borders. See *Stearns* v. *Minnesota*, supra, pages 243–245. Area, location, geology, and latitude have created great diversity in the economic aspects of the several States. The requirement of equal footing was designed not to wipe out those diversities but to create parity as respects political standing and sovereignty.

Mr. HOLLAND. Mr. President, if the Senator will yield further I should like to repeat my question. As I understand, the Senator is not, then, contending for an instant that the equal-footing clause has anything to do with the question of unequal boundaries or unequal extent of boundaries.

Mr. MONRONEY. It has a great deal to do with sovereignty, which we are discussing. We are still talking about the ownership of lands in the open sea. I certainly feel that the question of State sovereignty and the question of Federal sovereignty have to have a cutoff line somewhere. Maybe, as the Senator contends, it is 3 miles, or maybe it is 10½ miles. Maybe, as the Senators from Illinois, Alabama, and Oklahoma contend, it is the low-tide mark, except as to inland waters. But certainly I feel that the equal-footing clause would not give one coastal State a greater amount of State sovereignty to exercise than the other coastal States would enjoy.

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

Mr. MONRONEY. I yield.

Mr. HOLLAND. Assuming that the Senator has now conceded that, so far as boundaries are concerned, the States are unequal, and that by act of Congress their territory goes out unequal distances into the ocean, would not the next step be to admit that, in order to place the States on an equal footing, their property interests within boundaries should extend to their respective boundaries?

Mr. MONRONEY. I should be disinclined to agree that we must give up billions of dollars of wealth, which the Supreme Court three times has held belongs to the Federal Government, in order to accomplish that purpose. I think the States can exercise some police powers over their nearby waters without involving the giving away of this amount of land.

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

Mr. HOLLAND. I should like to continue, if the Senator from Oklahoma will permit me to do so.

Mr. DOUGLAS. Mr. President, will the Senator yield to me for a question?

Mr. MONRONEY. If the Senator from Illinois wishes to amplify the point being discussed, I shall yield to him in connection with our present colloquy.

The PRESIDING OFFICER. The Senator from Oklahoma yields to the Senator from Illinois.

Mr. DOUGLAS. My question was on a somewhat different point, so I shall allow the Senator from Florida to continue, but I ask that I may be privileged to ask a question of the Senator from Oklahoma afterward.

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

Mr. HOLLAND. I thank the Senator from Illinois, and I thank the Senator from Oklahoma.

My next question is this, Is it not, then, the contention of the Senator from Oklahoma that he is not willing to accord equal footing to the States by giving to them equal property rights within their respective legal boundaries?

Mr. MONRONEY. I think there is a great deal of difference between the respective legal boundaries and property rights. When Oklahoma came into the Union as a State, the Federal Government reserved a large amount of Indian areas which are neither taxable nor administratively included within the State. I think that in the State of New Mexico two-thirds of the territory is reserved to the Federal Government.

I do not believe that what the Senator from Florida has said bears directly on the matter I was discussing. But no one can question the fact that, although two-thirds of the land in New Mexico may be under the ownership of the Federal Government, New Mexico should not be denied her boundaries. Yet her boundaries include the land over which there is no question of Federal ownership. By the same token the three decisions of the Supreme Court, together with all the cases which the distinguished Senator has cited in connection with the matter, have held that the lands affected by the joint resolution belong to the Federal Government.

I feel that we would be making a very grave mistake were we to grant quitclaim title to land even 3 miles out. I believe that if that is to be done—and

the Senate seems to be determined to pursue that course—we shall be making a very grave error in quitclaiming out to 10½ miles, thus causing disparity of land control and land ownership by political action.

If we go 3 miles, I think we have left the area of judicial consideration, on which the courts have passed, and arrive at a political destination. Then, whether the limit shall be 3 miles or 10½ miles will be for the Senate to determine.

Mr. HOLLAND. Mr. President, will the Senator yield for one further question?

Mr. MONRONEY. I yield to the Senator from Florida for one further question.

Mr. HOLLAND. I should like to ask the Senator from Oklahoma if he does not recognize as a fact that the boundaries of the Great Lakes States extend for various distances into the Great Lakes, to the respective boundaries of one another, and also to the international boundary with Canada; and that no attempt has been made by the joint resolution to do other than to grant to the Great Lakes States complete property control of all areas within their boundaries, whether large or small, or whether they go out to a near boundary or to a distant boundary in the Great Lakes.

Mr. MONRONEY. I thank the Senator from Florida for his question, but it is repetition of a question that has been raised, I think without proper validity, by the attorneys general. It was contended that Oklahoma would lose all the lands under her lakes and streams, that the Great Lakes States would lose their lands. All the interior States were joined together in this view of the group of attorneys general, when, as a matter of fact, as I contend, though I am not a lawyer, the question of inland waterway rights has been well settled as a matter of law for almost 100 years.

I am objecting to stretching the well-settled rule of law, which has not been reversed by any court for over a hundred years, so as to include territory in the open sea. I believe that is the issue before the Senate. What I am trying to say is that we shall have left the boundaries of judicial decision when we go beyond the low-tide mark and beyond the waters of inland bays and inlets. We shall have arrived at a political destination, which is what we are contemplating today.

I am trying to show the fallacy of such a position, and the dangerous political waters into which we must steam when we grant to Texas title to land extending 10½ miles; to Florida, on its west coast, 10½ miles; and to all the other coastal States, 3 miles. That involves a political decision, a decision which may be either modified, changed, or extended in future years. What we do for Texas and for the west coast of Florida will become a rule of precedent extending boundaries 10½ miles into the open sea.

Mr. HOLLAND. Mr. President, will the Senator yield to me for one more question?

Mr. DOUGLAS. Mr. President, will the Senator yield to me?

Mr. MONRONEY. I shall yield to the Senator from Florida for one more question. Then I shall yield to the distinguished Senator from Illinois.

Mr. HOLLAND. I shall gladly defer to the Senator from Illinois after this additional question.

The Senator from Oklahoma now has before him a map which has been used from time to time during the debate, from which it appears clearly that the boundaries of the Great Lakes States go long distances out into the lakes, in some places as far as 40 or 50 miles, particularly in Lake Superior and in Lake Huron.

I ask the Senator from Oklahoma if it is not true that under the pending joint resolution, and also under Senate bill 107, which was supported by the distinguished Senator from Oklahoma, it is proposed to release and to grant to the Great Lakes States all their submerged lands in the Great Lakes, clear out to the international boundary, in spite of the fact that their own limits go out great distances in some places.

Mr. MONRONEY. All bills in connection with the tidelands matter, which have been introduced in Congress and of which I have knowledge, because of the great pressure and publicity given to what I consider to be the false and phony issue raised by the attorneys general, namely, that the inland waters were jeopardized by reason of our great Government extending its boundaries, in order to make assurance doubly sure have done nothing except to restate in plain legislative language, again and again and again, that which has been a well-settled rule of law for 100 years.

Perhaps I might say to my distinguished colleagues that one of the reasons that have caused me to take an active interest and an active part in the fight against the Holland joint resolution has been my resentment toward the attorneys general in going about our broad land and telling men who otherwise I think would know better that Oklahoma, Illinois, Michigan, and other States were having their lands jeopardized by the attempt to take away from the sovereign States that which belongs to them. I believe that one thing, more than anything else, which aroused my interest in studying the pending legislation as carefully as I have tried to do, has been the fallacious argument which I think the attorneys general tried to sell to the 48 States.

Mr. HOLLAND. Mr. President, will the Senator yield so that I may make a correction in my last question?

Mr. MONRONEY. I yield.

Mr. HOLLAND. The greatest distance is 85 miles in Lake Superior, off the shore of the State of Michigan, rather than the 50 miles to which I referred.

Mr. MONRONEY. The courts have repeatedly held in any number of cases, in decisions which have been undisturbed, that those waters come under the rule with respect to inland waters. The courts have also said that they possess some of the characteristics of the open sea. Perhaps that is because one might become seasick if he were in a small boat on Lake Erie.

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

Mr. MONRONEY. I yield.

Mr. HILL. That reference relates to admiralty law, defining criminal jurisdiction over a relatively wide sea, as compared with a narrow river.

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

Mr. MONRONEY. I yield.

Mr. DOUGLAS. Dealing with the question advanced by the Senator from Florida, is it not true that the Great Lakes have been uniformly declared to be inland waters?

Mr. MONRONEY. The Senator is eminently correct.

Mr. DOUGLAS. Is it not further true that the courts have always held that the submerged lands under inland waters belong to the States?

Mr. MONRONEY. That is eminently true.

Mr. DOUGLAS. Have they not so held in the case of Lake Okeechobee in Florida?

Mr. MONRONEY. I could not say as to that.

Mr. DOUGLAS. That is true. Have they not also held it in the case of Duck Pond in Oklahoma?

Mr. MONRONEY. It would come under the same rule of law.

Mr. DOUGLAS. Is it not true that the amount of submerged land under Lake Okeechobee is greater than the amount of submerged land under Duck Pond?

Mr. MONRONEY. That is certainly true.

Mr. DOUGLAS. Does that mean that the State of Oklahoma has been discriminated against?

Mr. MONRONEY. It certainly does not.

Mr. DOUGLAS. Mr. President, may I ask another question of the Senator from Oklahoma?

Mr. MONRONEY. I yield for a question.

Mr. DOUGLAS. Is it not extraordinary that the State of Florida, which when it was admitted to the Union in 1845 never claimed a boundary 10 miles or 9 miles seaward, should, after it left the Union and fought against the Union in the Civil War, insist, in 1868, on getting a boundary of 9 nautical miles? Is it not that a bonus which it is demanding for secession?

Mr. MONRONEY. I cannot quite agree with my distinguished colleague from north of the Mason-Dixon Line in that statement. Neither do I believe that at that late date, any more than at this late date, the Legislature of Texas or the Legislature of Louisiana could extend their boundaries. As a layman, I am interested in these claims of historic rights. I wonder greatly at the claims, and wonder if they are as cogent and as convincing as they sound at first blush. Listening to the debates, I have often heard it said that the Republic of Texas did have, own, and exercise control over the marginal sea to 3 marine leagues or about 10½ miles seaward from the low-tide mark.

As a Nation, I expect that they did. I have no reason to question this. Whatever their treaty with Mexico was with

the Republic of Texas, it was definitely under the control of the Republic of Texas.

But I do not believe that entering the family of the United States that Texas came in under a more favored standing than the Original Thirteen States under the equal-footing basis. It would seem to me, as a layman, that in entering the family of the United States, she checked whatever international rights of sovereignty as a nation with the Federal Government to become Federal rights, while she assumed all the advantages of the rights that all the other States enjoyed.

I am a little skeptical, too, about the sagacity of those old pioneer Texans, shrewd men though they were, about their determination, yea, dedication, to reserving for their heirs and assigns as rulers of the State of Texas all of that open expanse of blue ocean as a part of their public lands. Maybe the proponents can argue this and convince a majority of the Senate that their great pioneers had this seventh sight to know that someday oil and gas would be found there and that it was explicitly understood in their resolution of admission that they owned the open sea as a State, even as they formerly owned it as a Republic. But, Mr. President, I hope they will excuse me if I simply say I doubt it very much.

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

Mr. MONRONEY. I yield for a question.

Mr. DANIEL. Before the Senator goes further in his present line of argument, I should like to refer back to the charge made a moment ago that the National Association of Attorneys General sponsored a phony argument when they said that the title to inland waters and lands under the Great Lakes was clouded by the California tidelands decision. Having been a member of that association, having served for 6 years with your distinguished attorney general of Oklahoma, and having been associated with the attorneys general of many of the inland States, I do not believe that they were insincere in their beliefs. I ask the Senator if he is now charging that the attorney general of his State, or the other members of that association, were insincere in their belief that certain Supreme Court opinions do cloud the title of the States to inland waters and the lands beneath the Great Lakes?

Mr. MONRONEY. I will say to my distinguished friend and colleague, who was a distinguished attorney general of the State of Texas, that the junior Senator from Oklahoma said that he felt that the argument with respect to right and title to the lands submerged by inland waters seemed to him to be a phony argument. I do not say that the attorneys general in presenting that argument considered it to be phony, but I certainly say that as a result of my study of well settled cases, with respect to which there has been no overturn or threat of overturn, I have found only the most tenuous language to support such a theory. That language is contained in a Government brief in a case in California, I believe. Apparently it is not considered cogent or important by the courts. The weight of such language is only infinitesimal. It is far from being sufficient to lead the junior Senator from Oklahoma to the conclusion that there was a basis for the threats which were publicized in the inland States, to the effect that this was not a case involving only Texas and the other coastal States, but that it involved a threat to the ownership by the inland States in their lands.

Mr. DANIEL. Then the Senator does not challenge the sincerity of the attorneys general who made that argument?

Mr. MONRONEY. The junior Senator from Oklahoma believes in freedom of speech, and freedom to reach any conclusion a man may wish to reach. However, he also reserves his own freedom of judgment. When I study this case, after hearing the arguments and searching the record and the decisions of the courts, and find only an infinitesimal support for the argument which is made, I will say to the distinguished Senator from Texas that in the exercise of my right of judgment, I regard the argument which was made as a phony argument.

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

Mr. MONRONEY. I yield for a question.

Mr. DANIEL. In the distinguished Senator's search of the record on this subject, did he read the brief of the Federal Government in the case of United States against California, in which the Federal attorneys referred to the rule concerning State ownership of lands beneath navigable waters in the following words: On page 72, "unsound" and "erroneous"; on page 144, "erroneous" and "wrong"; on page 148, the words "patently unsound"; on page 150, "a fallacy"; and on page 153, "a legal fiction"?

Has the Senator had occasion to read those terms applied by the Federal attorneys to the rule concerning State ownership of lands beneath inland waters?

Mr. MONRONEY. I will say to the distinguished Senator that I have. Those words were used in a pleading before the Court. But does the Senator wish me to believe that the Court took any cognizance whatever of the position of the Federal attorneys, or that we should exercise the 2 million people of Oklahoma and the millions of people in other inland States over the fact that some attorney pleading a case in California mentions something about his disagreement with the rule concerning title to inland waters? Has there ever been a court case brought in the past 25 or 50 years by the Federal Government in an effort to overturn the long line of cases relating to the rights of States with respect to inland waters?

Mr. DANIEL. Yes, there has, since the Senator from Oklahoma has asked me the question. In the Fallbrook case involving the Santa Margarita River the petition of the Federal Government contained the same claim of paramount rights over the waters of the Santa Margarita River, an inland river. It was the same wording they had put in the petition and on which judgment was won in the case of United States against California.

I wonder whether, in his search of materials, the Senator from Oklahoma came across the report of the Senate Judiciary Committee, as set forth by the Senate Committee on Interior and Insular Affairs, as follows:

> State officials from every inland State of the Union, except three, testified or submitted statements that in their opinion the decision—

Talking about the California case—

> had clouded the long asserted titles of the inland States to lands and natural resources below navigable waters within the boundaries of the inland States.

Mr. MONRONEY. The Senator is familiar with the statement by the Attorney General. As I stated before, I do not go along with them. I am not a great international lawyer as is the distinguished Senator from Texas [Mr. DANIEL], who has tried these cases and who has tried them for many years. However, nothing in the Court decision, on which the Senator from Oklahoma must base his judgment, leads him to believe that there was any danger whatever of violation of the time-honored rule. I personally resent being sold such a bill of goods as the material which flooded my State and many other States, financed apparently by the attorneys general, telling the people of Oklahoma and other States that their rights to inland waterways were jeopardized.

Mr. DANIEL. Mr. President, will the Senator yield further for one more question?

Mr. MONRONEY. Mr. President, with my time rapidly diminishing, I shall have to decline to yield. The Senator from Texas will have 2 hours available to him. I have not yet reached the important feature I should like to discuss.

I am certain that the Senate will pass, as the test votes have shown, the 3-mile limit provision, and perhaps the 10½ mile provision. I am arguing for a cutoff at the 3-mile limit. I should like to proceed with my remarks. The hands of the clock are flying around and the Senator from Oklahoma is worried about the expiration of his time. I have not yet yielded to my distinguished colleague from Alabama or to my distinguished colleague from Tennessee.

Mr. HOLLAND. Mr. President, may I yield some time to the distinguished Senator from Oklahoma?

Mr. MONRONEY. The Senator from Oklahoma is not anxious to consume more time than necessary to present the amendments. We are not trying to conduct a filibuster. We are not trying to stretch out the debate. We are taking all the short cuts we can. I have discussed fully, I think, the validity or the importance of the assertions of the attorneys general and their claims based on a picking out of pieces of language in the pleadings of the case. The courts have not held that way. So I will not become scared by any bear stories that might be circulated.

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

Mr. MONRONEY. I yield to my distinguished colleague from Alabama.

Mr. HILL. Is it not a fact that the Supreme Court in the latest case, the

Texas case, rejected all of these so-called bear stories? Incidentally I like that description.

Mr. MONRONEY. Yes.

Mr. HILL. Is it not correct to say that the Supreme Court in the Texas case, the latest case, referred to the landmark cases, such as the Pollard case and the Wardwell case, establishing clearly and definitely the ownership of the States in the tidelands and bays and inland waters, and then went on to quote from a more recent decision, namely, the decision of *U. S.* v. *Oregon* (295 U. S. 1), the decision rendered by Mr. Justice Stone, and said:

> The theory of these decisions was aptly summarized by Mr. Justice Stone speaking for the Court in *U. S.* v. *Oregon* (295 U. S. 1, 14), as follows—

I wonder whether the Senator would wish to read the little summation by Mr. Justice Stone.

Mr. MONRONEY. It reads:

> "Dominion over navigable waters and property in the soil under them are so identified with the sovereign power of government that a presumption against their separation from sovereignty must be indulged in construing either grants by the sovereign of the lands to be held in private ownership or transfer of sovereignty itself. See *Massachusetts* v. *New York* (271 U. S. 65, 89). For that reason, upon the admission of a State to the Union, the title of the United States to lands underlying navigable waters within the States passes to it, as incident to the transfer to the State of local sovereignty, and is subject only to the paramount power of the United States to control such waters for purposes of navigation in interstate and foreign commerce."

Mr. DANIEL. Mr. President, will the Senator from Oklahoma yield further?

Mr. HILL. Does that not make clear what the law is?

Mr. MONRONEY. Certainly. I will say to my good friend from Texas that I will first yield to the Senator from Tennessee who has been on his feet for the past 15 minutes.

Mr. DANIEL. Mr. President, will the Senator yield for a question with reference to the quotation which he has read?

Mr. MONRONEY. Yes.

Mr. DANIEL. Mr. President, does the Senator find anything in the quotation he has just read which says that the Supreme Court is referring to "inland" navigable waters ? Every time he read the words "navigable waters" from the opinion it referred to navigable waters within State boundaries, broadly enough to cover lands under both inland and coastal waters within State boundaries. The Court did not say "inland" navigable waters, did it?

Mr. MONRONEY. Mr. President, that is the whole question that we have been talking about for weeks. It is the matter of stretching the law on inland waters out to 3 miles at sea. We can boil it and fuss it and quote decisions until the cows come home, but by the pending measure we will still be stretching, with a law stretcher, the rule on inland waters to 3½ or 10½ miles at sea.

I now yield to the Senator from Tennessee.

Mr. KEFAUVER. Mr. President, I ask the Senator whether the decisions in the Louisiana, Texas, and California cases, rather than bringing about any confusion, or jeopardizing titles, did not actually settle any possible doubt that might have existed, because in the very decisions themselves the Supreme Court went to a great deal of trouble to point out that it was dealing only with property interests outside inland waters. For example, in the California case the decree of the Court referred to "and title of inland waters." Therefore, rather than adding to the confusion, it made it clear that the matter was settled by the Supreme Court in those cases, and no confusion was added. Is that not correct?

Mr. MONRONEY. I thank the distinguished Senator from Tennessee for his contribution.

Mr. President, I was about to refer to the other part of my amendments, which I have not had a chance to discuss. In shifting gears to that part, I will say that, as a juror, so to speak, in this case, I have not been convinced that any reasonable claim has been established for the 3-mile limit. However, inasmuch as the Senate is determined to extend the property rights of the coastal States, I raise the point that in order to extend them 10½ miles, it would be necessary to overturn the Court, and the 10½-mile excursion into the open sea would create more problems, instead of fewer problems.

I did intend to talk about historic rights which the Indians may hold. One could probably say that whatever treaties certain Indians might have had with other Indians with regard to property lying off the shore, even though not recorded, might have some almost as important bearing on this subject, as some of the arguments advanced for historic rights.

I think the important consideration is the precedent we would establish, and the untold number of bills which would be introduced and the long fight which would ensue if we set the boundary of Texas and the west coast boundary of Florida at 10½ miles. Then all the other coastal States could come forward and demand—and probably properly so—that they be treated the same way, and that the 10½-mile boundary is the rule, rather than the exception.

The leasing provisions I think are of tremendous importance, and they have received very little attention. Most of those who engage in the exploration for oil have wanted to find out, from the standpoint of national security, and national safety and from the standpoint of enginering knowledge, what kind of oil and how much there is, and under what conditions it can be recovered in the open sea.

My amendments would cut off the State boundaries at 3 miles, and would declare the Continental Shelf to be the property of the Federal Government, and would provide for methods of leasing.

Regardless of the position which any of my colleagues may take on the question of the proper handling of the submerged lands, I do not believe any of them can successfully establish a position opposed to the setting up of the necessary legal machinery for the making of proper leases and for the proper validation, let me say to the Senator from Texas, of the leases already granted by the States to the land in the marginal sea, beyond the 3-mile border, except where it can be shown that such leases have been obtained by fraud.

My amendments would establish methods of arbitration as between the States and the Federal Government, where their boundaries come together.

I feel very definitely that we would be remiss in the performance of our duty if we were to pass the submerged lands oil joint resolution and should fail to declare, without equivocation or possibility of contradiction, that these lands are Federal dominion, that the Federal Government controls the leasing of these lands and the granting of operating rights in them, and that we, the Congress, hereby provide the necessary machinery for those purposes.

Yesterday, I heard the distinguished senior Senator from Oregon [Mr. CORDON], the very able chairman of the subcommittee, make a very able speech; but I could not agree with him that we should leave a complete blank as regards what will happen to the Federal lands. I do not believe we should postpone until after the passage of the pending joint resolution the handling of that subject, and then should provide, by means of a separate bill, for its handling. Even if the distinguished members of the Committee on Interior and Insular Affairs prepare such a bill and submit it to the Senate, I do not believe they will be able in that bill to dot all the "i's" and cross all the "t's" and provide for all the legal precedents and other considerations which must enter into the operation of what might be called a no man's land in the open sea.

Therefore, I favor the leasing provisions of the Anderson amendment. My amendments incorporate those leasing provisions. They authorize the Secretary of the Interior to grant such leases under competitive bidding, with a minimum royalty of 12½ percent, to validate the existing leases, and to proceed with the job of finding out the extent of the oil reserves within the marginal belt.

I believe the Senate is convinced today that at least it belongs to the Federal Government, and should be operated by it.

Mr. President, the idea of bringing in a separate bill has been kicked around here since 1946. During that period there has been some leasing in the marginal belt, but there has been very little exploration of that vast area, in which we know oil exists.

The fact is that in this period we have lost much time because of the fight over the ownership of the 3-mile belt and the 10½-mile belt. Thus we have been delayed in acquiring technical knowledge of the production of oil at distances offshore.

We would have been far better off if we had laid aside the various quitclaim measures, and if we had provided by legislative means for proceeding with drilling in these valuable resources and with their exploration.

I do not agree with the senior Senator from Oregon [Mr. CORDON] who, in his able speech, said that because we could not provide for workmen's compensation

and because we do not have a clear code regarding property titles or traffic ordinances or fire prevention or similar things, we should delay advertising for leases under carefully considered laws.

The leasing provisions of the Anderson amendment, which are incorporated in my amendments, are not new. They have been considered over and over again by some of the most distinguished Members of Congress and by some of the most distinguished and able leaders in this field.

Among them is the distinguished former Senator O'Mahoney, of Wyoming, who, last year, when he was a Member of this body, incorporated those leasing provisions in his bill, which was reported by the Committee on Interior and Insular Affairs. In the drafting of that bill, the committee had the assistance of Mr. Mastin White, the distinguished attorney for the Department of the Interior; and the bill had also been carefully studied by the then Secretary of the Interior.

So to say that my amendments have been hastily formulated and barely considered is to condemn them without regard for all the study, work, and consideration which have gone into the Anderson amendment, which is incorporated in my amendments.

The distinguished senior Senator from Oregon [Mr. CORDON] said that within perhaps 2 weeks following the passage of the pending joint resolution, his committee would report a bill to deal with these phases of the matter. Mr. President, the Members of the Senate are reasonable, and they know that the calendar of the Senate will become more and more crowded as time passes. So I daresay we would be taking a very grave chance if we were to postpone in that way action on the leasing provisions and the control provisions, which deal with the first steps to be taken in connection with the control of these lands by the Federal Government.

That very grave chance would constitute a dangerous element in the case of the companies which wish to know to whom to pay rentals. Of course, sometimes they pay rentals to both the Federal Government and to the States. Those companies, of course, would like to know about that matter, and to have some assurance as to their rights.

So, Mr. President, as I have said, I am afraid that even if the Senator from Oregon were able to bring before us a perfect bill, with every "i" dotted and with every "t" crossed, yet we would find within a short time that many of the provisions of the bill would have to be changed in view of the experience we would have had by that time.

Thus far there has been no drilling in the open sea, and no man now alive knows how to write a perfect code in connection with such operations. It will be a long time, therefore, before sufficient knowledge will be available, on the basis of experience, to enable us to draw up a perfect code of that sort; and we cannot afford to postpone for that great length of time the making of leases and the development of drilling and exploration operations.

Furthermore, Mr. President, I am fearful that the Members of this body and the Members of the other body would not be able to agree in regard to taking up a new piece of proposed legislation which, as separate legislation, would confirm title in the lands and would provide for operations in those lands. I make that statement because of the fact that in the other House there are Members who would still like to reserve to the States all the lands under the marginal sea. In fact, countless bills to accomplish that purpose have been introduced in the other House; and, of course, the purpose in that connection is that later there could be a bigger "grab," so that these lands could be placed under State control.

So, Mr. President, in view of the fact that I am sure there are Members of Congress who wish to have the coastal States given what they want, I believe that as we begin to deal with measures in this field, we had better take the precaution of saying to those who favor State control, "Now that you are getting what you are requesting, let us provide for proper administration and leasing of the lands, which we in this body know without question belong to the Federal Government, and which should be developed."

Otherwise, we would be kidding ourselves terrifically.

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

The PRESIDING OFFICER (Mr. BENNETT in the chair). Does the Senator from Oklahoma yield to the Senator from Ohio?

Mr. MONRONEY. I yield.

Mr. TAFT. The Senator from Oklahoma is familiar with the fact that the House already has passed a bill giving the Continental Shelf outright to the Federal Government and providing for leasing it and handling all other matters in respect to it.

Mr. MONRONEY. That is what I should like to provide for in this Senate resolution, because I believe that if we try to handle that matter by separate legislation, we shall have difficulty getting that bill through the tenuous procedures in the House of Representatives.

So I would hate to see the Senate pass up this opportunity to attach what I consider to be very, very urgent legislative provisions.

In closing this part of my discussion, Mr. President, I should like to quote the Secretary of the Interior—not the Democratic Secretary of the Interior, but the Secretary of the Interior in the Eisenhower administration. I quote now, from page 512 of the hearings, Secretary of the Interior McKay:

> I believe that the national defense will be best served by getting more active production from these submerged lands and that it is equally important, therefore, that the Congress should in the same legislation establish a procedure by which development may go forward on all of the lands on the Continental Shelf outside of a line marking the historical boundaries of the several States with all of the revenues to go to the Nation as a whole.

Mr. President, that was not a Democratic Secretary of the Interior speaking. That was not one of the opponents of the tidelands joint resolution speaking. That statement was made by the Republican Secretary of the Interior, who is charged with the supervision of and recommendations for oil for national defense. In view of that statement, as made by him, I do not think we should fail to take advantage of this opportunity to make the necessary provisions in connection with this subject.

Yet, Mr. President, as the joint resolution stands today, it is stripped of anything but the bare bones of a quitclaim. I do not believe it is in the Senate tradition to pass a half-finished piece of legislation, while in a hurry to divest all the people of the 48 States of ownership of the land in dispute, land which the Supreme Court has three times held belongs to all the people.

The third part of my amendment, which I deem to be very important, deals with the revenue from the offshore lands. First, the amendment undertakes to define the seaward boundary limits, as the pending measure does, at 3 miles, no more, all coastal States to have an equal share of the open sea, instead of an unequal share; second, the amendment provides for leasing procedures and for ascertaining under careful rules whether there is oil and under what methods of production we could best recover the oil; and, third, the amendment proposes to earmark the funds derived from this untold wealth, which eons ago was put beneath the Continental Shelf, and which belongs to all the people.

What will we do with such funds? The Senate has twice voted against the use of the revenues from the submerged lands for education. I have voted consistently for such use, and I would rather see the money spent for education. But if the Congress does not wish to follow that course, as has been shown repeatedly, particularly by the two recent votes, then I feel that the next best thing would be to devote the revenue to the retirement of the public debt.

So the last part of my amendment earmarks all of the funds from the federally owned portion of the Continental Shelf to the retirement of the public debt.

Mr. President, you and I, as practical men, know that it is going to be very difficult, within any foreseeable time in the future, to keep taxes sufficiently high to do anything about retirement of the public debt, which today stands at $264,496,260,378.

It seems important to me that, if we are to have security in our financial system, some thought must be given to how we, as prudent trustees of our financial affairs, may bring to bear revenues which we are not presently receiving from mineral resources, but which we may hereafter receive, upon the retirement of a portion of the public debt.

Many people perhaps object to appropriating money for education, although I think such appropriations contribute to building up a great national asset. But in view of the position repeatedly taken by members of the Republican Party, that we must attack the public debt, a debt largely created by World War II, and if we must find means of reducing it for our security, then I think it behooves them, as prudent men, as the majority party, to pay a little bit of

attention to earmarking the money received from the submerged lands for the retirement of the public debt.

I submit, Mr. President, that the Democratic Party was accused of being guilty of giveaways in our first legislative measures, when we took over from the Republicans in 1933. We spent a great deal of money, it is true, for relief purposes, to relieve the hungry, to build up employment, and to put idle hands at work upon constructive projects for the economic and industrial recovery of our country. During the period from 1933 to 1943 our concern regarding relief led to an increase in the public debt. The recipients of the benefits were not only the men who worked with their hands, who had to have groceries for their families, and clothing for their children, but they were the States of the Union. During that 10-year period the Government spent approximately $18,264,000,000 to provide relief. We are now asked to provide a form of relief by the pending joint resolution, the first major legislative measure presented by the Republican Congress, which is a proposal to give away resources which I believe conservatively will cost the Federal Government, in the long run, more than the entire relief program, and more than all relief programs, during the 10-year period I have mentioned. So the first concern of the Republican majority is relief to provide advantageous leases for the oil companies and extra oil revenue for the States, who seem to be doing pretty well. I should like to see these funds earmarked for the retirement of the public debt. I noticed, and I think it might be interesting to call it to the attention of the Senate, that while we have a public debt of $264 billion-plus, all of the 48 States combined have a public debt of only $6,874,135,000.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point in my remarks the statement of the public debt of the States as compiled by the Bureau of the Census.

The PRESIDING OFFICER. Is there objection?

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

Public debt of the States

[In thousands of dollars]

All States	6,874,135
Alabama	51,147
Arizona	3,244
Arkansas	131,063
California	522,333
Colorado	19,807
Connecticut	237,725
Delaware	92,718
Florida	71,356
Georgia	20,883
Idaho	1,209
Illinois	381,251
Indiana	18,133
Iowa	32,879
Kansas	5,600
Kentucky	10,306
Louisiana	215,367
Maine	26,653
Maryland	205,458
Massachusetts	402,007
Michigan	351,038
Minnesota	120,525
Mississippi	75,685
Missouri	26,092
Montana	44,970
Nebraska	826
Nevada	885
New Hampshire	26,279
New Jersey	324,513
New Mexico	29,570
New York	909,052
North Carolina	274,514
North Dakota	34,566
Ohio	165,211
Oklahoma	126,568
Oregon	116,564
Pennsylvania	895,059
Rhode Island	51,837
South Carolina	124,749
South Dakota	21,123
Tennessee	100,262
Texas	80,825
Utah	1,424
Vermont	4,999
Virginia	37,217
Washington	225,633
West Virginia	245,800
Wisconsin	4,727
Wyoming	4,483

Mr. MONRONEY. Mr. President, I should also like to point out that while under the proposed quitclaim measure the Government is asked to give to the State of California resources under land extending 3 miles seaward from low-water mark, the public debt of the United States is $264,500,000,000, while the public debt of the State of California in 1952 was $522,333,000. While it is proposed that the Government give title 3 miles seaward on the east coast of Florida and 10½ miles on the west coast, Florida in 1952 had a State debt of $71,356,000.

The State of Louisiana, which would receive an area 3 miles seaward under the pending measure, has a public debt of $215,367,000, while the great Empire State of Texas, the largest, and one of the States with the most resources of all, had a public debt in 1952 of but $80,825,000.

It would seem to me that if we are to consider doing equity, since a part of the national debt was created by the work-relief program, WPA, the Civilian Conservation Corps, and other programs, and that under them schools were built, farm and market roads were built, culverts, highways, and boulevards were built, many public buildings were erected, and reforestation was undertaken, and that many of the States also worked for constant soil conservation, the least we can do, if we are to consider the pending measure as the first relief measure of the Republican administration, is to earmark the funds from the resources of the submerged lands for retirement of the public debt. I do not see how any other way can be found, under any conceivable plan that I know of, effectively to continue to diminish the amounts which Uncle Sam owes, and will continue to owe.

The interest burden is now in excess of $6 billion, and, with the 30-percent increase in the interest rate which was put into effect by the Treasury a few weeks ago, it will continue to mount as more and more refinancing is done.

As the distinguished senior Senator from Virginia [Mr. BYRD] has said, we are continuing to pay interest on interest. So I think we should search out ways to reduce the debt, and I believe one way would be to earmark the funds which come from the resources of the marginal sea for the exclusive purpose of the retirement of the public debt.

I sincerely hope we can find other income that we can dedicate exclusively toward the retirement of the public debt.

I hope that Congress and the Atomic Energy Committees will study carefully and deligently to ascertain some way of fixing a royalty basis under which in the use and development of atomic energy for power there can be charged a small royalty, perhaps a royalty of from 5 to 10 percent, on the use of atomic energy for the generation of power. I hope that such money can be earmarked exclusively for retirement of the public debt.

Atomic-energy development represents an investment of many billions of dollars of Federal funds, and I believe we could well consider the returns from that source as another means of doing something to shrink and reduce and get under better control the vast public debt, which hangs as a cloud over our free economy.

Most of the debt, all but about $43 billion of it, was created by the expenditures the Government was required to make during World War II. We perhaps could not have won that war without creating that debt. But I contend, Mr. President, that the debt will not be decreased unless the Congress is diligent and earnest in seeking out every possible means to use revenues which we have not heretofore enjoyed, such revenues as royalties upon the hidden oil which is the subject of the pending measure, or, perhaps, from atomic energy for power generation. We shall never be able to maintain a tax rate sufficiently high to result in a substantial reduction of our $264 billion public debt.

Mr. President, in closing, I seriously urge consideration of my amendment. It is not a frivolous one; it is not one designed to cripple the joint resolution or make it less palatable.

It is designed to improve the proposed legislation, first, by setting a boundary to which all coastal States may agree, instead of setting a hedgehog boundary which will only lead to more confusion and more legislation, as all the other coastal States would seek to do as well for their people as the distinguished Senators from Texas are able to do for their people.

We are familiar enough with Senate procedure to know that when two Senators can get something special for their State, Senators representing other States in a like position are going to insist on bringing home the bacon.

So I would say that the rule of 3 miles around our coastal States, if we must pass the pending measure, would be the best rule for the Senate to follow.

Second, I would say that if we are going to perform our duties as trustees of this very valuable domain, we must provide for leasing operations, for control over that which is not in dispute, in the hands of the Federal Government. We have waited for 6 years without granting leases for oil in the Continental Shelf as battles for title to the 3- or 10½-mile limit have been fought. We may face difficult and dangerous days militarily while we are waiting to ascertain what is under the salt domes far out at sea.

If the oil interests think they will be able, by their own free-enterprise methods, with the initiative and the engineering genius which they have sometimes displayed in the recovery of oil from almost inaccessible places, to develop and improve the production of oil, leasing on a competitive basis by a carefully considered act should be conducted by the Federal Government under the jurisdiction of the Secretary of the Interior.

As I read the testimony of the Secretary of the Interior, he urged that that be included in the proposed legislation. It seems to me, from a legislative standpoint, the only chance of drilling the land and discovering oil lies in such an amendment as I have proposed to the pending joint resolution.

Third, Mr. President, I believe, with a public debt of $264½ billion, caused, almost in its entirety, by America's efforts in World War I and in World War II, we must find a way of retiring portions of that debt. I can see very little prospect of doing so under normal-tax rates.

There is not anything left to pay off the mortgage which exists on the 48 States. I have shown the indebtedness which the States themselves have, amounting to $6,874,135,000. I believe, Mr. President, that that great disparity might indicate to the Senate that perhaps we should not pass the proposed measure at all, but should devote all the revenue coming from the marginal seas, which belongs to the Federal Government, to the retirement of the public debt.

If we are not able to do that—and apparently a majority of the Senate will not let us do that in this pending joint resolution—then I think we should devote all the revenues coming from beyond the 3-mile limit to the retirement of the public debt, so that our children and our children's children will not be burdened with a debt which this generation created and then walked blissfully away without giving a thought to who would pay the final bill.

I hope we shall search diligently in bills which come before us, including atomic energy bills, for any revenue not now a part of our normal-tax revenue and not earmarked for certain purposes, so that we can pay down our huge debt which is standing as an ever-present threat to our capitalistic system.

I urge that Members of the Senate carefully consider these points, and particularly the last point, and find some way to help retire and amortize the gigantic public debt.

Mr. President, I yield the floor.

Mr. TAFT. Mr. President, the Senator from Oklahoma has presented an amendment practically as long as the pending measure itself.

The committee has had under consideration the whole subject of the Continental Shelf. Many questions are not dealt with in the pending measure. We shall still have to deal with the Continental Shelf. It seems perfectly obvious that there is no ground whatever for expecting the half-baked proposal now offered to deal adequately with what is comparatively a new subject. No one claims that anyone owns the land on the Continental Shelf. That is in the high seas.

There are certain rights of an entirely new nature which must be discussed and worked out. The problem of the application of laws, including criminal laws, has to be considered, and it is being considered and worked on by a very diligent committee.

I have assured the Senate that there will be brought to the Senate, within 2 weeks from the date the pending measure is passed, a comprehensive bill dealing with the Continental Shelf. So far as its ownership is concerned, I do not think anything could be more clear than that the Continental Shelf is recognized as being in the jurisdiction of the Federal Government, and that is confirmed by the pending measure.

So far as I know, the President of the United States, the leadership on this side of the aisle, and, I think, on the other side of the aisle, and also the leadership of the House, are of the opinion that the Federal Government's rights to the oil in the Continental Shelf go to the extent of complete ownership, with no rights in the States. So I believe the fears of the Senator from Oklahoma are entirely unwarranted. In my judgment, it would be very unfortunate to attempt to deal with the situation in a partial way. We should wait until the committee has been able to work out the whole problem. We would have had a bill before us long ago except for the fact that we have had to be on the floor and have not been able to sit down and give the slight consideration that is needed, with probably a few days of hearings, and then a few days of discussion for the determination of a proper procedure affecting the Continental Shelf.

So I again assure the Senate that there will be before the Senate a bill dealing comprehensively with the Continental Shelf, after a careful study on the part of the committee. I urge the Senate to defeat the amendment of the Senator from Oklahoma which deals with the whole subject in a half-baked way.

The PRESIDING OFFICER (Mr. BENNET in the chair). The Chair will state for the information of the Senate that the Senator from Oklahoma has 25 minutes remaining, and that the opposition has 115 minutes remaining.

Mr. DANIEL. Mr. President, may I ask if any other Senator is seeking recognition on any other matter?

Mr. MALONE. Mr. President, will the Senator from Texas yield to me for about 2 minutes, in order that I may make an insertion of the RECORD?

Mr. DANIEL. Mr. President, I ask unanimous consent that I may yield to the Senator from Nevada, so that he may make an insertion in the RECORD, with the understanding that the time consumed by him will not be counted as part of the time allotted to the opponents of the amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senator from Nevada may proceed.

Mr. TAFT. Mr. President, will the Senator from Nevada yield to me, in connection with a request for a unanimous-consent agreement?

Mr. MALONE. I yield.

Mr. TAFT. Yesterday, as a kind of informal part of the unanimous-consent agreement which was entered into in connection with Senate Joint Resolution 13, the Senator from New Mexico [Mr. ANDERSON], who proposed the agreement, requested that the Senate not vote today on any of the amendments now before it. Therefore, I ask unanimous consent that when debate on the pending amendments shall have been completed, the vote on them be postponed until 12:30 o'clock p. m. tomorrow, and that after such postponement, the offering of other amendments may be in order and a discussion of them may proceed.

The PRESIDING OFFICER. Is there objection?

Mr. DOUGLAS. Mr. President, may I ask the Senator from Ohio if he has talked over this proposal with either the Senator from New Mexico [Mr. ANDERSON] or the Senator from Alabama [Mr. HILL], neither of whom is now on the floor?

Mr. TAFT. No; I am making the proposal only at the request of the Senator from New Mexico, who asked that the Senate not vote today. My unanimous-consent request relates to his informal condition with respect to the original unanimous-consent agreement.

The PRESIDING OFFICER. Without objection, the request is granted.

RESOLUTIONS BY NATIONAL SOCIETY, DAUGHTERS OF THE AMERICAN REVOLUTION

Mr. MALONE. Mr. President, a very important convention in Washington of the National Society, Daughters of the American Revolution, has just closed.

Miss Gertrude S. Carraway is the new national president general of the association. Mrs. James B. Patton is the outgoing president.

BASIC PRINCIPLES

I wish to congratulate and to commend the Daughters of the American Revolution for their forthrightness in their approach to the basic principles of our republican representative form of government.

The Daughters of the American Revolution at their convention adopted a set of resolutions which deal with what I consider the most important issues facing the country at this time. In my opinion, the society has taken a very sound position in each instance.

Approximately 6,000 of their members from every State in the Nation met in Washington last week and approved these resolutions, which in due time will be widely circulated.

THE CONSTITUTION OF THE UNITED STATES

Among the resolutions is one approving the Senate Joint Resolution No. 1; known as the Bricker resolution. The junior Senator from Ohio [Mr. BRICKER] was joined by 63 other Senators, including the junior Senator from Nevada, in a resolution which would prohibit any treaty or combination of treaties, from changing or modifying the Constitution of the United States or the Bill of Rights without the approval of the Senate of the United States by a two-thirds vote as provided by the Constitution.

FOREIGN TRADE

Another resolution adopted by the organization—and I shall not attempt to

RADIO

Resolved, That the 62d Continental Congress of the National Society, Daughters of the American Revolution, express its sincere gratitude to the members of the radio industry for their generosity in giving time on their programs for the presentation of the policies and activities of our society.

TELEVISION

Whereas television networks as well as independent television stations have frequently included programs of the National Society, Daughters of the American Revolution, on their television screens: Be it

Resolved, That the 62d Continental Congress of the National Society, Daughters of the American Revolution, extends its thanks to the television industry whose cooperation has been greatly appreciated.

DISPOSITION OF RESOLUTIONS

Resolved, That the resolutions adopted at the 62d Continental Congress, National Society, Daughters of the American Revolution, be promptly printed in pamphlet form and forwarded to the President of the United States, to the Members of the United States Senate, to Members of the House of Representatives, and to the entire regular mailing list of the national society.

APPRECIATION TO MRS. THROCKMORTON

Thanks to the president general from the resolutions committee members for the privilege of serving with Mrs. Tom B. Throckmorton, chairman, resolutions committee.

WORLD GOVERNMENT—THERE COMES A TIME

Mr. MALONE. Mr. President, again I commend the National Society, Daughters of the American Revolution, for their intense interest and zeal in national affairs and for the preservation of our constitutional form of Government.

A time comes in the life of every nation, and I think such a time is now upon us, when societies such as the DAR must study trends of government, and take a part not only in national debates and policies, in regard to matters before Congress and before the Nation, but also in their local organizations at home.

The Daughters of the American Revolution have been largely responsible for the repeal by the State legislatures of all but three States of measures approving world government. Twenty-three States passed legislation approving world government, before they learned what the "one economic worlders" really meant by world government.

A world government, with one central governing body, starting with the Atlantic Pact nations and adding to it nations acceptable to the original 12 Atlantic Pact nations as outlined by the British historian, Toynbee. Such an organization was outlined by England's famous historian Toynbee as the next step in history.

That would make the United States merely one state in an organization of foreign states—with the state governments taking their place as county commissioners, each nation with one vote.

The Daughters of the American Revolution, spearheaded the move to explain the real objective of the exponents of world government to the State legislatures and brought about repeal of such legislative acts approving world government. I wish to commend the DAR for its patriotism, and I wish the members every success during the coming year.

TITLE TO CERTAIN SUBMERGED LANDS

The Senate resumed the consideration of the joint resolution (S. J. Res. 13) to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, and to provide for the use and control of said lands and resources.

Mr. HOLLAND. Mr. President, I yield 30 minutes to the distinguished junior Senator from Texas [Mr. DANIEL].

Mr. DANIEL. Mr. President, as was pointed out by the distinguished majority leader, the amendment which is now proposed would accomplish practically the same purpose as the amendment which was rejected by the Senate last evening. It would attempt to set up a leasing procedure for that part of the outer Continental Shelf beyond historic State boundaries as they existed at the time the States entered the Union, or as they were heretofore approved by Congress.

As was stated yesterday by the senior Senator from Oregon [Mr. CORDON], the Committee on Interior and Insular Affairs is working on that particular matter, and within 2 weeks after the pending measure has been disposed of will report a bill. As has been heretofore indicated by several speakers, and I believe the majority leader mentioned it again today, the Committee on Interior and Insular Affairs probably could have already had a bill before the Senate if it had not been for the extended debate, or filibuster, that has been in progress. It has been keeping many members of the committee on the floor of the Senate.

Therefore, what is before the Senate now is practically the same proposal that was defeated yesterday, except that, by the amendment of the distinguished Senator from Oklahoma the money received would go toward the payment of the national debt, instead of for Federal aid to education. Unless the Senate wants to take this complicated legislation away from the committee which is now working on it and adopt this hurriedly prepared amendment, it should again reject this slightly reworded amendment.

I should like to direct my remaining remarks to some of the arguments that have been made against the State of Texas and its boundaries in the Gulf of Mexico. The Senator from Oklahoma [Mr. MONRONEY] indicated that the senior Senator from Texas [Mr. JOHNSON] and the junior Senator from Texas are trying to get something special for their State, namely, legislation in connection with the matter of boundaries, because we have asked Congress to restore lands that were within our boundaries at the time Texas entered the Union.

It is not a question of the present Senators trying to obtain anything for Texas in the way of boundaries. Our boundaries were fixed and agreed to by Congress many years ago. Those boundaries date back to the battlefield of San Jacinto, where Texas won her independence on April 21, 1836. According to history, after that battle Sam Houston wrote out with his finger on the ground at San Jacinto the boundaries of the future independent Republic of Texas. Those boundaries were established by a law enacted by the 1st Congress of the Republic of Texas on December 19, 1836.

Mr. President, I ask unanimous consent that at this point in my remarks a copy of the act defining the boundaries of the Republic of Texas be inserted.

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

An act to define the boundaries of the Republic of Texas

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled*, That from and after the passage of this act the civil and political jurisdiction of this Republic be, and is hereby declared to extend to the following boundaries, to wit: Beginning at the mouth of the Sabine River, and running west along the Gulf of Mexico 3 leagues from land, to the mouth of the Rio Grande, thence up the principal stream of said river to its source, thence due north to the 42d degree of north latitude, thence along the boundary line as defined in the treaty between the United States and Spain, to the beginning: And that the President be, and is hereby authorized and required to open a negotiation with the Government of the United States of America, so soon as in his opinion the public interest requires it, to ascertain and define the boundary line as agreed upon in said treaty.

Mr. DANIELS. I invite the attention of Senators to that portion of the boundary reading as follows:

Beginning at the mouth of the Sabine River, and running west along the Gulf of Mexico 3 leagues from land, to the mouth of the Rio Grande—

Thence around the inland boundaries of the new Republic.

After Texas won its independence from Mexico the matter came up before the United States Congress as to whether or not Texas should be recognized as an independent nation. These boundaries of Texas were put before this body by Senator Walker, of Mississippi, in 1837. Senator Walker introduced a resolution in the Senate to recognize Texas as an independent republic. That was upon the recommendation of President Andrew Jackson, who had already said to the Congress of the United States the following words in a message which he presented to the Congress on December 22, 1836:

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

That is where the Texas boundaries began. The senior Senator from Texas and the junior Senator from Texas are not here asking the Senate to fix any boundaries for Texas. They were fixed on the battlefield of San Jacinto. They were enacted by the Texas Congress December 19, 1836. They were fixed in the mind of Andrew Jackson when he wrote to congress, "The title of Texas to the territory she claims is identified with her independence," in the message recommending that Congress recognize Texas as an independent republic.

Before Senator Walker's resolution was adopted, on March 1, 1837, the Texas

Boundary Act was read by him to the United States Senate. No CONGRESSIONAL RECORD was kept verbatim, but in a subsequent statement, made in 1844, before Texas ever entered the Union, Senator Walker said that he had so read to the United States Senate the boundaries which I have just inserted in the RECORD.

I now read from the Congressional Globe, 1st session, 28th Congress, Appendix, pages 548 to 550, the words of Senator Walker spoken on May 21, 1844, on the Senate floor. After quoting the boundaries as they have just been inserted in the RECORD, Senator Walker said:

> Such was the boundary of Texas as described in the organic law when my motion to recognize the independence of Texas was adopted. * * * This resolution was adopted on the 2d of March 1837, being sustained by the vote of the Senator from Missouri [Mr. Benton] and the Senator from Kentucky [Mr. Clay]. As author of the resolution before it was adopted, I read to the Senate the boundary of Texas as described in her organic law, claiming it also as the ancient boundary of Louisiana, and with full knowledge of these facts the resolution was adopted.

No, Mr. President; the Senators from Texas are not here now asking Congress to grant us something special. Whatever special we have in the way of a 3-league boundary was won at San Jacinto, recognized by President Jackson, and then by the Congress of the United States when it recognized Texas as an independent nation with those boundaries fixed.

The next thing we find in the history of the Texas 3-league boundary was in the proceedings between the United States and Texas for the running of a portion of the boundaries between those two nations. That was in 1838. All the material relating to the boundary agreement of 1838, and the running of a portion of the boundary between the two nations, is found in a book published by the State Department, entitled "Treaties and Other International Acts of the United States of America."

These international agreements are compiled under the authorship of Mr. Hunter Miller. In volume 4, page 136, will be found what this writer for our own State Department has to say as to the boundaries of Texas claimed by her in 1838, when the agreement was made to run a certain part of the boundary. I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks statements by Mr. Miller from page 136, repeating the Texas boundary and showing exactly where that boundary claimed to be in 1838.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

> The boundaries of Texas, as claimed by that government, were thus described in the instructions of March 21, 1838, from R. A. Irion, secretary of state of Texas, to Memucan Hunt (ibid., 318–20):
>
> "The present boundaries of Texas as fixed by an act of Congress are as follows, viz., beginning at the mouth of the Sabine River and running west along the Gulf of Mexico 3 leagues from land to the mouth of the Rio Grande; thence up the principal branch of said river to its source, thence north to the 42° of north latitude; thence along the boundary line as defined in the treaty between the United States and Spain to the beginning."
>
> That description of the boundaries of Texas was taken almost literally from the Texan act of December 19, 1836, "to define the boundaries of the Republic of Texas," which contained the following provisions (Laws of the Republic of Texas, I, 133–34):
>
> "That from and after the passage of this act, the civil and political jurisdiction of this republic be, and is hereby declared to extend to the following boundaries, to wit: beginning at the mouth of the Sabine River and running west along the Gulf of Mexico 3 leagues from land, to the mouth of the Rio Grande, thence up the principal stream of said river, etc."

Mr. DANIEL. Mr. President, in connection with the 1938 boundary demarcation I invite special attention to the fact that although all the Texas boundary was set out in various proceedings, it was specifically understood and agreed that only the 300-mile portion between the mouth of the Gulf of Mexico and running north to the Red River would be surveyed and marked on the ground. I say that because some mention has been made of the fact that in the Convention of 1838 no agreement was made to run the 3-league boundary south from the mouth of the Sabine into the Gulf of Mexico. That is true, because, as Mr. Hunter Miller points out in his work published by the State Department, quoting from page 141:

> It is to be particularly observed, moreover, that this convention provided for the immediate demarcation of only a portion of the boundary between the United States and the Republic of Texas, namely, that "which extends from the mouth of the Sabine, where that river enters the Gulf of Mexico to the Red River," a distance of less than 300 miles.

These two nations were not marking the boundary between them in the Gulf of Mexico. The important thing is that at the time they were marking part of the boundary of Texas they used the act of December 19, 1836, as the organic law and the controlling boundary of the Republic of Texas in 1838, exactly as they used those boundaries when Texas was recognized as an independent nation in 1837.

The next time we find the boundary act coming into play was in negotiations in 1844 between the United States and the Republic of Texas looking toward the annexation of Texas. A treaty was actually signed by which Texas would give to the United States all its public lands and all the minerals within its boundaries if the United States would pay Texas' $10 million public debt. But, as will be remembered, the Senate of the United States turned that treaty down and said to Texas, "Keep your debt and keep your own lands. Your lands are not worth $10 million."

That was the counterproposal made by the Congress in 1845 to Texas, and accepted by Texas. But when the annexation treaty was being considered in 1844, again on the floor of the Senate, Senator Walker, of Mississippi read the Texas boundary as extending 3 leagues into the Gulf of Mexico. I have just read from his words as contained in the Congressional Globe of May 21, 1844, in which he refers back to the previous reading of these boundaries in his resolution for recognition of the independence of Texas.

So it would appear that every time the Congress of the United States has had the question before it, it accepted and recognized the boundaries of the Republic of Texas, as set out in the act of December 19, 1836, and that those boundaries of Texas remained the same after Texas entered the Union.

For example, again the boundaries were before the Senate in 1850. They were discussed by the Senate. What boundaries were referred to in 1850, after Texas had already entered the Union? In every argument Senators referred back to the act of December 19, 1836, which I have read into the RECORD.

It is interesting to note that after the 1850 argument as to that area of Texas which ran up into several present States, as far as Wyoming, the question was settled on the basis of the boundaries as fixed in December 19, 1836. Congress followed those boundaries, but with Texas agreeing to give up that part of its territory lying north and west of its present boundaries.

Senator Foote, of Mississippi, speaking in the Senate on January 16, 1850, said:

> Title to all the territory claimed by her—

Talking about Texas—

> by the act of 1836, entitled "An act for defining the boundaries of the Republic of Texas," is one which no ingenuity can undermine and sophistry elude. Indeed, I suppose that the true limits of Texas will never again be disputed in the Congress of the United States.

Mr. President, I regret that Senator Foote was not correct in his assumption, because today we find a few Senators ready for the first time in this body to dispute the validity of the Texas Boundary Act, fixed in the Gulf of Mexico 3 leagues from land.

Then, Mr. President, the next time the 3 league boundary of Texas came before the Senate, it was again recognized by this body. That was in the Treaty of Guadalupe Hidalgo, between the United States and Mexico in 1848.

The annexation of Texas was based upon the boundaries as they existed at the time Texas entered the Union. That is written into the annexation resolution. The boundaries were not specifically set out, but they were read on the floor of the Senate and they were read on the floor of the House. However, they came specifically before the Senate in 1848.

The annexation of Texas caused the war with Mexico. After the United States won that war, the Treaty of Guadalupe Hidalgo was written. When it came time to fix the boundaries between the United States and Mexico, what boundaries in the Gulf of Mexico were used? Was it the 3-mile boundary, the usual boundary adhered to by the United States? Certainly not. It is true that the United States has usually followed the idea that its coastal boundaries should be 3 miles at sea.

But, Mr. President, every rule has its exception.

In spite of this general 3-mile boundary rule, many nations which border on the shallow waters of gulfs, bays, or

great lakes, go out farther than 3 miles. Texas went out farther than 3 miles. Florida, by its constitution fixed its boundary in the shallow waters of the gulf 3 leagues out, instead of 3 miles, and this was approved by Congress.

Mr. President, in the Treaty of Guadalupe Hidalgo this is what the United States agreed to. I am reading from the treaty, article 5, page 213, volume 5, of Miller's Treaties and Other International Acts of the United States:

> The boundary line between the two Republics shall commence in the Gulf of Mexico 3 leagues from land opposite the mouth of the Rio Grande, otherwise known as Rio Bravo del Norte.

Opposite page 411 of the hearings will be found a copy of a State Department map showing the actual survey made of these boundaries 3 leagues out into the Gulf of Mexico, between the United States and Mexico.

Where did the United States get the 3-league boundary in the Treaty of Guadalupe Hidalgo? If anyone wants to dream up some reason why they used the 3-league boundary—and I have heard it argued on the floor of the Senate that it was just as a customs collections matter or to prevent smuggling—why not look at what the State Department's official writer and compiler said about it? Why not look at what Hunter Miller, in these books which are in the Library of Congress and in the State Department, published by the State Department, had to say?

If we look at page 315 of Miller's Treaties and Other International Acts of the United States, volume V, it will be found that after the words, "The boundary line between the 2 Republics shall commence in the Gulf of Mexico 3 leagues" there is a footnote reference, footnote 1. This footnote, explaining the source of the 3-league distance, reads:

> See the Texas Act of December 19, 1836, quoted in volume IV, page 36, of this work.

So, Mr. President, there is no question about it. The United States and Mexico agreed to the 3-league boundary, which Texas had fixed on December 19, 1836, and which had previously been recognized by Congress.

How the United States Senate or any other body representing the United States can argue against that boundary now, against Texas, or against our good neighbor, Mexico, is beyond me. To do so is to argue against a solemn treaty of the United States, against international agreements made with the former Republic of Texas, and with the present Republic of Mexico.

That is not the end of the story. That is not the last time that the 3-league boundary came before the Senate. In 1853 we find that in the Gadsden Purchase from Mexico a treaty was entered into between the United States and Mexico, in which again the 3-league boundary was used.

I read from the Gadsden Purchase Treaty, article 1, volume 6, in Miller's Treaties and Other International Acts of the United States, published by the State Department:

> The boundary between the two republics—

That is, between Mexico and the United States—

> shall be as follows: Beginning in the Gulf of Mexico, 3 leagues from land, opposite the mouth of the Rio Grande, as provided by the fifth article of the Treaty of Guadalupe Hidalgo.

If there is any doubt about where the United States got the 3-league boundary as an exception to the usual 3-mile doctrine, it would be easy to determine, if we had the time to go into the official correspondence between Texas and the officials of the United States, because Texas officials wrote several letters insisting that when the Treaty of Guadalupe Hidalgo was being negotiated and the Gadsden Purchase was being negotiated, the 3-league boundary of Texas be respected and followed.

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

Mr. DANIEL. Yes; for a very short question. My time has just about expired.

Mr. LONG. I regret that I did not have the opportunity to hear the Senator's explanation, which he took from one of the State Department publications, explaining why the 3-league boundary was used in the Treaty of Guadalupe Hidalgo. Will the Senator from Texas briefly refer again to that statement.

Mr. DANIEL. To the statement in Miller's as to why "3 leagues" was the distance used in the Guadalupe Hidalgo Treaty?

Mr. LONG. Yes.

Mr. DANIEL. Does the Senator request me to refer to what the State Department writer, Mr. Hunter Miller, said about it?

Mr. LONG. Yes.

Mr. DANIEL. From page 315 of volume 5 of Hunter Miller's work, I read *these words:*

> By the instructions to Trist of April 15, 1847—

Trist was the negotiator for the United States —

> the instructions precluded Trist from agreeing to any boundary less advantageous to the United States than the following:
>
> "The boundary line between the two Republics shall commence in the Gulf of Mexico, 3 leagues from land opposite the mouth of the Rio Grande."

It is after the words "3 leagues" that we find a footnote "1"; and the author says in the footnote:

> See the Texas Act of December 19, 1836, quoted in volume 4, page 136, of this work.

Mr. LONG. Mr. President, will the Senator from Texas yield further to me?

Mr. DANIEL. I yield.

Mr. LONG. Then, am I to understand that the United States State Department instructed its representative to negotiate for a boundary beginning 3 leagues from shore in the Gulf of Mexico, feeling that the United States should respect the historic boundary of Texas at the time when it was an independent Republic?

Mr. DANIEL. There is no doubt about that, because it was also the boundary of Texas as a State and therefore the boundary of the United States.

Mr. LONG. And not to mark the line in the channel in the mouth of the river, or something of that sort?

Mr. DANIEL. Not at all. If we just had time to go into all that evidence, there could be no doubt in the mind of anyone but that the United States was respecting the Texas boundaries, just as the President of the United States agreed to do when Sam Houston wrote to the President—I refer to President Polk—and asked, at the time when the negotiation of annexation was in process: "Will you defend Texas' title and boundaries to the extent we claim them to be?"

That was in 1845.

President Polk wrote back—and I quote:

> Of course, I will maintain the Texan title to the extent she claims it to be.

That was the promise of the President *of the United States. The United States* did not go back on that promise when the United States wrote the Treaty of Guadalupe Hidalgo or when the United States wrote the Gadsden Purchase Treaty. The United States never has gone back on that promise—never at any time in the past. Even the Truman administration, in filing this lawsuit against Texas, did not dispute our 3-league boundary.

However, now we find that some Members of the Senate dispute that boundary for the first time, and wish to re*nege on the agreement with Texas and* on the treaty with Mexico.

Mr. HOLLAND. Mr. President, will the Senator from Texas yield for a ques*tion?*

Mr. DANIEL. I yield.

Mr. HOLLAND. The *Senator from* Texas has clearly stated that the State Department in the Treaty of Guadalupe Hidalgo and in the Gadsden Purchase Treaty used as the point of the beginning of the line running between Texas and the United States a point 3 leagues in the Gulf of Mexico beyond the mouth of the Rio Grande River.

In connection with the negotiation by the State Department, I wonder whether any other department of the United States, particularly the legislative department, and particularly the Senate of the United States, was called upon to act upon those two treaties.

Mr. DANIEL. That is correct, and I thank the Senator from Florida for emphasizing it. Certainly the United States Senate was called upon to approve those boundaries as contained in the Treaty of Guadalupe Hidalgo and in the Gadsden Purchase Treaty, because those treaties came before this body and were discussed in this body. So the Senate has passed upon and approved that 3-league boundary in the Gulf of Mexico.

Mr. HOLLAND. Mr. President, will the Senator from Texas yield further to me?

Mr. DANIEL. I yield for a question.

Mr. HOLLAND. Did the Senate of the United States specifically and solemnly ratify each of those treaties?

Mr. DANIEL. The United States Senate did specifically and solemnly ratify those treaties.

Mr. President, let me quote just 1 message from the Texas Legislature in

1847, when the Treaty of Guadalupe Hidalgo was being negotiated. A resolution passed by the Legislature of Texas in 1847 said: "That our Senators be further instructed to oppose any treaty with Mexico which may provide for lessening the boundaries of Texas as established by an Act To Define the Boundaries of the Republic of Texas, approved December 19, 1836"—acts of the second legislature, 1848, volume 2, chapter 151, page 218.

That resolution was sent to the Senators from Texas here in the Senate of the United States, and it was sent to the State Department; and when Secretary of State Buchanan gave his instructions to the United States negotiator, Secretary Buchanan told him not to agree to any treaty which would lessen these boundaries below what was fixed in the Texas Boundary Act of 1836, which had been approved by the United States on so many occasions.

Mr. President, I am about ready to bring to a close these remarks. I really do not think there is any serious question about the Boundary Act of Texas.

However, let us see what some of the more modern decisions of some of the departments other than the State Department have been. For instance, let us refer to the Department of the Interior. The hearings on this particular measure show several recognitions of the 3-league boundary by various agencies of the United States Government, including the Office of the Attorney General and an opinion written by the Secretary of the Interior.

Furthermore, Mr. President, the Department of the Interior has written a book on the boundaries of the United States and the Territories of the United States. It is an official document; it is House Documents, volume 14, published by the 71st Congress, 1st session, 1929, entitled "Boundaries, Areas, Etc., of the United States." This volume was compiled by the Interior Department, by Edward M. Douglas. It relates how all the Territories of the United States came in as part of the Nation.

When reference is made to Texas, we find the following:

> The area which Texas brought into the Union was limited as follows, as defined by the Republic of Texas, December 19, 1836:
>
> "Beginning at the mouth of the Sabine River and running west along the Gulf of Mexico 3 leagues from land to the mouth of the Rio Grande, thence up the principal stream of said river to its source, thence due north to the 42d degree of north latitude, thence along the boundary line as defined in the treaty between Spain and the United States to the beginning."

The PRESIDING OFFICER. The Chair advises the Senator from Texas that his time has expired.

Mr. HOLLAND. Mr. President, I yield to the Senator from Texas whatever additional time he may require, within the boundary of the time available to me.

Mr. DANIEL. I thank the Senator from Florida.

The PRESIDING OFFICER. The Senator from Texas may proceed.

Mr. DANIEL. Mr. President, I am about to conclude, with this summary: Every time the boundaries of the State of Texas have come before the Congress of the United States, they have been recognized in accordance with the agreement of our executive officials and the agreement of the Congress of the United States that they were as the Republic of Texas set them up in the act of December 19, 1836, including the gulfward boundary 3 leagues—9 marine miles—from shore.

Mr. President, look at the nature of the argument of those who oppose us. They want to cut off 6 miles of Texas and throw it back to the family of nations. Their argument is based on the assumption that the United States did not bring all of Texas into the Union—that only 3 miles of our coastal waters entered into the Union.

How absurd, Mr. President.

All of Texas was annexed to this Nation; and I cannot see why anyone would want to draw a lesser line that would result in throwing back to all the nations of the world 6 miles of Texas, just because Texas, instead of the Federal Government, might get some benefit from that area.

I was told—I know it was facetiously—by one Member of this body that if we would just amend this bill so as to provide that all these revenues would go to some of the foreign countries of the world instead of the States, we would get a great deal of support from some of the Members of this body who are now opposing us. Of course, Mr. President, I do not believe that; I know it was said jokingly. However, I also know that those who look after the best interests of the Nation will also look after the best interests of the States.

There is no wealth of a State that is not also part of the wealth of this Nation.

Not one thing has been said during the hearings or on the floor of the Senate in criticism of the way the States have managed these lands. The hearings actually show that lands under State management result in more production of natural resources for the national defense than the Federal Government is able to obtain from the lands it owns and possesses.

No, Mr. President, the Senators from Texas are not trying to get some special favor for their State. Our boundaries were recognized and approved by Congress long ago. We only ask that you not change them now at this late date. We only ask that the United States keep its word with the former Republic of Texas, and not take away lands that it was agreed we should keep and which we have used and developed during all the many years that Texas has enjoyed its wonderful membership in this glorious Union.

Mr. ANDERSON rose.

Mr. DANIEL. Mr. President, I believe the time available to me has expired.

Mr. HOLLAND. Mr. President, I yield to the Senator from Texas whatever additional time he may require, within the amount of time available to me.

The PRESIDING OFFICER. The Senator from Texas may proceed.

Mr. DANIEL. Mr. President, I yield to the Senator from New Mexico for a question.

Mr. ANDERSON. When the Senator from Texas said the State Department had never recognized any boundary other than the 3-league boundary, I wondered whether the Senator from Texas had in mind the letter the Under Secretary of State wrote to former Senator Connally, of Texas, in which the Under Secretary of State used on that point, the following language, with which the Senator from Texas is very familiar, I am sure—namely, that the State Department did not recognize a boundary more than 3 miles offshore for the State of Texas.

Is not that set forth in document after document which the Under Secretary of State submitted; and does not the Senator from Texas think there certainly is ground for a claim that the United States does not recognize a boundary more than 3 miles offshore?

Mr. DANIEL. I will say to the Senator from New Mexico that I do believe I said that the State Department had never contested the 3-league claim of the State of Texas in the Gulf of Mexico.

If I did say that, I was in error to this extent, and to this extent only, that the State Department, or one of its officials, did write in a letter that it did not recognize the boundary as extending out more than 3 miles in the Gulf of Mexico; but, as the Supreme Court said with reference to all the many recognitions of State ownership of these very lands by Federal officials, such letters by those officials are not binding upon this Government. What is binding on the Government is what the Congress of the United States has agreed to by treaty; and I say that no man within the State Department can invalidate the treaty of Guadalupe Hidalgo, or the Texas annexation agreement, or any other solemn agreement made by the executive agencies and approved by the United States Senate.

What I stand upon is that the Congress has ever questioned those boundaries, and that I know of no Members of the United States Senate, since 1850, who have questioned those boundaries, until within very recent years.

This very amendment was before the House during the present session, it is true, in a proposal to change the boundaries and to limit all States to the 3 miles; but that amendment was defeated in the House, as it was defeated yesterday here in the Senate.

Mr. ANDERSON. Mr. President, there has been a great deal of talk about historic boundaries. Why not simply include the term "historic boundaries" in the pending measure, and let the Supreme Court interpret it?

Mr. DANIEL. I may say to the distinguished Senator from New Mexico that I do not know of any fairer way to treat all the States than to confirm their titles to the lands that were beneath the navigable waters within their boundaries at the time they entered the Union. Those are the words used, or "as heretofore approved by the Congress of the United States." When we do that, we are not fixing new boundaries, and we are not changing any boundaries. The boundaries would stand as they have always stood.

They must have existed at the time Texas entered the Union at 3 leagues in the gulf, or this measure will not restore the proprietary rights to that distance; and Florida's boundaries must have been heretofore approved by Congress not hereby approved, but heretofore approved, or Florida would not receive lands under this bill to that distance. Of course Texas boundary did exist at 3 leagues at the time of annexation and the Texas and Florida 3-league boundaries were heretofore approved by Congress, but that is history. It was not written by this bill and cannot be erased by this bill. The purpose of this bill is to write the law of State ownership for the future as being applicable to all navigable waters within boundaries as they existed heretofore, as they existed at the time the States entered the Union, or at the time when those boundaries were heretofore approved by the Congress of the United States. That is the way the law was believed to be by all of the courts and Federal and State officials prior to the recent Federal claims.

All such language as "hereafter approved" was taken out by an amendment agreed to yesterday afternoon as a corrective measure. As the Senator from Florida said, the intention was to write specifically into the joint resolution what the authors have said all along would be its effect—that it covered only land within the historic boundaries. The only way I know of to describe the word "historic" by means of definition is to say, "as the boundaries existed when the respective States entered the Union, or as heretofore approved by the Congress."

There is good reason, Mr. President, why those words should be used. The Supreme Court of the United States has said in several cases that the Federal Government can do nothing to change the area of a State after it has entered the Union with fixed boundaries, except with consent of the State. There is another line of cases which hold that, if the boundaries are set out in a State constitution, such as the constitution of the State of Florida, which is approved by the Congress of the United States, then the United States cannot change those boundaries without the consent of the State. That is why the terms now employed are used. They are taken from court decisions, which have been written in cases dealing with situations similar to the present one.

For instance, in *New Mexico* v. *Colorado* (267 U. S. 30, 41 (1925)) the Supreme Court said that the right of a State, upon its admission into the Union, to rely upon its established boundary lines cannot "be impaired by any subsequent action on the part of the United States."

And in *New Mexico* v. *Texas* (276 U. S. 557 (1928)) the Supreme Court said:

> New Mexico, when admitted as a State in 1912, explicitly declared in its constitution that its boundary ran "along said thirty-second parallel to the Rio Grande * * *." This was confirmed by the United States by admitting New Mexico as a State with the line thus described as its boundary.

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

Mr. DANIEL. I yield to the Senator from New Mexico.

Mr. ANDERSON. I desire merely to make an explanation to the Senator from Texas. I am not so much concerned about the boundaries he would set up. I think he has foundation for his claim and that he has reason for presenting what he is placing before the Senate. I have never questioned the absolute sincerity with which the Senator presents the proposal.

The only feature which was a little disturbing to me was the reply of the Senator from Texas to the junior Senator from Louisiana with reference to the boundary 3 leagues out into the ocean. I recognize that the Senator from Texas does not believe that it had been marked as extending to the boundary of the river. I had made the statement that I had found authority to support the position that it did, and I say that, like other matters, is a subject of argument. I merely desire to say to the Senator from Texas that I was as sincere in saying that I had received certain information to support the statement I made as I know he is in pointing out that the condition is not as stated. We have all been helped by the great study which the Senator from Texas has made on this subject. We are all appreciative to him for his help. But, at the same time, some of us have a conviction, which is based upon our study, too, and which was arrived at with quite as much sincerity as was the opinion formed by the Senator from Texas.

Mr. DANIEL. I thank the Senator from New Mexico. I certainly grant that he is quite as sincere in his views as are those of us who support Senate Joint Resolution 13 in our views. I thank the Senator.

IN REPLY TO SENATOR KEFAUVER

Mr. DANIEL subsequently said: Madam President, on April 18, 1953, as reported in the CONGRESSIONAL RECORD at page 3308, the Senator from Tennessee [Mr. KEFAUVER] quoted from a book entitled "Protection of Coastal Fisheries Under International Law," by Stefan A. Riesenfeld. It is Monograph No. 5 of the Carnegie Endowment for International Peace, Division of International Law. The quotations were given for the purpose of showing that the United States has followed the 3-mile limit for territorial waters. The only trouble is, Madam President, the Senator from Tennessee stopped reading too soon, because in the text immediately following the portion inserted in the RECORD by him, the author shows that the United States has departed from the 3-mile rule on many occasions, including recognition of the Texas 3-league boundary.

I ask unanimous consent to have inserted in the RECORD at this point certain portions from the same book on pages 254 and 255 which were omitted by the Senator from Tennessee, showing instances in which the United States has departed from the 3-mile rule.

The PRESIDING OFFICER. Is there objection?

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

> While holding to the 3-mile rule in general, the United States has for some purposes deviated from this principle. The most important instances are in connection with antismuggling legislation which, as previously mentioned, goes back to 1790. The United States has insisted consistently on the right to take effective measures against violation of her custom laws, and the far-reaching Anti-Smuggling Act of August 5, 1935, is the latest congressional manifestation of this position. The Court and text writers also seem in general to have approved of this action, and in diplomatic correspondence it has been defended as a well-settled exception to the general principle.
>
> One might be tempted to cite in this connection also the peace treaty of February 2, 1848, with Mexico, which provided for a boundary commencing 3 leagues from the land. However, upon Great Britain's protesting, Secretary Buchanan declared on August 19, 1848, that this stipulation was intended to have effect only inter partes.
>
> (From pp. 256–257:)
>
> In May 1939 the United States Department of State considered the question of the extension of the territorial waters to 12 miles either by individual treaties, or by *ex parte* notice. Finally the most recent deviation by the United States from the rigid 3-mile concept is her adherence to the famous Declaration of Panama of October 3, 1939, mentioned above, which sought to create a vast safety zone surrounding the Western Hemisphere apart from the European possessions and Canada.
>
> In this connection it is important also to consider the practice of the individual coastal States within the Union.

Mr. DANIEL. Madam President, I also desire to have printed in the RECORD, from pages 258 and 259 of the same volume, the special reference to the 3-league boundaries of Florida and Texas as exceptions to the general rule followed by the United States. I ask unanimous consent that the excerpts be printed at this point in my remarks.

The PRESIDING OFFICER. Is there objection?

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

> Article I of the Constitution of Florida of 1885 establishes the boundary along the gulf coast at 3 leagues from the mainland. * * *
>
> * * * * *
>
> With respect to Texas certain historical factors are involved. The sea boundary of the Republic of Texas was by statute fixed at 3 leagues from land along the Gulf of Mexico. The territory "properly included within, and rightfully belonging to the Republic of Texas," was admitted into the Union and became the new State of Texas by two joint resolutions of the Federal Congress coupled with one joint resolution by the Congress of the Republic of Texas. The admission was expressly subject, however, to the power of adjustment by Congress "of all questions of boundaries that may arise with other government." Such an adjustment was contained in the above-mentioned treaty with Mexico of 1848, which provided for a boundary commencing at sea at a distance of 3 leagues from the land. Even though Secretary Buchanan declared this stipulation had effect only *inter partes*, it would *seem to follow* from the three joint resolutions mentioned above that the gulf boundary of Texas runs at a distance of 3 leagues from the gulf coast.

Mr. DANIEL. Madam President, as to the general policy of the United States in departing from the 3-mile rule on various occasions, I ask unanimous consent that Mr. Riesenfeld's statement, appearing at the top of page 260 of the same volume, and his conclusion, appearing on page 280 thereof, be inserted in the RECORD at this point in my remarks.

The PRESIDING OFFICER. Is there objection?

There being no objection, the two excerpts were ordered to be printed in the RECORD, as follows:

(From p. 260:)

From all the instances mentioned it follows that in the United States the 3-mile rule has not been rigorously observed, but that in various respects certain exceptions have been made. Precisely where the line of demarcation runs according to the American practice is hard to say. The problem of jurisdiction at the maritime frontier is a very complex one under American law. No uniform formula has been devised and the law is far from being well-settled.

(From p. 280:)

At the outset it is clear that, as the Hague Codification Conference made obvious to all the world, there is no such thing as a universally recognized 3-mile rule. To be sure, there are many states, like Belgium, Brazil, Chile, Denmark, Ecuador, Egypt, Estonia, Germany, Great Britain and the Dominions, Iceland, Japan, Latvia, the Netherlands, Poland, the United States, and Venezuela, which generally speaking adhere to the 3-mile rule. On the other hand, there are likewise many other nations which do not adhere at all to this principle, or do so only to a very limited extent, such as Argentina, Colombia, Cuba, Finland, France, Greece, Honduras, Italy, Mexico, Norway, Peru, Portugal, Rumania, Russia, Spain, Sweden, Turkey, Uruguay, and Yugoslavia. It is also important to note that some nations, as for instance, Ecuador, have introduced separate limits for their territorial waters at a greater distance than the ordinary 3 miles from their coasts for the special purposes of fisheries.

Moreover, there is not a single nation which has always and for all purposes adhered to the 3-mile rule.

Mr. WILLIAMS. Mr. President, how much time remains on the amendment of the Senator from Oklahoma?

The PRESIDING OFFICER. The Senator from Oklahoma has 25 minutes remaining; the Senator from Florida, 1 hour and 14 minutes.

Mr. ANDERSON. Mr. President, with reference to the amendment suggested by the Senator from Oklahoma, who is not presently on the floor, I do not wish to take advantage of the absence of the majority leader, but I wonder whether the acting majority leader would be willing to grant the Senator from Oklahoma 10 minutes, prior to the time his amendment comes to a vote, if he does not use his time now. In other words, we are to vote on it tomorrow, and the Senator from Oklahoma would like to be recognized for 10 minutes before we vote on his amendment tomorrow, with the understanding that the opponents of his amendment would also have 10 minutes immediately preceding the vote, which would be reserved from the time they now have remaining.

Mr. HOLLAND. Mr. President, I may say for the acting majority leader that the proposal just voiced by the distinguished Senator from New Mexico was advanced a little while ago to the Senator from Florida, by the Senator from Oklahoma, who is not now in the Chamber. The Senator from Florida told the Senator from Oklahoma that he felt there would be no objection to an arrangement allowing 10 minutes to each side tomorrow immediately preceding the vote, but that he would want to consult, first, with the majority leader, to ascertain whether that was in accordance with the desires of the leader; and the Senator from Florida has had no chance to consult with him.

Mr. WILLIAMS. Mr. President, I may say to the Senator from New Mexico and to the Senator from Florida that I see no objection to reserving 10 minutes on each side, but could we have it understood that each side would relinquish whatever the remaining time might be, except for 10 minutes.

Mr. ANDERSON. Oh, yes.

Mr. WILLIAMS. I ask that the time remaining to each side be relinquished, except 10 minutes to a side, each side reserving that 10 minutes for use at the opening of the session tomorrow.

The PRESIDING OFFICER. Is there objection?

Mr. HILL. Mr. President, let me ask the acting majority leader whether he does not want to include a request that the amendment now pending shall be taken up immediately following a quorum call tomorrow, following the convening of the Senate, so that we may know when it is to come up?

I may say to my friend, the Senator from Delaware, that was the idea of the distinguished majority leader. It was his idea that we would vote about 12:30. That would be the thought. The Senator from Ohio told me he thought we would vote about 12:30.

Mr. WILLIAMS. I may suggest to the Senator from Alabama that if each side were to take 10 minutes, when the Senate reconvenes tomorrow, and if that were to be followed by a quorum call, that would bring us to about 12:30 o'clock.

Mr. HILL. I appreciate that. Unless the time to vote is stated, there might be some amendment left over which has not been disposed of tonight.

Mr. WILLIAMS. We are going to recess.

Mr. HILL. For the remainder of the day?

Mr. WILLIAMS. Yes.

Mr. HILL. Then, how would it do to ask unanimous consent that immediately following the quorum call after the convening of the Senate tomorrow not to exceed 10 minutes be allowed to each side, and then that the Senate proceed to vote on the amendment?

Mr. HOLLAND. And that the remainder of the time be waived.

Mr. WILLIAMS. I have no objection to that, and I ask that it be incorporated in the unanimous-consent request.

Mr. HOLLAND. Mr. President, reserving the right to object, would this be a modification of the present unanimous-consent agreement?

The PRESIDING OFFICER. The Chair understands there has been a unanimous-consent agreement that the amendment offered by the Senator from Oklahoma will be voted on at 12:30 tomorrow afternoon, and the 30 minutes available after the Senate convenes tomorrow can be allotted. The Chair understands that 10 minutes on each side is to be allotted tomorrow after a quorum call.

Mr. WILLIAMS. That is correct.

The PRESIDING OFFICER. The Chair understands that that does not affect any other provisions of the agreement.

Mr. WILLIAMS. That is correct.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. WILLIAMS. Mr. President, I move that the Senate stand in recess——

Mr. ANDERSON. Mr. President, will the Senator from Delaware withhold his motion? The Senator from Tennessee [Mr. KEFAUVER] desires recognition.

Mr. WILLIAMS. Mr. President, if the Senator from Tennessee desires recognition, I withhold my motion.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. KEFAUVER. Mr. President, I call up my amendment designated "4-24-53-B", and ask that it be stated.

The PRESIDING OFFICER. The clerk will state the amendment offered by the Senator from Tennessee.

The CHIEF CLERK. On page 13, beginning with line 18, it is proposed to strike out all through line 14 on page 14 and insert in lieu thereof the following:

(b) The United States hereby releases and relinquishes unto said States and persons aforesaid, except as otherwise reserved herein, all right, title, and interest of the United States, if any it has, in and to all said lands, improvements, and natural resources on the condition, in the case of any State which has received any payments, or to which any payments are due, from any lessee under a lease of submerged lands, which are covered by tidal waters and are outside of inland waters and the ordinary low-water line of such tidal waters, or natural resources therein (including such payments received or due under stipulation or agreement with the United States) for any period prior to the date of the enactment of this Joint Resolution, that such State shall pay to the Secretary of the Treasury an amount equal to the total of such payments received and due. Amounts received under the provisions of this subsection and any amounts received by the Secretary of the Interior, the Secretary of the Navy, and the Treasurer of the United States with respect to any lease of such lands or the natural resources therein, shall be covered into the Treasury and shall be applied to the reduction of the national debt.

On page 15, line 13, strike out "(i)."

On page 15, beginning with the semicolon in line 20, strike out all to the semicolon in line 6 on page 16.

Mr. KEFAUVER. Mr. President, it will be seen that the purpose of my amendment is to grant to the Federal Government and all the people of the United States, for the purpose of reducing the national debt, the amount of money which is now held by the Federal Government in a special account and also the amount of money held, for instance, by the State of California in escrow, the

money having been received from royalties from lands in the marginal sea which we are now considering.

Title II, section 3, subsection (b) of the pending joint resolution provides as follows:

(b) (1) The United States hereby releases and relinquishes unto said States and persons aforesaid, except as otherwise reserved herein, all right, title, and interest of the United States, if any it has, in and to all said lands, improvements, and natural resources; (2) the United States hereby releases and relinquishes all claims of the United States, if any it has, for money or damages arising out of any operations of said States or persons pursuant to State authority upon or within said lands and navigable waters; and (3) the Secretary of the Interior or the Secretary of the Navy or the Treasurer of the United States shall pay to the respective States or their grantees issuing leases covering such lands or natural resources all moneys paid thereunder to the Secretary of the Interior or to the Secretary of the Navy or to the Treasurer of the United States and subject to the control of any of them or to the control of the United States on the effective date of this joint resolution, except that portion of such moneys which (1) is required to be returned to a lessee; or (2) is deductible as provided by stipulation or agreement between the United States and any of said States.

The amount of money which is now on hand is referred to at page 570 of the hearings. It will be seen that the total revenue in the hands of the States, according to the table, is approximately $35,284,000. Louisiana has approximately $15 million; Texas has approximately $500,000; California has a little less than $20 million. That money has been held by the States pursuant to an agreement which was entered into between the Secretary of the Interior and those States, the stipulation being found at page 10 of the hearings before the 82d Congress.

The first stipulation was entered into before the Supreme Court decided the California case. It is dated the 26th of July, 1947. On page 15 of the hearings on Senate Joint Resolution 20, which was considered in the last Congress, the stipulation will be found.

After that stipulation expired, which provided what the States should do with the money they received, another stipulation was entered into. In the case of California it was dated the 21st of August, 1950. It begins on page 13 of the hearings on Senate Joint Resolution 20. I do not believe these stipulations are contained in the present hearings on the pending measure.

I have been advised that in addition to the $35 million which the States hold, the Federal Government has on hand approximately $35 million which it is holding in escrow and which is increasing in amount all the time.

The proposition submitted, Mr. President, is simply this: Is the money to be used for the retirement of the national debt of the United States which is for the welfare of all the people, or shall the money which is being held in escrow by the States, $35 million, be, as required in the pending measure, turned back to the States? Also, shall the Federal Government be required to return its money which is being held in escrow, for some reason, back to the States, as is provided for in the pending measure?

Mr. President, many Senators are greatly alarmed over the attitude of the present administration and the sponsors of the joint resolution, because at a time when our national debt is more than $260 billion, and an attempt should be made to begin paying it off, the administration is seeking to give away a substantial part of the assets of the Federal Government. I am somewhat surprised that the administration and some of the sponsors of the joint resolution, who indicated a great desire to balance the budget, reduce appropriations, and pay off the national debt, should seek in this first major effort in Congress to give away the greatest resource the United States has, which could be used for payments on the national debt. This resource has been variously estimated as being worth between $50 billion and $300 billion. That is said to be the value of the oil and gas alone beneath the submerged lands which the giveaway measure affect.

It seems to be predestined, as indicated by the votes which have been taken, that the United States Government is about to enter into a policy of giving away in the form of oil from the submerged lands wealth of the United States, wealth which belongs to all the people, at a time when such wealth ought to be used for the purpose of helping our schools, paying for our defense effort, or at least retiring or reducing the national debt.

It is very difficult for me to see how the present administration and the sponsors of the joint resolution, who have always proclaimed so long and so vigorously about their desire to reduce the national debt, and who have always viewed with alarm the increasing national debt, should propose a program to give away one of the greatest and most tangible assets the United States Government has, which could be applied to the reduction of the national debt.

For my part, I hope that the Supreme Court will void the joint resolution if it becomes a law. But, unless stopped by the Supreme Court, it would seem that the United States, at a time when it ought to be using the great revenue derived from this source for other purposes, particularly for the reduction of the national debt, would give away oil and gas, to say nothing of other resources, worth from $50 billion to $300 billion. It is a part of the biggest giveaway program which this Government, or any other government, ever has known, and the giving away would be to three States which are not entitled to the resources.

Although the giveaway measure proposes to milk the cow to the last drop, a question remains as to whether it will be possible to save one little drop for all the people of the United States. That is what my amendment proposes to do. It is somewhat amazing that the proponents of the joint resolution should ask that the United States give to three States property worth from $50 billion to $300 billion, which does not belong to the three States, and which, according to the decisions of the Supreme Court, has never belonged to them. The States have no title or interest in this property. The United States holds it in trust for all the people. After taking these resources away from all the people, and giving them to three States which are not entitled to them under the law, the proponents of the joint resolution also ask that the States concerned be given all of the royalties that will accrue from the oil property during the interim. That is carrying the giveaway and the grab a little too far.

I have before me a great many statements which were made by General Eisenhower at the time when he was a candidate for President of the United States. I am sure all his statements were made in good faith. In his speeches as a candidate, he expressed great interest in reducing the national debt of the United States. The Republican platform included a plank for the reduction of the national debt.

In St. Louis, on September 20, 1953, General Eisenhower said:

The people who pay the taxes will know where we are going. They will know that we are on our way toward a balanced budget, toward reduction in the national debt, toward lower taxes.

Mr. President, I have not seen the taxes reduced yet, but I have seen the interest rate on bonds go up. I can understand the desire to reduce appropriations. Most people are willing to join with the administration in reducing appropriations to the point to which they can properly be reduced. Most people would be glad to have taxes reduced if the budget could be balanced after reducing taxes. Taxes should not be reduced until the budget is balanced and we can have something left over with which to begin paying on the national debt. But I do not see how we can consistently follow a program like that by giving away to States not entitled to it, who have no legal claim to it, property being held in trust for all the people of the United States. The natural resources here involved comprise a vast treasure. No one knows what the extent of that treasure is. The funds that would be collected would unquestionably belong to the Federal Government, which is the owner of the property in question.

If the joint resolution shall be passed, and signed by the President, the situation will be that Congress will have deeded and transferred to three States that which belong to all the people of the Nation.

The amendment resolves itself into this question: If the Federal Government transfers and deeds this property to the States, is it also going to give the States the revenues which has been collected from the property, at a time when no question can logically, legally, or soundly be raised as to the title of the United States in the property?

One thing has become quite clear in the lengthy debate that has taken place in the Senate, namely, that the proponents of the joint resolution have no legal

case upon which to base their argument and claim. The proponents must admit that the law is, and the law always has been, that this vast wealth now belongs, and at all times heretofore has belonged, to all the people of the United States. There has never been any decision of the Supreme Court, nor has there ever been any act or resolution by Congress, to the contrary. There has never been any executive order or statement by the executive department, or from the White House, to the contrary.

What is being sought by the joint resolution is the transfer of this vast wealth from all the people of the United States to three States. The question is whether we shall likewise transfer the revenue from the property, even before the ill-advised joint resolution is passed by Congress.

I think it is very pertinent always to consider the decree of the Supreme Court in considering the question. It is certainly important to consider it in reference to the amendment which is now pending.

The decree of the Supreme Court in the California case is found at page 1194 of the hearings. The other decrees follow the opinions, which are in the legal appendix to the hearings on the pending joint resolution. The decree of the Supreme Court in the California case—and the language is similar in the other three cases—is as follows:

> And for the purpose of carrying into effect the conclusions of this Court as stated in its opinion announced June 23, 1947, it is ordered, adjudged, and decreed as follows:
>
> 1. The United States of America is now, and has been at all times pertinent hereto, possessed of paramount rights in, and full dominion and power over, the lands, minerals, and other things underlying the Pacific Ocean lying seaward of the ordinary low-water mark on the coast of California, and outside of the inland waters, extending seaward 3 nautical miles and bounded on the north and south, respectively, by the northern and southern boundaries of the State of California. The State of California has no title thereto or property interest therein.

It is certainly a sad day for the people of this Nation who are interested in retiring the national debt when we give away our most valuable property, in view of the decisions of the Supreme Court—and there never has been a case to the contrary—which hold that the United States is now and has been at all times pertinent thereto possessed of paramount rights in and full domination and power over these lands, and that the State of California has no title thereto or property interest therein.

I have never been able to understand how an administration, and how certain people who are interested in reducing the national debt, could give away something which unquestionably, undeniably, and in the plainest language that we can understand has been held to belong to all the people. It is like a trustee holding property for 48 children, and then deciding that there is some kind of advantage, political or otherwise, in giving the whole property not to the 48 children, but to 3 children. That would be unheard of in civil life, but that is exactly what is happening. We are violating the trust, as I see it, which is placed upon the Government of the United States to hold this property for the benefit of all the people.

It seems to me that the States should be satisfied to get this valuable property, which undoubtedly would enable them, if they can keep it, to do away with State taxes, completely eliminate the State debt, if any there be, and have wealth beyond what any of us contemplate. It certainly seems that if they are going to get all the property they ought to let the poor United States Government, which now owns the entire property, to have at least the $65 million or $70 million which has been collected in royalties before this legislation came before the Congress.

We may not realize how much this amounts to a month. In the Gulf of Mexico, without very much production up to the present time—I do not know exactly whether these figures relate to the area out beyond the 3-mile limit or inside the 3-mile limit—the royalty income is estimated at $190,000 a month. That is before there has been any real development down there. In California, on January 30, 1951, the royalty income was about $775,000 a month. Rentals are credited against royalties.

I have been trying to find out just how much money was involved. Mr. Stewart French, the staff counsel of the Senate Committee on Interior and Insular Affairs, showed me a letter which was written to him by Mastin G. White, of the Geological Survey, United States Department of the Interior, on January 30, 1951. He says:

> As to item (b)—

I do not know what part of the property this has to do with—

> Gulf—royalty income estimated at $190,000 a month. No estimate can be made as to the amount of deferred drilling or production rental that may hereafter be paid by the operators. The substantial rentals on Louisiana leases do not accrue when drilling or production is in progress. Nominal rentals on Texas leases are paid in lieu of production.

The $190,000 a month income from only a part of the property arises before there has been any substantial development. It will be many times that amount in the Gulf of Mexico. Many times that amount of royalties will be payable to those States every month after there has been more development.

Reading further from the letter to which I have referred:

> California—royalty income about $775,000 a month. Rentals are credited against royalties.

Let me read some of the campaign pledges. I think common sense would tell anyone that if he owed a great deal of money, if he were heavily in debt as an individual, about the most foolish thing he could ever do would be to start giving away his property. If you, Mr. President, owed a great deal of money, certainly for the benefit of your family, your creditors, and yourself, the last thing you would want to do would be to give away the property with which you might pay off the debt. That is good, sound business principle for an individual to follow, but it is not the principle enunciated in the Holland joint resolution. I fear that in years to come this giveaway measure will rise to plague those who have had a part in it. It is inimical to the best interests of the people of the United States, and even of the three States. It does not follow the sound business principle that the way to pay off one's debt is to keep his property and develop it. The joint resolution follows the strange idea that in an economy administration apparently the way to balance the budget, reduce taxes, and pay off the debt is to give away the wealth of the country.

Not only are we giving away wealth, giving away title to the lands underneath the waters which belong to the United States, as well as the waters themselves, with all their mineral content, but we are giving away money which was collected from such properties at a time when no one seriously disputed that they belonged to all the people of the United States. Certain States are trying to grab even that money. I am surprised that anyone should attempt to defend such an operation.

I invite attention to some statements, either from the Republican platform or from speeches made by Mr. Eisenhower when he was a candidate for President.

At Birmingham, Ala., on September 3, 1952, he said:

> Ladies and gentlemen, the Department of Labor's own statistics show that in the year 1950 every city family spent an average of $400 more than it could make. Now, of course, in Washington that is not a lot of money, but to most of us it is still some bucks. If we are going in debt at that rate all the time, we can see not only where the Nation is going, but where we are going. That is what I am down here for—to help you stop that if I can.

With a national debt of $265 billion, and when we are giving away property with which we could pay a large part of it, if not all of it, I can see where the United States of America is going.

I now read from a speech delivered at Jackson, Mich., on October 1, 1952:

> We are told that these are times of great prosperity; yet when we are carrying the heaviest taxes ever imposed upon the American people we cannot—we must not—still run into debt.

Mr. President, that is a fine statement. But, Mr. President, where does the pending legislation leave us? Where does President Eisenhower's espousal of the giveaway-grab legislation leave us? We are carrying the heaviest taxes in history; yet we are giving away property that could be used to pay those taxes. Sixty-five million or seventy million dollars may be peanuts to some people, but it is still a lot of money. The sponsors of the pending legislation are not only trying to give away all the property, but also give away the revenues which accrue on that property, which, in unquestioned terms, belongs to all the people of the United States.

Mr. President, if a court of equity were sitting in judgment over a trustee who tried to take the same action—a trustee

for children, for example—that this grab bill attempts to do, the trustee would be summarily removed by the court of equity, and he would be penalized by fine or reprimand, or whatever action may be necessary and required to restore the trust property to the people to whom it belongs.

I have here another speech made by Candidate Eisenhower, on September 15, 1952. He made the speech in Fort Wayne, and I quote from it as follows:

> Another great issue is the great debt that bears down on you and demands today more than a half billion dollars of our money just to service that debt, just to carry the debt. Do you realize that today as our country increases its population something like 6,000 people every day every one of those babies is born with a debt of 1,800 bucks hanging over its head? Is that funny?

Mr. President, that is another fine statement: Every child that is born has a debt of $1,800 hanging over his head. We could reduce that debt of $1,800 very substantially if we were to use this trust property for the purposes for which the Supreme Court says it is held. We could reduce it a little if we were to apply the sixty-five or seventy million dollars toward it.

Oh, no, Mr. President, the sponsors of the joint resolution, in an effort to extract the last drop of milk, in milking the United States for the benefit of a few, not only want the estate itself but they want the last drop of milk also.

It is true, as Candidate Eisenhower said in his statement, that it demands more than a half billion dollars of our money just to service the debt. But even back in 1951, before there was any real development of this property, according to the letter to Mr. French, $775,000 a month was being collected in the State of California from royalties, and a large amount in the Gulf of Mexico.

That would do a great deal to pay the carrying charge on the debt, if the funds were so used. That great wealth could so reduce the initial debt that the carrying charge would not be anything like a half billion dollars a year. But, Mr. President, apparently we are going to give all that away. The question now is whether we are going to take the last drop of milk and give it away, too.

Quoting further from Candidate Eisenhower, at Jefferson City, Mo., on September 20, 1952, he said:

> At the same time they tell you that every city family—and this is a governmental report—every city family last year spent, just for food, and clothing, and shelter, and the things they need $400 more than the family earned. They are forcing families to do that because the Nation is living beyond its means.

That is a fine statement, too. The only way to cut down the deficit of the family is to let some of these funds be used for education under the amendment proposed by the distinguished Senator from Alabama. Not only would the States have to pay less for education, but our children would have a better education. The families would not have to live beyond their means. At least to a small degree we could cut down the great burden that Candidate Eisenhower spoke about in his speech, by making sure that the people of the Nation got the $65 million or $70 million.

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

Mr. KEFAUVER. I yield for a question.

Mr. LONG. Would it not also cut down this great burden if by an amendment we were to strike out the $4 million a year given to the TVA and passed to the State of Tennessee in lieu of taxes, and let that benefit be directed to all the people, instead of only to the people of Tennessee?

Mr. KEFAUVER. Mr. President, the Senator from Louisiana is very astute. However, I have always heard it said in trying a lawsuit that when the going gets hard and when one does not have facts to stand on and when one must admit that his argument is weak, he should always try to change the subject. That is what the Senator from Louisiana is doing. He concedes by his question that he would like to change the subject, because it is hurting a little.

Mr. LONG. Mr. President, will the Senator yield further?

Mr. KEFAUVER. I will answer the Senator's question. The Senator wants to bring in the Tennessee Valley Authority. I want to say that the Tennessee Valley Authority, as a great development, does not only benefit the people of the Tennessee Valley, but benefits people all over the United States. I want to say also that the power program of the Tennessee Valley Authority is amortized so that every dollar of it will be repaid to the United States of America within 40 years.

Last year, TVA made a net profit of $20 million, which belongs to the people of the United States. If the Senator is talking about replacement of certain taxes, where the tax structure of the counties would have been wiped out, if the taxes which had been paid by the Tennessee Electric Power Co. to the counties had not been replaced, or where the entire land had been submerged, I want to say to the Senator that the great housing projects in the city of New Orleans, operated as businesses, do make some replacements to the city of New Orleans and to the parish and to the State, just as the operation of the business in the Tennessee Valley Authority makes some tax replacement on that part of the property which is designated for electrical purposes and on which a profit is made. The TVA only replaces taxes on that part of land inundated by TVA dams which is charged to electrical operations. That charged to navigation and flood control is not replaced.

I want to say to the Senator from Louisiana that that is, in the long run, a profit-making operation.

The pending joint resolution is nothing but a giveaway operation insofar as the Federal Government is concerned.

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

Mr. KEFAUVER. I want to say that under the resolution which I will bring up later, to appoint a commission, we recognize that there are certain local equities for school and State and communities or harbor improvements which I believe should be given special consideration.

What I am complaining about is that the whole thing should be transferred to the three States, and I am complaining in the amendment that the money collected, when unquestionably it belongs to the Federal Government, should be Federal property instead of State property. I now yield to the Senator from Louisiana.

Mr. LONG. The point which the junior Senator from Louisiana had in mind is that when the Senator from Tennessee refers to oil, and says that we ought not to let the revenues from these resources go to the benefit of a particular State, but should spread the benefit among all the people of the entire Nation, why does not the Senator from Tennessee pursue his argument to its logical conclusion, and apply that principle of the Western States with reference to public lands owned by the Federal Government, whereof the revenues from minerals 37½ percent go to the States and the remaining 52½ percent to the reclamation fund, which benefits only the Western States and does not benefit any State east of the Mississippi River? In other words, why not apply the Senator's line of argument to take in everything for the benefit of all the people in the entire Nation.

Mr. KEFAUVER. Mr. President, the Senator from Louisiana is not talking about the same thing I am talking about. It has always been the policy of the Federal Government to spend large sums of money for flood control in many States of the Union. It has been the policy of the Federal Government to spend large amounts of money for navigation. I suppose the State of Louisiana has shared quite well in flood control and navigation payments by the Federal Government. That is a governmental policy. It is a part of the program by the Federal Government to build multipurpose dams for the purpose of flood control, navigation, and the production of electric power, as has been done in the Tennessee Valley region. The Federal Government has also done that in many, many other States. That money is spent in Tennessee, Louisiana, Montana, and elsewhere on governmental programs which always have been recognized as being in the interest of the Federal Government. But that has nothing to do with the giving away of the property of the Federal Government. As to the Mineral Leasing Act, 37½ percent goes to the States where the mineral is mined, the balance goes to reclamation States in which any State is eligible to participate.

Mr. LONG. Mr. President, will the Senator from Tennessee yield further to me?

Mr. KEFAUVER. I yield to my friend for a question.

Mr. LONG. As a matter of fact, I believe every single acre in the State of Tennessee is property the Federal Government gave to the State of Tennessee at one time.

Mr. KEFAUVER. Mr. President, every single acre in Tennessee was not given to the State of Tennessee by the Federal Government at one time. Part of it came from North Carolina, when Tennessee was broken off from North Carolina. Some of the land was transferred by North Carolina to the United States Government, and then was resold. The Federal Government had a program of reselling land in Tennessee at 20 cents an acre—so the land did not bring very much.

All the States except the Thirteen Original Colonies were property which, at one time, belonged to the Federal Government; that is very true. Certainly, that is true of Louisiana, but in giving Louisiana land, the Federal Government did not give her the sea out from the coast. The Supreme Court has so held.

But what we are dealing with here is property which now belongs to the Federal Government. The present proposal is to give away that property. This situation is exactly analogous to the following: Suppose in Wyoming, claim were made to the Yellowstone National Park; and, in the State of Washington, to the beautiful Olympic National Park; and, in California, to the Yosemite National Park—as hereafter may be done, once we establish this precedent of giving away our national wealth. Suppose claims were made to those parks, and suppose some lumbering or other operations were conducted in the parks. Suppose some cash accumulated as a result of the letting of lumbering leases, and suppose later the Federal Government decided to divest itself of all title to those parks, and to give Yellowstone National Park to Wyoming, and Olympic National Park to Washington, and Yosemite National Park to California, which certainly would be in keeping with the precedent which would be established by the pending joint resolution. Then the question would be, what would be done with the revenues from the lumbering which was conducted when the States let the leases on the property belonging to the Federal Government, inasmuch as that money was held in escrow? It seems to me that common justice should require that in the case of revenue thus derived, since the Federal Government has title to the property—just as the Federal Government now has title to the property which is the subject of the pending joint resolution—the revenue should be used by the Federal Government for all the people, for the reduction of the national debt.

Mr. HOLLAND. Mr. President, will the Senator from Tennessee yield for a question?

Mr. KEFAUVER. I yield.

Mr. HOLLAND. I know the Senator from Tennessee has used several times, in his able address, the term "in escrow," and has referred to these substantial sums of money as being held in escrow. I wonder whether he will explain what is meant by that term, and if it does not mean that the money is held subject to final determination, by the ultimate authority, as to what shall be the disposition of that money.

Mr. KEFAUVER. I think the first stipulation was entered into when California anticipated that there would be Federal leasing, and that there would be no question about titles being in the Federal Government; and that then, as a matter of equitable settlement, some of the money would be turned over to the State, and some to the Federal Government. That agreement was arrived at before the Supreme Court acted finally upon the case. There were some arguments back and forth at that time. The money has just been accumulating. There it is.

Under the first stipulation, the State of California was supposed to turn over the money in 1948. However, that money has not been turned over. I do not know why it has not been. The money is just sitting there.

When the first bill on this subject came up, several years ago, at the time when I was a Member of the House of Representatives, I suppose that matter was known. The States were trying to get the money at that time, and the Federal Government was trying to protect it. I suppose the intention was simply to hold the money until it was possible to see whether an amendment of this sort would be made, so as to settle the problem.

Mr. KUCHEL. Mr. President, will the Senator from Tennessee yield to me?

Mr. KEFAUVER. I yield.

Mr. KUCHEL. I should like to ask the able Senator from Tennessee if he will point out, in the orginal stipulation between the Federal Government and the State of California, the language under which California agreed to turn over moneys to the Federal Government, and then failed to carry out such an agreement.

Mr. KEFAUVER. I am not saying that some other agreement may not have been reached before this time; but I refer now to section 9, on page 17 of the hearings on Senate Joint Resolution 20:

> 9. This stipulation shall remain in effect until pertinent legislation is enacted by the Congress: *Provided, however*, That if no such legislation is enacted prior to July 31, 1948, this stipulation shall terminate as of 60 days subsequent to that date, and the parties hereto shall meet within 30 days after July 31, 1948, to reconsider the terms of this stipulation and to determine whether this stipulation or a revision thereof should be continued for a further period; and provided further, that the moneys held in the special fund described in paragraph 4 of this stipulation shall be retained therein notwithstanding the expiration of this stipulation generally and that distribution of those moneys shall be made pursuant to paragraph 5 of this stipulation.

That expired in July 1948. What happened after that time, I do not know.

Mr. KUCHEL. Is the Senator from Tennessee suggesting that after an agreement was entered into, by means of which the State of California agreed to transfer moneys in trust to the Federal Government, the State of California violated the agreement and did not make the transfer?

Mr. KEFAUVER. No. I say the original trust agreement expired a number of years ago. What happened after that time, I do not know, except there is a later trust agreement which was entered into in 1950, apparently. What happened between July 31, 1948, and August 21, 1950, I do not know.

I said it would appear to me that at the time of the expiration, in the absence of a trust agreement, that in my opinion, the money belonged to the United States Government and should have been turned over to it, because in the meantime the California case had been finally decided, and that case held that the State of California had no right or title to the property.

Mr. KUCHEL. Is the Senator from Tennessee suggesting that stipulations or agreements were entered into between the Federal Government and the State of California, prior to the rendering of judgment in the case before the Supreme Court of the United States?

Mr. KEFAUVER. Apparently that is the situation.

Mr. KUCHEL. Let me say to the Senator from Tennessee, with all due respect, that that is not the situation. Let me say that stipulations were entered into only pursuant to the decision in the case of the United States against California; and that continually thereafter, one after the other, until the present time, one stipulation has replaced a prior stipulation, so that for all the time since the decision in 1947, agreements by way of stipulation have been entered into, and, furthermore, have been carried out, so far as both the Federal Government and the State of California are concerned.

Mr. KEFAUVER. The date of the first decision by the Supreme Court in these cases was June 23, 1947, I believe. A petition for immediate rehearing was filed by the State of California. I believe that is correct.

It will be seen that in the first stipulation reference is made, among the "whereases," to the supplemental brief for the United States, and that it was said to contain certain representations.

So I believe the actual situation is that the stipulation was entered into after the Supreme Court handed down its first decision in the three cases, and before the petition for immediate rehearing was filed, and before the decree was actually entered.

At any rate, the stipulation was entered into before the entering of the decree which states that the State of California has no interest therein.

I am not saying that the State of California has violated any agreement. I do say that after the decree of the Supreme Court was entered, it would seem to me that during the interim, California should have turned over the money to the United States Government, because the decree says the United States is the owner of the property.

Mr. HOLLAND. Mr. President, will the Senator from Tennessee yield to me?

Mr. KEFAUVER. I yield.

Mr. HOLLAND. I should like to call the attention of the distinguished Senator from Tennessee to the fact that a series of stipulations, beginning shortly after the handing down of the opinion

in June 1947, I believe, has been entered into. They consist of an original stipulation and of succeeding stipulations, all of which were, in effect, continuations of the first one, until approximately 1950, when a new stipulation was entered into, under which the funds were to be paid to the Federal Government rather than to the State government, as had been done prior to that time.

I should also like to call to the attention of the distinguished Senator the fact that in each and every one of the stipulations there is clear wording which recognizes the jurisdiction of the Congress of the United States to make disposition of those moneys. I would further like to call the attention of the distinguished Senator to the fact that the reason for the stipulations was that, notwithstanding the decisions of the Supreme Court, the Federal Government had not empowered any agency of its own to continue the operation in question, but it was necessary that legislation be introduced in the Congress, all of which is clearly shown by the records of the various hearings on this matter.

It was regarded as mutually advantageous to the interests both of the Federal Government and of the States that the production of oil should continue, and rather than have it cease, and in the interest of all concerned, the stipulations were entered into, so that production might continue, and that the money, which simply took the place of the oil that had been in the ground, and would have remained in the ground but for the stipulations, should await the result of the controversy. In each case, and in each single stipulation, a continuation of the specific power of the Congress of the United States to deal with the subject by effective legislation was also recognized.

Mr. KEFAUVER. Mr. President, there is no question that the Congress has power to give to the States the money derived from the property in question if it wants to give it away. I suppose that if the Congress wanted to give away the Capitol Building it would have a right to do so. But what I am trying to present, and what I am trying to convince my fellow Senators of, in presenting the amendment, is that, while the Congress, of course, has the right to give the money to the States if it so desires, it should not do so. It may have the right even to give away the vast treasure in the submerged lands. That is to be decided by the Supreme Court. But the mere fact that it has that right is no reason for saying that it should give it away.

The Senator says there are stipulations. I have only the stipulations contained in the hearings on Senate Joint Resolution 20, of the previous session. The first stipulation seems to have been dated July 26, 1947, and was to be in effect until July 31, 1948. The next stipulation seems to be dated the 21st of August 1950, and I suppose there was a period when the arrangement operated under the old stipulation without formal renewal.

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

Mr. KEFAUVER. I yield.

Mr. HOLLAND. I simply want the Senator to be advised that there was no such lapse of time, but that the various extensions of the original stipulation were formally entered into during the interim covered by the two dates which he has mentioned.

Mr. KEFAUVER. The Senator may know the facts. I was merely being guided by what is here in the record before me. If the Senator has some independent knowledge of the subject, he, of course, is undoubtedly correct, but according to the record I have before me, there was a time, from July 1948 until August 1950, when apparently there was some lapse of the first stipulation. I suppose that, merely upon oral authority, or by common consent, the arrangement was carried on without question.

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

Mr. KEFAUVER. I yield to the Senator from California, for a question.

Mr. KUCHEL. I desire to make it perfectly clear to the Senator from Tennessee that, from the time the Government of the State of California and the Government of the United States entered into the original stipulation, there never was a time during which California proceeded in the absence of a stipulation to administer the development of the offshore areas, and that the stipulations have continued, one after the other, according to my recollection by the year, until the present time. So, the entire conduct of the State of California from the time the original stipulation was signed until the present time, has been in accordance with an agreement by way of a stipulation such as appears in the record before the Senate.

Mr. KEFAUVER. Apparently there must have been such an arrangement. I am not saying that the State of California did not operate, either under a stipulation or in conformity with a stipulation that had been entered into previously; but apparently there was a hiatus between July 30, 1948, and August 21, 1950. My reason for saying there must have been a hiatus is that, after the lapse of 2 years, the next stipulation makes reference to the previous one. I wish to correct my categorical statement and say I merely think the second stipulation referred to the first one. I do not find the record readily. I think, however, that it did so. In any event, there was either a stipulation or an oral understanding that it would be operated under the previous stipulation.

That does not alter the fact, Mr. President, that, after the decision of the Supreme Court was rendered, and the decree handed down, it would seem to me the Government should have demanded the money from the State of California, and the State of California should have paid it. But that was not done, so now the question for Congress to decide is as to who is going to have this $65 million or $70 million, and I am merely saying that since, unquestionably, the property from which it came belonged to the Federal Government and since the corpus or res of the estate is being taken away from the people of the Nation, or of the three States, in fairness and equity the revenue derived ought to be given, under the pending measure, not to the States, but to the Federal Government.

I wish to make it clear to my good friend from California that I am not claiming or pretending that anyone has run away with any money, or that the operation was not in conformity with some stipulation or agreement.

It does appear that there was a time when there may not have been an actual written stipulation, and I assume that during that time they carried on by the terms of the previous one. But that is neither here nor there and is not of importance. The fact is that the money is present, and the question is, Who is going to get it? Since the property belonged to the Federal Government when the revenue was earned, and no bill had been passed giving it to the treasurer of the State at that time, if we apply rules of law, that the revenue followed the ownership of the property from which it came, it would require that it be given to the Federal Government. If we follow rules of equity, that since the entire treasure is to be taken away from the people of the Nation and given to three States, the people should have at least a little bit of consideration, to the extent of the $65 million. I think that would justify the Senate's voting to give it to the people of the Nation.

Mr. President, here is another excerpt from a speech delivered by the President, when he was a candidate, and I agree with what he said at that time. This was stated at Providence, R. I., on October 20, 1952:

> Our children deserve a little better of us than to keep hanging bigger and bigger debts about their necks that they have to meet before they get square with the world or the future.

Mr. President, that is correct. The people do desire better of us than to keep hanging bigger and bigger debts around their necks. The best way to take away that burden from the necks of the people is not to give away our treasure. One way to help remove the burden would be to follow the usual trust principle. We know that when the Federal Government gets something for the benefit of all the people it should be used for the benefit of the people. That is a sound principle when applied to individuals, and is a sound principle in this case. We could use the money toward the retirement of the national debt.

Here is the latest information I have concerning the Federal debt. In December 1951, the Federal debt was $259,500,000,000. It is approximately $267 billion at the present time. The State and local debt on June 30, 1951, was $27 billion. Since the Federal debt is $267 billion, and, according to the figures I have before me, the State and local debt is $27 billion, it would certainly appear that the Federal Government is in greater need of the $65 million than are the States of California, Louisiana, and Texas. Insofar as the need is concerned,

a comparison of the Federal debt with the debts of all the States indicates that the Federal Government needs 10 times as much as do all the States. So, why not use this small amount to apply on the reduction of the Federal debt? Think how much encouragement it would give to the people of the Nation to see that at long last we have applied something on the reduction of the Federal debt. It might even bolster up the bond market in connection with certain Government securities which have been falling badly lately. Here is $65 million to which the Federal Government owns right and title. It is in the hands of either the Federal Government or the State of California or the State of Louisiana or the State of Texas, and can be used in the manner which I have suggested. I am sure the good people of California, Texas, and Louisiana are going to be very happy about becoming vested with title to something which belongs to all the people of the United States, transferring the submerged land with its huge oil and gas deposits, that they certainly do not want to keep this small amount, which, compared with the great wealth they are going to get under the terms of the pending legislation, would be minute indeed.

Mr. President, I have other statements from some of the Members of the Senate who are sponsoring the pending measure, and also from General Eisenhower when he was running for the Presidency and was terribly worried about taxes, about the budget, and about reducing the national debt. Here is a chance to reduce the national debt by $65 million or $70 million. It is not going to injure anyone. According to the statement which I have before me, it would not amount to 2 weeks' revenue from oil that is coming to California, Texas, and Louisiana from the land which now belongs to the Federal Government but which, by the pending measure, we are attempting to give away to those States.

So, Mr. President, I think my amendment should be agreed to so that we can save a little money for the people of the Nation.

AUTHORITY OF SECRETARY OF THE SENATE TO RECEIVE NOMINATION OF FARRANT LEWIS TURNER TO BE SECRETARY OF THE TERRITORY OF HAWAII

During the delivery of Mr. KEFAUVER'S speech,

Mr. BUTLER of Nebraska. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield to the Senator from Nebraska, the distinguished chairman of the Committee on Interior and Insular Affairs.

Mr. BUTLER of Nebraska. Mr. President, I dislike very much to interrupt this very interesting debate, but the Senate is expecting certain nominations from the executive branch of the Government this afternoon, and there is one nomination in which I am especially interested, in view of a request I have had from Mr. McKay, Secretary of the Interior. It relates to Mr. Farrant Lewis Turner, who has been nominated to be Secretary of the Territory of Hawaii. We are expecting this nomination momentarily, and I ask unanimous consent that the Secretary of the Senate may be authorized to receive as of today the nomination, between now and the convening of the next session; that the message be referred to the Committee on Interior and Insular Affairs, and that the committee be authorized to submit a report on the nomination prior to midnight tonight.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

TITLE TO CERTAIN SUBMERGED LANDS

The Senate resumed the consideration of the joint resolution (S. J. Res. 13) to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, and to provide for the use and control of said lands and resources.

Mr. HOLLAND. Mr. President, I realize, of course, that the amendment is offered in complete good faith and good conscience by my distinguished friend from Tennessee, but I feel it is offered without his having had a clear picture of what has transpired in this troublesome and complicated matter. I hope I may, by addressing myself briefly to it, put the facts into the RECORD in such a way as to persuade my distinguished friend that he should not insist upon further consideration of his amendment.

In the first place, I want to say to the distinguished Senator that when the opinion of the Supreme Court was handed down in June of 1947, in the California case, it at once became apparent that if that opinion should stand, at least as to the oil wells covered thereby which were operating at that time in various places off the California seacoast, there would be a problem as to how to continue operations and what to do with the funds. It was well understood by all concerned that the fight would go again to the Supreme Court. It was already in the Supreme Court, but it was understood that there would be a rehearing. It was also understood that the fight would be taken to Congress. It was also freely admitted by the Federal Government that additional action would be required of Congress before the Federal Government would be empowered to act in such a case, because there was no legislation empowering the Secretary of the Interior or anyone else to recover oil for the United States from the submerged lands off the coast of any of the States.

So, Mr. President, in the best of good faith not only toward the United States and toward the State of California, but also toward the Nation as a whole, and likewise in the best of good faith to the investors in the operating properties, which were privately operated and the investments were private investments, it was completely understood that it was advantageous to all concerned to continue the operation rather than to let the wells deteriorate and to let the rigs and other machinery rust and fall to pieces.

Rather than to let production cease, it was to the interest of everybody to allow production to continue. Particularly, it was necessary that a stipulation binding on both parties to the litigation be entered into; otherwise, either party could have insisted upon the matter standing as it was, because every day of production would have tended to reduce the amount of oil underground and being tapped by the operating wells.

So, shortly after the decision, which was in June 1947, under date of July 26, 1947, the original stipulation was entered into. Senators will find it on pages 22, 23, and 24 of the hearings on Senate Joint Resolution 195, in the year 1950.

I may say to the distinguished Senator from Tennessee, if I may have his attention——

Mr. KEFAUVER. I am listening.

Mr. HOLLAND. That in this connection it is very difficult to follow these matters, because they are not all shown at any one place. At least, I have not been able to locate all of them in one place. Therefore, it is necessary to find certain of the stipulations in one place, and certain of them in another place. The same situation obtains with respect to the notice issued by Secretary of the Interior Chapman and its amendments which govern the continuance of operations in the Gulf of Mexico. However, the original stipulation is found on pages 22 and following in the hearings on Senate Joint Resolution 195, which I have just mentioned. It is printed in other places in the hearings, but that is the place at which I am now following it. It is No. 12, dated July 26, 1947.

Mr. KEFAUVER. I find the same stipulation in the hearings on Senate Joint Resolution 20 of the last Congress.

Mr. HOLLAND. That is correct. The particular stipulation to which I refer is printed also in those hearings. However, I shall be unable to refer the Senator to the exact place in that volume, because the stipulation was not printed with the same paging as it is in the hearings from which I am quoting. However, if the Senator will look at the last "whereas," in the last paragraph, prior to the paragraph beginning, "Now, therefore," he will see that there are printed the following words, which are a very important part of the stipulation:

> The President recognizes that in the event the decision of this Court is favorable to the United States, it will be necessary to have congressional action looking toward the future management of the resources of this area.

In other words, that was a complete statement of the necessity for working out a stipulation, in order to justify any kind of continuing operation.

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

Mr. HOLLAND. I yield.

Mr. KEFAUVER. I think it was highly desirable to work out some kind of stipulation. I am not questioning the wisdom of working out a stipulation. I

realize that at the time this matter was under consideration oil was urgently needed in connection with the industrial and military operations of the Nation, and it was very desirable to continue with such operation as there was, and to have some development.

I call attention also to the fact that the case was still in the Court, and a final decree had not been rendered. That is stated in section 6 of the stipulation, as follows:

This stipulation is designed to regulate and protect the interests of the United States and of the State of California pending further proceedings in this case.

Mr. HOLLAND. Of course, the Senator is correct.

Mr. KEFAUVER. The stipulation then continues, "Nothing herein shall be deemed to waive" any of the rights of the United States. So it seems to me that the matter comes down to the plain question, Now that the Supreme Court has spoken, who is going to get the money that will come from the property?

Mr. HOLLAND. I thank the distinguished Senator, but I believe he has not yet got the full implication of the stipulations. It is very clear from a reading of this stipulation that the United States would have been completely powerless to continue production, except by entering into such a stipulation as this. This stipulation was completely a mutual affair, in the interest both of the United States and of the State of California. Of course, more important, it was to the interest of the Nation that the stipulation should have been entered into, in order that the production of oil might be continued.

If the Senator will refer to section 5 in the body of the stipulation he will find this provision:

At such time as any particular area shall be finally judicially determined, or shall be agreed by the parties hereto to be within or without the "3-mile marginal belt," the moneys segregated and held in the special fund referred to in paragraph 4 of this stipulation shall be distributed and paid over pursuant to the agreement of the parties, or in the absence of agreement pursuant to a final judicial order or decree.

Then follows this sentence, which is of the utmost importance:

The above provisions of this paragraph are not intended to preclude any other proper disposition at an earlier time by reason of an order of the Supreme Court of the United States or of an act of Congress.

If the Senator will follow a little further, as of that date, July 26, 1947, that original stipulation was adopted with a date limit of July 31, 1948.

If the Senator will look at paragraph 9 in the body of that particular stipulation, he will see these words:

This stipulation shall remain in effect until pertinent legislation is enacted by the Congress.

In other words, the stipulation was entered into looking to the enactment by Congress of whatever legislation Congress felt should dispose of the matter.

I am not certain that the extension of the stipulation appears in the volume which the Senator has before him, but he will find it in the printed proceedings on Senate Joint Resolution 195, pages 24 and 25, and if the Senator will follow along a little further, he will notice under date of July 28, 1948, that that extension carried the matter forward to July 31, 1949, and that the same provision was continued in section 1, as follows:

The provisions of this paragraph are not intended to preclude other arrangements adopted prior to July 31, 1949, by reason of an order of the Supreme Court or an act of Congress.

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

Mr. HOLLAND. I yield.

Mr. KEFAUVER. In the printed hearings on Senate Joint Resolution 20, which I have before me, those provisions are not included.

Mr. HOLLAND. I am satisfied that that is the case, because the Senator from Tennessee had commented that he thought there was a lapse of time intervening between the expiration of the first stipulation and the entering into of the last stipulation. But I have already stated for the RECORD, and I now repeat, that the complete record of this situation, as disclosed in the printed records of the various hearings, shows the text of continuous extensions of the original stipulations entered into from time to time.

I shall not pursue them further at this time, except to say that it is a fact that the extensions carried the matter up to the final new stipulation, which I believe was in 1951, and which was set forth in one or the other of the printed records available to us here.

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

Mr. HOLLAND. I yield.

Mr. KEFAUVER. It seems that the language in section 5 of the original stipulation has a good deal of relevance. The last sentence or two reads as follows:

The moneys segregated and held in the special fund * * * shall be distributed and paid over pursuant to the agreement of the parties, or in the absence of agreement, pursuant to a final judicial order or decree.

The next sentence says:

The above provisions of this paragraph are not intended to preclude any other proper disposition at an earlier time by reason of an order of the Supreme Court of the United States or of an act of Congress.

I notice in the decree of the Court, which was entered a good while after June 23, 1947, because the petition for rehearing had been filed—and I do not know the exact date when the decree was entered; perhaps the Senator has that—we find the following:

It is further ordered that the stipulations between the United States Attorney General and the Secretary of the Interior on the one hand and the attorney general of California on the other, which stipulations purport to bind the United States, be stricken as irrevelant to any issues now before us.

I do not know whether that refers to the stipulation we have before us or not. It would seem to.

Mr. HOLLAND. I appreciate the comments of the distinguished Senator; but the point I am making is that these stipulations have been regularly extended without any lapse whatsoever, and that each of them has pointed to the continuing necessity of securing legislation from Congress. Each of them has specifically recognized that Congress has the authority to dispose of this subject by the passage of appropriate legislation.

To continue the discussion of the subject which I mentioned a while ago, the next extension is dated August 21, 1950, and will be found on page 13 of the hearings which the Senator has in his hand, the hearings on Senate Joint Resolution 20 of last year.

The Senator will also note, in that last stipulation, in paragraph 1 on page 14, a recital of the dates on which the extensions were entered into from time to time to carry the stipulation into effect without any lapse whatever until October 1, 1951, since which time another stipulation has been entered into on the subject matter.

The reason for my calling attention to it at this time is that all these stipulations show that the Senator was exactly right in the use of the word "escrow" as applied to these funds, because the funds were neither the property of the United States nor of the State of California, but were, instead, put up in lieu of the oil which was taken from the ground, in order to be available to carry out any final decision which was made with respect to this controversy. The Congress had a place in that decision. That place was specifically reserved to it in each of the stipulations and continuances thereof.

The last stipulation, as I have already said, varied in some degree from the original one and the extensions, but in no particular did it depart from the matter which I have already recited as continuing throughout all the stipulations, namely, that the place and the responsibility of the Congress was recognized, and that the inability of the Secretary of the Interior or the United States itself to proceed without such a stipulation, and without such agreement by the other party to the controversy, the State of California, was very clearly shown throughout the whole course of dealing.

The point I am making is that if the Congress recognizes the dominant interest of the State and disposes of this question under our measure, at least out to the boundaries of the State, the 3-mile mark, it should not think of any other course than regarding these funds as escrow funds in the fullest sense of the word, and using them as they were intended to be used, to fulfill the decision of Congress as to the final disposition of this question, the funds to go with the lands, because it is completely clear that without this mutual stipulation it would have been impossible for either party to have gone ahead with production. That is the point I am making. If the distinguished Senator recognizes the fact that by mutual consent, formally entered into by the parties and approved by the Court, these funds replace assets taken from the ground by money placed in the bank to

await final disposition, the funds have become in fact, in truth, and in law escrow funds. If Congress now decides, by the passage of this legislation, to grant and confirm to the States their dominant proprietary interest in these assets, a part of which has been converted to money which is now in the bank by reason of the action of the States in conjunction with the United States, I do not believe the Senator will care to continue his contention that this fund, which is a part of the whole property which existed at the time of the decision, should be distributed in any other direction than that which is given to the asset itself, that is, the submerged lands and the lessened amount of oil, whatever it may be, which still remains in the lands. The fund exists because the parties in good faith, and trusting each other, allowed production to continue and set up a very dignified and formal procedure under which these funds would become trust funds, escrow funds, to abide and await final disposition of this matter. One of the final dispositions recognized all the way through was disposition by the passage of legislation by the Congress of the United States.

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

Mr. HOLLAND. I yield.

Mr. KEFAUVER. Is it not also true that one of the conditions of the so-called escrow is the final decision of the Supreme Court, as set forth in two or three places in the original stipulation?

Mr. HOLLAND. The Senator is, of course, correct.

Mr. KEFAUVER. The language in section 5 of the stipulation is:

> The moneys segregated and held in the special fund * * * shall be distributed and paid over pursuant to the agreement of the parties, or in the absence of agreement pursuant to a final judicial order or decree.

In the very next sentence:

> The above provisions of this paragraph are not intended to preclude any other proper disposition at an earlier time by reason of an order of the Supreme Court of the United States or of an act of Congress.

Take, for instance, the decree of the Supreme Court in the Texas case, which the Senator will find at page 1206. The third paragraph reads as follows:

> 3. The United States is entitled to a true, full, and accurate accounting from the State of Texas of all or any part of the sums of money derived by the State from the area described in paragraph 1 hereof subsequent to June 5, 1950, which are properly owing to the United States under the opinion entered in this case on June 5, 1950, this decree, and the applicable principles of law.

The Louisiana decree has a similar provision. Does not the Senator feel that, considering those two decisions and considering also the fact that in the California case, when the decree was finally entered, the stipulation between the attorney general and the Secretary of the Interior on the one hand, and the attorney general of California on the other, was stricken as irrelevant to the issue then before the Court, those decisions constitute Court decisions giving direction as to the disposition of the fund and the party to whom the money should be paid?

Mr. HOLLAND. No; the Senator from Florida feels that it calls for an accounting only. If the Senator from Tennessee will look at the notice entered by Secretary Chapman, under which the operation was continued in the gulf, just as it had been continued in California submerged lands, by stipulation, he will find that exactly the same provisions appear in that notice, those provisions being calculated to completely protect the States not only as to a subsequent judicial decree in their favor, but also in the event of a subsequent congressional action in their favor. The notice of the Secretary of the Interior is printed in the hearings, and if the Senator will bear with me a moment, I will quote it.

The Senator will find the extension of the notice printed on pages 10, 11, and 12 of the hearings on Senate Joint Resolution 20 of last year, 1952, and he will find at least one of the amendments of that notice likewise printed at the bottom of page 12.

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

Mr. HOLLAND. I yield.

Mr. KEFAUVER. There is no misunderstanding about the stipulation. Does not the Senator feel that it is a fact that under the Supreme Court decision this property will belong to the Federal Government until the joint resolution is signed by the President; and as long as the property belongs to the Federal Government the revenue coming from it also belongs to the people of the Nation?

Mr. HOLLAND. The answer, of course, is no, because the Federal Government was without power or authority to produce or to continue to produce, until Congress passed some legislation to that effect.

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

Mr. HOLLAND. I yield.

Mr. KEFAUVER. Does not the Senator feel that Congress certainly could have considered legislation to immediately bring about the development of this property, and probably would have done so, except for the fact that this was an easier and more convenient means of doing it?

Mr. HOLLAND. The Senator is of course correct when he says that Congress could have passed some legislation, but Congress very determinedly refused to pass any such legislation. It was sought by the introduction of Senate Joint Resolution 20 to get Congress to approve such legislation. The Senator will remember that in the Senate that course was turned down, and the large majority in the Senate—and the vote in the House was more than 2 to 1—by which it was turned down shows that legislation suggested by Senate Joint Resolution 20, called interim legislation, was decisively defeated. To the contrary, Congress recognized the rights of the States.

That has been the position of Congress continuously at least since 1946. In 1946 Congress passed legislation very similar to the measure now pending. That was vetoed. Last year Congress passed substantially the same legislation. That too was vetoed.

Is the Senator contending that the veto of the President of the United States would tend to substitute for and take the place of needed legislation, which had to be produced, to give the United States the right to itself produce oil and sell it, before the United States could own these proceeds?

Mr. KEFAUVER. The Senator from Tennessee is contending that until legislation is passed—and no legislation has been passed, although it is true that it was kept from being passed by the President, but that is a constitutional way of preventing legislation from being passed—the Senator from Tennessee is contending that until legislation is passed the property belongs to the Federal Government, and the revenue from it should belong to the Federal Government, and does belong to it.

Mr. HOLLAND. If the Senator will let me reply, I will say the statement of the Senator shows that he has not yet understood the basic fact here, namely, that the decision of the Supreme Court in the California case and in the other cases did not supply the needed machinery to produce the assets which were down under the earth, and that these stipulations were entered into to continue that production. Unless there had been some reasonable assurance that the final position, if it were in favor of the States, would have recognized that the States were entitled to that part of the production which had been produced on the basis of that stipulation, and turned into money, production would have to stop. The whole situation is truly and in fact an escrow arrangement under which mutual good will and a mutual decision on the part of the State and the Federal Government was required before the matter could move ahead to production and the impounding of the proceeds.

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

Mr. HOLLAND. I yield.

Mr. KEFAUVER. The Federal Government has contributed some consideration to the bringing about of the fund, and it owns the property. What thing of value or compensation has the State contributed to the bringing about of this fund of $65 million or $70 million?

Mr. HOLLAND. The State has granted its consent to the stipulation and has joined with equal validity and necessity in the stipulation presented to the Court for its approval, just as the United States has. Without that joinder production could not have gone ahead. Surely the Senator recognizes that fact.

Mr. KEFAUVER. The Federal Government had the right to go ahead with production. Does the Senator mean that if I came over on his property, and I drilled a well and made some money from something on his property, and if the Supreme Court then said it is his property, that I would have the right to keep the money made from his property?

Mr. HOLLAND. No; the Senator from Florida has not contended that. The Senator from Florida has contended that under the decision of the Supreme Court the United States was left without any machinery whatever to itself to produce, or set up a program by which there could be produced, the oil that was under the ground.

Mr. KEFAUVER. Mr. President, will the Senator yield further?

Mr. HOLLAND. This was not only of interest to the public and the lessees, but it was of interest also to the whole United States. In other words, if we were deciding here now that the United States should prevail, the United States would get the money. As a matter of fact, the United States is going to get a part of the money under our measure. I shall go into that point in a moment. A substantial part of the production in the Gulf of Mexico is shown by the report as having been produced outside the State boundaries.

Mr. KEFAUVER. Mr. President, will the Senator yield further?

Mr. HOLLAND. Being outside the State boundaries, it would go to the Federal Government. Certainly there is no disposition to give away that money. The Senator from Florida is contending that the Federal Government, under the passage of the pending joint resolution, would be just as fully entitled to the money which it receives from oil that is taken from submerged land, which goes now definitely and finally to the Federal Government, as is the case with the State Government as to the revenues from the lands which go to it. Surely, the Senator is not now going to withdraw his characterization of the fund throughout his remarks as an escrow fund. This escrow fund is awaiting the outcome of a Court decision or legislation, and is subject, by stipulation, to be held in trust until disposed of by the Court, or by action of Congress.

Mr. KEFAUVER. Has not the Court acted?

Mr. HOLLAND. Because it was clearly understood that there was not only a judicial question involved, but that there was also a question of public policy involved, namely, that the Federal Government might find itself in the position of not being supported by Congress.

That is exactly what the situation is, because Congress proposes not to ignore and disregard 150 years of history, but, instead, to give effect to it. Congress proposes not to ignore the equitable defenses which the Supreme Court said, in its own opinion, it could not recognize. Congress has said it would not ignore the equitable defenses and would not do injustice to the individuals affected.

I have said that by this method we do propose to do justice and to give effect to the course of dealings for 150 years in which the United States has so many hundreds of times recognized that these various submerged lands were not properties of the United States but were properties of the States.

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

The PRESIDING OFFICER (Mr. FLANDERS in the chair). Does the Senator from Florida yield to the Senator from Tennessee?

Mr. HOLLAND. I yield.

Mr. KEFAUVER. A few minutes ago I asked the Senator from Florida if the situation which would be established as the result of enactment of the pending joint resolution would not be equivalent to a situation in which he had a piece of land and I moved on to that land and began to drill for oil there, and kept for myself all the revenue from that oil, instead of giving some of the revenue to him. The Senator from Florida said that situation would not be similar to the situation under the pending joint resolution, because, he said, the United States did not have on the land equipment with which to drill for oil.

But now let us suppose that I have oil-drilling equipment on that land, and suppose the Senator from Florida, who owns the land, does not have oil-drilling equipment there. In that situation, would the Senator from Florida believe that when I have the oil-drilling equipment on the land, and when the Senator from Florida has no oil-drilling equipment there, that situation justifies my keeping all the financial returns from the oil-drilling operations?

Mr. HOLLAND. No; I am not talking about that kind of a case. I am speaking of a case in which the one who has done the drilling has done so after 150 years of occupancy and 150 years of exercising domain over the lands and 150 years of full belief that he owns those lands—in short, a case in which that situation has existed for years before that person has done any drilling and before someone else gets the notion that there may be a way to upset that title which has continued to exist for 150 years, and undertakes to upset it.

It is my feeling that if in such a case the Court will not give any effect at all to my 150 years of possession and 150 years of exercise of sovereignty and of all other conceivable powers of ownership over that area, it is time to look further than the Court. I believe that in this instance we can look further than the Court, because the question is one which relates not only to the States and to the Federal Government, but also to the type of public policy we shall have.

Are we going to permit the Federal Government to raise a technical case in court, merely because some valuable assets are discovered in the area in question, and to make claim, by purely technical devices, to the right of occupancy of property which a State has developed in a particular way by its own initiative?

It is my opinion that to permit that to be done would be to indulge in unsound government and to bring dangerous control of local property matters to Washington, and to participate in what would amount to confiscation without payment. This course would be abhorrent to every sound principle of government.

Mr. KEFAUVER. Does not the Senator from Florida concede that the Supreme Court has acted on the matter, and that when the Supreme Court acts, it is not abhorrent to every sound principle of government, for there must be a final place of decision, and when the Supreme Court acted, that, no matter what some persons may feel, was the final decision?

Mr. HOLLAND. The Supreme Court has held that paramount right—whatever that may be—over these assets rests in the United States. The Supreme Court has specifically refused to hold that the Federal Government has title to these assets. The Supreme Court has set up a new sort of proprietary interest, one not heretofore recognized in this country; and the Court has failed to recognize the fact that questions of great public policy are involved in this matter; or perhaps the Court has felt that it is not its business to recognize the existence of such questions in connection with this matter.

So far as I am concerned, I am prepared to concede that perhaps the Federal courts had to proceed under the technical rules which were set up. But when the Federal courts say in their opinions that they will not give any effect to such equitable defenses as the ones I mentioned a while ago—such equitable defenses as laches, estoppel, prescription, adverse possession, acquiescence, and the like—and then in the next breath say they are satisfied that the Congress of the United States, which has plenary power with reference to the disposition of the property of the United States, will find a way to do equity for the States and for the private owners who are so greatly involved in this matter, we feel it is the duty of Congress to find out how to exercise that power in such a way as to subserve the equities which have been created during all that time.

Mr. KEFAUVER. Does not the Senator from Florida think that in doing equity, it is usual to do equity to both sides?

Mr. HOLLAND. Exactly.

Mr. KEFAUVER. However, the kind of equity the Senator from Florida is talking about would result in giving not only the corpus of the estate but also all the revenue derived from the estate during that time to one side, and to do nothing for the other side.

Mr. HOLLAND. Mr. President, I do not think the Senator from Tennessee is correct, because if he had carefully read the table to which he has referred—namely, the table appearing on page 570 of the hearings held this year—he would have found that out of the total of approximately $35 million which has accumulated during the period of a little over 2 years that is covered by that particular table, $11,190,000 will belong to the Federal Government, under the provisions of the joint resolution we are passing, and $24,093,000 will belong to the States, the distribution being as follows:

In the case of the State of Louisiana, the State will receive $3,876,000; the Federal Government will receive $11,047,000.

In the case of Texas, the State will receive $348,000; the Federal Government will receive $143,000.

In the case of the State of California, California will receive the entire amount of $19,800,000, by reason of the fact that all the drillings there and all the production there are within the 3-mile belt.

So I believe that if the Senator from Tennessee is to be completely accurate and objective in his description of our joint resolution, he should recognize the fact that it would result in distributing this asset in a way which we believe to be equitable as between the States and the United States, which is given much the larger share, overall—for the Senator from Tennessee knows perfectly well that by means of the proposed distribution, when we take the whole area into consideration, the United States will receive an estimated five-sixths of the total of the gas and oil in the offshore lands, and the various States will receive only one-sixth; and if the Senator from Tennessee refers to the States of Louisiana and Texas, which are on the Gulf of Mexico, he will find that instead of the figures I have just cited, the Federal Government will receive a larger share of the oil off the State of Texas, as shown by the very statements which have been placed in the record by the best experts we have been able to find, namely, those of the United States Geological Survey; and that in the case of the State of Louisiana, an even more generous Federal share will prevail. The Senator from Tennessee will find those facts set forth in that table.

Mr. KEFAUVER. Yes; I have seen those things set forth in the table.

Will the Senator from Florida yield for a further question?

Mr. HOLLAND. First, let me refer to the page on which that information is to be found. It is to be found on page 584 of the hearings.

In the case of Texas, the State will receive, under the provisions of the joint resolution, if these estimates are correct—and they are the best estimates we can get; and they, too, are subject to the statements made for the Government by the authorities of the United States Geological Survey, that—

> Only a small part of the shelf lies beneath water of such depth as thus far to invite exploration and development by the use of existing techniques.

Just above that statement, the following statement appears:

> The estimate includes, of course, much oil that is not now economically recoverable by processes of exploration and production that are known to be practicable.

By referring to the table which appears on page 584, the Senator from Tennessee will see that under the best estimate that is available, it is shown that the oil in Texas within the 3-league limit is estimated at 1.2 billion barrels, whereas the estimate for the oil on the Continental Shelf as a whole lying off Texas is 9 billion barrels, which would leave 7.8 billion barrels outside the 3-league limit. The percentage shown there, as the Senator from Tennessee can see by referring to the table, is very largely in favor of the Federal Government, as against the State, about 6½ to 1.

In the case of Louisiana, the disparity is even greater, because within 1 league of the Louisiana coast there is estimated to be only one-quarter of a billion barrels—or 0.25 billion barrels—whereas outside the 1-league line there is estimated to be 3.75 billion barrels, which would be 15 times as much as is estimated to be found in the part of the Continental Shelf within the limits of the State.

So we believe the pending joint resolution is rather fair to the United States. It gives the United States the lion's share of something it has had no part in initiating, so far as the development is concerned. Beginning back in the 1920's, as I recall, the State of California went forward to approximately 1945 or 1946, as I recall, before its title to these lands was challenged by the United States Government.

In the Louisiana case and in the Texas case, they were not only diligent, they not only exercised initiative, but they also had good conservation processes, which have been recognized repeatedly during this debate. So that the Senator from Florida feels that his joint resolution not only does give great recognition to the Federal Government, but that, as a matter of fact, the Federal Government will get the lion's share of everything that is here involved. Therefore, the Senator from Florida reiterates what he has frequently said on this floor during the debate, and so far as he is concerned, he does not think the States have any claim that is lawful to anything beyond their own State limits; and he will maintain that position.

Mr. President, before proceeding to the next point, may I say to the Senator that the notice to which I referred, under which the operations have been conducted in the Gulf of Mexico, is printed on pages 10, 11, and 12 of the hearings on Senate Joint Resolution 20, and that the Senator will find, in article 3, subsection 1, the provision to which I referred, to the effect that Congress is the authority that must finally pass upon this matter, because there had not been any authority given for any such operation prior to that time. I desire to quote from subsection 1 of article 3:

> The remittance will be vested in a special account within the Treasury of the United States, under Title 31, United States Code, 1946 edition, section 275 (R), subject to control of the Secretary of the Interior, the proceeds to be expended in such manner as may hereafter be directed by an act of Congress.

I desired to complete what I was saying with reference to both the stipulation and the notice, because it is so crystal clear, in reading both of them, that the responsible Federal executive officials knew perfectly well that they could not proceed without legislative authority, without completely safeguarding the rights of the States and of the lessees, and that they proposed to build a structure under which they could proceed with authority to build up an escrow funds—the fund to be in escrow awaiting decision by the Congress as to who is the owner.

It was recognized that the States were owners out to their State boundaries, but to say that we are going to subtract from what any State had within its boundaries when this argument started, and hold it for the United States, even though the Congress is recognizing the controlling interest of the States out to their boundaries, would I think, be anything but fair, and would not commend itself to a sense of equity and fair play.

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

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

Mr. DANIEL. Is it not true that the Attorney General of the United States, in a supplemental brief in the California case, said to the Supreme Court of the United States:

> In this connection it is pertinent to note, as stated by the Attorney General at oral argument, that the President has authorized him to say that there is no desire on the part of the President or any Federal official to destroy or confiscate any honest or bona fide investment, or to deprive the State or its subdivisions of any reasonable expectation of return from the areas that have been developed.

Continuing from the brief of the Attorney General:

> But the President recognizes that, in the event the decision of this Court is favorable to the United States, it will be necessary to have congressional action looking to the future management of the resources in this area, and he—

Referring to the President—

> also intends to recommend to the Congress that legislation be enacted recognizing both prospectively and retrospectively any equities of the State, and those who have operated under it, to the fullest extent consistent with the national interest.

Mr. HOLLAND. The quotation is, of course, from the source stated by the Senator, and it is correct.

Mr. DANIEL. Mr. President, does that not bear out exactly what the Senator has said, that the Federal officials always admitted that it would require congressional action in order to provide for management, and also to take care of the equities involved in the matter?

Mr. HOLLAND. The Senator is, of course, completely correct. If I may go now to my next point——

Mr. KEFAUVER. Mr. President, let me ask a question in that connection, if the Senator from Florida will yield.

Mr. HOLLAND. I yield.

Mr. KEFAUVER. The Senator refers to the brief of the Attorney General, and I think I have a copy of the same brief before me. Of course, there was a provision that a decree would be entered in favor of the Government. Naturally they wanted to be generous, they wanted to settle any equities with the States, and did not want to disrupt any business. That is the natural position for the Federal Government to take. But with reference to the provision that the title would be confirmed in the Federal Government by the Supreme Court, as it

was, I desire to ask the Senator a question. The Senator says he feels that the States have certain interests, and did have certain interests during all the time. In the decree of the Supreme Court, the Court said:

The State of California has no title thereto or property interest therein.

In view of that decree of the Court, and that language, what interest did the State have at the time the oil was taken out of the land and the revenue derived?

Mr. HOLLAND. The State had its right to be heard here in Congress, and it proposed to be heard, and all parties knew that it would be heard.

Mr. President, that brings me to my next point, and I want the Senator to follow this with particular attention.

Mr. KEFAUVER. Mr. President, will the Senator yield for one more question?

Mr. HOLLAND. I prefer not to yield at the moment.

Mr. KEFAUVER. Mr. President, will the Senator yield to me on that particular point regarding the decree?

Mr. HOLLAND. Very well. I yield to the Senator from Tennessee.

Mr. KEFAUVER. The Senator says the State had a right to be heard in Congress. Does the Senator from Florida then feel that every decision of the Supreme Court ought to be held up pending the introduction of a bill or resolution, and the conduct of hearings by committees of the Congress?

Mr. HOLLAND. No; the Senator from Florida does not feel that way about it. But he feels that, when a new and completely revolutionary decision is made, by a bare majority of the Court—4 to 3 in the Texas case—which overthrows a conception of property law that has prevailed for many years, and which has been recognized not only by the State authorities but also by the Federal authorities and the Federal courts during all that time, and has been acted upon by the public by the investment of literally billions of dollars, a case is then presented in which the question of policy should be worked out before permanent disposition is made of the case. The Senator from Florida feels that the Congress is the only place in the United States where the full case can be heard and acted upon, and he feels that the pending measure will fairly take care of it.

Mr. President, I wish to make one more point, and I think if the distinguished Senator will follow this, he will find that he himself, in his support of Senate Joint Resolution 20 last year was following a course identical with that which we have followed——

Mr. KEFAUVER. Mr. President, I did not support Senate Resolution 20 last year.

Mr. HOLLAND. I refer to the interim bill, the bill introduced by former Senator O'Mahoney and the Senator from New Mexico [Mr. ANDERSON]. Also, the Senator from Tennessee supported that bill again this year, as S. 107, if I correctly understand the situation.

Mr. KEFAUVER. I supported the O'Mahoney bill, but I did not support the tidelands oil bill last year. I voted against the tidelands bill and to uphold the veto, but I voted consistently for the O'Mahoney bill at the last session of the Congress.

Mr. HOLLAND. The Senator is correct, except that there was no vote on the veto of that measure in 1952. Senate Joint Resolution 20 was the Anderson-O'Mahoney measure, which the Senator supported. The final measure that was passed, the so-called Holland bill, was substituted on the floor by a large majority of the Senate for the Anderson-O'Mahoney bill.

Mr. KEFAUVER. The veto to which I refer was one which occurred when I was in the House of Representatives. I voted to sustain the veto.

Mr. HOLLAND. I am sure that is the case, and it emphasizes the fact that this question has been pending all too long, because the Senator served ably and with distinction in the House many years ago, which indicates that he was there as long ago as 1946.

It is intolerable that a question of this kind has not only held up important development of oil and gas, but, what is more important, has held up coastal developments along all of our coastal States. Only three States have any interest in oil and gas, and that does not include my State of Florida. It has stymied the development of coastal cities and communities until the situation is intolerable. If the Senator from Tennessee had heard the testimony of the distinguished Commissioner of Public Works of New York City, Mr. Robert Moses, who told us of long-standing plans to develop important additional beaches and recreational areas on the south shore of Long Island and on Staten Island, which were held up, notwithstanding the fact that the money was available, because there was no title available and because there was no assurance that they could proceed with security, I think the Senator would agree with me that the situation has become intolerable.

Mr. KEFAUVER. Mr. President, will the Senator yield for one more question?

Mr. HOLLAND. I yield, but I want to develop the Senator's own stand last year and this year, which I think clearly indicates that he thinks the money should go with the lands.

I now yield to the Senator.

Mr. KEFAUVER. I agree with the Senator from Florida that the situation has been intolerable ever since the Supreme Court decided the case in 1947, but I should like to ask the distinguished Senator who it was that brought about the intolerable situation.

If it had not been for the Senator's proposed legislation and other proposed legislation like it, the Federal Government could have gone on with the development, allowing the use of the property in line with the Supreme Court's decision. Has not the Senator himself contributed to bringing about the confusion and the intolerable situation?

Mr. HOLLAND. I am willing for the Senator to draw his own conclusion on that point, but I invite his attention to the fact that for years prior to 1946 the Congress had consistently declined and refused to give consent even to the legal challenging of the rights of the States, because it felt that those rights were not assailable. Prior to the decision in 1946 Congress passed, by a respectable majority, substantially the measure which is before us, but it was vetoed by the President of the United States before the Supreme Court had decided the case. So, I think the Senator must, in candor, recognize the fact that Congress has not been slow to express its disapproval of the new philosophy which imposes the paramount rights doctrine on this Nation which we think is un-American and unsound and which will lead to greater confusion and mischief if allowed to stand.

If the Senator will be good enough to look at page 18 of the hearings of last year on Senate Joint Resolution 20, he will see the report signed by Mr. Peyton Ford, Deputy Attorney General, addressed to former Senator O'Mahoney who was then chairman of the committee, bearing upon the bill to which I have just referred, and which was supported by the distinguished Senator from Tennessee. He still supports it because the Senator has recently voted for the Anderson substitute. The Anderson substitute is nothing but a restatement of Senate Joint Resolution 20 of last year.

The last two paragraphs of the Deputy Attorney General's letter dealing with Senate Joint Resolution 20, the O'Mahoney-Anderson bill are all that will be needed to dispose of this subject. I read:

In order to meet the existing urgent need for further exploration and development of mineral deposits in submerged lands of the Continental Shelf, the Secretary of the Interior would be authorized, pending the enactment of further legislation on the subject, to issue, on a basis of competitive bidding, oil and gas leases of such lands not covered by State leases, and the President would be empowered to withdraw from disposition any unleased lands and reserve them for the use of the United States in the interest of national security. All revenues derived from operations conducted under the proposed legislation, whether from continued State leases or from new leases, would be subject to the following disposition—

I invite the attention of the distinguished Senator from Tennessee to this part—

37½ percent of the moneys received from operations within the seaward boundaries of a State would be paid to such State, all other moneys—

That means the 62½ percent remaining from within the State boundaries and all revenue that comes from the Continental Shelf—

all other moneys so received would be held in a special account in the Treasury pending the enactment of legislation concerning the disposition thereof.

As the above summary of its provisions reveals, the proposed legislation is in the nature of an interim measure to provide authority for continued oil and gas operations and development in offshore submerged lands pending the enactment of permanent legislation dealing with the subject.

Having read that, and realizing that that is a correct explanation of the contents of Senate Joint Resolution 20, which was reintroduced this year as Senate bill 107, the Senator from Tennessee must recognize the fact, and cannot possibly escape it, that he has supported and voted for a measure which makes it clear that all the proceeds from lands beginning at the low-water mark and extending to the utmost boundaries of the Continental Shelf were to be dealt with in this fashion: 37½ percent within State boundaries to go to the States, and 62½ percent to be paid over to the United States? No; to be held for one thing, and that was to await the enactment by Congress of a law disposing of it. I doubt if it could be more clearly shown that the Senator recognizes the fact that the oil which became money by these interim operations and which took the place of assets in the soil before those interim operations began was to await disposition of the lands themselves. Is there any way to make it clearer that the Senator, by his vote and his support has stood for exactly the principle for which we have been contending here? I do not think it would be possible to produce any evidence to make it clearer, because such is an inescapable conclusion.

Mr. KEFAUVER. Mr. President, will the Senator from Florida yield for another question?

Mr. HOLLAND. I yield.

Mr. KEFAUVER. I must say that I think the Senator has made a rather farfetched argument——

Mr. HOLLAND. I thank the Senator.

Mr. KEFAUVER. Which is not in keeping with the pertinent arguments he usually makes, when he says that the support of the O'Mahoney bill by me in the last session, and my support of the Anderson bill gave any sanction on my part to the idea of turning the money over to three States.

Mr. HOLLAND. The Senator would propose in the passage of the interim legislation, Senate Joint Resolution 20, to do in a fuller way what was done before by entering into the stipulation in the California case, to keep wells producing and to have additional wells producing, and he would propose to impound the money, with the exception of some that he admitted the States should have, to await final decision as to whom it and the land which produced it shall belong.

I hope the Senator will see that in supporting such legislation he has absolutely precluded himself from ever claiming that these amounts of money accumulated under the California stipulation are any different from the funds which would be accumulated by the bill which he supported, and would have to await disposition by the Congress. So that the Senator has placed himself in a hopelessly illogical situation because he has participated in an effort to create an even larger fund for exactly the same kind of an effort to have production continued but to substitute money, after the oil has been produced, for the oil which is in the ground, so that whoever gets the ground will also get the money which comes from the oil already produced therefrom.

Mr. KEFAUVER. Mr. President, will the Senator yield? The Senator is talking about me, so I wish he would give me a chance to speak for myself.

Mr. HOLLAND. I certainly shall yield, because I am interested to know what explanation the Senator can give to allow him to escape the conclusion that in offering his amendment to dispose of these accumulations which his amendment deals with, he is following a completely foreign and different philosophy from that which he has followed quite consistently in supporting the provisions of Senate Joint Resolution 20 of last year, S. 107 of this year, and of the Anderson amendment, a few days ago which was nothing but a restatement in the form of an amendment of S. 107. I yield to the Senator.

Mr. KEFAUVER. Of course, we all know that the Anderson bill, while an interim measure, supports the claim of ownership of submerged lands in the Federal Government, and it is on the theory that ownership is in the Federal Government that the O'Mahoney bill in the last session, and the Anderson bill in this session, were introduced. It sets forth the portion that would go to the three States named as 37½ percent. The balance of the money would be held in escrow.

Mr. HOLLAND. I am glad the Senator has used the word "escrow," because the situation is exactly the same as the one to which he has already applied that term.

Mr. KEFAUVER. Anway, the balance of the money would be held in a special account in the Treasury of the United States, not the treasury of some State, there to await disposition according to further enactment by Congress. Congress had before it in the last session, as it has had in this session, the Hill amendment, and if the Hill amendment had been agreed to, the balance of the money would have been used for education in all the States of the Nation. If some other amendment had been agreed to, applying the money to the reduction of the national debt, the balance of the money, 62½ percent, would have been used for that purpose. But it was not contemplated in the O'Mahoney amendment or in the Anderson amendment that any part of the remaining 62½ percent would be turned over merely to the three States here involved.

Mr. HOLLAND. Mr. President, I hope the Senator from Tennessee will gain comfort from the statement he has just made, but I am quite sure that his support of Senate Joint Resolution 20, of the last Congress, and his support of S. 107, of this session, and his recent support of the Anderson amendment, is completely contradictory to his present position. This amendment grows out of a stipulation entered into with the several States to allow the people to have the advantage of continuing production of oil.

The Senator, in supporting Senate Joint Resolution 20 of last year, was in exactly the same position, except in a much greater field; because he proposed generally to speed the production of oil both within and without State boundaries and in the Continental Shelf, and to hold the major portion of that in escrow to await final disposition of Congress.

Before leaving this point, and before yielding the floor, I wish to call the attention of the Senator to the fact that Mr. Ford, in his letter, made two different references to legislation which might be expected, first, in this clause:

> All other moneys so received would be held in a special account in the Treasury pending the enactment of legislation concerning the disposition thereof.

The next sentence reads:

> As the above summary of its provisions reveals, the proposed legislation is in the nature of an interim measure to provide authority for continued oil and gas operations and development in offshore submerged lands pending the enactment of permanent legislation dealing with the subject.

I strongly hope the amendment of the Senator from Tennessee will be rejected.

Madam President, I yield the floor.

Mr. KUCHEL. Madam President——

The PRESIDING OFFICER (Mrs. SMITH of Maine in the chair). Does the Senator from Florida yield to the Senator from California?

Mr. HOLLAND. How much time have I remaining?

The PRESIDING OFFICER. The Senator from Florida has 52 minutes remaining.

Mr. HOLLAND. I yield to the Senator from California as much of that time as he may require.

Mr. KUCHEL. Madam President, I shall speak but a very few minutes, in order to dispel any suggestion which may have been made during the discussion of the pending amendment that some element of good faith on the part of the State of California was lacking during the entire history of the submerged-lands question. I wish to deny that, and in denying it, I wish to refer to the record.

First, from 1850, when California first entered the Union, until the 1930's, no one in any State of the Union, or in any official Federal position, ever questioned in the slightest degree where title to submerged lands within the boundaries of the State of California lay. There was no question of the good faith and the high intentions of the people of California in dealing with that property.

Since January of this year, for many long weeks, the Committee on Interior and Insular Affairs held hearings on the joint resolution which is now before the Senate. There it was developed that at least in one instance at the request of an agency of the Federal Government whose representative came to the city of Long Beach, in the State from which I come, the city of Long Beach, as grantee, having derived its title to a portion of its tidelands from the State of California, conveyed to the Federal Government, for the magnificient sum of one dollar, whatever title it had to more than 500 acres of submerged lands within the boundaries of the city.

I mention that specifically because California, I think it can be clearly demonstrated, dealt generously and in complete good faith with the Federal Government with respect to its submerged lands.

As a result of the decision in the case of United States against California, a difficult situation arose with respect to the production of oil in the same submerged lands. As the able and distinguished Senator from Florida has suggested this afternoon, there was no law under which the Federal Government could have proceeded to extract oil or gas from that area. So the Federal Government asked the State of California to continue administering the submerged lands, and to have the leases theretofore entered into continued in operation for the benefit of the Federal Government. The State of California complied with that request.

Quite to the contrary, as has been suggested by the distinguished author of the amendment to the Senate Joint Resolution now before us, the agreements or the stipulations which California entered into with the Federal Government were renewed in every succeeding year. As a matter of fact, one continuing stipulation remains in effect at this very moment.

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

Mr. KUCHEL. I yield.

Mr. KEFAUVER. I think the Senator from California is correct. Apparently my remarks to the effect that there was an interim should be corrected to show that there was a stipulation at all times.

Mr. KUCHEL. I thank the Senator.

Mr. KEFAUVER. I have before me the hearings on Senate Joint Resolution 20. According to the dates of the hearings, there was an interim period in which there does not appear to have been a stipulation.

I had assumed that these were all the stipulations that had been entered into, because the witnesses who furnished them said that they were the stipulations. Mr. Perlman, who brought up the records, was asked if these were the stipulations. He said they were. I assumed that they were all of them, but apparently some of the extensions were not printed in this hearing. So anything I have said about operating without a written stipulation should be corrected so as to show that there was one.

Mr. KUCHEL. I thank the Senator.

Madam President, the amendment now before us, to Senate Joint Resolution 13, was not considered by the committee, and with it, I presume, Senators are not overly familiar. I wish to quote from a part of the amendment offered by the distinguished Senator from Tennessee:

(b) The United States hereby releases and relinquishes unto said States and persons aforesaid, except as otherwise reserved herein, all right, title, and interest of the United States, if any it has, in and to all said lands, improvements, and natural resources on the condition, in the case of any State which has received any payments, or to which any payments are due, from any lessee under a lease of submerged lands, which are covered by tidal waters and are outside of inland waters and the ordinary low-water line of such tidal waters, or natural resources therein (including such payments received or due under stipulation or agreement with the United States) for any period prior to the date of the enactment of this joint resolution—

And so forth. We have before us the proposal that if Senate Joint Resolution 13 is passed, and if the Congress of the United States and the President believe that submerged lands within historic boundaries ought to be vested, so far as title is concerned, in the States, we should now provide that California, for example, should be required to pay over to the United States not merely the moneys which have come into escrow as a result of the several stipulations, but all the moneys from the development of oil in all the history of California, back to the first time any lease was entered into.

Mr. KEFAUVER. Madam President, if that is what this amendment provides, let us get it straightened out.

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Tennessee?

Mr. KUCHEL. I yield.

Mr. KEFAUVER. The Senator from Tennessee asked that the legislative counsel draft an amendment which would provide for the payment to the Federal Government of the money which has been collected either by the Federal Government or by the State of California since this controversy arose. That is the purpose of the amendment. The total amount involved is about $65 million or $70 million for the three States.

Mr. KUCHEL. Is it the intention of the able Senator from Tennessee to require the State to pay any royalties from leases back to the beginning of time, or only during the period in which stipulations have been entered into?

Mr. KEFAUVER. My intention in drafting the amendment was to cover only the period during which stipulations have been entered into.

Mr. KUCHEL. Let me say to the distinguished Senator that, in my judgment, the language of the amendment is completely ineffectual for that purpose. I refer to the language on page 2, beginning in the middle of line 5, "for any period prior to the date of the enactment of this joint resolution."

I take it that would go back to 1870 in the case of my State.

Mr. KEFAUVER. My understanding was that it was only about 1930 when the first well in the submerged areas of California was drilled. I do not know how far back the history of such operations go, but I say to the Senator that the intention of this amendment is only to deal with the money referred to in the table which we have seen. If this amendment is adopted, I shall certainly see to it that the language is perfected in conference so as to make it apply in the way in which it was intended to apply.

Mr. KUCHEL. Madam President, I refer to the historical fact that some oil development in the submerged lands of California, particularly in the vicinity of the county of Santa Barbara, took place in 1877. I was about to make the point that if the language of the amendment now before us would do what the junior Senator from California suggests it would do, it would require the State of California to make an accounting for moneys coming into its public treasury as far back as 1877. However, the distinguished Senator from Tennessee has suggested that such is not his intention, and that if the language would do what some of us believe it would do—and I refer to the language on page 2, lines 5 and 6, particularly—it should be amended and redrafted in the event the amendment should be adopted by the Senate.

I should like to use a moment or so longer to object to the intention of the distinguished Senator from Tennessee to require, as a condition precedent to vesting in the State of California whatever title the United States has, the payment of the moneys under the stipulation.

It seems to me that the argument offered by the distinguished Senator from Tennessee ought to be addressed, if at all, against Senate Joint Resolution 13, because if the Senate refuses to pass a measure similar to Senate Joint Resolution 13, there will be no question as to what will happen to the relatively small amount of royalties involved.

On the other hand, if the Senate does pass such a measure as Senate Joint Resolution 13, then I think it is not the part of statesmanship to say, "We are going to give this to you, but we are going to keep the royalties which would otherwise go to you because, in good faith, you agreed with the Federal Government to continue operating oil leases during the period of the past 6 years."

Senate Joint Resolution 13 is based upon equity. If I take your property, Madam President, and keep it for any great length of time, and you try to get it back from me, the courts of this land will say that I may keep it, because the statute of limitations is on my side, and equity runs in my favor. The United States Supreme Court, on at least one occasion, has held, when a dispute arose between two States of the American Union, that laches and good faith prevented one State from claiming that which the other possessed. In this case the basic claim in the joint resolution is one of good faith. Good faith ought to attach to the oil royalties, which would follow the resolution in this instance, and it ought to be sufficient argument to defeat the type of amendment offered by the distinguished Senator from Tennessee.

Mr. ANDERSON. Madam President, will the Senator from California yield?

Mr. KUCHEL. Yes; I yield.

Mr. ANDERSON. How much oil was there in the area prior to 1937? I refer to the area covered by the pending legislation. The legislation does not touch tidelands at all or inland waters at all. The special master has made a finding with reference to inland waters, which would cover nearly every oil well in the Long Beach area. I wonder how much oil is involved.

Mr. KUCHEL. Let me say, Madam President, in answer to the distinguished Senator, that he will unquestionably agree with me that the United States Supreme Court has not yet determined what are inland waters and what is open sea off the California coast line.

Mr. ANDERSON. I would agree to that, but I would also say that at no time has the Federal Government tried to claim all the area. Certainly the Federal Government has twice been willing, in my opinion, to draw a line which would be fairly liberal. It has been resisted by the people of Long Beach, because they wanted a line drawn which would go clear out to Point Fermin. The Federal Government was going to draw a line which would take in every producing oil well. I was wondering if the Senator could enlighten me.

Mr. KUCHEL. My good friend the able Senator from New Mexico will recall in the committee's discussions it developed that the Federal Government under a prior administration first contended that there was a bay which constituted inland waters off Santa Monica in California, and then with respect to the proceedings before the master in the present litigation it completely changed its mind and contended that there was no bay off Santa Monica.

Mr. ANDERSON. I am sorry, Madam President, but I am not in a position to dispute that statement. I was wondering whether the Senator from California could tell us how many wells are involved. I agree with the Senator that if it goes back to 1870, it is wrong, but my understanding is that there was not a single producing oil well in the ocean until about 1935.

Mr. KUCHEL. I cannot answer the Senator as to when the first actual tideland well was sweated in.

Mr. ANDERSON. I am sure the Senator from California would agree with me that there is not certainly any disposition to deal unjustly with the State of California. If it went back that far, it might be unjust, and I am sure that the Senator from Tennessee would not want to do an injustice.

Mr. KUCHEL. It seems to me that I should say in all candor that the question of the disposal of the oil royalties during the stipulation period ought to rise or fall with the question of the disposal of the title to the properties which are involved.

Mr. ANDERSON. I did not want to get into this subject, but I was going to say I thought it should rise or fall according to the decisions of the Supreme Court. However, we are not doing that in the proposed legislation. I am quite willing to agree that we are moving along in the direction indicated by the Senator from California, and that that would be required. I overlooked that language in the amendment. This is the first time that I have seen it. I did not know that the Senator from Tennessee had put that language in the amendment. I am not trying to say what it means, but I think I can say that I would not want to do what the Senator from California has outlined, nor do I think the Senator from Tennessee would want to do it, if it went back to 1870.

Mr. KUCHEL. I am sure that is correct. I had intended to do what little I could to argue against the intention of the Senator from Tennessee, as he expressed his intention when he raised the question by the language in his amendment.

Madam President, I yield the floor.

Mr. KEFAUVER. Madam President, how much time do I have remaining?

The PRESIDING OFFICER (Mrs. SMITH of Maine in the chair). The Senator from Tennessee has 56 minutes remaining.

Mr. KEFAUVER. May I inquire whether it is the intention to wait until a later date to have a vote on the amendment?

The PRESIDING OFFICER. The intention was to have a vote tomorrow afternoon, as the Chair understands.

Mr. KEFAUVER. I had understood that the vote would go over until some later date, with the remainder of the time waived or yielded back, with the exception of 10 minutes to each side, which would be reserved for use by each side immediately before the vote is taken. That is satisfactory to me.

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

Mr. KEFAUVER. I yield.

Mr. ANDERSON. The unanimous-consent request which the majority leader made was based on the fact that the Senator from New York [Mr. LEHMAN], the Senator from Washington [Mr. JACKSON], and the Senator from Montana [Mr. MANSFIELD] had an engagement today which they desired to keep. The Senator from Oregon [Mr. MORSE] also had an engagement today. They will return to the Senate on Thursday.

If the Senator wishes to put off a vote until Friday or Monday or Tuesday, I think the matter could be handled exactly as the other matter was handled, namely, on Monday, with each side reserving 10 minutes for final argument, to be controlled by the Senator from California [Mr. KUCHEL] and by the Senator from Tennessee [Mr. KEFAUVER]. Does the Senator plan to be back by Friday or Monday?

Mr. KEFAUVER. I wonder whether a vote could be deferred until Friday, with each side reserving 10 minutes until then.

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

Mr. KEFAUVER. I yield.

Mr. HOLLAND. Mr. President, my understanding of the majority leader's statement was that there would be no votes on Friday or Saturday. I may have misunderstood him, but I believe his statement was to the effect that Senators who wanted to go to Kentucky, to an important occasion there, could go feeling secure that there would be no vote on those days.

The PRESIDING OFFICER. The Chair understands that the agreement with respect to no voting covered only today, with a further agreement to come tomorrow. The hope was expressed that there would not be any vote on Friday or Saturday.

Mr. WILLIAMS. Madam President, I may say that the Senator from Tennessee and the Senator from Florida could relinquish their time, except for about 10 minutes, and the Senator from Tennessee could then call up his amendment whenever it pleased him to do so.

Mr. KEFAUVER. Madam President, that is satisfactory to me. If I am not present, the Senator from New Mexico [Mr. ANDERSON], or one of my colleagues who have joined me in support of my amendment, can call it up. I should like to take about 2 minutes to make 1 or 2 points quite clear and to summarize my argument.

In the first place, I have no intention of covering by my amendment any money except that which has accrued since the controversy arose. So if the amendment is not drafted correctly in that regard it will be, and I want to assure the Senator from California of that purpose.

Second, I disagree completely with the Senator from Florida that support of the O'Mahoney resolution of the last Congress or the Anderson bill of this Congress in any way is a recognition of the proposal that the 62½ percent, accruing to the Federal Government, would go by distribution solely to the 3 States involved.

The provisions of both measures were to the effect that 32½ percent would be paid to the States in which the fund was derived, and 62½ percent was to be used for a Federal purpose, for all the people of all the States. The reason it was put into a special fund—and the Senator from New Mexico, who is present, will bear me out in this, I hope—was that there was discussion as to whether it would be used for education, or for some other purpose. I understand the special-fund provision was to wait until it could be determined whether the Hill amendment to the O'Mahoney bill in the previous Congress or the Anderson bill of this session would be passed.

Madam President, a part of the stipulation was that the Supreme Court decision, when finally rendered, was to have some effect upon this matter. That is implicit in the first stipulation; it is set forth definitely.

The Supreme Court has decided that the States had no title or interest in this property. I cannot see any justification, on any legal basis or on any moral basis, for giving to 2 or 3 States the money derived from property which belonged to the Federal Government and which will belong to the Federal Government unless or until the pending joint resolution is signed by the President, after it may be passed by the Congress. I see no justification for giving to 2 or 3 States that trust fund, which thus would be taken away from the people of the United States.

Mr. WILLIAMS. Madam President, will the Senator from Tennessee yield for a question?

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Delaware for a question?

Mr. KEFAUVER. I yield for a question.

Mr. WILLIAMS. Will the Senator from Tennessee state approximately how much money would be involved if his amendment should be adopted?

Mr. KEFAUVER. I thank the Senator for his question. As nearly as I can tell, about $35 million is held by the three States in a special fund, and I think a fund of approximately the same amount is now being held in a special account by the Federal Government—in short, a total of approximately $65 or $70 million.

Mr. WILLIAMS. Madam President, will the Senator from Tennessee yield further to me?

Mr. KEFAUVER. I yield.

Mr. WILLIAMS. Do I correctly understand that the amendment of the Senator from Tennessee provides that this amount shall be applied to paying the principal of or the interest on the national debt?

Mr. KEFAUVER. The amendment provides that this amount shall be applied to the reduction of the national debt.

Mr. WILLIAMS. Madam President, will the Senator from Tennessee yield further to me?

Mr. KEFAUVER. I yield.

Mr. WILLIAMS. The interest on the national debt to date is in excess of $6 billion a year. Is the Senator from Tennessee aware of the fact that if his amendment were adopted, the maximum contribution it would make in paying the current interest on the national debt would be to pay the interest for approximately 4 days?

Mr. KEFAUVER. Every little bit counts; at least, we would be making some payment—which would be better than we have done in a long time.

However, the statement the Senator from Delaware has made shows the utter folly of giving away funds, out of the Federal Treasury, when there is such a terrible burden upon us. The Senator from Delaware is making a very persuasive argument to the effect that we should keep the oil and gas which belong to the Federal Government. They do not belong to the States; and according to the decisions of the Supreme Court, they never have belonged to the States. The Senator from Delaware has shown most effectively by his suggestion that we should not vote away the assets of the Federal Government at a time when the Federal Government has such a heavy burden upon it.

Mr. WILLIAMS. I certainly commend the intention of the Senator from Tennessee to have such funds used to meet the interest charges in connection with the national debt.

I notice that the Senator from Tennessee called attention to the fact that the national debt is $1,800 per capita, for each man, woman, and child in the United States. I understood the Senator from Tennessee to say that his amendment, if adopted, would make a maximum contribution toward reduction of the interest charges on the national debt.

With all due respect, let me say I believe it only fair to point out that what is being proposed is not to pay off the national debt, for the amount involved in the amendment of the Senator from Tennessee would pay only 4 days of interest charges on the national debt, at the current rate.

Mr. KEFAUVER. Madam President, I think the Senator from Delaware is a little mistaken in the mathematics he has used. My impression is that the interest to carry the national debt is approximately $5 billion a year. Is that correct?

Mr. WILLIAMS. I may say it is my understanding that the interest is slightly in excess of $6 billion, at the current rates of interest.

Mr. KEFAUVER. So I believe $70 million would pay more than 4 days interest charges on the national debt.

However, I am sure the Senator from Delaware will realize that in that situation, little things help very definitely to pay the debt; and that in connection with the proposed giveaway of assets of the Federal Government, it certainly would be worthwhile to salvage at least $65 million or $70 million for the Federal Government.

But, of course, we could have enough to pay the full carrying charges on the debt, and many, many more times the carrying charges on the debt—I refer to the interest payments each year—if we would apply the revenue which belongs to the Federal Government from this oil development, to paying the interest on the debt. That would do much more than pay the interest on the debt each year, I believe, as a matter of fact.

Mr. WILLIAMS. Madam President, will the Senator from Tennessee yield further to me?

Mr. KEFAUVER. I yield.

Mr. WILLIAMS. I am very much interested in the last statement the Senator from Tennessee has made. I wonder upon what he bases his statement.

I should like to ask the following question: If we were to reject the Holland joint resolution, and assuming that we were to pass, instead, a measure which would require the States involved to pay back into the Federal Treasury all the money they have accumulated from the time the first oil well or gas well was drilled offshore, what would be the total amount of all that accumulated revenue from either the royalties or the leases involved, up to the present time?

Mr. KEFAUVER. The total amount involved up to the present time, I take it—I refer to the amount held in the special fund—is $65 million or $70 million.

However, I have here a letter showing that at the present time a very large royalty of approximately $770,000 a month is being paid in connection with oil leases in California.

The Senator from Delaware asks what I base these estimates upon. There are various and sundry estimates as to the oil under the Continental Shelf, as the Senator from Delaware knows. Noted geologists and also a board have estimated that 10 percent of our oil is under the Continental Shelf. The estimates usually run—not the estimates of proved oil but the estimates of oil that could be developed—somewhere between $50 billion and $300 billion. I do not know how accurate those estimates are; no one knows what the actual value of the oil is. At any rate, the value is very substantial.

We would convey most of that to the States under the provisions of the pending joint resolution. It is true there can be some oil beyond the 3-mile limit or the 10½-mile limit, but that oil would be more difficult to develop, as compared to the oil in the land which would be conveyed to the States.

It seems to me that since we are giving the States so much—and it is to be an outright gift, because title is in the United States—we should save the $65 million or $70 million.

Madam President, I now yield the floor.

The PRESIDING OFFICER (Mrs. SMITH of Maine in the chair). The Chair understands that no definite agreement has been made concerning the time on the amendment of the Senator from Tennessee. Does the Senator from Tennessee wish to propose an arrangement in that connection?

Mr. KEFAUVER. Madam President, I should like to reach an understanding about having the amendment voted on on Friday, if possible, because I shall not be here tomorrow.

Mr. WILLIAMS. Madam President, I may say that the present occupant of the majority leader's chair would not be in a position to enter into an agreement as to the time for voting on the amendment of the Senator from Tennessee. Perhaps the Senator from Tennessee [Mr. KEFAUVER] and the Senator from Florida [Mr. HOLLAND] would each agree to relinquish all except 10 minutes of the time remaining to them and, in the meantime, to have other amendments called up.

Mr. KEFAUVER. That is agreeable to me.

Mr. HOLLAND. Madam President, that would be acceptable to me; and I have no objection to having the vote on the amendment of the Senator from Tennessee taken on Tuesday, or at any time prior thereto when the Senator from Tennessee may call up his amendment, and at such time each side could proceed for 10 minutes. In short, I am willing to yield the remainder of my time, except for 10 minutes.

Mr. KEFAUVER. That is agreeable to me, Madam President; and, with that understanding, I yield all except 10 minutes of the time remaining to me.

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

Mr. WILLIAMS. I am about to move that the Senate take a recess, unless there are further speeches to be made or unless there is further business to be transacted.

Mr. ANDERSON. Madam President, I had intended at some time today to discuss the subject matter covered by an amendment which I have submitted. The amendment is marked "4-15-53-A," and it relates to the proceeds from the public domain. I do not feel that I desire to discuss the amendment at this time.

Therefore I ask unanimous consent to have printed in the body of the RECORD a discussion of the history of the public domain, and a discussion of the recent history of the public domain, together with summaries, conclusions, and several tables indicating the proceeds coming to various States as a result of the leasing of land in the public domain.

There being no objection, the statements and tables were ordered to be printed in the RECORD, as follows:

HISTORY OF THE PUBLIC DOMAIN

ACQUISITION OF THE PUBLIC DOMAIN

At the close of the Revolutionary War, the new Nation found itself in possession of the land lying east of the Mississippi, south of the Great Lakes and north of Florida. The portion of this territory lying west of the present boundary of the original 13 States became the nucleus of the public domain, with the exception of Kentucky, Tennessee, and some minor areas reserved in the deeds of cession.

Within this wide domain there was much controversy as to jurisdiction and ownership. The lands westward to the Mississippi River were claimed by Massachusetts, Connecticut, New York, Virginia, North Carolina, South Carolina and Georgia, on the basis of the terms of their colonial charters. The boundaries of these claims were very indefinite, and consequently settlement could not be made without developing serious controversies. The difficulty of adjusting these conflicting claims aided in bringing about the final cession of the land to the Central Government.

Although the Articles of Confederation contained a provision that no State should be deprived of any territory for the benefit of the United States, the States not claiming any western territory were well aware of the great superiority in power and resources which the seven States which claimed such territory would develop if they should maintain their claims. These six States exerted such pressure upon the Federal Government that the Continental Congress, in 1780, passed a resolution providing for the acceptance and care of such unappropriated lands as might be ceded by the States to the central Government and for their disposition for the common benefit.

These cessions were encumbered to some extent by special provisions, claims, and exceptions or reservations. Thus the exceptions made by the State of North Carolina in ceding the territory within the present State of Tennessee embraced practically all the lands in the territory, and consequently Tennessee is considered as not having been a part of the public domain. The Original Thirteen Colonies, plus the States of Maine, Kentucky, Vermont, and West Virginia, which were carved out of the Original Thirteen, did not comprise a part of the public domain.

Lands ceded by the States became the common property of the people under the Government of the United States. This was the Federal public domain as it existed in 1803, and the nucleus for the subsequent addition of vast areas lying mostly west of the Mississippi.

PURCHASES AND TREATIES

The remainder of the original public domain was acquired through purchase and treaty. The Louisiana Purchase from France in 1803 added to the public domain an area almost three times as large as the area ceded by the seven States. The purchased area covered, generally speaking, the lands drained by the western tributaries of the Mississippi River.

The next addition to the public domain was the purchase in 1819 from Spain of the territory then known as East and West Florida, the area represented now by the State of Florida.

Most of the lands in the States of Oregon, Washington, and Idaho, the northwestern corner of Montana, and a portion of western Wyoming were added to the public domain in 1846, after the United States claim to title based upon exploration and occupation finally had been conceded by Great Britain.

By the Treaty of Guadalupe Hidalgo with Mexico, concluded in 1848, an area covering roughly the States of California, Nevada, and Utah, the western parts of Colorado and New Mexico, and most of Arizona was added to the public domain. The remainder of Arizona and a small area in New Mexico were acquired from Mexico by the Gadsden Purchase of 1853.

Annexation of the Republic of Texas in 1845 did not in itself increase the Federal public domain, for Texas retained full control over the lands within its boundaries. In 1850, however, the United States purchased from Texas areas in Colorado, Wyoming, Kansas, Oklahoma, and New Mexico which were added to the public domain.

The final addition to the original public domain was the purchase from Russia in 1867 of all her possessions on the American Continent and adjacent islands, all of which constitute the present Territory of Alaska. Acquisition of the Territory of Hawaii, the Philippine Islands, Puerto Rico, and other possessions did not increase the public domain, since the Federal lands within those areas have not been administered under the general body of the Federal public land laws.

DISPOSAL OF THE PUBLIC LANDS

Never was a new country confronted with a more serious duty than that which faced the confederation. It had the opportunity and the duty, of providing a financial policy for a newly constituted state, and fully as important, of deciding upon a colonization plan. The weakness of the Federal Government in the matter of finances necessitated a plan of land disposal whereby the Government could raise funds to meet its national expenses and repay debts owed to European creditors. Hamilton, Jefferson, and others, finally surrendered to the financial plan of disposal of the public domain for the support of the Federal Government, although still adhering to the proposition that the land was to be sold at a very low figure, to the settler, or to be given away outright. In addition to the money needs of the Nation, the Founding Fathers felt that the function of the Federal Government, with respect to the public domain, was to act as trustee for all the people and to transfer the land as rapidly as possible to private ownership, where presumably it would find its highest use through the economics of private enterprise.

Under early ordinances, a few ranges of land were surveyed and offered for sale at public auction. The sales were distinctly disappointing.

Congress seems to have welcomed the idea of selling land through land companies. It meant reduction of the national debt in large blocks, and it relieved the Nation of dealing with the individual small buyer, and allowed it to make a contract with well-known businessmen who promised responsibility. The Government, however, was doomed to financial disappointment, as were the promoters and adventurers themselves. Instead of the increasing sales expected, Congress was obliged, as time went on, to relieve the distress of the companies, and Congress became convinced that there were grave dangers in this wholesale disposition of the public lands.

Another pronounced characteristic of this period of land disposal was the reduction from time to time in the area of land that might be purchased. The act of 1796 provided that some land should be sold in units of 640 acres and other lands in larger units. The acreage of land sold under this law was insignificant, principally because the pioneer settler could neither finance nor farm units of such large size; consequently, the minimum size of areas that could be offered for sale was reduced ultimately to 40 acres. In general, there were no restrictions on the maximum amount of land that could be acquired, and in some instances speculative holdings exceeded 100,000 acres.

The revenues received during this period of land sales fell far short of those that had been anticipated. Also the receipts fluctuated greatly from year to year. General dissatisfaction with both the principle and the manner of effectuating the sales policy was instrumental in the adoption of the "free land" method as the primary means of disposal.

By the preemption law of 1841 recognition was given to occupancy as a positive indication of the desire to settle and to the preference rights of occupants. The policy expressed by this law might be considered as intermediate between the revenue and settlement policies.

THE POLICY OF SETTLEMENT

For a half century or more following 1841 the policy of using the public domain in the promotion of settlement was accepted and furthered in the disposition of the western lands. It was the fruition of the work of such men as Gallatin, Benton, and Jefferson. In 1826 Benton had said: "I speak to Senators who know this to be a Republic, not a monarchy, who know that the public lands belong to the people and not to the Federal Government."

Every new Territory and State wanted people to take up and use the vacant lands. Immigration agents were employed by the State. Advertising campaigns were conducted by the railroads. All forces combined to get the land into the hands of the settlers. With the development of the railroads and the consequent market for the farmer's products, the settlers began to look upon the land as a prize in itself and it was inevitable that more enterprising adventurers should precede them and profit by speculating in this increased value of the lands. The Preemption Act was designed to preclude, or at least to restrict, this practice. The preemption right was mainly a possessory right, established by constructing a dwelling house and making improvements on the land. For many years this right secured the settler in his right to purchase at the minimum price before the date of the general sale of the tract of which his claim was a part. After the passage of the homestead law and the discontinuance of the general sales, the law was repealed in 1891. The main difference between preemption and the homestead laws was that under preemption payment of $1.25 per acre was made after 14 months' residence, and the homesteader received a free grant of his land after 5 years of residence.

DISTRIBUTION AND CESSION TO THE STATES

When the States possessing western lands ceded them to the United States, it was, among other reasons, in order that the General Government might, from the proceeds, be enabled to pay it debts. Nearly a half century passed, and it seemed that the debt was soon to be extinguished, but the land was not all sold. Thus it was somewhat natural that the question of the right of the Government to retain for its own use the funds still to be realized should be raised. The States which never had any western domain were always particularly jealous of their rights to the public lands and the returns from the same. These States were active in the distribution controversy. From 1825 to 1845, there was a constant, and at times, violent struggle over the distribution to be made of the money received from the sale of land to the States, that is to all the States. Few questions were more severely partisan. The party in favor of protective tariff, as the payment of the public debt neared completion, feared a piling up of revenue, making the tariff unimportant as a source of income. The opposition wanted to reduce the price of land, or even make it free, and so opposed creating a demand on the part of States for an income from this source.

A bill providing for distribution was passed in 1833 and vetoed by President Jackson. It was passed again in substantially the same form in 1841 under the Whig administration. Within a year a deficit in the Treasury led

to the suspension of the act, and although it was not repealed outright, it remained a dead letter.

Not unlike the distribution of money to the States was the proposal to cede the land to the States in which it lay. This plan was proposed as early as 1826, and continued to be an issue for a quarter of a century. At times it was proposed to cede all land to the States, at other times to cede that which had been on the market for some years, but found no buyers. At times it was proposed to cede the land free of charge, and at other times the States were to pay a nominal price for it. The purposes involved in the plan were mainly to allow the States full jurisdiction over the lands within their borders, and to give them the income from sales as a revenue useful and necessary in developing a new commonwealth.

Although the proposal to cede the land to the States failed as a whole, it succeeded in part. In 1844 the half-million-acre grants were inaugurated, and continued for 40 years. The grants for internal improvements outside the half-million-acre grants were liberal, and became more and more so as time passed. Thus great areas of land were granted to the States, more than was for many years intended, though never has the policy been adopted of turning over the remaining Government land to the respective States.

THE POLICY OF DEVELOPMENT

The westward march of the frontier of land settlement engendered demands for schools and other institutions, and for wagon roads and railways. By the act of September 4, 1841, a grant of 500,000 acres of public domain was made to the Western States. According to the terms of the act the States were to apply the proceeds from these lands to objects of internal improvement, namely: roads, railways, bridges, canals and improvement of water courses, and draining of swamps.

The use of land grants for internal improvement purposes was a part of the whole episode of conscious development of the Nation through public action. It was believed that private action was likely to be too uncertain and too slow. The aforementioned grants, along with others that extended from 1823 to 1869, were attempts to satisfy the advocates of cession as well as those favoring distribution of the money from the sale of public lands. In addition to the State grants, in 1854 an act was passed by the Congress whereby the public lands which had remained unsold for several years were graduated in price for rapid disposal. In the course of 8 years some 26 million acres of land were sold at a price of about 32 cents per acre.

Of major importance during this period of development were the extensive railroad grants, educational grants, and miscellaneous grants to further aid both the States and private enterprise, in the hope that such action would increase the saleability of great expanses of public land.

About 1852 the question of granting free homes on the public domain became a national issue and was in the platforms of the political parties. It came about as a natural outgrowth of the settlement policies dating from 1783. With the rapid development of the fertile Mississippi Valley lands and the subsequent increase in their value, a great hue and cry was heard from all quarters for homes on the public lands on the plains, and a strong pressure for the enactment of a law which should confine locators to small tracts, and require actual occupation, improvement, and cultivation. By this measure, it was hoped that the possibility of acquiring vast amounts of public domain, to be held for speculative purposes, might be overcome. Because the original homestead bill did not prove adaptable in the arid regions of the West, it was necessary in later years to amend the act and to supplement it by such measures as the Desert Land Act of 1877, and the Carey Act of 1894. However, none of the attempts to remedy the disposal of the public lands in the arid States achieved their purpose, and it was not until the beginning of the 20th century that the Federal Government realized that it was dealing with a problem which necessitated a complete review of the policies for the management, control, and future disposition of the remaining public domain.

THE EARLY DISPOSITION OF THE MINERAL LANDS

The Government policy of handling the mineral lands of the public domain has fallen into five general categories up to 1900:

1. Reservation: Under the ordinance of 1785, for the disposal of lands in the "western territory," it was ordered that there should be reserved "one-third part of all gold, silver, lead, and copper mines, to be sold, or otherwise disposed of as Congress shall hereafter direct." From this ordinance it can be seen that there was some doubt as to the policy of the Government in relation to holding, leasing, or selling mines and mineral lands.

2. Occupancy rights: By resolution of April 16, 1800, Congress authorized the President to employ an agent to collect material information relative to the copper mines on the south side of Lake Superior. This contained a clause "and to ascertain whether the Indian title to such lands as might be required for the use of the United States in case they should deem it expedient to work the said mines, had been extinguished." Thus Congress at this period seems to have had in mind the direct working and control of mines by the United States.

3. Leases: On March 3, 1807, Congress, by section 5 of an act for the sale of certain lands now in Ohio and Indiana, provided that lead mines in Indiana should be reserved for future disposal by the United States, and that the President was authorized to lease the mines for a term not exceeding 5 years. This inaugurated the policy of the United States of leasing mineral lands, and this continued to be the policy up until 1846, at which time President Polk recommended that the entire system of leasing be abolished due to the heavy financial drain on the Nation of managing the mineral lands.

4. Sale of mineral lands: The acts of 1846 and 1847 authorized public offering and private entry and sale of the mineral lands on the public domain as a method of disposal, ranging in minimum price of $2.50 to $5 per acre.

5. Free exploration and development: The act of July 26, 1866, ordered that "the mineral lands of the public domain, both surveyed and unsurveyed," were "to be free and open to exploration and occupation by all citizens of the United States, subject to such regulations as may be prescribed by law." In 1872, an act amending the 1866 act constituted mineral lands a distinctive class, subject to special conditions of sale and affixed prices differing wholly from the requirements in these respects as to other lands. It provided for the survey and sale of mineral lands at fixed prices at $2.50 per acre for placer lands, and $5 per acre for lode claims. This was the general situation which prevailed up until the early twentieth century when the Government began the withdrawal of mineral lands and initiated a leasing system.

THE EARLY DISPOSITION OF THE TIMBERLANDS

One of the clearest and most unfortunate failures of the Government in its handling of the public domain is that in connection with the timber supply. Although some measure of protection of the timber supply began in 1817, timber was substantially a free goods until the close of the century. Timber depredations were open and flagrant. Millions of acres were alienated through the use of military and agriculture scrip. In 1878 the Timber Cutting Act, and the Timber and Stone Act were passed. The former act was designed to aid the miner and settler. It was used as a tool by lumber companies in getting hold of great tracts of timber fraudulently. The Timber and Stone Act was of like character. It furnished an easy means by which lumber companies obtained valuable timber, land and all, at a nominal figure. The many abuses of timberland, and the stripping of valuable assets from the domain ultimately resulted in the reservation of the remaining forests for the benefit of the entire Nation.

RECENT HISTORY OF PUBLIC DOMAIN WITH SUMMARY AND CONCLUSION

From the foregoing history of the public domain it is evident in the beginning that it was the policy, purpose, and intent of the Federal Government eventually to dispose of all of the public lands. To start with, land was so plentiful in the early years of our country that it was difficult to dispose of any sizable areas at any price near what the future values might be. It is easy to see that the public-land policy during the last few years of the 19th century and during the 20th century has been a policy of changing concepts of how the land should be used and administered. Up until the early part of the 20th century, the principal use of the public domain was for homes and perhaps timber that could be harvested from the land. In the early 1900's the administrative departments of the Federal Governments began to emphasize the various natural resources on the public domain. During the time of Theodore Roosevelt, he and his conservation advocates undertook about every means at their command for limiting the scope of the liberal public-land laws, which Congress had refused to repeal or correct. Finally Congress did agree to the limiting of homesteads to surveyed land (1908). Along with this came the Timber and Stone Act, and then emphasis began to be put on the maintaining of the fertility of the soil for crops. Phosphate came into the public eye as another very valuable resource, and then this was followed also in 1908, by the withdrawal of all public lands suspected of containing potash. By this time the forest reserves had been pretty well established as permanent reservations for the protection of timber resources and for the protection of watersheds.

There remained the problem of dealing with oil and gas, and other minerals that had been reserved on homesteads and grants to the States, and the mineral resources on the remnant of the public domain. There was also the problem of the remnant of surface rights on public domain in the Western States, which the stockmen of the West felt should be turned over to them or to the States. The public domain had been furnishing homes and timber, and some other resources, but the problem now presenting itself was, can the remnant of public domain continue to fill the needs as it had in the past? The remaining public land, as far as surface values were concerned, appeared to serve but one useful purpose, that of providing grazing.

These problems perhaps appearing fairly simple, were not easy to deal with, and because of conflicting views and poltical pressures, are still misunderstood, vexing, and will be a bone of contention in the years ahead.

Ever since the first withdrawals of the public domain for the Yellowstone National Park in 1871, two principles of disposal of the public domain have been operating side by side. On the one hand was the disposition by transfer by various methods into private ownership. The other was the withdrawal from entry, thereby establishing permanent reservations such as forest reserves, national parks, and monuments, and military reservations that were needed, and

of course the Indian reservations have been carved out of the public domain. Of course, there were a great many temporary withdrawals such as power site withdrawals, which were held in such status until it was determined whether or not the withdrawn land should be set aside permanently for the general welfare. A great many of these withdrawals have been eliminated and the land has reverted to its public domain status.

By the early part of the 1920's it was apparent to everyone that had been interested in the public domain, that the surface of the remaining land was valuable chiefly for grazing, but because of the type, condition, and value, very little would pass into private ownership by the methods that were available, or by methods that would be acceptable to Congress or to the country as a whole. It was very clear to anyone familiar with the public domain that it had been badly overgrazed and misused, and that beside the disappearance of edible vegetation, it was being badly eroded and thus effecting various watersheds and creating conditions that made it necessary for some form of management and control to be set up if the land was to be preserved, and if it was to be made to produce. The big question was how to manage it, and by whom should it be managed? There was considerable agitation to allow the stockmen to buy the land at a very low figure. Still others felt that it should grant it outright to the States. Ray L. Wilbur, the Secretary of the Interior, addressing the Conference of Western Governors at Boise, Idaho, on July 9, 1929, stated:

"It seems to me that it is time for a new public land policy, which will include transferring to those States willing to accept the responsibility, the control of the surface rights of all public lands, not included in national parks or monuments, or in the national forests. With sound State policies based on factual thinking, it may eventually develop that it is wiser for the States to control even the present national forests." (The Closing of the Public Domain, Peffer, p. 203.)

Very shortly after this speech by Mr. Wilbur, President Hoover was quoted as saying at a conference of public-land States governors held at Salt Lake City in August 1929 the following: "It may be stated at once that our Western States have long since passed from their swaddling clothes and are today more competent to manage much of these affairs than is the Federal Government. Moreover, we must seek every opportunity to retard the expansion of Federal bureaucracy and to place our communities in control of their own destinies."

Apparently as a result of the expression of these views of the administration at this time, a resolution was introduced in the Congress by Representative Don B. Colton, of Utah, which resolution would set up a commission to investigate the advisability of turning the lands over to the States in which they were located. The resolution was finally passed, and appropriations made for expenses of the Commission that was set up to make a study of the public-land problem. The Commission went to work, and of course, there was a great deal of editorial comment, pro and con, and expressions by various groups throughout the country for and against the transfer of the lands to the States. The Commission finally reported to the President in January 1931, and the report briefly covers the following points:

1. It recommended that all portions of the unreserved and unappropriated public domain should be placed under responsible administration, or regulation for the conservation and beneficial use of its resources.

2. Additional areas important for national defense, reclamation purposes, reservoir sites, national forests, national parks, national monuments, and migratory bird refuges should be reserved by the Federal Government for these purposes.

3. The remaining areas valuable chiefly for the production of forage, that is grazing, be effectively conserved and administered by the States containing them, and that they should be granted to the States if the States were willing to accept them.

4. Provided that in the States not accepting such grant of the public domain, a responsible administration or regulation should be provided by the Federal Government.

5. (This was put in, I think, to remove some of the objections out in the West.) Stated that the Commission recognized that the Nation is committed to a policy of conservation of certain mineral resources. It stated that "We believe the States are conscious of the importance of such conservation, but that there is a diversity of opinion regarding any program which has for its purpose the wise use of these resources. Such a program must of necessity be based on such uniformity of Federal and State legislation and administration as will safeguard the accepted principles of conservation and the reclamation fund. When such a program is developed and accepted by any State or States concerned, those resources should be transferred to the State."

As we well know, the recommendations of this Commission were not written into law, but the work of the Commission did perhaps do one thing that was to help clarify opinions on the public-land question. There could be little doubt as to how the public felt about such things as the ceding of the remaining public lands to the States and the preservation of natural resources. The West for the most part was apparently in favor of ceding the public-domain lands to the States while in the East, for the most part, people were very much opposed to the transfer of the lands to the States.

The report of this Commission and the focusing of attention on this problem probably brought about the next step in the handling of the public domain, or the disposal of the public domain, which is the advent of the Taylor Grazing Act, which was introduced into Congress, subsequently passed and signed into law June 28, 1934.

From time to time bills were introduced with the intention of making final disposition of the public domain, with no action being taken other than various hearings and considerable debate both in the Congress and in the press. In the 1st session of the 72d Congress, Congressman Colton, of Utah, again introduced a bill which would set up grazing districts on the public domain. In this bill an attempt was made to protect the industry dependent upon the land and at the same time to conserve the natural resources. The Colton bill passed the House but the bill never got out of the committee in the Senate.

Back in the early twenties Congressman Edward Taylor, of Colorado, also became interested in the condition of the public land and recognized the need for legislation to provide the care and protection required to preserve this valuable resource. As long ago as the 73d Congress (1913–14, CONGRESSIONAL RECORD, 2d sess., II, 13680), Congressman Taylor had said:

"I am and always have been opposed to having the resources of the West withheld from private ownership and put into a general Federal leasing system, and I cannot reconcile myself to believe that it is for the welfare or development of our Western States to have our internal affairs governed by Washington bureaus. I earnestly feel it is an un-American policy."

Congressman Taylor never gave up his views in regard to States rights to own land, but he did accede to the proposition that there was no hope for such an outright grant and agreed that it was a condition and not a theory confronting the Congress, having decided that action must be taken without further delay. In recognizing this condition Congressman Taylor was led to work with others interested in drafting the Taylor bill and he later justified his action by stating:

"I fought for the conservation of the public domain under Federal leadership because the citizens were unable to cope with the situation under existing trends and circumstances. The job was too big and interwoven for even the States to handle with satisfactory coordination. On the western slope of Colorado and in nearby States I saw waste, competition, overuse, and abuse of valuable range lands and watersheds eating into the very heart of western economy. Farms and ranches everywhere in the range country were suffering. The basic economy of entire communities was threatened. There was terrific strife and bloodshed between the cattle and sheepmen over the use of the range. Valuable irrigation projects stood in danger of ultimate deterioration. Erosion, yes even human erosion, had taken root. The livestock industry, through circumstances beyond its control, was headed for self-strangulation. Moreover, the States and the counties were suffering by reduced property values and decreasing revenues." (CONGRESSIONAL RECORD, 76th Cong., 3d sess. (1940–41), LXXVI (Appendix), 4198).

On May 10, 1934, the Senate reported (Rept. 1182) the bill H. R. 6462, and it was placed on the calendar of the Senate. The report estimated that there was 173 million acres of public domain. It stated that—

"It should be understood that the whole purpose of the bill is to conserve the public range and in aid of the livestock industry."

The report further stated:

"The bill makes no disposition of the public-domain lands which came within its scope, but merely provides for the more orderly use of their grazing sources."

The report went on to state that only 80 million acres of the public domain were to be included in the grazing districts established under the provisions of the bill. It is pointed out the purposes of the bill were—

1. To stop injury to the public grazing land.

2. To provide for orderly use, improvement, and development of the land.

3. To stabilize the livestock industry dependent on the public range.

This bill as passed by the Congress and signed into law provided, in part of its purpose, as follows:

"That in order to promote the highest use of the public lands pending its final disposal, the Secretary of the Interior is authorized in his discretion, by order, to establish grazing districts, etc."

The question of "pending its final disposal" raises several questions that should be discussed in attempting to determine the immediate past intent of Congress in administering or disposing of the public domain and its resources.

1. The Taylor Grazing Act provided for exchanges both with individuals and the States. Did this indicate that the intent of Congress was to block up the Government land for permanent ownership by the Government or for a trusteeship?

2. Will the Taylor Grazing Act have served its purpose in the future, and are the lands merely being held in trust until the States are capable of taking them over and providing proper management, or until disposed of under some other method prescribed by Congress?

3. What was the purpose in the Government reserving the minerals and making other reservations on the public land? Was it to preserve them for the general welfare, or was it to obtain revenue for the benefit of the Government or States?

In dealing with the questions Nos. 1 and 2, a look at the intent and purpose of the Tay-

lor Act should clarify these questions. The interpretations of the act that I have been able to read all indicate that it is a conservation measure for the protection and rehabilitation of the surface of the range land in order to help stabilize the industry dependent thereon. That the exchange provisions and other parts of the act are for the purpose of facilitating the administration of the land and to enable the Secretary of the Interior to carry out the purpose of the act, and are not directed toward blocking it into a permanent Government reservation. However, it appears from study of the proposition that the State or States would have very little, if any, grounds on which to base a claim for the land to be conveyed to them. This is a matter that rests entirely in the discretion of the Congress.

Inasmuch as the withdrawal of the public lands and setting it apart under the Taylor Grazing Act in the public-land States carves it out of the area of the State, the question might well present itself, does the State that comes into the Union without receiving the land within its boundary forfeit any of its powers as a State, and does it come into the Union on an equal footing with the other States that came in where no public lands were reserved? A search of the court cases pertaining to such a question reveals that the courts have held every State that entered the Union has either at the request or upon requirement of Congress temporarily or permanently deprived itself of the power to exercise some of the attributes of sovereignty, and by doing so has not been admitted on equal footing with the other States. Equality among States as termed by courts means possession of sovereignty—the power to exercise the functions of a Republican form of government and not necessarily in the same manner or to the same extent (*Abelman* v. *Booth* (21, 506 Vattels Law of Nations, 3, 193, 229)).

As an example, New Mexico when entering the Union agreed by its enabling act that "The people inhabiting the said proposed State do agree and declare that they forever disclaim all right and title to the unappropriated and ungranted public lands lying within the boundaries thereof, etc." The original States in forming the Union ceded only the lands outside their boundaries. Thus with the major portion of New Mexico remaining public land, it did not come into the Union on exactly the same footing as the original States in which the State retained all of the land within its boundaries.

In other cases the courts have held the power of Congress in the disposal of the public domain cannot be interfered with, or its exercise embarrassed by any State legislation. Under the Constitution Congress has the absolute right to prescribe the time, the conditions, and the mode of transferring the public domain or any part of it, and to designate to whom the transfer shall be made (*Gibson* v. *Chanteau* (80 U. S. 92, 13 Wall. 92, 20 L. ed. 534)). In the case of *Utah Power and Light Co.* v. *United States* (37 S. Ct. 387, 243 U. S. 389) the courts have held inclusion within a State of lands of the United States does not take from Congress the power to control their occupancy or use even though it requires the exercise of police power.

In the discussion of question No. 3, it might be well to ask if the question now before the Congress concerning the quit claim of the submerged lands to the States, if passed could be used as a precedent or as justification for either granting the public land or minerals thereunder, or the revenue therefrom to the public domain States?

The leasing of the submerged lands has been a controversial matter for many years, while the leasing and ownership of the public domain has not been questioned. The Attorney General has held that the submerged lands are not subject to the Mineral Leasing Act. They are separate and apart from the public domain. The public land laws allowing homesteading were intended to provide a man a farm from which to make a home and earn a living. It was not the intent of Congress to allow him to enrich himself from the valuable minerals and oil and gas from the public land at the expense of the rest of the country. Therefore, as far back as 1908 general reservations of minerals began to be made, and in 1916 under the Stock Raising-Homestead Act, all minerals were reserved. It must be remembered also that on all quantity grants of land to the States, the State was required to select only surveyed non-mineral public land. No reservation of minerals was made on State selections if minerals were not known to be present on the land or if the land was classed as non-mineral in character, or was not considered prospectively valuable for minerals including oil and gas. Consequently, in years later some of the land granted to the States on which reservations were not made turned out to contain valuable deposits of oil and gas and other minerals, and the State retained title to these lands and resources. There is no indication that Congress intended to hold the lands in trust for the States or desired to contribute the revenue to the States, but that it was the intent of Congress to eventually dispose of the land. Any reservations or withdrawals of the public domain are clearly shown to have been made in interest of the general welfare of the country as a whole, and not for the particular benefit of one State or class of States.

While I recognize that for the most part there is little historical background to support the claim that the minerals on the public lands should be transferred to the States, there is support for the payment of revenue obtained from the land and land resources to the States to be used for the benefit and welfare of its citizens. While there has been only a relatively small amount of money from the forest and grazing land paid to the States in lieu of taxes, there were some rather large grants of land to them which were apparently for the purpose of providing revenue for certain purposes, which was not available from the Federal or State Treasury.

As heretofore mentioned, as far back as 1844 the Congress recognized that the States needed more revenue than was available for internal improvements and for the support of their schools and institutions. Consequently, in lieu of money grants the Congress began making one-half-million-acre grants to the States for internal improvements, and these grants were made over a period of about 40 years. In the later years of the 19th century, and the early part of the 20th century, further grants were made to the States for benefit of schools and educational institutions. This certainly indicates that in the past Congress has recognized its obligation to give assistance to the States in which there are significant areas of public land.

The Government is not holding the lands, minerals, and other natural resources in reserve for the revenue to support it. These lands and resources are being held in order that they will be wisely developed and conserved for the future welfare of the entire country. Therefore, inasmuch as large areas of land are withheld from the Western States and private ownership, I believe that there is a moral obligation on the part of the Federal Government to pay to the States revenue from the lands so withheld from the States and private ownership.

Congress has departed a long way from the original policy of administering the public domain, and it is entirely within its discretion to make such further changes as are in the interest of the Nation or any State that might be discriminated against.

The so-called tidelands bill has passed the House of Representatives granting the submerged lands out to the historic boundaries to the States involved. It appears that there is sufficient support in the Senate to pass the same or a similar bill. There seems to be no doubt that if the bill is passed, it will be signed into law. Therefore, I believe that I am fully justified in introducing an amendment to provide that any revenues collected from Federal lands, of whatever nature, should be paid into the Federal Treasury and then 90 percent of that money be disbursed to the State from which it is collected.

Department of Agriculture, Forest Service—Statement of receipts from national forests, fiscal year 1952

State or Territory	Timber	Forage	Special land uses, water power, etc.	Total	State or Territory	Timber	Forage	Special land uses, water power, etc.	Total
Alabama	$796,356.50		$1,276.90	$797,633.40	New Hampshire	$130,440.87		$588.21	$131,029.08
Alaska	13,282.85		17,320.61	30,603.46	New Mexico	500,452.24	$338,651.74	14,140.02	853,244.00
Arizona	1,550,653.24	$668,279.51	42,381.19	2,261,313.94	North Carolina	492,010.74	50.02	8,260.02	500,320.78
Arkansas	2,244,563.42	2,316.37	12,095.55	2,258,975.34	North Dakota			69.68	69.68
California	12,581,081.10	386,670.78	280,909.87	13,248,661.75	Ohio	6,433.47		12,251.65	18,685.12
Colorado	479,788.92	678,336.35	49,155.67	1,207,280.94	Oklahoma	250,028.77	14.40	180.37	250,223.54
Florida	419,928.65	2,496.08	17,243.05	439,667.78	Oregon	19,474,326.77	322,830.86	42,855.89	19,840,013.52
Georgia	570,586.15		1,753.05	572,339.20	Pennsylvania	132,464.76		5,111.36	137,576.12
Idaho	2,898,972.42	617,552.14	30,669.18	3,547,193.74	Puerto Rico	9,793.80	40.00	4,619.35	14,453.15
Illinois	42,332.48		22,511.29	64,843.77	South Carolina	945,147.86	129.98	12,766.80	958,044.64
Indiana	6,344.91		3,251.71	9,596.62	South Dakota	316,621.51	61,139.83	17,796.95	395,558.29
Iowa	712.90		1,667.88	2,380.78	Tennessee	306,251.94	27.90	4,838.71	311,118.55
Kentucky	153,476.68		8,833.95	162,360.63	Texas	2,032,248.01	2,030.80	8,838.34	2,043,117.15
Louisiana	605,694.50	675.98	14,289.74	620,660.22	Utah	163,153.46	600,188.58	15,373.03	778,715.07
Maine	9,719.27		49.79	9,769.06	Vermont	140,613.49	45.75	635.00	141,294.24
Michigan	622,072.96		10,006.88	632,079.84	Virginia	178,710.88	382.69	11,691.53	190,785.10
Minnesota	553,364.88		13,921.63	567,286.51	Washington	11,110,160.87	81,213.20	39,046.18	11,230,420.25
Mississippi	1,584,461.13	790.75	144,589.09	1,729,840.97	West Virginia	142,356.55	4,598.06	19,086.85	16,041.46
Missouri	136,857.04	10,262.02	6,762.04	153,881.10	Wisconsin	454,001.08		3,073.21	457,074.29
Montana	1,456,919.71	502,398.45	41,950.15	2,001,268.31	Wyoming	196,510.19	434,452.35	27,642.00	658,604.54
Nebraska	5.00	84,149.25	103.62	84,257.87					
Nevada	14,083.61	222,930.44	4,899.74	241,913.79	Total	63,722,985.58	5,022,654.28	974,557.73	69,720,197.59

Department of Agriculture, Forest Service—Statement of receipts from national forests, fiscal year 1942 to fiscal year 1952

Fiscal year	From timber	From forage	From special land uses, waterpower, etc.	Total	Fiscal year	From timber	From forage	From special land uses, waterpower, etc.	Total
1952	$63,722,985.58	$5,022,654.28	$974,557.73	$69,720,197.59	1946	$10,554,311.75	$2,059,676.30	$1,261,083.06	$13,875,071.11
1951	51,098,565.11	4,165,573.39	883,203.35	56,147,341.85	1945	11,586,907.53	2,158,625.60	2,302,401.52	16,047,934.65
1950	29,379,216.62	3,385,003.61	830,393.59	33,594,613.82	1944	12,622,948.95	2,458,945.77	535,045.66	15,616,940.38
1949	26,927,164.31	3,275,964.19	872,907.80	31,076,036.30	1943	7,610,088.44	1,973,233.01	473,071.16	10,056,392.61
1948	20,486,721.87	2,898,037.32	743,418.19	24,128,177.38	1942	5,094,570.95	1,595,125.86	475,522.76	7,165,219.57
1947	15,420,901.85	2,293,773.05	772,630.36	18,487,305.26					

TABLE 117.—*Receipts under the Mineral Leasing Act,*[1] *Feb. 25, 1920 to June 30, 1952*

State or Territory	Fiscal years 1920–48	Fiscal year 1949	Fiscal year 1950	Fiscal year 1951	Fiscal year 1952	Total receipts
Alabama	$210,005.19	$1,000.50	$263.22	$877.84	$4,954.36	$217,101.11
Alaska	1,291.25		3,680.00	6,850.00	22,818.36	34,639.61
Arizona	54,439.77	52,440.41	30,273.27	84,992.20	152,934.87	375,080.52
Arkansas	3,377.00	1,299.61	554.50	120.00	1,045.25	6,396.36
California	[2] 67,695,120.69	7,545,071.40	7,416,222.51	7,968,788.64	7,326,902.95	97,952,106.19
Colorado	8,776,527.79	4,266,081.57	4,179,856.91	5,068,419.86	6,264,680.40	28,555,566.53
Florida	30.00	210.00			3,149.00	3,389.00
Idaho	108,890.75	201,018.48	95,688.45	117,949.30	106,823.27	630,370.25
Illinois				60.00		60.00
Kansas	153,302.44	33,081.86	45,119.97	140,862.46	75,504.33	447,871.06
Louisiana	746,070.29	32,383.45	23,022.85	24,674.71	54,946.02	881,097.32
Michigan	11,412.94	5,211.09	2,250.19	3,205.46	1,614.89	23,694.57
Mississippi	2,108.20	1,329.25	1,689.81	2,921.00	2,587.12	10,635.38
Montana	6,823,162.27	1,145,229.91	1,257,036.18	1,313,654.85	2,091,965.54	12,631,048.75
Nebraska	1,020.00	60.00	6,588.50	6,233.13	61,877.00	75,778.63
Nevada	101,028.52	16,939.75	480,034.41	655,917.74	924,308.75	2,178,229.17
New Mexico	[2] 18,967,499.93	3,832,698.41	3,616,471.96	4,762,607.92	6,939,159.42	38,118,437.64
North Dakota	684,415.91	4,265.18	32,943.60	125,863.27	131,136.98	978,624.94
Oklahoma	46,279.67	17,490.69	64,845.40	70,353.17	41,355.42	240,324.35
Oregon	7,874.25	8,581.50	2,244.73	8,945.92	30,870.50	58,516.90
South Dakota	83,605.51	3,495.00	55,895.79	58,871.36	185,752.40	387,620.06
Utah	4,455,955.41	974,487.73	851,689.46	1,547,916.91	2,872,324.21	10,702,373.72
Washington	90,121.92	1,378.21	3,335.08	2,708.68	1,979.99	99,523.88
Wyoming	102,666,155.37	10,827,412.38	8,801,428.75	12,977,921.36	14,584,912.58	149,857,830.44
Total	[3] 211,689,695.07	28,971,166.38	26,971,135.54	34,950,715.78	[3] 41,883,603.61	[4] 344,466,316.38

[1] Act of Feb. 25, 1920 (41 Stat. 437, 30 U. S. C. 181 et seq.). These figures are not adjusted for refunds and other corrections. For receipts from other mineral-leasing acts, see table 118.
[2] Adjusted to eliminate potash receipts, 1930–35.
[3] From oil and gas, $40,900,197.95; from coal, $863,193.43; from sodium, $10,450.57; from phosphate, $109,761.66.
[4] From oil and gas, $329,523,170.41; from coal, $14,570,107.89; from sodium, $40,504.24; from phosphate, $432,533.84.

TABLE 118.—*Receipts under miscellaneous Mineral-Leasing Acts,*[1] *July 1, 1918, through June 30, 1952*

State or Territory	Oil and gas acts	Acquired-Lands Acts [2]	Other acts	Total	State or Territory	Oil and gas acts	Acquired-Lands Acts [2]	Other acts	Total
Alaska			[3] $366,005.98	$366,005.98	Nebraska	[4] $595,067.51	$1,099.50		$596,167.01
Arkansas		$27,121.72		27,121.72	Nevada			[5] $12,608.01	12,608.01
California	[4] $2,052,004.34		[3] 3,973,222.77	6,025,227.11	New Hampshire		32.24		32.24
Colorado		16,961.95		16,961.95	New Mexico		16,942.63	[7] 9,139,064.16	9,156,006.79
Florida		33,733.04		33,733.04	North Carolina		3,537.98		3,537.68
Georgia		4,443.96		4,443.96	North Dakota		82,485.50		82,485.50
Idaho		2,843.47		2,843.47	Ohio	[4] 552.62	239,563.04		240,115.66
Illinois		130,806.60		130,806.60	Oklahoma	[3] 1,699,185.46	384,092.61	[5] 205,793.73	2,289,071.80
Indiana		3,197.50		3,197.50	Oregon		3,720.00		3,720.00
Kansas		10,874.40		10,874.40	South Carolina		428.03		428.03
Kentucky		1,791.05		1,791.05	South Dakota		18,413.50		18,413.50
Louisiana	[4] 5,472,828.11	1,311,843.05		6,784,671.16	Tennessee		323.50		323.50
Maine		37.24		37.24	Texas	[4] 187,579.34	261,766.99		449,346.33
Maryland		295.00		295.00	Utah	[10] 6,780.00	6,970.14		13,750.14
Michigan		76,867.49		76,867.49	Virginia		34,290.24		34,290.24
Minnesota		140.50		140.50	West Virginia		16,898.50		16,898.50
Mississippi		593,782.20		593,782.20	Wyoming	[11] 540,309.90	76,426.48		616,736.38
Missouri		9,614.26		9,614.26					
Montana		64,197.65		64,197.65	Total	10,554,307.28	[12] 3,435,541.96	13,696,694.65	27,686,543.89

[1] For receipts from Mineral Leasing Act of 1920, see table 117.
[2] Act of Aug. 7, 1947 (61 Stat. 913).
[3] Coal-leasing Act of Oct. 20, 1914 (38 Stat. 741; 48 U. S. C. 432 et al.).
[4] Executive Orders 9087 and 9632 and various public-land orders.
[5] Potash-leasing Acts of Oct. 2, 1917 (40 Stat. 297) and Feb. 7, 1927 (44 Stat. 1057; 30 U. S. C. 281).
[6] Silica-sand Leasing Act of May 9, 1942 (56 Stat. 273).
[7] Potash Leasing Act of 1927, supra.
[8] Act of Mar. 4, 1923 (42 Stat. 1448), south half of Red River.
[9] Former Choctaw-Chickasaw Indian lands (coal).
[10] Strawberry Reservoir unit area.
[11] Act of June 26, 1926 (44 Stat. 1261).
[12] From oil and gas, $3,175,496.38; from coal, $74,319.63; from other minerals, $185,725.95.

TABLE 119.—*Payments to States from Mineral Leasing Act receipts,*[1] *Feb. 25, 1920, to June 30, 1951*

State	Fiscal years 1920–48	Fiscal year 1949	Fiscal year 1950	Fiscal year 1951	Total
Alabama	$78,751.98	$375.19	$98.72	$329.19	$79,555.08
Alaska	187.50		1,380.00	2,568.75	4,136.25
Arizona	20,212.89	19,668.91	11,352.47	31,872.08	83,106.35
Arkansas	1,266.37	487.36	207.94	45.00	2,006.67
California	23,066,102.82	3,002,066.59	2,937,647.26	3,209,646.33	32,215,463.00
Colorado	3,293,762.27	1,599,749.66	1,567,446.35	1,900,657.45	8,361,615.73
Florida	11.25	78.75			90.00
Idaho	40,826.54	75,381.94	35,883.17	44,230.99	196,322.64
Illinois				22.50	22.50
Kansas	57,473.42	12,405.70	16,919.99	52,823.43	139,622.54
Louisiana	279,614.13	12,143.77	8,633.57	9,253.02	309,644.49
Michigan	4,280.82	1,954.16	843.81	1,202.04	8,280.83

[1] Acts of Feb. 25, 1920 (41 Stat. 437; 30 U. S. C. 181 et seq.), Oct. 2, 1917 (40 Stat. 297), and Feb. 7, 1927 (44 Stat. 1057; 30 U. S. C. 281 et seq.). The payments are given as of the fiscal year in which the money was earned and are adjusted for refunds and other corrections. For preliminary estimates of payments on account of receipts during fiscal year 1952, see tables 95 and 99.

TABLE 119.—*Payments to States from Mineral Leasing Act receipts, Feb. 25, 1920, to June 30, 1951*—Continued

State	Fiscal years 1920–48	Fiscal year 1949	Fiscal year 1950	Fiscal year 1951	Total
Mississippi	$790.56	$498.47	$633.68	$1,095.38	$3,018.09
Montana	2,557,960.59	442,086.29	471,388.57	492,620.57	3,964,056.02
Nebraska	382.50	22.50	2,470.69	2,337.42	5,213.11
Nevada	37,885.70	6,352.41	180,012.90	245,969.14	470,220.15
New Mexico	8,943,692.50	1,727,722.39	1,650,301.13	2,360,486.97	14,682,202.99
North Dakota	257,035.63	1,599.44	12,353.85	47,198.72	318,187.64
Oklahoma	16,991.61	6,550.50	24,317.02	26,382.44	74,241.57
Oregon	3,272.41	3,218.07	841.77	3,354.72	10,686.97
South Dakota	30,722.44	1,310.62	20,975.40	22,076.76	75,085.22
Utah	1,669,311.67	365,425.41	319,383.54	580,468.83	2,934,589.45
Washington	30,549.55	516.83	1,250.65	1,015.75	33,332.78
Wyoming	37,951,310.86	4,047,541.85	3,300,536.17	4,866,720.51	50,166,109.39
Total	78,342,396.01	11,327,156.81	10,564,878.65	13,902,377.99	114,136,809.46

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting a nomination was communicated to the Senate by Mr. Miller, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDING OFFICER (Mrs. SMITH of Maine in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. WILEY, from the Committee on Foreign Relations:

Jack K. McFall, of the District of Columbia, a Foreign Service officer of class 1, to be Envoy Extraordinary and Minister Plenipotentiary to Finland; and

George Wadsworth, of New York, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary to Czechoslovakia.

By Mr. BUTLER of Nebraska, from the Committee on Interior and Insular Affairs:

Farrant Lewis Turner, of Hawaii, to be Secretary of the Territory of Hawaii.

THE HIGH INTEREST RATE POLICY

Mr. MURRAY. Madam President, I ask unanimous consent to have inserted in the CONGRESSIONAL RECORD three newspaper articles reflecting some of the consequences of the new high interest rate policy adopted by the Eisenhower administration.

The first is a New York Times article by Joseph A. Loftus, which appeared on Sunday, April 26, in which Mr. Loftus says "there is no doubt that the Government is paying more to hire its money than is necessary." He also says "the policy conceivably could speed us into a recession," and "the price of stability, for example, may be three or four million unemployed."

The second article is an announcement that major commercial banks in New York City raised their prime interest rate on Monday, April 27. This increase in bank interest charges was hardly required by them to stay in business and make fair profits. The 1952 earnings report on national banks, recently released by the Comptroller of the Currency, showed profits last year of $562 million, or 8.17 percent, on average capital funds. This compared with $502 million earned in 1951, or 7.79 percent on average capital invested. National bank earnings from all operations in 1952 were over $1,080,000,000, an increase of $114 million over 1951. After deducting all expenses, including losses and charge-offs on loans, and after deducting taxes, the banks' net before dividends in 1952 was $55 million higher than the previous year. Revenue from increased interest rates will further enrich them in 1953.

The third item is from the January 24, 1953, Journal of Commerce and announces that the Chicago Great Western Railroad has rejected the single bed received by it for $6 million of collateral trust bonds with a 5¾ percent coupon rate. The only bid was $98.05.

The harvest of the administration's new high interest policy is upon us. Farmers have been hit, home buyers have been hit, and business institutions are being hit.

Significant in the business field is an announcement made April 23 by the Southern California Edison Co. that it will cut back construction plans for 1953 by about $10 million. The Journal of Commerce reports:

> Because of the changing business outlook, it now appears that some maintenance and replacement construction, as well as some new construction, will be deferred to a later year, W. G. Mullendore, president of Southern California Edison, stated here today.
>
> While it had been planned to issue and sell $25 million of bonds and $15 million of preferred stock, it now appears, said Mr. Mullendore, that only approximately $30 million of new money will be needed and that financing will not be undertaken until later in the year.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times of April 26, 1953]

NEW ECONOMIC POLICIES STIR SHARP DEBATE—STEPS TO HALT INFLATION ARE VIEWED WITH MISGIVINGS IN SOME QUARTERS

(By Joseph A. Loftus)

WASHINGTON, April 25.—The Eisenhower administration's dollar-and-cents thinking is now in full view and almost fully in operation. No family, job, or business can escape its effects.

Some points in the policy, such as the dropping of direct wage and price controls, are plain enough for all to see. Other points are obscured by such terms as "debt management" and "unpegging the bond market." Yet, chances are that these very unfamiliar (to the general public) points will have the most far-reaching effect on the bread-and-butter life of the country. They are the ones that are going to get the credit if we have a long, sustained period of prosperity. They are going to catch the blame if business declines seriously and heavy unemployment develops.

This is a report on what the administration is doing, and why. The wisdom and possible consequences are things that some of the best economists in the country cannot agree on.

The Federal Government owes about $267 billion. This is mainly the result of financing two great wars and strengthening the free world against a third one.

The debt never stands still. Interest costs alone run into several billions a year. The debt is falling due this year, for instance, at the rate of $32 billion every 90 days.

REFUNDING THE DEBT

The Treasury is not in shape to pay this off; its income is too low, compared with expenses. What does it do? It goes through a series of operations known as re-funding. It sells short-term bonds (a form of borrowing) at very low interest rates. It sells defense bonds and other securities with a higher rate.

Now—and this is the crux of the new policy of debt management—it has issued a billion dollars' worth of 30-year bonds paying an interest rate of 3¼ percent. This raises the Government's long-term borrowing cost to the highest level since 1933.

There is no doubt that the Government is paying more to hire its money than is necessary. There is also no doubt that, as a consequence of this policy, a family that wants to build a home or buy a car on the installment plan, or a corporation that wants to borrow to buy or build new equipment, will have to pay a higher interest rate than it formerly would.

In other words, the administration policy calls for an increase in interest rates.

Why should the Government pay more than is necessary to hire money? There are several reasons. First, this administration has a free market philosophy. It believes Government securities should take their chances in the money market with other securities—State, municipal, and private.

BELIEF IN "TIGHT" MONEY

Second, the administration believes in "tight" money, as opposed to "easy" money, practices which it accused the Truman administration of indulging in.

The theory is that anything but a "tight" money policy tends to be inflationary; that if the interest rate is raised, credit—the equivalent of money—will be harder to get; that if money is harder to get the result will be a halt to ascending prices, if not lower prices, and that therefore the dollar becomes stabilized, if not more valuable.

Hence, the theory goes, even though the Government has to pay a little more to borrow, the dollar it spends for defense and other purposes, and the dollar that the consumer and the corporation spends, will buy more.

George Edward Tyler
James Lenes Unger
Thomas Joseph Vernia, Jr.
Edward Erwin Vigee
Albert Louis Villaret
Donald Arthur Vogt
William Walter Von Hausen
Harold Eugene Wakitsch
David Lee Waldron
Nicholas Wallner
Gerald Edward Weinstein
James Carter Welsh
James Taylor Westermeier
Albert Burton Whittemore
Harris Flanigan Wilson
Milton Edward Leonard Zellmer

The following-named persons for appointment in the Regular Air Force, in the grades indicated, with dates of rank to be determined by the Secretary of the Air Force under the provisions of section 506, Public Law 381, 80th Congress (Officer Personnel Act of 1947); title II, Public Law 365, 80th Congress (Army-Navy-Public Health Service Medical Officer Procurement Act of 1947); and section 307 (b), Public Law 150, 82d Congress (Air Force Organization Act of 1951), with a view to designation for the performance of duties as indicated:

To be captains, USAF (medical)

Ralph T. McCauley, AO2241314.
Herbert V. Swindell, AO2239590.

To be first lieutenant, USAF (medical)

Warren W. Gremmel, AO2213670.

To be first lieutenants, USAF (veterinary)

Jack D. Douglas, AO1906457.
James R. Halstead, AO726230.
Robert H. Sterrett, AO1735460.
William H. Watson, Jr., AO960264.

To be second lieutenants, USAF (Medical Service)

Robert W. Braden, AO2213747.
Francis A. Buckeridge, AO2239057.
William E. Burke, AO2239067.
Harry R. Collins, AO967283.
Howard Colon, Jr., AO1546605.
Robert H. Cortner, AO2239633.
Frank H. Dowell, AO2239889.
Richard J. Gabel, AO1863234.
Hollis B. Gray, AO2013991.
Jerome A. Hirsch, AO776556.
James E. March, AO2239629.
George H. McLain, Jr., AO2235587.
John A. Meloy, AO2213784.
Marion H. Mixson, Jr., AO2219301.
Clifford D. Overfelt, Jr., AO2214978.
Arthur H. Perkins, AO1857986.
Maurice R. Seaquist, AO782633.
William D. Tribble, AO2238790.

The following-named persons for appointment in the Regular Air Force in the grade indicated, with date of rank to be determined by the Secretary of the Air Force under the provisions of section 101 (c) or 102 (c), Public Law 36, 80th Congress (Army-Navy Nurses Act of 1947), as amended by section 5, Public Law 514, 81st Congress; with a view to designation for the performance of duties as indicated under the provisions of section 307, Public Law 150, 82d Congress (Air Force Organization Act of 1951):

To be second lieutenants, USAF (nurse)

Harriett L. Cavenaugh, AN1912729.
Phyllis M. James, AN2243577.
Patricia A. Thomas, AN2243642.

To be second lieutenant, USAF (women's medical specialist)

May E. Goodrich, AM2240029.

The following-named distinguished aviation cadets for appointment in the Regular Air Force in the grade indicated, with dates of rank to be determined by the Secretary of the Air Force under the provisions of section 506, Public Law 381, 80th Congress (Officer Personnel Act of 1947):

To be second lieutenants

Clifford S. Abrahamson
Donald W. Aiken
James H. Aikman
William T. Atkins
Ethan A. Bergschneider
Donald J. Bierman
Lawrence C. Boxhorn
Lawrence F. Bubba
Jack Brand
Lyman E. Buzard
Daniel B. Callahan
Charles F. Campbell
John C. Caris
Jack Cummings
Robert F. Dolezal
David R. Eby
Don R. Emigholz
Thomas E. Enright, Jr.
James M. Foley
George P. Gamache
Edward M. Glass
Neal R. Gulbrandson
John S. Hamilton
Guy F. Hellwege
William F. Herdrich
Charles E. Herr
Edward S. Hinton
Jack G. Hoffman
Russell B. Ives
Walter A. Jarrett
James Johnson
John M. Jones
Gerald J. Kaczkowski
Robert M. Knodel
Vernon G. Knourek
Robert H. Laney
Francis D. Leonard, Jr.
Robert D. Leonard
Billy C. Love
Clyde L. Luther
Gilbert G. Luton
Charles R. Maddox
Jimmy G. May
Kenneth H. McArn
Bobby N. McClain
James N. McCready
Emmett J. McMahon
Russell G. Mills
Marshall A. Montgomery, Jr.
John K. Moser
Claude A. Muncey
Frank L. Munsey
David M. Murane
William E. Newell
Raymond L. Norman
Walter S. Northup
William W. Nunn
Kenneth W. Ohlinger
Leo E. Olesen
James D. Plathe
Thomas N. Pollard
George P. Pribyl
William D. Renner
Earl C. Robbins, Jr.
Frank A. Rowe
Rex C. Salisberry
James W. Saunders, Jr.
George C. Schuette
Robert P. Schwartz
Charles D. Seymour
Richard N. Snodgrass
Frank A. Sparrow
Forrest D. Sprehe
James G. Taylor
Louis N. Taylor
Johnny L. Therrell
Arthur N. Till, Jr.
Robert E. Todd
Alfred H. Uhalt, Jr.
Wayne E. Whitlatch
Serge T. Winkler
Robert A. Witt

The following-named distinguished officer candidates for appointment in the Regular Air Force in the grade indicated, with dates of rank to be determined by the Secretary of the Air Force under the provisions of section 506, Public Law 381, 80th Congress (Officer Personnel Act of 1947):

To be second lieutenants

Oscar W. Agre, Jr., AO2219710.
Theodore J. DeSchon, AO2219778.
Richard H. Dietz III, AO2219781.
Paul C. Lawrence, Sr., AO2219873.
Herbert H. McClintock, AO2219897.
Hugh A. Stump, Jr., AO2219975.
Charles W. Uhl, AO2219985.

The following-named distinguished military graduate of the Air Force Reserve Officers' Training Corps for appointment in the Regular Air Force in the grade of second lieutenant, with date of rank to be determined by the Secretary of the Air Force under the provisions of section 506, Public Law 381, 80th Congress (Officer Personnel Act of 1947):

Harry E. Mottley, Jr., AO2250302.

SENATE

THURSDAY, APRIL 30, 1953

(Legislative day of Monday, April 6, 1953)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Rev. Arnold F. Keller, Jr., associate pastor, Church of Reformation (Lutheran), Washington, D. C., offered the following prayer:

Most merciful God, our Father, in reverence and in humility we come before Thee. We would open our hearts and our minds in this brief moment to Thy great and loving presence.

Thou knowest our duties and our responsibilities. Thou knowest our decisions and the steps that we must take. So, we pray, make us worthy of Thy presence here, that knowing that Thou art with us we may act and live as men and women responsible to Thee.

Our Father, we pray for peace in this world, for men and nations, for the leaders of every country, that Thy will may be done, and that Thy kingdom may come.

Forgive us, each one; cleanse us from sinful things and from evil intents, that we may be led to do the great things that Thou wouldst have us do for Jesus' sake and in His name. Amen.

THE JOURNAL

On request of Mr. WELKER, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, April 29, 1953, was dispensed with.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Maurer, its reading clerk, announced that the Speaker had affixed his signature to the enrolled bill (S. 1767) to amend and extend the provisions of the District of Columbia Emergency Rent Act of 1951, and it was signed by the President pro tempore.

COMMITTEE MEETING DURING SENATE SESSION

On request of Mr. WELKER, and by unanimous consent, the Subcommittee on Minerals and Fuel of the Committee on Interior and Insular Affairs was authorized to meet today during the session of the Senate.

TITLE TO CERTAIN SUBMERGED LANDS

The Senate resumed the consideration of the joint resolution (S. J. Res. 13) to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, and to provide for the use and control of said lands and resources.

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

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

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

Aiken	Dirksen	Hendrickson
Barrett	Douglas	Hennings
Beall	Dworshak	Hickenlooper
Bennett	Ellender	Hill
Bricker	Ferguson	Hoey
Bridges	Flanders	Holland
Bush	Frear	Hunt
Butler, Md.	Fulbright	Ives
Capehart	George	Jackson
Carlson	Gillette	Jenner
Case	Goldwater	Johnson, Colo.
Clements	Gore	Johnson, Tex.
Cooper	Green	Johnston, S. C.
Cordon	Griswold	Kilgore
Daniel	Hayden	Knowland

Kuchel	Monroney	Smathers
Langer	Morse	Smith, Maine
Lehman	Mundt	Sparkman
Long	Murray	Stennis
Magnuson	Neely	Taft
Malone	Pastore	Thye
Mansfield	Payne	Tobey
Martin	Potter	Watkins
Maybank	Purtell	Welker
McCarran	Robertson	Wiley
McCarthy	Russell	Williams
McClellan	Saltonstall	Young
Millikin	Schoeppel	

Mr. SALTONSTALL. I announce that the Senator from Nebraska [Mr. BUTLER], the Senator from Pennsylvania [Mr. DUFF], and the Senator from New Jersey [Mr. SMITH] are necessarily absent.

Mr. CLEMENTS. I announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from Virginia [Mr. BYRD], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Tennessee [Mr. KEFAUVER], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Oklahoma [Mr. KERR], the Senator from North Carolina [Mr. SMITH], and the Senator from Missouri [Mr. SYMINGTON] are absent on official business.

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

The Senator from Mississippi [Mr. EASTLAND] is absent by leave of the Senate because of a death in his family.

The PRESIDENT pro tempore. A quorum is present.

Mr. ROBERTSON. Mr. President, I ask unanimous consent to proceed for 2 minutes.

Mr. TAFT. I object. The Senate has in effect a unanimous-consent agreement to vote on an amendment after 10 minutes' debate on each side. I shall object to any other matter being taken up.

Mr. ROBERTSON. Mr. President, I ask unanimous consent to make an insertion in the RECORD.

Mr. TAFT. Or for any purpose at all. When the Senate has a unanimous-consent agreement to go ahead with a vote it ought to take that vote first before it takes up any other matter. I must object.

The PRESIDENT pro tempore. The Chair announces that the amendment of the Senator from Oklahoma [Mr. MONRONEY] is pending before the Senate, with 10 minutes of debate allowed to the Senator from Oklahoma, and 10 minutes allowed to the Senator from Oregon [Mr. CORDON], control of which time the Senator from Oregon has transferred to the Senator from Florida [Mr. HOLLAND].

Mr. MONRONEY. Mr. President, briefly I wish to describe the amendment. It would accomplish three objectives.

First of all, it would provide a definite cutoff of quitclaiming title to 3 miles in the open sea, and thus eliminate all the other limits, up to 10½ miles on the west coast of Florida and all along the coast of Texas.

Second, it would provide definite program and pattern for safeguarding the Federal leasing rights for the development of these lands, in which title is not disputed as being in the Federal Government. It would give the go-ahead signal to find out how much oil lies under these submerged lands.

Third, it would earmark all the funds derived from these areas in the marginal sea, to which the Federal Government holds title, for the exclusive use of the retirement of the public debt.

Briefly, I should like to explain my reason for supporting these three provisions which, while they go a little way toward making the joint resolution more acceptable, certainly cannot in the final analysis improve the giveaway features which are contained in the basic principles of the joint resolution before us.

I believe Congress will be endangering our relationships with all other Nations if we extend our boundaries beyond the 3-mile limit. That limit is accepted by international law, and was so testified to by our State Department. Historically, it raises serious questions.

For example, Mr. President, how can we protest against the extension by Russia of its boundary in the Bering Sea, 10½, 12, 15, or 25 miles, if we approve the pattern for such unwarranted, unwise, and dangerous extensions?

Aside from the international dangers which this proposed legislation would stir up, it would create a Pandora's box, whose ills would haunt Congress for many years to come, as other coastal States come forward to try to get for themselves additional submerged lands similar to those so gratuitously bestowed by Congress on the States of Texas and Florida.

I do not know how many Senators there will be from coastal States who will be pressed by their own States to make the attempt, but I predict in future years, particularly if offshore oil or minerals are discovered beyond the 3-mile limit, Members of the Senate will be asked many serious and searching questions as to why they, as Senators—the Senator from Massachusetts, the Senator from Georgia, the Senator from North Carolina, and the Senator from South Carolina, for example—cannot do as well for the people of their sovereign States as the distinguished Senators from the State of Texas did for Texas, or the distinguished senior Senator from Florida [Mr. HOLLAND] was able to do for the State of Florida.

We will see many court tests based on the vague and indefinite and uncertain language in the definition of rights to submerged lands in the open sea.

Other States will claim later on rights beyond the 3-mile limit, in accordance with the limits fixed by the joint resolution, and Senators will be asked by their States to do the same for their States.

Mr. President, I think it would be much better to accept the Supreme Court's decision and protect the interest of the Federal Government to the oil rights for all of the submerged lands in this area.

However, the Senate seems to be determined to give them all away. My amendment would prescribe a definite limit beyond which the States could not go, for the amendment would establish a definite cutoff line at 3 miles in the open sea.

Second. I cannot agree with the distinguished majority leader, nor can I agree with the distinguished acting chairman of the Committee on Interior and Insular Affairs, that my proposal and the Anderson bill, which is incorporated in my proposal with respect to the leasing provisions and control of the marginal sea—which no one can say does not belong to the Federal Government—are "half-baked."

I do not believe the distinguished former Senator from Wyoming, Mr. O'Mahoney, who studied the subject for years, would submit to the Senate, or that the Committee on Interior and Insular Affairs would do so, a "half-baked" leasing measure.

This subject has been before Congress for many years. In some ways it has always become tangled up in the web of such giveaway legislation as is now pending. Consequently, since 1946, although we have known from the reports of geologists that there is oil out in the area beyond the 3-mile limit, the Federal Government has not been able even to give leasing rights or development rights to oil companies, so that they could explore the area.

We would like to know where in the open or marginal sea the oil is and how much there is. We would like to find that out, particularly in view of the needs of our national security. Furthermore, we would like to know how we may go about solving the difficult engineering problems connected with the process of drilling for the oil.

Each day and each year that passes we are leaving as an unknown quantity, as an unknown equation, these most important details dealing with how we are to recover, through present oil-drilling methods, or by means of those which will be developed and effected through new techniques, the oil for use in our national defense. So the amendment cannot be considered to represent a "half-baked" idea.

Mr. President, I disagree with the senior Senator from Oregon when he asks that we wait until we can dot every "i" and cross every "t," until we can ascertain whether that area is to be under daylight-saving time or under sun time, whether it will be necessary to have traffic lights or not to have traffic lights, and whether we will apply to it the workmen's compensation statute of Texas or that of some other State. The way to proceed is to make a start by granting leases. The other details can be taken care of later. I care not who writes the final bill. There will always be improvements to be made. There will always be a necessity for additional legislation to be passed. Many things will have to be done, as this no man's land is developed. First, however, let us get on with the business of finding out where the oil is, how much there is of it, and how we can produce it.

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

Mr. MONRONEY. Mr. President, I have only 10 minutes. I wish I could yield, but I regret that my time is so limited that I am unable to yield.

It stands to reason that the joint resolution could be vastly improved. For example, leasing provisions were put in the House bill. I am fearful that if we pass the joint resolution to give away the title to this land, we may pass up the opportunity of doing anything by way of leasing during this session and during

the next session, as various States struggle for what they may consider their rights in the marginal sea. Therefore, I say let us get on with the job of producing the oil.

Thirdly, I would say that the majority leader and many Members of his party are worrying about the size of the national debt. It is $264 billion plus today. We could earmark the money derived from the oil for the retirement of the public debt. All of us know that there will be little chance to raise taxes to a sufficiently high level to retire even a thin dime of the public debt.

The public debt was largely created because of our need to supply ourselves and our allies in our effort to win World War II. That debt is an ever-present danger hanging over our capitalistic system, over our monetary system, and over everything the Senate does.

As oil is discovered and produced in the offshore area and revenues accrue from it, if we do not wish to give the royalties to education—and I supported such an amendment—then I say the next best thing to do is to use them for the retirement of the public debt.

It has been proved in this Chamber that the States of California, Texas, Louisiana, and Florida are not in bad financial shape. It would seem to me that, inasmuch as we have a national debt of $264 billion facing us every 24 hours of the day, these States, with their small State debts, are in a poor position to come to Uncle Sam with a tin cup in hand, and say, "Please help us. Give us the big share of the submerged lands oil revenue."

Mr. President, the first bills which the Democratic Congress passed were relief bills, for the relief of the hungry and homeless, and bills designed to provide economic machinery to restore the productive capacity of the country. The first relief bill to be passed by the Republican 83d Congress will be a relief bill for the tidelands oil States.

So I say, Mr. President, that the $18 billion spent in the 10-year period beginning in 1933 for the recovery of this country will be far less than what this 83d Congress is giving away so gratuitously to the tideland States. The test of that will be measured by our votes.

The PRESIDENT pro tempore. The time of the Senator from Oklahoma has expired.

Mr. HOLLAND. Mr. President, I yield 2 minutes to the distinguished majority leader.

Mr. TAFT. Mr. President, I suggest that the Senator from Florida yield the time to the Senator from Oregon.

Mr. HOLLAND. I yield 5 minutes to the Senator from Oregon [Mr. CORDON].

Mr. CORDON. Mr. President, this amendment, in the opinion of the Senator from Oregon, is subject to a point of order. However, I shall not make a point of order, because probably we can dispose of the proposal as well by a vote.

The pending amendment is the same, in substance, as the proposal in the lately deceased Anderson bill, as retailored by the Senator from Illinois [Mr. DOUGLAS], which was also voted down. It now comes back here again. The only difference is in the application of the receipts which might be derived from it.

WEAKNESS OF AMENDMENT

This amendment has all the weaknesses of its two predecessors. It would take care of presently existing leases, by a form of ratification, and it provides for further exploration and new leases; but it contains no provision whatever with reference to the necessary housekeeping law which must be provided for the outer Continental Shelf. The amendment presents again a proposal which might well be criticized as being wholly in the interest of the oil operators, and it contains no provision to protect the people who will have to be physically present out on the outer shelf, doing the hard work in connection with the drilling and the handling of the production from oil wells.

The pending amendment is subject to all the criticisms which heretofore have been made with reference to the other two amendments.

Mr. AIKEN. Mr. President, will the Senator from Oregon yield to me?

Mr. CORDON. Yes, if I have sufficient time in which to do so.

Mr. AIKEN. I wonder whether the Monroney amendment is not deficient in that it does not provide for disposal of the funds coming from this source of income, after the national debt has been paid. [Laughter.]

Mr. CORDON. I may say the amendment has that deficiency also, although at the moment such a contingency would appear remote, to phrase it mildly.

Mr. President, I urge that the Senate reject the amendment, and await the reporting of another bill of a proposed title III, which will give the protection which should be provided in the handling and administration of the area.

Mr. FERGUSON. Mr. President, will the Senator from Oregon yield to me?

Mr. CORDON. I yield, if there remains sufficient time in which I may do so.

Mr. FERGUSON. Is the argument of the Senator from Oregon along that line the same as his argument in respect to the Douglas amendment, namely, that the matter will be taken care of, in effect, when the new bill comes to us, after study?

Mr. CORDON. That is the argument.

I may add that it is necessary that law be enacted for the outer Continental Shelf area. The whole matter will be presented to the Senate in a comprehensive measure, after full consideration.

Mr. HOLLAND. Mr. President, I now yield to the majority leader.

Mr. TAFT. Mr. President, I wish to say only a word, for I spoke yesterday.

This amendment is, in substance, in every way the same as the amendment offered the day before yesterday by the Senator from Illinois [Mr. DOUGLAS]. That amendment was rejected by a substantial vote. The only difference between that amendment and the one now pending is in the method proposed for the disposition of the receipts. The Monroney amendment would apply the receipts to the national debt. It would also limit the seaward boundary of Texas to 3 miles instead of 12 miles. In other respects, it seems to me the amendment deals in a wholly inadequate way with the Continental Shelf problem.

I have said before, and I repeat, that the committee has promised me that it will produce a bill within 2 weeks from the date of the vote on the pending joint resolution; and I promise to bring it before the Senate; so that before we conclude the session we shall have settled the entire matter of the Continental Shelf.

I have no hesitation in saying that the Continental Shelf belongs to the Federal Government, because I believe that is the opinion of all Senators on this side of the aisle, and also of the Senators on the other side of the aisle. I have no question whatever that when that subject is dealt with, that recognition will be the fundamental basis of whatever action may be taken. We have to deal with leases, with criminal liabilities, and with a great many other questions for which the committee has not yet worked out the necessary provisions.

Mr. HOLLAND. Mr. President, how much time have I remaining?

The PRESIDENT pro tempore. The Senator from Florida has 5 minutes remaining.

Mr. HOLLAND. Mr. President, I wish to support completely the position taken by the senior Senator from Oregon [Mr. CORDON], the chairman of the subcommittee, who already has assured the Senate that within 2 weeks after the completion of our action on the pending joint resolution his committee will report effective proposed legislation dealing with the Continental Shelf as a whole outside of State boundaries and containing many provisions which are left out of the Monroney amendment.

I also completely approve the statement just made by the distinguished majority leader, the senior Senator from Ohio [Mr. TAFT].

In conclusion, Mr. President, I wish to say that many of the Senators on this side of the aisle—in fact, I know of no exception, so far as that is concerned—feel just as does the distinguished majority leader, namely, that in the area outside of the State boundaries any proprietary values which are there belong to the Federal Government; and that in connection with the new bill which is to be reported the Federal Government must be made the dominant and controlling proprietor in any legislative provisions which I would support. I fully approve of the position just stated by the majority leader in that regard.

Mr. President, in concluding on this particular amendment, let me remind the Senate that only 48 hours ago the Senate rejected by an overwhelming vote of 58 to 26 the amendment offered by my friend, the distinguished Senator from Illinois [Mr. DOUGLAS], which amendment was exactly like the one now pending, which has been submitted by the distinguished Senator from Oklahoma [Mr. MONRONEY], with only one difference, namely, that the distinguished Senator from Illinois in his amendment proposed that the funds be used for defense, during the emergency now existing, and thereafter for education, whereas the pending amendment provides that the funds be applied on the payment of the national debt.

It would be inconceivable to me that the objective stated by the distinguished

Senator from Oklahoma in his amendment, good as it is, would be more appealing to Senators than the one stated in the amendment of the Senator from Illinois, which was rejected by the overwhelming vote of 58 to 26.

I hope the Senate will not support this ill-considered amendment, which contains no provision covering employer-employee relations, such as employment compensation and workmen's compensation. Furthermore, it contains no provision for the inclusion of basic law of any kind which would be necessary for the governing of this unnamed, unknown, new kind of unit which will be without the States, and yet not in any Territory. Certainly, effective legislation must be enacted before there can be begun in that area business operations which will have any semblance of soundness or in connection with which there will be any semblance of protection of the public and the individuals who will work there, and also of the individuals and the businesses who seek to invest their money there.

So, Mr. President, I hope the amendment will be rejected.

I yield the remaining time available to me to the distinguished junior Senator from Louisiana [Mr. LONG].

Mr. LONG. Mr. President, I should not like the RECORD to indicate that the pending amendment would provide a carefully considered leasing statute, merely because it happened to be introduced as a bill last year by Senator O'Mahoney, of Wyoming, and because the committee reported that proposed statute. I was one of the members of the committee which reported this type of leasing statute last year, along with several other members of the committee who were opposed to the bill, but who felt that we should report it in order that we might have a chance to substitute for it the then Holland bill; and we were then successful in making the substitution on the floor of the Senate. We were not interested in improving the measure, or the mechanics of it, which was then reported, and which was similar to the amendment now pending, because we felt that on the floor the Members of this body would substitute the Holland bill, which the Senate, as we believe wisely, did a year ago.

To point out merely one defect in the Monroney amendment, I ask my colleagues to look at the leasing provision. Under it the Secretary of the Interior may determine the size of the leases. In other words, the Secretary of the Interior would have the power to offer the entire Continental Shelf in just one lease, if he wished to do so.

A few days ago the Senator from New Mexico [Mr. ANDERSON] pointed out, that under the measure passed by the House of Representatives, the leasing units which the Secretary of the Interior would be required to offer to bidders were far to small. On the other hand, this amendment would allow the Secretary of the Interior to offer the entire Continental Shelf in just one bid, with the result that one lessee could obtain control of the production of the entire Continental Shelf.

Obviously, Mr. President, these matters should be studied. I believe the committee will do a good job if it is given an opportunity to study these questions and will bring forward a very carefully considered leasing statute in respect to the Continental Shelf.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Oklahoma.

Mr. MONRONEY. Mr. President, on this question I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Oklahoma to the committee amendment. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SALTONSTALL. I announce that the Senator from Nebraska [Mr. BUTLER] is necessarily absent. If present and voting, the Senator from Nebraska would vote "nay."

The Senator from Utah [Mr. WATKINS] is absent on official business. If present and voting, the Senator from Utah would vote "nay."

On this vote the Senator from Pennsylvania [Mr. DUFF], who is necessarily absent, is paired with the Senator from Massachusetts [Mr. KENNEDY]. If present and voting, the Senator from Pennsylvania would vote "nay" and the Senator from Massachusetts would vote "yea."

On this vote the Senator from New Jersey [Mr. SMITH], who is necessarily absent, is paired with the Senator from Wisconsin [Mr. WILEY], who is absent on official business. If present and voting, the Senator from New Jersey [Mr. SMITH] would vote "nay" and the Senator from Wisconsin [Mr. WILEY] would vote "yea."

Mr. CLEMENTS. I announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from Virginia [Mr. BYRD], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Tennessee [Mr. KEFAUVER], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Oklahoma [Mr. KERR], the Senator from North Carolina [Mr. SMITH], and the Senator from Missouri [Mr. SYMINGTON] are absent on official business.

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

The Senator from Mississippi [Mr. EASTLAND] is absent by leave of the Senate because of a death in his family.

The Senator from Mississippi [Mr. EASTLAND] is paired on this vote with the Senator from Minnesota [Mr. HUMPHREY]. If present and voting, the Senator from Mississippi would vote "nay" and the Senator from Minnesota would vote "yea."

The Senator from Tennessee [Mr. KEFAUVER] is paired on this vote with the Senator from North Carolina [Mr. SMITH]. If present and voting, the Senator from Tennessee would vote "yea" and the Senator from North Carolina would vote "nay."

The Senator from Massachusetts [Mr. KENNEDY] is paired on this vote with the Senator from Pennsylvania [Mr. DUFF]. If present and voting, the Senator from Massachusetts would vote "yea" and the Senator from Pennsylvania would vote "nay."

The result was announced—yeas 22, nays 59, as follows:

YEAS—22

Douglas	Jackson	Morse
Fulbright	Johnson, Colo.	Murray
Gillette	Kilgore	Neely
Gore	Langer	Pastore
Green	Lehman	Sparkman
Hayden	Magnuson	Tobey
Hennings	Mansfield	
Hill	Monroney	

NAYS—59

Aiken	Frear	McCarthy
Barrett	George	McClellan
Beall	Goldwater	Millikin
Bennett	Griswold	Mundt
Bricker	Hendrickson	Payne
Bridges	Hickenlooper	Potter
Bush	Hoey	Purtell
Butler, Md.	Holland	Robertson
Capehart	Hunt	Russell
Carlson	Ives	Saltonstall
Case	Jenner	Schoeppel
Clements	Johnson, Tex.	Smathers
Cooper	Johnston, S. C.	Smith, Maine
Cordon	Knowland	Stennis
Daniel	Kuchel	Taft
Dirksen	Long	Thye
Dworshak	Malone	Welker
Ellender	Martin	Williams
Ferguson	Maybank	Young
Flanders	McCarran	

NOT VOTING—15

Anderson	Eastland	Smith, N. J.
Butler, Nebr.	Humphrey	Smith, N. C.
Byrd	Kefauver	Symington
Chavez	Kennedy	Watkins
Duff	Kerr	Wiley

So Mr. MONRONEY's amendment was rejected.

The PRESIDENT pro tempore. The joint resolution is open to further amendment.

Mr. ANDERSON. Mr. President, when the bells rang for the last vote, the distinguished Senator from Utah [Mr. WATKINS] and I were in attendance on a hearing by a subcommittee of the Committee on Interior and Insular Affairs. The bell did not ring in the committee room. The Senator from Utah is still at the hearing.

If I had been present when the vote was taken, I would have voted in favor of the Monroney amendment. I desired also to explain the absence of the Senator from Utah.

TRANSACTION OF ROUTINE BUSINESS

Mr. WELKER. Mr. President, I ask unanimous consent that Senators may now transact such business as is usual during the morning hour, and that any remarks by Senators be limited to 2 minutes.

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

PROPOSED SUPPLEMENTAL APPROPRIATIONS, LEGISLATIVE BRANCH (S. DOC. NO. 46)

The PRESIDENT pro tempore laid before the Senate a communication from the President of the United States, transmitting proposed supplemental appropriations, in the amount of $24,200, for the legislative branch, fiscal year 1953 which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

LITTLE NECK, N. Y.

DEAR SENATOR MORSE: We sincerely thank you for your magnificent defense of the natural resources of this country. We support the stand you have taken on all recent issues.

Gratefully yours,
ABELL STURGIS, WIFE, and SON.

WASHINGTON, D. C., *April 27, 1953.*

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D. C.:

As one of the American people for whom you spoke last week so arduously, I thank you and may God bless your efforts in our behalf.

Continue your fight to protect our Nation's natural resources and you will be long remembered.

Well done.

HUGH L. OWENS.

WELLESLEY, MASS.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D. C.

DEAR SENATOR: Keep up the great fight versus those who would rob the Nation of its natural resources. History will vindicate you.

Sincerely,
RONALD B. EDGERTON.

SCHOOL OF LAW, YALE UNIVERSITY,
April 28, 1953.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D. C.

DEAR SIR: It is with a feeling of deep gratitude that I write you at this time to thank you for your courageous stand on the issue of offshore oil. Whether the pending legislation passes or not, you have striven to represent the people, and to educate the people. You are succeeding on both counts.

I thank you again for myself and many others here.

Sincerely,
MONTE LAZARUS.

HAMDEN, CONN., *April 28, 1953.*

The Honorable WAYNE MORSE,
Senate Office Building,
Washington, D. C.

DEAR SIR: Thank you for being the kind of Senator we can be proud of always, and thank you particularly for your work against the tidelands oil bill.

Yes, we've written our own Senators urging them to vote against the bill and have jogged our friends' pens, too. Wish we could do more.

Sincerely,
ELOISE and CLAUDE WELCH.

NEW YORK, N. Y., *April 28, 1953.*

Hon. WAYNE MORSE,
Senator Chamber,
Washington, D. C.

DEAR SENATOR: Please permit me to record this short word of hearty admiration for your many public spirited services and more particularly at this time for your valiant efforts to avert the scandalous steal embodied in the Holland bill on the tidelands.

The buccaneers are indeed riding high; it is well that you and those associated with you are making the going a little rough. Perhaps, only perhaps, the Supreme Court will yet prevent this shameful business.

Sincerely yours,
BENJ. JANER.

HOTEL WARWICK,
St. Louis, April 28, 1953.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D. C.

DEAR SENATOR: Please accept my sincere thanks for your splendid fight against the tidelands oil bill.

I have written my own two Senators (HENNINGS and SYMINGTON), who, as you know, are on your side. I wish I could do more to help.

Again thanking you, I am,
Sincerely yours,
EARL E. LYON.

BRONX, N. Y., *April 29, 1953.*

DEAR SENATOR MORSE: This is to express my high appreciation of all your wonderful efforts on behalf of the future of our children so that the proceeds of the tidelands oil may benefit them in the years to come.

Wishing you all the success, I am,
Yours truly,
O. TIERNEY.

FOREST PRESBYTERIAN CHURCH,
Lyons Falls, N. Y., April 29, 1953.

DEAR SENATOR MORSE: Thanks very much for your gallant struggle to keep our Government from giving away its offshore oil. This means a great deal to me. I wish, of course, that the Senate did not have the privilege of unlimited debate; but if the southern reactionaries can use this to prevent the passage of civil-rights legislation, the liberals certainly have the right to use debate to prevent the giving away of our national resources. Perhaps this will teach our country that we ought to do something to make cloture a real possibility.

Gratefully yours,
JOHN H. HATT.

WHITE PLAINS, N. Y.

DEAR SENATOR MORSE: We admire and applaud your stand on the tidelands oil issue and other public questions. Keep up the good work.

Mr. and Mrs. G. H. BRANDE.

OSWEGO, N. Y., *April 28, 1953.*

Senator WAYNE MORSE,
United States Senate,
Washington, D. C.

DEAR SENATOR MORSE: Congratulations on your extraordinary 22-hour speech in the Senate last week. I sincerely hope that your talk, and others, will delay the vote on the tidelands giveaway until the facts of this fantastic sellout of the people's billions reach and arouse the Nation.

Have you read yet the article in this month's Harper's by Bernard DeVoto in which he compares land frauds of the past with this present-day giveaway? As there is so very little mention in the majority of newspapers about this issue, would it be possible to have De Voto's article read in the Senate and inserted in the CONGRESSIONAL RECORD?

Sincerely yours,
ROBERT C. IELFIELD.

NEW YORK, N. Y., *April 29, 1953.*

Senator WAYNE MORSE,
Senate Building,
Washington, D. C.

DEAR SIR: This is to express our high appreciation of all your wonderful efforts in seeing that the proceeds of the tidelands oils will benefit our children in the years to come.

Wishing you all success, we are,
Cordially yours,
J. E. KRAMM.

MADISON, WIS., *April 27, 1953.*

WAYNE MORSE,
Senate Office Building,
Washington, D. C.

DEAR SENATOR MORSE: I want to extend my personal thanks for your mighty efforts in preventing passage of the off-shore oil legislation. The physical sacrifice by you and the other Senators fighting this giveaway legislation is not unappreciated. I hope the good Lord will give you strength to continue your work. I am sure that if it is possible to hold off a vote on the bill a couple weeks more, public interest and knowledge in the true nature of the legislation will force the side pressing its passage to capitulate. Thank you.

Sincerely yours,
BERTON D. SHERMAN.

NEW YORK, N. Y.

Congratulations for your courageous stand in the oil grab bill. History will remember you as the Senator who put country before selfish party interest. Keep it on, and I am sure millions of our fellow citizens will remember who fought for the welfare of all.

Sincerely yours,
D. IGLESIAS.

PORTLAND, OREG., *April 25, 1953.*

DEAR SENATOR MORSE: Congratulations on your ability, stamina, character, and all the other fine attributes of a great man.

Sincerely,
VIC MILLER.

TITLE TO CERTAIN SUBMERGED LANDS

The Senate resumed the consideration of the joint resolution (S. J. Res. 13) to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, and to provide for the use and control of said lands and resources.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Montana [Mr. MURRAY] for himself and other Senators.

Mr. HOLLAND. Mr. President, I yield 20 minutes to myself.

Before I begin a direct discussion of the amendment, I think a short reply to the most recent remarks of my friend, the distinguished junior Senator from Oregon, might be appropriate.

I wish to remind the Senator that while the Supreme Court has jurisdiction, authority, and heavy responsibility, never in the history of this Nation have we yet reached that abject state where the legislative branch is willing to underwrite every kind of interpretation by the Supreme Court of laws that happen to be on the books, when Congress feels that such interpretation would be such as to depart very greatly from what was intended when the laws being passed upon were enacted by Congress.

To the contrary, in the few years since I began my service in the Senate, I have noted five different matters, and perhaps there have been a great many more, in which, when the Supreme Court acted in such a way as to depart from the purpose of Congress in passing legislation, the court later found itself reversed to this extent only: That Congress passed additional legislation to express more clearly its purpose and intention, to express more clearly the law in a situation or to bring about a legal condition which Congress felt would better serve the general public. When those matters went back to the Supreme Court, after the passage of such legislation, not only has the Supreme Court frequently acquiesced and approved but there has never been any disposition on the part of the public, the Supreme Court, or anyone else, to contend for one moment that the respon-

sibility resting upon Congress, acting within its power so to adjust legislation as best to serve the people of this Nation, is not a recognized and unassailed responsibility.

If ever we were to ignore this fact, we would, in my opinion, be abdicating abjectly responsibilities which have been placed upon this great arm of government, the legislative arm, by the Constitution.

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

Mr. HOLLAND. In a moment, after I have completed this point.

I remind the distinguished Senator from Oregon that he made somewhat the same argument when we were passing upon the portal-to-portal bill. As I recall the Senator then felt that the Congress, by passing legislation which corrected legislation then on the books, so that it would more nearly express the opinion, intention, and motive of Congress in passing the original legislation, would be overriding the Supreme Court, and he felt that we should not do so.

I ask the distinguished Senator if he recalls that when in the conscience of this country it became necessary to act and to rewrite a law, so as not to permit a false interpretation of what, at least, had been intended by Congress, Congress had the support of a tremendous majority of the people in passing the portal-to-portal law. That law, as I recall, was upheld when it reached the Supreme Court.

Likewise, I remind the Senator from Oregon of at least four other instances, which I mentioned the other day. There was the Wyoming oil case, in which Congress acted to convey to the State of Wyoming oil lands in the face of the unanimous decision of the Supreme Court to the contrary, lands which Congress felt, in equity, justice, and sound dealing, should be regarded as lands of the State of Wyoming. I do not recall what was the position of the distinguished Senator from Oregon on that particular matter, but I believe the RECORD shows that both Houses of Congress passed that legislation by unanimous vote—because Congress determined that the real equities of the situation, ignoring the technical legal background against which the unanimous membership of the Supreme Court felt they must give their decision hostile to the claims of the State of Wyoming—by unanimous vote both Houses of Congress overrode that decision, in the sense that Congress rewrote the law, so as to accomplish what Congress regarded as equity.

I remember that in the case of the Reed-Bulwinkle bill, Congress passed legislation which it felt was necessary to allow a practical handling of the problems of rate fixing for railroads. I remember hearing Senators on the floor cry to high heaven that we were denying the validity of the earlier decision of the United States Supreme Court in that case.

I recall that only last year, in the passage of the amendment or changes of the so-called Tydings Fair Trade Act, somewhat the same course was followed. I remember that the arguments of the distinguished Senators who opposed the bill of last year were, in general, to the effect that Congress was assuming to rewrite a decision of the Supreme Court of the United States. Has the distinguished Senator from Oregon, or has anybody else, heard any complaint as to the right of Congress to exercise its responsibility, within its jurisdiction, in such a measure, in passing that bill only last year?

The fifth case that I remember is the Southeastern Underwriters case, where, in the face of an unfavorable decision of the United States Supreme Court, Congress took action, not once, but my recollection is, two or three times, first, temporarily, and then permanently, as I recall, to rewrite the law so as in effect to override an unfavorable decision of the Supreme Court.

So, in closing that point and before yielding to the Senator from Oregon for questioning, I merely wish to state again that Congress would adopt a submissive, abject attitude not at all justified by actions of Congress throughout all the years if it were to take the weak position that we have no duty and responsibility, such as we have frequently exercised with the approval of the country, and later with the approval of the Supreme Court, to rewrite legislation which has been turned down by the Supreme Court, or which has been misinterpreted by the Supreme Court, in order to accomplish the true intention of Congress in the passage of that legislation. We should rewrite it in such a case so as more effectively to express the original intention of Congress and so as to better serve the interests of the people as a whole.

I now yield to the Senator from Oregon.

Mr. MORSE. For my information, can the Senator from Florida tell me precisely how many cases rested upon the original jurisdiction of the Supreme Court?

Mr. HOLLAND. I have not gone into the matter from that standpoint. Insofar as this pending matter is concerned, it had to be under the original jurisdiction of the court, because the Constitution does not allow a State to sue or be sued in any other form. But original jurisdiction or appellate jurisdiction is exactly the same in this respect, that any Supreme Court decision represents the judgment of the Supreme Court in a field given only to it, and I am the first to recognize the validity of the decision of the Supreme Court. But I am also among those who claim that if that decision be not in accord with the best interests of the Nation, if it departs from the intention of Congress, departs in this instance from the understanding which had prevailed and had been accepted by the Federal Government itself for 150 years, now to be followed by a decision with a majority of 4 to 3, in the Supreme Court which, in the opinion of the great majority of the Members of Congress is a decision revolutionary in effect, prejudicial to sound government, prejudicial to the protection of legal and democratic government, and prejudicial to the Nation as a whole, in that it would aggrandize to even more swollen proportions a Federal Government which is already too great and too far from the people, we would be derelict in our duty if we did not speak out frankly and pass additional legislation which would reshape the present law so as more clearly and better to serve the people as a whole.

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

Mr. HOLLAND. I yield for a question.

Mr. MORSE. Will the Senator be kind enough to yield to me for not more than 1 minute to make a statement as to what I think my rebuttal of the Senator's statement is?

Mr. HOLLAND. I remind the distinguished Senator that he has already spoken twice on this amendment. So far as I am concerned I shall be very glad to yield, notwithstanding that fact. I believe this will be the second or third time during the debate that the Senator from Oregon has claimed the right to speak more times than the rules of the Senate permit. However, I think that course should continue, and the Senator from Florida is willing to accede to it.

The PRESIDING OFFICER (Mr. BUTLER of Maryland in the chair). Is the Senator from Florida asking unanimous consent to yield for the purpose of a statement, without yielding the floor?

Mr. HOLLAND. No. I will say to the distinguished Presiding Officer that I did not mean that I would yield at this stage, but that I would yield later out of my own time, if there is not sufficient time left at the disposal of the Senator from Montana [Mr. MURRAY]. If the time is yielded by the distinguished Senator from Montana I will not raise the point of order. That is what I was trying to say.

Let us come for a moment to the debate on this particular amendment. I shall debate it under two aspects: First, with reference to its general place in this picture. I do not want any Member of the Senate or any citizen of the United States to think that this amendment is simply addressed to the question of water power and to the preservation of the rights of the Federal Government to develop water power, notwithstanding some threatening approach to that question which Senators think they can detect in this measure.

The real general purpose of this amendment is to refuse to attempt in any way to limit the new doctrine of paramount right and to refuse in any way to recite the conviction of the Congress that there are proprietary rights which can be exercised in the submerged offshore lands without in any respect endangering the paramount right of the Federal Government.

Senators will note that the words proposed to be stricken are the words "but shall not be deemed to include," so that this particular subsection would read as follows:

SEC. 6. Powers retained by the United States: (a) The United States retains all its navigational servitude and rights in and powers of regulation and control of said lands and navigable waters for the constitutional purposes of commerce, navigation, national defense, and international affairs, all of which shall be paramount to proprietary

rights of ownership, or the rights of management, administration, leasing, use, and development of the lands and natural resources which are specifically recognized, confirmed, established, and vested in and assigned to the respective States and others by section 3 of this joint resolution.

The original wording includes the words that the constitutional paramount right of the Federal Government in the named fields "shall not be deemed to include" certain proprietary rights of ownership, those being the ones granted by section 3, an earlier section of the joint resolution.

In other words, the purpose and effect of this amendment would be to fail to express one of the more important features contained in the joint resolution as the expression of Congress, namely, that the paramount rights based on national sovereignty which the Federal Government has, which it must continue to have, and which it must continue to exercise under the Constitution—rights in the fields of commerce, navigation, national defense, and international affairs—do not, in the opinion of the Congress, in the event the joint resolution is passed require the Nation to extinguish or eliminate necessary or valuable proprietary rights of ownership such as those that are granted to the States and their grantees under section 3 of the joint resolution.

In other words, the purpose and effect of the passage of this amendment would be to bring about an affirmative expression of the Congress to the effect that there is no way whatsoever in which these paramount national rights may be in any way subserved and safeguarded except by the complete confiscation of every proprietary right in the submerged belt from the low-water mark out to the State line.

The Senator from Florida is not prepared to admit that conclusion. To the contrary, he thinks that there are many proprietary rights which are worth a great deal to the coastal cities, the coastal States, and the general public—rights which require development and use and which have been used for 150 years.

It is the view of the Senator from Florida that such proprietary rights can be properly recognized and used without in any way adversely affecting the constitutional national functions of controlling commerce, navigation, national defense, and international affairs, and without impairing the carrying out of those purposes by the Federal Government. The Senator from Florida believes that the whole purpose of the joint resolution is to state that those proprietary rights and interests, so far as this field is concerned, which do not interfere with the exercise by the United States of its constitutional duties and responsibilities, can be subject to development and use in our traditional American way, and need not be subjected to nationalization or federalization, which purpose, after all, is the dominant theme of those who do not want to see any departure whatever from the provisions of the three decisions of the Supreme Court in the California, Texas, and Louisiana cases, under which paramount right to all assets within that narrow coastal band from the mean low-water line out to the State line is sought to be held solely for Federal use.

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

Mr. HOLLAND. I yield.

Mr. MURRAY. I should like to inquire how the Federal Government is going to carry out its programs on the navigable rivers of the country, where it is proposed to build multipurpose dams, unless it can enter upon the rivers for the purpose of constructing the works. It seems to me that the language in section 6 (a) takes away from the Federal Government the right to enter upon and use the beds of streams for the purpose of carrying on such construction work. I cannot understand why that is not clear to everyone who reads the language of the section.

Mr. HOLLAND. I will say to the distinguished Senator, in the first place, that while those submerged lands within State boundaries belong to the States, for many years they have been held, under the commerce clause, to be subject to the right of Congress, the right of the Nation, in connection with the building of dams, the development of waterpower, and the use of those structures for other purposes, such as flood control, navigation, and reclamation. If the Senator will be patient with the Senator from Florida, he would prefer to give the answer to this particular question as he discusses subsection (d) of section 3, which he proposes to do.

Mr. President, in concluding my discussion of subsection 6 (a), I wish to call particular attention to the fact that every time the opponents of the joint resolution have approached this subject they have stopped with the word "resources" in line 3 on page 19. They always like to refrain from reading the qualifying words which come after the word "resources."

Let us go back and read a portion of the section.

After stating the retention and preservation by the United States of its constitutional powers—which it could not give up even if it wanted to do so, and which are powers in the field of commerce, navigation, national defense, and international affairs—these words follow: "all of which shall be paramount to, but shall not be deemed to include, proprietary rights of ownership, or the rights of management, administration, leasing, use, and development of the lands and natural resources"—and now I call particular attention to the following language—"which are specifically recognized, confirmed, established, and vested in and assigned to the respective States and others by section 3 of this joint resolution."

In other words, I would call to the attention of the distinguished Senator from Montana and all other Senators who are interested in this point, the fact that the omission from the field of coverage of paramount national rights, which have first been stated in this section, does not extend so broadly as to omit all the proprietary rights of ownership, or all the rights of management, administration, leasing, use, and development of the lands and their natural resources, but only those proprietary rights and those rights of management, administration, leasing, use, and development "which are specifically recognized, confirmed, established, and vested in and assigned to the respective States and others by section 3 of this joint resolution."

I believe all those who have had fears about this section have had their fears because they failed to read the words "which are specifically recognized, confirmed, established, and vested in and assigned to the respective States and others by section 3 of this joint resolution."

The PRESIDING OFFICER. The Chair advises the Senator from Florida that his 20 minutes have expired and that he has 86 minutes remaining.

Mr. HOLLAND. I yield myself an additional 10 minutes.

Having made that point clear, I think it is necessary now to return to section 3, because it is only against the complete recital of the provisions of section 3 that this field of property rights and values, which shall not be deemed to be included in the field of paramount rights affecting commerce, navigation, national defense, and international affairs, can be measured.

It will not be the intention of the Senator from Florida to read entirely section 3 of the joint resolution, because he does not think it is necessary to do so. But he does want to call to the attention of his distinguished friend the Senator from Montana subsection (d) of section 3, which reads:

(d) Nothing in this joint resolution shall affect the use, development, improvement, or control by or under the constitutional authority of the United States of said lands and waters for the purposes of navigation or flood control or the production of power, or be construed as the release or relinquishment of any rights of the United States arising under the constitutional authority of Congress to regulate or improve navigation, or to provide for flood control, or the production of power.

Mr. President, the intention of that provision, and we think the completely effective operation of that provision, in the granting or confirming section of the joint resolution, which is section 3, is to make it crystal clear that the joint resolution shall not in any way whatever affect the use, development, improvement, or control by the United States of lands and waters for the purposes of navigation or flood control or the production of power, notwithstanding the fact that otherwise a grant or release of such lands and waters is given to the States.

We think that subsection does effectively retain and reserve to the United States and does effectively show such retention and reservation by the United States of all of its powers of regulation or improvement of navigation or powers to provide for flood control or production of power.

Mr. President, not only was the committee of that opinion, but I am pleased to say to the distinguished Senator from Montana and to his associates that these are words which were originally suggested by the Federal Power Commission itself as words sufficient in their opinion to completely safeguard the responsibility and jurisdiction which they hold for the United States Government

in an important field in which they represent the public, namely, the production of waterpower.

I may say, if Senators wish to pursue the matter back into the earlier hearings, they will find in the record of the hearings in the Senate on Senate bill 1988, in 1948, at page 852, a complete discussion of this subject, beginning there and extending into later pages of that document. They will find, for example, beginning with the report of the Federal Power Commission on S. 1988, which was then pending, the report being signed by the Honorable Nelson Lee Smith, Chairman of the Federal Power Commission, it was pointed out that in the opinion of the Federal Power Commission there were some words of amendment which were needed in the bill as it had been proposed at that time, I believe in the 80th Congress. The point is made clear that the suggested amendment was in exactly this field to which the Senator from Montana has addressed himself, namely, the field of production of power by the building of dams on the streams and rivers of our Nation.

There is a scholarly discussion of the subject in that report, and Senators will find, as we move to later stages of the report, there are set forth additional instances in which Mr. Gatchell, who was then the Solicitor representing the Hydroelectric Power Division of the Federal Power Commission, appeared before the committee, and appeared after joint effort, incidentally, with Mr. Walter Johnson, former attorney general of the State of Nebraska, who was then representing and still represents the State attorneys general and the States in advocating this legislation.

Senators will find that in these later pages of the report it is made specifically clear—and I refer Senators now to page 1421, if they have the hearings before them—that the agreement which had been reached by Mr. Gatchell, acting for the Federal Power Commission—and incidentally, Mr. Leland Olds had appeared with Mr. Gatchell on his first appearance—that agreement being for the insertion of the words which would take care of the point they had made, was almost exactly in the same words as those which are still contained in the joint resolution in subsection (d) of section 3.

For instance, if Senators will read subsection (d) in the proposed joint resolution, and compare the language with the formula stated at the bottom of page 1421 and at the top of page 1422 of said hearings—agreed to in those hearings by Mr. Gatchell as representing the joint work of himself and Mr. Walter Johnson—they will find that the only difference between the present provision and that provision, of any substance at all—other differences being simply a word here and there—is that the agreement made at that time, included also the distribution of power, in addition to the production of power.

The committee later determined—and all presently interested in this matter, I assume, have determined conclusively, because it is a fact—that the distribution of power, which takes place, of course, on the land, and has nothing at all to do with the actual building of the dams and the installation of the power machinery, had no proper relation to this joint resolution. The only thing which is omitted from the wording agreed to at that time is the reference in the original draft of the amendment which brought into the amendment the distribution of power, in addition to the production of power.

So Senators will see that beginning in 1948, and now coming forward to this good day, the Federal Power Commission has been saying to the Senate and its committee and to Congress and the public that the formula as expressed in the joint resolution now before the Senate does adequately protect the Federal Power Commission and the whole field of its jurisdiction over the development of hydroelectric public power, in which it represents the Federal Government.

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

Mr. HOLLAND. I yield.

Mr. MURRAY. I appreciate the argument which the Senator from Florida is making. As he points out, the joint resolution provides, in section 3, for the ownership of the lands beneath the navigable waters in the States.

Then on page 16, under subsection (d), authority is provided for the Federal Government to enter upon the lands and waters "for the purposes of navigation or flood control or the production of power," and so forth.

Then the joint resolution continues; and on page 18——

The PRESIDING OFFICER. The 10 minutes available to the Senator from Florida have expired.

Mr. HOLLAND. Mr. President, I yield to myself an additional 10 minutes.

The PRESIDING OFFICER. The Senator from Florida is recognized for 10 minutes more.

Mr. MURRAY. And then on page 18 we find the provisions of section 6, which deprive the Federal Government of these rights. That being a subsequent section of the joint resolution, it seems to me it would be controlling over the preceding provisions. Under section 6 we find language—which by our amendment we are seeking to remove—to the effect that the Federal Government would not have any right to enter upon and use the beds of the streams for the purpose of carrying on this construction work.

Mr. HOLLAND. Mr. President, I appreciate the comments of the distinguished Senator from Montana, but I believe he is 100 percent wrong in the conclusion he reaches, because it is so very clear that section 6 preserves and protects this particularly important provision of section 3, and that all proprietary rights of ownership, or the rights of management, administration, leasing, use, and development of the lands and natural resources, which are held not to be included within the paramount power of the United States to control commerce, navigation, national defense, and international affairs, must be measured against and must be construed against all the provisions of section 3 of the joint resolution. I do not believe anything other than a careful reading of this section is required, in order for one to reach that conclusion, as a matter of necessity, because the words which are to be found there are as follows: "all of which shall be paramount to, but shall not be deemed to include, proprietary rights of ownership, or the rights of management, administration, leasing, use, and development of the lands and natural resources which are specifically recognized, confirmed, established, and vested in and assigned to the respective States and others by section 3 of this joint resolution."

In other words, Mr. President, it is just as clear as it could possibly be made that it is not all proprietary rights of ownership or all rights of management, administration, leasing, use, and development of the lands and natural resources which are deemed not to be included in the paramount power of the United States over commerce, navigation, national defense, and international affairs, but it is only—it is only, I repeat—those proprietary rights or other rights—and I quote again: "which are specifically recognized, confirmed, established, and vested in and assigned to the respective States and others by section 3 of this joint resolution."

Again returning to section 3, it appears conclusively that subsection (d) of section 3 does specifically provide that—

> (d) Nothing in this joint resolution shall affect the use, development, improvement, or control by or under the constitutional authority of the United States of said lands and waters for the purposes of navigation or flood control or the production of power, or be construed as the release or relinquishment of any rights of the United States arising under the constitutional authority of Congress to regulate or improve navigation, or to provide for flood control, or the production of power.

Mr. President, to bring the matter up to date, let me say that all Senators have on their desks the printed hearings of the executive sessions of our own committee at this particular session of Congress. If Senators will turn to page 1367 of the minutes of the executive sessions, they will find that Mr. Gatchell, the attorney for the Federal Power Commission, sat in with our able committee as it was finally writing the finishing touches on this measure, and just prior to the time when the committee reported the joint resolution to the floor of the Senate.

Mr. Gatchell there was questioned about the wording. Senators will find that, as shown at the bottom of page 1367 of part II of the hearings, Mr. Gatchell was questioned particularly with reference to this very subsection (d), which was a subsection in which he found new words, words which he had not put there on earlier occasions, and words to which he objected, and which were eliminated by the committee, so as to leave this particular reservation of power to the United States complete and, with the single exception that it does not cover distribution of power, in the precise form in which it was when it was placed in earlier bills, and in which it has been carried forward up to this time, so that it now appears in the pending joint resolution.

So, Mr. President, it would appear conclusively that our committee has not only followed this point carefully, but it

has not been satisfied with expressing its own judgment, and that it wished to do exactly what the distinguished Senator from Montana [Mr. MURRAY] wishes to do, save and preserve completely unimpaired the rights of the Federal Government with reference to the development of water power by the construction of dams; and that the committee again called in to assist and advise it in reaching that end the very man who should know most about it, the same man who had sat in during the wording of this particular subsection during earlier Congresses, and who told the committee that something new had been included, something that he did not like; and thereupon the committee struck it out, so as to leave this particular section in such form that Mr. Gatchell could approve it. It was only after striking out those words that the committee itself approved the section.

I think we should not reach a conclusion which would lead to the unfair belief that the committee has not gone to the very bottom of the matter, for actually the committee has done so by calling in to assist it the most able persons who could assist it in drawing up this proposed legislation. Thus it appears that after the earlier sessions of the committee, Mr. Gatchell was called back—as he had also been called back in earlier years—to express his opinion as to whether the Federal Power Commission was in this field amply protected.

I believe the best answer to satisfy completely the distinguished Senator from Montana in this field is that the approval of the Federal Power Commission has been given.

Before concluding, Mr. President, I return to my original point, because I believe it is so important that the Senate realize that the adoption of this amendment would leave the doctrine of paramount right completely unrestrained and completely unlimited and all inclusive. It would leave the Congress in the position of expressing the feeling that the filling of lands along the shore would be a diminution of the power of the United States to defend these waters; it might leave the record as indicating that the Congress felt that no proper use of fisheries or no possible use of the sand, gravel, and the other assets to be found in these waters could be made that would not adversely affect the United States in its control of commerce, navigation, national defense, and international affairs.

We think this Congress, above everything else, does want to leave its opinion carefully engraved on the public annals of this Nation to the effect that we do not like this unrestricted, unlimited doctrine of paramount rights; we see in it a danger to private and to public property throughout the Nation; we see in it the restrictive power of the Federal Government against the continued normal development of our Nation along its 5,000 miles of coastline, just as we have seen that development halted since the 1947 decision in the California case; and we want to leave this measure in such condition that the world, in looking, can see that we are of the opinion that there are in this coastal belt many property rights which can be used for the good of States and for the good of individuals and for the good of the Nation, without in any sense impairing or encroaching upon the paramount rights of the Federal Government in the performance of its important constitutional duties.

Mr. President, it seems to me that some of our friends who are opposing the pending measure put themselves in the position of indicating that they feel that we are trying to alienate these lands, that we are trying to grant them to some foreign power. To the contrary, I remind them, the States are parts of the Union, and anything the States develop adds to the wealth of the Nation, anything the States use that can be administered locally can be administered under sounder principles of democratic government than if we were to require the setting up of a huge bureaucratic agency at the National Capital in order to administer the uses in question, which so vitally affect all property, public and private, along the coastline of our Nation.

The PRESIDING OFFICER. The 10 minutes of the Senator from Florida have expired.

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

Mr. HOLLAND. Mr. President, I will yield for a question, and then ask that the time be considered as added. However, I am ready to yield the floor.

The PRESIDING OFFICER. The Senator from Montana has 66 minutes remaining.

Mr. DANIEL. Mr. President, does the Senator from Florida know of any instance in which the exercise of this concept of ownership by the States of soils beneath navigable waters, either inland or seaward, has in any way conflicted with the exercise of the paramount governmental powers of the Federal Government?

Mr. HOLLAND. The Senator from Florida does not know of such an instance, and he would say that he does not believe there ever could be such a conflict, because the Federal Government has the control of every use of this belt which affects directly its ability to carry out its duty to the Nation in the fields of navigation, commerce, defense, and international relations. We cannot impair that ability. We do not want to impair it. We are here to serve the Nation in its necessary fields and in the subserving of its necessary jurisdiction, just as we are trying to subserve the interests of the States and of tens of thousands of private individuals whose money is invested in industries and in properties which are affected adversely by the three Supreme Court decisions, and which will be affected so helpfully by the passage of the pending measure.

Mr. DANIEL. Is it not highly significant that, throughout this long fight, not one instance has ever been pointed out by the opposition in which the subordinate proprietary rights of the States have conflicted with any of the governmental powers which the Federal Government wanted to exercise in international affairs, national defense, flood control, commerce, and so forth?

Mr. HOLLAND. Of course; it is very significant that not a single instance has been pointed out in which the activities of the States, or of private individuals acting under the States, have conflicted with the important responsibilities of the Federal Government. Furthermore, the pending measure would not in any sense open the door to any conflict in those fields in the future. The pending measure would safeguard to the Nation and to the people of the Nation the rights, privileges, duties, powers, and jurisdiction of the Federal Government within the necessary fields in which the Federal Government can best act.

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

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Montana?

Mr. MURRAY. Mr. President, I ask that I may be permitted to yield 5 minutes to the Senator from Florida, in order that I may ask him a few questions.

Mr. HOLLAND. I shall be glad to accept the offer of the Senator from Montana.

The PRESIDING OFFICER. Without objection, the Senator from Montana may do as he has suggested.

Mr. MURRAY. Mr. President, the distinguished Senator from Florida has stated that not a single instance has been uncovered wherein the Federal Government has been deprived of rights or has suffered interference with respect to any of its rights, including the right to go upon streams and to construct dams and other structures. Of course, that is entirely correct, but what we are fearful of is that the pending measure, if passed in its present form and containing its present language, would have that effect. The Senator has spoken with great eloquence about his fear of the claim of paramount rights by the Federal Government within the respective States, and I desire to point out that, throughout the hearings, and ever since this subject has been before the Senate, opponents of the legislation have always repudiated the idea that they were intending to claim, or were trying to claim, that the Government had ownership or paramount rights with respect to the streams or inland bodies of water. I think it was made perfectly clear by the testimony in the hearings, and by repeated statements on the floor of the Senate, that we were not attempting to claim anything of that nature, but we are fearful, nevertheless, that under the language of the pending measure, an effort might be made to write a new definition of the doctrine of the navigability of rivers which would have the effect of depriving the Federal Government of the right to go upon the navigable rivers for the purpose of carrying out programs for the development of Federal works on them.

I notice that in section 7 of the pending measure there has not been included the language of the Federal Power Act of 1920, which contains a definition of the navigability of our rivers. I cannot understand why that language of the act was eliminated, or was not included within section 7, if it is true that there is no intention of writing a new definition of navigability of the rivers.

Mr. HOLLAND. Mr. President, I believe I can reassure the distinguished Senator from Montana on that point.

The reason why the specific exemption of the Federal Power Act was not placed in the joint resolution at the particular place designated by him, namely, in section 7, is because the Federal Power Commission and its advisers had been before the various committees, and had asked to be fully protected by the inclusion of subsection (d) of section 3, and also by another provision relative to waters, which is found in another subsection of section 3, which we do not need to discuss here, unless the distinguished Senator desires that we do so. But they had two requests to make, which they thought would completely protect their jurisdiction; and those requests have been written into the language of the pending measure, and have been retained.

In the drafting of the final measure by the committee, the committee members asserted again that they desired certain language as requested by the Federal Power Commission, and that language is now contained in the pending measure. They did not want it included at the place to which the Senator has adverted. At that particular place, in section 7, there is a blanket reservation to the effect that nothing in the joint resolution shall be deemed to amend, modify, or repeal certain other acts. The Senator from Florida would have to refer to his notes in order to state what all those acts are, but the principal ones are the Reclamation Act of 1902 and the Flood Control Act of 1944; and there is included not only the reservation of those 2 acts, but also of all acts amendatory thereof or supplementary thereto.

The Senator from Florida states again that, if we cannot rely upon the statement of the Federal Power Commissioners themselves, and their learned professional adviser, as to when they are fully protected, then we are in a difficult position in trying to serve our Nation. The Senator from Florida is willing to rely upon that advice.

Mr. MURRAY. But it would seem to me that somewhere in the joint resolution there should be some reference to the Federal Power Act, if it is to remain in full force and effect, and is not to be modified in any respect as a result of the passage of the pending joint resolution. If a new definition of navigability is not to be written, it seems to me it ought to be clearly stated in the pending measure in some fashion, so that it would be recognized at a mere glance; but it is difficult to understand the language when it is obscured by provisions which grant, in the first instance, ownership to the States of the beds of the inland waters, and then provide that the Federal Government shall have the right to enter upon the premises for the purpose of constructing works of the character about which we have been talking. Nevertheless, it seems to me that in subsequent sections there is taken away from the Federal Government the real power and authority to enter upon the riverbeds for the purpose of carrying on the activities which we have been discussing.

Mr. HOLLAND. Mr. President, I appreciate the Senator's comment. It is the opinion of the Senator from Florida, based upon a great deal of study in this field, and based also upon what he regards as the soundest advice that has been procurable, which is the advice of the professional staff of the Federal Power Commission, that that Commission, in all fields of its jurisdiction that would be affected by the pending measure, is completely protected. If the Senator has a request from the Federal Power Commission for some additional words, the Senator from Florida certainly would be glad to go along with anything which, in the opinion of that Commission, would give it fuller protection. The Senator from Florida is not trying to strike down, he is trying to build a sounder structure. I think the Senator from Montana knows that that is the case. So, if the Senator from Montana has any expression from the Federal Power Commission, or any request by the Commission for additional words to be included in the pending measure, the Senator from Florida would be very glad to consider it, and believes he would be able to cooperate fully in accomplishing the result desired.

The PRESIDING OFFICER. The Senator from Montana has 75 minutes remaining.

Mr. MURRAY. Mr. President, I do not think it is necessary for me to take up any more time on the part of the proponents of the amendment. It already has been discussed very fully, both by myself and by the distinguished Senator from Oregon. As a result of the debate we have had this afternoon many explanations and concessions have been made, and it seems to me we have covered the situation as fully as can be expected. I do not wish to take up the time of the Senate unnecessarily by speaking further, unless we are going to be able to accomplish something. The statements and clarifications which have already been made are in the RECORD, and I do not think I care to add anything to them. Unless the Senator from Florida has further remarks to make, I should be willing to suggest the absence of a quorum.

Mr. HOLLAND. Mr. President, I am perfectly willing to cooperate, but I remember that our mutual friend, the Senator from Oregon, asked to be heard further. I shall be willing to yield him time out of the time I have remaining, and I am sure the Senator from Montana is willing to do the same thing.

The PRESIDING OFFICER. The Senator from Oregon is not present.

The question is on agreeing to the amendment of the Senator from Montana [Mr. MURRAY].

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. MURRAY. Mr. President, the sponsors of the pending amendment to the committee amendment are satisfied, as the result of the debate that has taken place during the day, there has been considerable clarification of the question involved.

Mr. MORSE. Mr. President, if I may interrupt the Senator from Montana, I am not going to discuss that amendment further, but shall await a further amendment in order to make the comments I was going to make in answer to the Senator from Florida, because I have no intention of technically violating the rules.

I merely wish to say, good naturedly, that I have not begun to speak as many times on various phases of the joint resolution as has the Senator from Florida.

Mr. MURRAY. Mr. President, as a result of the debate this afternoon, I believe the legislative intent with respect to the pending amendment to the committee amendment has been very clearly established. Therefore, I suggest that permission be granted to withdraw the amendment, so as not to take up the time of the Senate to vote upon it.

The PRESIDING OFFICER. The Senator has the right to withdraw his amendment at any time.

Mr. MURRAY. I so request.

The PRESIDING OFFICER. The amendment is withdrawn.

The committee amendment is open to further amendment.

If there be no further amendment to be proposed, the question is on agreeing to the committee amendment as amended.

Mr. HOLLAND. Mr. President——

Mr. ANDERSON. Mr. President, I did not understand the Presiding Officer. It was my understanding that we would have an opportunity to vote on the amendment of the Senator from Tennessee [Mr. KEFAUVER]. I do not understand how we have reached this point so rapidly.

The PRESIDING OFFICER. The Chair is advised that no definite time was set for a vote on that amendment.

Mr. MORSE. Mr. President, a parliamentary inquiry.

Mr. ANDERSON. Then, I had a misunderstanding. I could talk until the Senator from Tennessee [Mr. KEFAUVER] returned to the floor. Often a vote is delayed by a unanimous-consent agreement. I think there is no disposition to deprive Senators of opportunities to present amendments. I had hoped to present amendments this afternoon.

The PRESIDING OFFICER. The Chair called for further amendments to the committee amendment.

Mr. ANDERSON. The Presiding Officer was entirely correct in asking if there were further amendments. We were a little slow in presenting them. I ask the indulgence of the Chair, because the Senator from Florida has a short amendment, and other Senators may have short amendments.

The PRESIDING OFFICER. The committee amendment is open to further amendment.

Mr. HOLLAND. Mr. President, I have a clarifying amendment on the table. I do not have a copy of it before me.

The PRESIDING OFFICER. The amendment offered by the Senator from Florida will be stated.

Mr. HOLLAND. I do not think it will involve any debate at all.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 18, line 6, after "Union" it is proposed to insert the following: "(otherwise than by a general retention or cession of lands underlying the marginal sea)."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Florida [Mr. HOLLAND] to the committee amendment.

Mr. HOLLAND. If any Senator wishes an explanation of this amendment I shall be very glad to explain it.

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

Mr. HOLLAND. I yield.

Mr. HILL. Does not the Senator think it would be a good idea to make a brief explanation?

Mr. HOLLAND. Mr. President, I am very glad to see the distinguished senior Senator from Oregon [Mr. CORDON] in the Chamber. Senators are well aware of the fact that when it came to the wording of that part of the joint resolution which related to exceptions with respect to Federal property, the Department of Justice felt that some additional provisions were necessary to make it completely clear that everything the Federal Government might have developed and of which it was making use was definitely excepted. Of course, the sponsors of the joint resolution were in complete accord with that idea. So the distinguished senior Senator from Oregon, handling the legislation ably, as he did, as chairman of the subcommittee, suggested a drafting by the Department of Justice of wording which it might prefer. That wording was gone over by the subcommittee headed by the Senator from Oregon.

At any rate, section 5, including all the subsections, represents the final collective work of all concerned—I am sure that there was no division in the committee on this—in the effort to try to safeguard the United States in every possible way, with respect to any property of any sort which it actually occupies or has developed, or is using. The wording of section 5 represents the result of that effort.

This problem was submitted to the Legislative Reference Bureau of the Library of Congress. The Senate legislative counsel suggested words similar to those included in the pending amendment. That wording was submitted to the Department of Justice. It came back in the form of a letter to the Senator from Oregon and the Senator from Florida, rewritten somewhat, but with these specific words suggested as the words which would negative any idea that all the exclusions together in this section would nullify the principal intent of the joint resolution, which is to confirm to the States the assets and resources in the lands underlying the marginal sea and out to their seaward boundaries.

I am sure that Senators will realize that this amendment is clarifying, and I hope that it may be agreed to without further discussion.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Florida [Mr. HOLLAND] to the committee amendment.

The amendment to the amendment was agreed to.

NOMINATION OF FARRANT LEWIS TURNER TO BE SECRETARY OF THE TERRITORY OF HAWAII

Mr. CORDON. Mr. President, acting for the chairman of the Senate Committee on Interior and Insular Affairs [Mr. BUTLER of Nebraska], I ask unanimous consent, as in executive session, for the present consideration of the nomination of Farrant Lewis Turner to be Secretary of the Territory of Hawaii.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Oregon? The Chair hears none, and the nomination will be stated.

The Chief Clerk read the nomination of Farrant Lewis Turner to be Secretary of the Territory of Hawaii.

The PRESIDING OFFICER. Without objection, the nomination is confirmed as in executive session; and, without objection, the President will be immediately notified.

TITLE TO CERTAIN SUBMERGED LANDS

The Senate resumed the consideration of the joint resolution (S. J. Res. 13) to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, and to provide for the use and control of said lands and resources.

Mr. CASE. Mr. President, I offer the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from South Dakota will be stated.

The CHIEF CLERK. On page 20, in line 10, it is proposed to strike out the word "affect" and in lieu thereof insert the word "diminish" and at the end of section 9, in line 16, strike out the period, and insert a colon and the following: "*Provided*, That leases for the development of the natural resources of the Continental Shelf herein described shall be offered only by competitive bid under such regulations as may be prescribed by the Secretary of the Interior: *And provided further*, That the revenues derived from such leasing and from royalties on production deriving therefrom shall be paid into a special fund in the United States Treasury and shall be available for appropriations only for distribution among the several States of the United States for the benefit of the common schools of said States on the basis of the number of children of school age in the respective States as established by the latest decennial census."

Mr. CASE. Mr. President, 150 years ago today the papers for the Louisiana Purchase were signed. Today is the 150th anniversary of the purchase of the Louisiana Territory from France. My State of South Dakota is one of a number of States which were carved out of the Louisiana Territory.

In 1811 the State of Louisiana was authorized, by act of Congress approved February 20, 1811. It was an act to enable the people of the Territory of Orleans to form a constitution and State government, and for the admission of such State into the Union, and so forth. That act decided the boundaries of the prospective State of Louisiana. The important part of that description, so far as this discussion is concerned, is that when it came to the Gulf of Mexico the boundary of Louisiana on the south was described in this manner:

> Thence bounded by the said Gulf to the place of beginning, including all islands within 3 leagues of the coast.

It is to be noted that the Territory of Orleans, authorized to form a State of the Union, extended only to the Gulf. The islands were added, out to 3 leagues from the coast, but there was no suggestion that any part of the Gulf itself was to become a part of the State of Louisiana.

That fact was further confirmed in the act of admission of the State of Louisiana on April 8, 1812. The first act was the enabling act. The second act was the act for the admission, April 8, 1812. There again the same language was used—

> Thence bounded by the said Gulf to the place of beginning.

In other words, as nearly as I can understand the language from a layman's point of view, the State of Louisiana was cut off at the Gulf of Mexico on the south.

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

Mr. CASE. I shall be very glad to yield a little later. I should like to proceed for a few minutes.

The PRESIDING OFFICER. The Senator from South Dakota declines to yield.

Mr. CASE. By various acts of the Congress during succeeding years the Territory of Louisiana to the north of what became the State of Louisiana was cut off and divided into a number of States.

Before the enabling act with respect to South Dakota was passed on the 2d of March 1861, there was passed an act to provide a temporary government for the Territory of Dakota. Then there was passed an enabling act for the creation of the States of North Dakota and South Dakota out of Dakota Territory, and South Dakota was admitted to the Union in 1889. Section 14 of the Enabling Act of South Dakota reads, as follows:

> SEC. 14. That the lands granted to the Territories of Dakota and Montana by the act of February 18, 1881, entitled "An act to grant lands to Dakota, Montana, Arizona, Idaho, and Wyoming for university purposes," are hereby vested in the States of South Dakota, North Dakota, and Montana, respectively, if such States are admitted into the Union as provided in this act, to the extent of the full quantity of 72 sections to each of said States, and any portion of said lands that may not have been selected by either of said Territories of Dakota or Montana may be selected by the respective States aforesaid; but said act of February 18, 1881, shall be so amended as to provide that none of said lands shall be sold for less than $10 per acre, and the pro-

ceeds shall constitute a permanent fund to be safely invested and held by said States severally, and the income thereof be used exclusively for university purposes.

Therefore, section 14 established an endowment of certain lands for universities in the Territories which became States. Other sections provided for other educational institutions and the common schools. Section 11 carried a blanket condition to all of them, as follows:

SEC. 11. That all lands herein granted for educational purposes shall be disposed of only at public sale, and at a price not less than $10 per acre, the proceeds to constitute a permanent school fund, the interest of which only shall be expended in the support of said schools. But said lands may, under such regulations as the legislatures shall prescribe, be leased for periods of not more than 5 years, in quantities not exceeding 1 section to any 1 person or company; and such land shall not be subject to preemption, homestead entry, or any other entry, under the land laws of the United States, whether surveyed or unsurveyed, but shall be reserved for school purposes only.

Mr. President, that is the kind of vision which Congress had in the days when it was setting aside lands for the endowment of common schools, colleges, and universities in territories which were being made into States.

It seems to me that there is just a little irony in the fact that on this 150th anniversary of the purchase of the Louisiana Territory the Senate should be turning down all proposals to make out of the last great public domain, the Continental Shelf, any reservation of lands for educational purposes.

In the days when there was vision in this country, when we thought about the future and when we thought more about doing something for education than about satisfying the desires of people interested in oil leases, Congress did not hesitate to allocate some lands for the benefit of education. And in 1862, Congress did not hesitate when it passed the Morrill Act, which President Lincoln signed, to establish a basis upon which land-grant colleges could be established and on which basis they have prospered since that time.

In this day it seems to me it is a shame, on the 150th anniversary of the acquisition of Louisiana Territory, that with respect to the last part of that territory which can be considered to be public domain, nothing is being done to preserve an endowment for education.

If it were possible to take the Continental Shelf, Mr. President, and allocate a portion of it to the individual States, perhaps that would be the best way to do it. That would avoid any suggestion that the Federal Government was seeking control over education in any way, but there seems no practical way to accomplish that except by allocation of the revenues.

In the prior division of the public domain in these territories, which were carved out of the Louisiana Purchase, the Federal Government was able to make an allocation of specific lands within that territory to the States, and that solved the problem of making an allocation to the States.

Obviously the Continental Shelf is so situated geographically that it would be difficult to make an allocation out of that last part of the public domain in the Louisiana Territory and make assignment of it to the several States in the Union equitably.

So it seemed that the one way in which the purpose could be accomplished would be to provide that the revenues derived from the development of minerals in the Continental Shelf be put into a pool, and to provide that the pool shall be distributed purely on a per capita basis among the States for the benefit of the children of school age in the several States. This device should prevent the Federal Government from any form of control over education within the States, since the funds would be distributed purely on a per capita basis.

That is the purpose of the amendment which I have offered. The amendment does not, I may say, affect the controversy which has taken place with regard to the boundaries of the States, namely, whether they shall be 3 miles on the Atlantic and Pacific Ocean and 3 leagues in the Gulf of Mexico. The amendment accepts the definitions in the joint resolution with reference to the boundaries, as they may be presumed to be set out by the provisions of Senate Joint Resolution 13.

However, the amendment does provide that, as to the Continental Shelf, the revenues from the Continental Shelf "shall be paid into a special fund in the United States Treasury, and shall be available for appropriation only for distribution among the several States and Territories of the United States and the District of Columbia for the benefit of the common schools of said States and Territories on the basis of the number of children of school age in the respective States and Territories as established by the latest decennial census."

Mr. President, we all recognize that there comes a time in the consideration of a measure when a psychological state has developed when Senators, either by statement, commitment, or vote, have indicated or developed a certain trend of thought, at which point it is more or less useless to present further amendments.

I am not sure, Mr. President, but that time may have arrived. There are as many Members on the floor as there have been for a great deal of the debate, but the Senator from South Dakota recognizes it would be expecting too much to expect Senators who are not in the Chamber to come in and vote on this amendment differently than in the pattern already developed, even though there are some differences in the text and mechanics.

However, at least for the RECORD I should like to indicate the possibilities of approaching the subject from a different angle. It is not necessary to go into all the details which have been proposed in some of the other amendments, in order to provide that the Continental Shelf could be administered for the benefit of education. I have tried to do it in the simplest way possible. I appreciate the statement which was made by the distinguished majority leader, the Senator from Ohio [Mr. TAFT], and the distinguished Senator from Oregon [Mr. CORDON], who is the spokesman for the Committee on Interior and Insular Affairs in the handling of the joint resolution, wherein both Senators have promised that within a few weeks there will be presented to the Senate a bill which will go into great detail and spell out management for the Continental Shelf. I have welcomed the record as they have made it, to the effect that it is their belief that all of the Continental Shelf belongs to the United States as a whole.

However, it did seem to me that we could make sure of some action at this time in the pending joint resolution by the first proviso of my amendment, which reads:

Provided, That leases for the development of the natural resources of the Continental Shelf herein described shall be offered only by competitive bid under such regulations as may be prescribed by the Secretary of the Interior.

Admittedly that places in the hands of the Secretary of the Interior considerable authority and power, but it does set up the specific condition that the leases shall be offered only by competitive bid and under the premise we have already had stated, namely, that details will be spelled out for administration by the Secretary of the Interior or by another governmental agencies in the bill promised. This would insure a method by which the Continental Shelf could be prospected and leased until we actually set up some other form or detail of administration.

The second proviso reads:

Provided further, That the revenues derived from such leasing and from royalties or production deriving therefrom shall be paid into a special fund in the United States Treasury and shall be available for appropriation only for distribution among the several States and Territories of the United States and the District of Columbia for the benefit of the common schools of said States and Territories on the basis of the number of children of school age in the respective States and Territories as established by the latest decennial census.

During the debate, Mr. President, there have been times when it has been suggested that any proposal to utilize these revenues for education might be socialistic. However, most of the States of the Union have endowment lands for the benefit of education. In a memorandum which I believe has been distributed to all Senators' desks, I have listed the States which have endowment lands for education, lands from which the revenue is dedicated for the purposes of education. That list of names is taken from the tables which appear in the hearings on the joint resolution at, I believe, pages 396 and following. Those States are Alabama, Alaska Territory, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota,

Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming.

Mr. President, all these areas do not regard it as socialistic that they should have some endowment lands whose proceeds are dedicated purely for purposes of education.

As I also have pointed out in the memorandum, President Abraham Lincoln, who was a pretty fair sort of Republican, was the one who signed the first Federal grant to education bill, namely, the Morrill Act, in 1862.

My amendment does not propose to have Federal control of education in any way. My amendment simply provides for Continental Shelf endowment lands for the common schools of the Nation, and provides for a per capita distribution on the basis of the number of children of school age in each State.

It seems to me that if we wish to do something to make this joint resolution remembered by the people of the United States, we should put into the joint resolution a provision which would do something for all the States, rather than provide special treatment for a few of the States.

The landmarks in legislative progress are not, Mr. President, the bills which take care of a few States or a few special interests. The landmarks in legislative progress are the acts which do something for the common good.

Mr. President, I submit that we now have an opportunity, on this anniversary of the signing for the Louisiana Purchase, to do something constructive for all the States and for the school children of the Nation for all time to come, by making a reservation of the last public domain in the Louisiana Purchase, by dedicating the revenues from it to the benefit of the common schools of the country.

Mr. SCHOEPPEL. Mr. President, I should like to ask the Senator from South Dakota a question. Is he pressing for a vote on his amendment at this time?

Mr. CASE. I assume the amendment will be voted on in due course. I thought there would be more debate on it. My request for the yeas and nays will probably depend upon what interest develops and upon how the situation appears.

Mr. HILL. Mr. President, I was not sure whether the Senator from South Dakota was going to press for adoption of his amendment, but now I understand that he has stated he is doing so.

Will the Senator from South Dakota yield to me for a question at this time?

Mr. CASE. I am happy to yield to the distinguished Senator from Alabama.

Mr. HILL. The amendment of the Senator from South Dakota provides aid only for the common schools. Certainly I am strongly in favor of providing aid for them.

However, the Senator from South Dakota knows that much of the evidence presented before the Senate Committee on Interior and Insular Affairs and much of the evidence presented to the Senate itself shows a very compelling need on the part of certain of the higher-educational institutions, and that many of them are confronted really by very great crises. The evidence also shows the great need for more doctors, more engineers, more scientists, more physicists, and more technicians of all kinds.

So, inasmuch as even if the amendment of the Senator from South Dakota becomes law, it will have to be implemented by subsequent legislation, I wonder whether the Senator from South Dakota will be willing to modify his amendment in such a way as to provide for aid for both primary, secondary, and higher educational institutions.

I do not know whether the Senator from South Dakota was able to be in the Chamber the other day when there was submitted what I regarded as some very telling testimony from the head of the National Science Foundation and the head of the National Council of Engineers, and from representatives of other distinguished scientific organizations, as to the need, from the standpoint of the national defense, for additional engineers, additional chemists, additional scientists, additional doctors—in short, additional graduates of all kinds from the higher institutions of learning.

So I wonder whether the Senator from South Dakota will be willing to modify his amendment by including phraseology which at least will make the institutions of higher education eligible to receive some of the funds.

Mr. CASE. Mr. President, I am very glad to have that question submitted. I reply by saying that, first of all, I was seeking to have an amendment by which we would not get into the question of the control over the use of the funds by the States, but whereby we would simply make a per capita distribution on the basis of the children of school age.

I also recognized that if, perchance, the amendment should be adopted, it would go to conference with the House of Representatives, and it would be possible there to spell out the purposes a little more fully, if that were desired.

My second thought was that if we could have the amendment adopted on the simplest possible terms, even if the aid were limited to the common schools of the States, that in itself would relieve the burden on the treasuries of the common school districts, and also would lessen the demands within the States for supplemental appropriations for education, with the result that the revenues which otherwise would normally be applied to the common schools, could be applied to the specific purposes the Senator from Alabama has in mind.

Of course the Senator from Alabama is familiar with the operations of the Bankhead-Jones Act. He will recall that when it was proposed that 25 percent of the revenues from the land-utilization projects be made available for return to the States for school and road purposes, there were many Members of Congress who wanted the money to go into the general fund. Other acts provide that 25 percent of the revenues from the forests be available for school and road purposes. Some persons have thought that these restrictions should be lifted; but the answer always has been, "Well, those are purposes which everyone recognizes as being very desirable ones; and if the money is made available for school purposes, that will relieve the general drain upon the counties for other purposes, so in the long run it will be six of one and half a dozen of the other."

Mr. HILL. Let me inquire why would not the Senator from South Dakota agree to have the money be given in grants in aid to other institutions and for other educational purposes, having in mind that some of the funds might go to the National Science Foundation?

The Senator from South Dakota has been most helpful in the battle to have the funds derived from the resources of the submerged lands dedicated to the cause of education. Those who have been interested have thought in terms of providing support for the higher educational institutions, as well as for educational institutions in the lower grades.

I believe the Senator from South Dakota would strengthen his amendment very much, and I believe his amendment would accomplish the purpose we have been seeking to accomplish, if he would agree to modify his amendment in the way I have suggested.

Of course, there would have to be subsequent legislation, anyway, I am sure, in order to implement this provision.

So I hope the Senator from South Dakota will agree to modify his amendment in such a way as to have it provide for grants-in-aid to both primary, secondary, and higher education. I wonder whether the Senator from South Dakota will agree to modify his amendment in that way.

Mr. CASE. Mr. President, I shall be glad to talk about that matter with the Senator from Alabama if additional time is available by reason of any subsequent debate; but I may say frankly that my attempt was to get the amendment in the simplest possible form, with the thought that there might be a little better chance of its adoption if we did not go into too many ramifications and if we did not get it so complex that it would be susceptible of different interpretations.

All along, when we have spoken of any kind of Federal aid to education, the opposition has suggested once we provide Federal funds for education we get into the question of Federal control over education. Then we get into the question of formulae and details of this sort, and the effort bogs down.

I was trying to get the amendment in the simplest possible form, in the hope that we might be able to get a little more favorable consideration.

As the Senator from Alabama knows, I have voted for all amendments involving education which have been offered, even though some other parts of the amendments might not have been exactly in the form in which I thought they should be drawn. I grew up in a State where it was not a disgrace, it was not socialistic, to provide a little aid to education. The enabling act of South Dakota set aside certain lands for educational purposes. Our State legislature, which recently adjourned, appropriated funds belonging to the State as a whole for the aid of certain common-school districts in the State. Some districts in the State do not have a very high tax base. The State legislature also distrib-

utes, on the basis of the school census, the income from our endowment land, so that every school child has an equal right in it. That is the kind of principle which was invoked for the common schools of the State which I now have the honor in part to represent. I have thought that principle might be applied in the case of the pending measure. As the Senator may remember, it was brought out recently during the debate that the figure the State of South Dakota has in Statuary Hall in this Capitol is a memorial to Gen. William Henry Harrison Beadle, because he saved the school lands, not only for South Dakota, but for the States of Arizona, Idaho, Montana, Washington, and North Dakota as well. He was the author of the sections of the law I read at the outset of my remarks, which protected the school-endowment lands, providing that they should never be sold for less than $10 an acre. That is why we have an endowment for education in those States today. My amendment seeks to apply the same principle to the last public domain in the Louisiana Territory.

Mr. HILL. Mr. President, if the Senator from South Dakota will yield, let me say that I appreciate the Senator's carrying on in that very fine and great tradition today in his strong advocacy of the dedication to educational purposes of funds from the resources of the submerged lands.

If the Senator from South Dakota will yield further, I should like to call his attention to the fact that only day before yesterday I called the attention of the Senate to a statement made by Dr. Alan T. Waterman, Director of the National Science Foundation, to the House Committee on Appropriations, of which, I believe, the Senator from South Dakota was a member when he was in the House. Dr. Waterman, only a few days ago, made this statement:

> In the year 1955 the estimate is that 50,000 engineering graduates will be produced in the Soviet Union, compared to some 17,000 in the United States. A similar situation exists in the United States with respect to the production of trained scientists of all types.

At that time, I submitted to the Senate, as did other Senators, much evidence along the same line, showing the present great need for engineers, scientists, chemists, and physicists; and I know that today there is also a shortage of doctors. I hope the Senator will be willing to modify his amendment.

Mr. CASE. Mr. President, the Senator from South Dakota will confer with the Senator from Alabama further on that point, but he again points out that, if we could provide that the revenues in question shall be dedicated to the common schools, it would relieve the demand upon other revenues, revenues which, in turn, could become available for the specific institutions of higher learning in many of the States.

Mr. President, how much time have I consumed?

The PRESIDING OFFICER (Mr. CARLSON in the chair). The Senator from South Dakota has consumed 30 minutes.

Mr. CASE. I should like to reserve the remainder of my time. For the present I yield the floor.

Mr. CORDON. Mr. President, I had requested the Senator from Florida to control, on my behalf, the allocation of time, so I now ask him to yield me 10 or 15 minutes, and perhaps a little more.

Mr. HOLLAND. I yield 20 minutes to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 20 minutes.

Mr. CORDON. Mr. President, the pending amendment is like three others that have been offered, in that it presents another approach to providing for the administration of the outer Continental Shelf. Each and all of the suggested approaches represent a job only half done.

AUTHORITY OF SECRETARY UNCONTROLLED

The amendment now before us, Mr. President, does not even provide for the validation of existing leases, even those under which there is production today. It provides no procedure for exploration by which lands not now known to contain oil might be explored to determine whether they contain oil. It would make the Secretary of the Interior a complete dictator of the area comprising the lands of the outer Continental Shelf.

The jurisdiction and control of the United States proclaimed in the proclamation of 1945 can obviously, Mr. President, be exercised only through law. The pending amendment, were it to be adopted as a part of the pending measure, would be the sole provision of law applicable to that area; and the sole grant of authority contained in the amendment is a grant of authority to the Secretary of the Interior, in these words:

> That leases for the development of the natural resources of the Continental Shelf herein described shall be offered only by competitive bid, under such regulations as may be prescribed by the Secretary of the Interior.

That is all it says.

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

Mr. CORDON. I am glad to yield for a question.

Mr. CASE. Does not the Senator from Oregon plan to bring to the floor of the Senate within about 2 weeks a legislative proposal which will spell out in detail the method and manner in which the Secretary of the Interior shall operate?

Mr. CORDON. The Senator from South Dakota is, I am sure, aware of the statements made by the Senator from Oregon in that field, and that is the very reason the Senator from Oregon is now on his feet, calling attention to the glaring and obvious shortcomings of the particular amendment now pending. It is wholly inadvisable, wholly temporary, and wholly ineffective for performing any service whatever, with respect to the Continental Shelf, for the people of the United States.

Mr. CASE. Mr. President, will the Senator from Oregon yield for another question?

Mr. CORDON. The Senator from Oregon will yield for another question.

Mr. CASE. First, did the Senator from Oregon hear the Senator from South Dakota describe this amendment as a stopgap provision, so far as the Secretary of the Interior is concerned, and so far as the mechanism proposed for handling leases is concerned?

Mr. CORDON. The Senator from Oregon listened to the discussion of the Senator from South Dakota.

Mr. CASE. The Senator from South Dakota thought he used the term "stopgap."

Mr. CORDON. The Senator from Oregon does not quite recall that particular usage, but the Senator from South Dakota, who is sincere in all the things he does, and wholly frank, could have used the language; and the Senator from Oregon would have expected him to use it.

Mr. CASE. Although I have frankly regarded the provision as a "stopgap," I do not accept the idea that it would be wholly useless. If it were a stopgap, it would at least be a guaranty that there would not be any leasing, except by competitive bidding, until the matured, detailed, and worthwhile provisions of the bill on which the Senator from Oregon is working are brought before the Senate.

Mr. CORDON. Mr. President, were there going to be some considerable time lag, months or years, stopgap legislation might well be considered. But even stopgap legislation ought to be effective. In this instance we are asked to enact stopgap legislation for a period of certainly not more than a few weeks.

Mr. President, the amendment would be wholly ineffective. Were its terms such as to make it effective, its practical application would be impossible within the time between the enactment of Senate Joint Resolution 13, which we hope will be passed on Tuesday next, and the bringing before the Senate of a reasonably well-considered bill with reference to the subject. There will not be time, Mr. President, for the Secretary of the Interior even to compile his regulations for administering the area. There will not be time for the Secretary of the Interior to get from his Solicitor a well-considered legal opinion as to what the Secretary could do under the amendment.

IMMEDIATE CHANGE WOULD BE REQUIRED

There would not be within that period of time any opportunity to do anything constructive under the amendment. The only result of the amendment, so far as I can see, would be that it would require one more provision in a measure that would constitute a title III which would have to provide for the amendment or repeal of the stopgap legislation. Under those circumstances, Mr. President, it does not appear at all advisable to place this sort of stopgap amendment in the pending joint resolution.

I listened particularly carefully to the Senator from South Dakota, and I want to say that there is no Member of this body who is more sincere, who is a harder worker, or a better worker than is the Senator from South Dakota. No one who has ever been on the floor in my time has had a deeper interest in

public-school education in this country than has the Senator from South Dakota. I am not intending in anywise to offer any criticism of the Senator. I disagree with him in some respects. I seldom disagree with him at all, but I do disagree with him in some respects at this time.

I would oppose the amendment upon the very ground that the Senator from South Dakota offers it, that of a school endowment. I do not take the view which some persons evidently have, according to the Senator from South Dakota, that the endowment idea would be a step toward socialism. I do believe, Mr. President, that the danger to our public-school system would be grave, were we to provide an aid-to-education fund with strings attached to it, thus giving the Federal Government in Washington control over our schools. My position is the same whether that centralized Federal control would be exercised by the Congress, or by the Executive or Administrative branch of the Government.

PATENTING OF LANDS TO STATE-PROTECTED SCHOOLS

One of the most important decisions of all time in this country was made when aid to common schools was predicated upon the granting by patent to the States as they came into the Union of lands for use in aid of education. When that was done, Mr. President, it established a precedent which I hope we shall never abandon—the precedent of making a grant which was final and complete and with respect to which there was no authority left in the Federal Government. We then protected our school system from any Federal control, and placed it within the States themselves. It should forever remain there and be forever alienated from any Federal control.

Mr. CASE. Mr. President, will the Senator from Oregon yield for a question?

Mr. CORDON. I shall be glad to yield for a question.

Mr. CASE. The principle which the Senator has just enunciated I would deem desirable, and if I knew how to protect the Continental Shelf and allocate portions of it to individual States and sever all Federal connections, I should be very glad to have that done. But I do not know how it can be done. The Federal Government has certain tracts in some of the so-called public lands States.

I realize there is no purpose in pressing for a vote this afternoon, under the circumstances, and I am wondering whether, if I should withdraw the amendment, I might have the assurance of the Senator from Oregon that in the consideration of the detailed bill in connection with the Continental Shelf which he has promised the Senate will be forthcoming, opportunity can be given for me to appear before his committee to present the idea of dedication of the revenues to education and be assured of a hearing before the Senator's committee. If that can be done, I shall be glad to withdraw my amendment at this time.

Mr. CORDON. I do not want in any way, Mr. President, to try to persuade the Senator from South Dakota to withdraw his amendment, and I am sure the Senator does not intend that. However, I do desire to offer to the Senator from South Dakota and to any others of my colleagues an invitation to appear before the Senate Interior Committee, bringing any light possible upon the subject and any suggestions they may desire to bring. The committee has worked hard on this matter, but its members would, I am sure, agree with the acting chairman that the Committee does not know everything there is to know about the subject.

The Senator from South Dakota will be most welcome, whether or not he withdraws his amendment. That question should be left to the sound discretion of the Senator.

OIL IN SOUTH DAKOTA

I should like to suggest to the Senator that in all probability, according to the press, it will be almost no time at all until the big oil pool in North Dakota will be spreading down into South Dakota, and that presently that lovely section of the Louisiana Purchase will be bubbling oil the revenues from which will be available for all the various needs of the Senator's home State. I join in a most fervent hope that the Senator's State will be blessed by the discovery of oil in quantities in South Dakota.

Mr. CASE. Mr. President, I greatly appreciate the expression of hope by the Senator from Oregon. The people of South Dakota have so hoped for a long time. There is oil in Wyoming, to the west of South Dakota; there is oil in North Dakota, to the north of South Dakota; and there is oil south of us, but, so far, no commercial oil wells have been developed in South Dakota. As the Bible says, "Hope deferred maketh the heart sick."

Nevertheless, Mr. President, I appreciate the very kind wishes of the Senator from Oregon and the very kind remarks he has made. If it is in order at this time, I wish to withdraw my amendment and I shall avail myself of the invitation of the Senator from Oregon to appear before his committee.

The PRESIDING OFFICER. The Senator from South Dakota withdraws his amendment.

The committee amendment, as amended, is open to further amendment.

Mr. DOUGLAS. Mr. President, I call up my amendment 4-27-53-D and ask that it be stated.

The PRESIDING OFFICER. The clerk will state the amendment.

The LEGISLATIVE CLERK. On page 11, line 14, after the word "coast", it is proposed to insert "of the main continent" and in line 16, after the word "waters," to insert a comma and "and in the case of any island seaward of such coast, means the line of ordinary low water around such island."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Illinois.

Mr. DOUGLAS. Mr. President, this amendment is designed to clear up an ambiguity in the pending joint resolution and to conform to what the distinguished Senator from Florida [Mr. HOLLAND] the author of the joint resolution, stated was its real intention.

One of the problems connected with the joint resolution is the problem of where the base line is, from which the submerged lands seaward from the low-water mark are to be measured. Senate Joint Resolution 13 defines this location as the "coastline," but it is not precisely certain in my mind or in the mind of the Senator from Oregon [Mr. CORDON] whose interpretation I requested, what is meant by the word "coastline." In the main debate on the joint resolution, I pointed out that this definition might mean 1 of 2 things. First, it might mean, what I hoped it would mean; namely, the shoreline of the main continental land mass and the external limits of inland waters; and then, in the case of islands, the shorelines of each of those islands.

But I pointed out that probably there would be a contrary claim, particularly in the case of California, and that an attempt would be made to define the term "coastline" as being a line drawn from the main continent out to and along the outer edge of the outer islands lying off the coast. This is a tremendously important subject. It involves very substantial areas, particularly in the case of California. If it is the latter definition which is to be used, then the water between the remote islands—however far out—and the main continental land mass would become inland waters, not external waters, and all the intervening submerged lands would become the property of the coastal State.

The purpose of this amendment is to nail down the definition of "coastline," so as to have it apply to the shoreline of the main continental mass and the external limits of inland waters; and then, in the case of islands, to have it start, in the case of each island, at the low-water mark on shoreline of each island.

In the debate on this subject, the very eminent Senator from Florida [Mr. HOLLAND], at page 2756 of the RECORD, under date of April 7, in response to my question, said that under the joint resolution no such contention could be advanced as that the shoreline would be measured from the outer line of the chain of islands lying far off the coast of the continental land mass. I shall take the Senator from Florida at his word in submitting this amendment, which will tie down this subject, fix the coastline more definitely and exclude the possibility of claims he has declared he did not intend to confirm.

I may say that, although the junior Senator from California [Mr. KUCHEL] is not at this moment on the floor, I informed him a few minutes ago of my intention to offer this amendment. Therefore, I have tried to conform to the standards of the Senate in giving advance notice.

It should be recalled that the State of California in 1949, as the junior Senator from California accurately stated, attempted to define the boundary line of California as being a line 3 miles out from the seaward shoreline of the farthermost islands lying off the coast. But if a situation should be permitted to develop which would allow State legislatures to define what their coastline is in such expansive terms, then we shall

be confronted with an infinite amount of trouble, extensive litigation, and also with a very great loss of territory and revenue to the Federal Government. How extensive this area is in the case of California can readily be seen from a quick glance at the map. San Clemente and San Nicolas Islands are nearly 60 miles off the main continent. Thousands of square miles of submerged lands are included in this area. The resources are incalculable. If the sponsors of the joint resolution do not intend to cede the ownership of this great area to California, why do we not say so, as this amendment does?

If it is desired to diminish litigation, which is allegedly one of the purposes of Senate Joint Resolution 13, and if we desire to make certain our meaning, I sincerely hope that my amendment will be agreed to.

I observe that the very able junior Senator from California [Mr. KUCHEL], whom we are delighted to have as a Member of this body, and who is an ornament to our ranks, is now on the floor.

I yield the floor at this time.

Mr. HOLLAND. Mr. President, I yield to the junior Senator from Louisiana [Mr. LONG] 10 minutes, or as much time as he may require.

Mr. LONG. Mr. President, I can understand the argument made by the Senator from Illinois, but I believe his amendment completely fails to reach the objective he is striving to achieve.

If one examines the testimony of the representative of the Department of State, he will see that it is the position of the State Department of the present administration, as it was also the position of the previous administration, and, so far as I know, of all other administrations, that the marginal sea begins wherever the line of inland waters ends. That is a very simple position to take in the case of a straight coast line, as is the situation with regard to the State of Texas. There the shore line and the coast line are synonymous in almost all instances.

However, the situation becomes more complicated when we consider a coast having many indentures, islands, sounds, coves, bays, and the like. At present there is a difference of opinion between the State governments and the Federal Government as to precisely where the line of inland waters is located. But it is well agreed, as it has always been agreed, that the marginal sea begins at the point where the line of inland waters ends.

I should like to apply that definition to the State of Louisiana. I regret that I do not have here a map of Louisiana for the purpose of demonstrating my point, but all who have made a study of the question agree that a body of water known as Chandeleur Sound is inland water. In that area there is a large number of islands, each island close to another. It is agreed by both the Federal Government and the State government, and it has always been agreed, that Chandeleur Sound is inland water. The effect of the Douglas amendment would be to make Chandeleur Sound a part of the high seas, although the Federal Government has never contended that Chandeleur Sound was a part of the high seas, and the State government has always claimed it was inland water.

Likewise, in the case of bays, it is the position of the State Department that bays not wider than 10 miles are inland waters. The distance of 10 miles between headlands across the mouth of a bay marks the place where the marginal sea begins. The amendment offered by the Senator from Illinois would have the effect once again of declaring such a bay to be a part of the high seas, merely because it is wider than 6 miles between headlands.

Obviously, the Senator from Illinois is submitting his own definition of inland waters. In effect, it is a definition of inland waters which does not have the support of a single State government in the United States; it does not have the support of the State Department; it is a definition that does not meet with the approval of the Department of Justice; it is a definition, in effect, that does not meet with the approval of a single department of either the Federal Government or the State governments.

There is no authority for accepting the inference of this amendment, namely, that the definition of inland waters is that they begin at the shore line or where 3-mile lines from headlands intersect in a bay. There is no support for this type of amendment, other than that it appeals to the Senator from Illinois.

The committee has struggled with this problem. The committee struggled with several different formulas for defining inland waters. Originally, the joint resolution provided that inland waters should include all bays, sounds, straits, and estuaries. However, there was some objection to that definition by the Department of Justice. The Department of Justice contended that it would be far more preferable not to attempt to define inland waters, but simply to use the words "inland waters," to meet the standard that those words would ordinarily suggest. Therefore, at the suggestion of the Department of Justice, and I suppose with the support of the Department of State, the words "including all bays, estuaries, straits, and sounds," were stricken from the joint resolution.

I submit that the language of the joint resolution is the best agreement that could be reached, upon the advice of the competent officials of the State Department and the Justice Department, as well as the advice that the committee had available to it from all the witnesses who testified, and therefore we should retain the committee language rather than accept the definition of the Senator from Illinois.

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

Mr. LONG. I yield for a question.

Mr. DANIEL. Is it not true that there are some islands off the main continent which are not as far as 3 miles distant, and that this amendment would confuse the situation with reference to them? I refer to Long Island, off the coast of New York, and Padre Island off the coast of Texas. The reason? Texas has what might be considered a very even coast line in that there is a long island, Padre Island, which is only a short distance away from the main continent. Of course we measure low tide on the outer line of Padre Island, not from the main continent. Under this amendment would not Padre Island along the Texas coast, as well as Long Island, along the coast of New York, be thrown into the open sea? We would have to apply this amendment instead of the present rule of inland waters which permits both the Nation and the State to measure from the outer line along those islands.

Mr. LONG. The Senator is completely correct. Moreover, this amendment would make Chesapeake Bay high seas, which makes no sense at all, because in Chesapeake Bay there is one point where a line drawn 3 miles from one island will not intersect with a line drawn 3 miles from the next island, which is more than 6 miles away. So Chesapeake Bay would be treated as high seas. Since the beginning of the Nation it has always been regarded as inland waters.

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

Mr. LONG. I yield.

Mr. KUCHEL. I should like to ask the able Senator from Louisiana whether or not in his opinion, if the amendment offered by the Senator from Illinois were adopted, thereafter the hostile fleet of an enemy country would be permitted clear sailing inside Long Island off the State of New York in such fashion that the Government of the United States could not be heard to object to such sailing?

Mr. LONG. I believe the effect of the amendment of the Senator from Illinois would be to fix his own definition of inland waters, and by fixing his own definition of inland waters I strongly suspect that he would find not only that it would make Chesapeake Bay high seas, but that it would make Long Island Sound high seas, which, I am sure, the Senator did not have in mind at the time he offered the amendment.

Mr. HOLLAND. Mr. President, I think I understand what the distinguished Senator from Illinois is seeking to accomplish by his amendment; and I recede in no respect from the statements I have made to him and on the floor of the Senate with reference to my feeling and my understanding that when an island is remote from the coast, with deep waters lying between, it has a coastline of its own, and a submerged belt of 3 geographic miles around it on all sides.

However, I invite the attention of the distinguished Senator to the fact that the amendment he proposes would get completely away from any continuous line for the definition of "coast line." The amendment of the Senator from Illinois would insert, on page 11, line 14, after the word "coast" the words "of the main continent." I ask him to follow this closely, because I think he will see that, as offered, his amendment is subject to a fatal objection.

The statement in subsection (c) of section 2 of the joint resolution, with which we are now concerned, would make for a

coastline one single line completely consecutive and coextensive, all the way around the sea borders of a State, by joining together two different lines, one of which is the ordinary low-water mark along that portion of the coast which is in direct contact with the open sea, and the other of which is the line marking the seaward limit of inland waters.

The Senator from Florida pointed out in an earlier statement on the floor that segments of those two lines joined together from time to time make one contiguous, coextensive line which extends all the way along the coastline of the State, whereas the words which the Senator from Illinois proposes to insert, the words "of the main continent," would leave many gaps between the first line which he outlines, that is, the line of ordinary low-mater mark along that portion on the coast of the main continent which is in direct contact with the open sea, and the other line, which is the segment which marks the seaward limits of inland waters. In the case of islands along the coast, whether close or far away, there would frequently be a complete lack of joinder of the segments referred to under the 2 different definitions in subsection (c), so as to make 1 consecutive line.

I think I understand what the Senator is trying to attain. What he is trying to attain is in complete accord with the belief of the Senator from Florida, that islands which are far remote from the coast, and clear beyond inland waters by any reasonable conception, have a 3-mile submerged shelf around each of them; and while that fact is clearly shown in the statement of international law furnished to the committee in the last Congress by the Secretary of State at that time, Mr. Dean Acheson, the proposed amendment would not effectuate that situation at all, but would, instead, leave us with a definition of "coastline" in the joint resolution, the various segments of which would not join. There would be many gaps, many places in which there would be no joinder. There would be many cases of indeterminate jurisdiction, such as the Chandeleur Sound area, which the Senator from Louisiana [Mr. LONG] has just mentioned in the case of Louisiana.

The RECORD will show that the Senator from Florida, in testifying before the committee—and I believe I made the same statement in the argument on the floor of the Senate—stated that in his judgment it was quite clear that the coastline of Louisiana was along the outer line of the great bow of islands which comprise the Chandeleur Islands, and which are offshore of the shallow patch of water known as Chandeleur Sound.

The point I am making now is that under the definition in the joint resolution, as stated, there would be no question about the outer rim of the Chandeleur Islands being that portion of the coast which is in contact with the open sea—which would be the open Gulf of Mexico in that case—and that that line, when joined to other segments which mark the seaward limits of inland waters, and other portions of the coast in contact with the open gulf would make a contiguous coextensive line extending all the way along the gulf frontage of Louisiana. There would be a failure to accomplish that result under the amendment of the Senator from Illinois. So I hope the amendment of the Senator from Illinois will be rejected.

Mr. DOUGLAS. Mr. President, in dealing with the logic, or attempted logic, of the opponents of this amendment, I should merely like to point out that in this amendment we seek to define "coastline" as "the line of ordinary low water along that portion of the coast of the main continent which is in direct contact with the open sea and the line marking the seaward limit of inland waters." And in the case of islands to the seaward, "coastline" would mean "the line of ordinary low-water mark around such island."

The land on the shores of a bay is not "in direct contact with the open sea." The land along the Connecticut coast fronts Long Island Sound, but not the Atlantic Ocean. The shore line of bays and estuaries, even though washed by tidal waters, does not front the open sea and is landward of the outer "limit of inland waters," and hence would not become the "coastline" under this definition. Such waters in bays and harbors would still continue to be inland waters under State control, and with State ownership of the submerged lands.

To the objections of the Senator from Florida [Mr. HOLLAND], let me only point out that if read in context with the balance of Section 2 (c), the amendment offers a "coastline" fully as continuous as the line in the original joint resolution.

I would say to my friend from Louisiana [Mr. LONG] that this amendment makes no change in the meaning or the rule of "inland waters." The amendment leaves wholly unchanged the words of the joint resolution "the line marking the seaward limit of inland waters" and the prior words "in direct contact with the open sea."

The status of Chesapeake Bay, Long Island Sound, the waters between Padre Island and the main shore of Texas, and his own cherished Chandeleur Sound as inland waters would be in no way affected or changed by the pending amendment. All other bays and harbors would be similarly undisturbed.

If the language of the joint resolution is clear on this point, the language of the amendment which leaves the foregoing phrases unchanged is just as clear. The final clause of the amendment, relating to islands, clearly refers to islands outside, or seaward, of such inland waters. The hostile fleets of enemies would get no more license to prey upon our ships or shores in Long Island Sound under this amendment than under the joint resolution.

Far from changing the accepted definition of "inland waters," Mr. President, what this amendment seeks to do is to prevent such a change and expansion in the traditional concept of inland waters, by preventing coastal States from pushing their coastal boundaries out to a line along the outer shores of remote islands and claiming everything in between.

This amendment is one more attempt to limit the amount of the giveaway, to restrict the submerged lands and resources turned over to coastal States by clearing up and making definite the baseline from which their claims of ownership may, under the pending resolution, commence.

I merely wish to point out that unless we clear up some of the ambiguities in the joint resolution, we shall find that the "coast" line will be a floating affair, and there will be a tendency on the part of the States to try to push the shoreline farther and farther out into the ocean. One of the convenient ways of doing so will be to claim that the coastline does not begin until the outer rim of the farthermost islands lying off the coast is reached. This amendment would close the door on such claims. Billions of dollars probably are involved in this definition.

Mr. President, I suppose the Senate is in a mood now to give away everything, and probably there is not much use in pushing the amendment. Nevertheless I press the amendment, I urge its adoption, and I ask for the yeas and nays.

The yeas and nays were not ordered.

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

The PRESIDING OFFICER (Mr. PAYNE in the chair). The clerk will call the roll.

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

Aiken	Green	Monroney
Anderson	Hayden	Morse
Barrett	Hendrickson	Mundt
Beall	Hickenlooper	Murray
Bennett	Hill	Neely
Bricker	Hoey	Pastore
Bridges	Holland	Payne
Bush	Humphrey	Potter
Butler, Md.	Hunt	Purtell
Carlson	Ives	Saltonstall
Case	Jackson	Schoeppel
Clements	Johnson, Colo.	Smathers
Cooper	Johnson, Tex.	Smith, Maine
Cordon	Johnston, S. C.	Smith, N. C.
Daniel	Knowland	Sparkman
Dirksen	Kuchel	Stennis
Douglas	Langer	Taft
Dworshak	Lehman	Thye
Ellender	Long	Tobey
Ferguson	Malone	Watkins
Flanders	Mansfield	Welker
Frear	Martin	Wiley
Fulbright	McCarran	Williams
George	McCarthy	Young
Goldwater	McClellan	
Gore	Millikin	

The PRESIDING OFFICER. A quorum is present.

The question is on agreeing to the amendment of the Senator from Illinois [Mr. DOUGLAS] to the committee amendment.

Mr. DOUGLAS. On this question, I ask for the yeas and nays.

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

Mr. SALTONSTALL. I announce that the Senator from Nebraska [Mr. BUTLER], the Senator from Indiana [Mr. CAPEHART], the Senator from Pennsylvania [Mr. DUFF], the Senator from Nebraska [Mr. GRISWOLD], the Senator from Indiana [Mr. JENNER], and the Senator from New Jersey [Mr. SMITH] are necessarily absent.

On this vote the Senator from Nebraska [Mr. BUTLER] is paired with the Senator from Missouri [Mr. HENNINGS].

The Senator from Pennsylvania [Mr. DUFF] is paired with the Senator from Massachusetts [Mr. KENNEDY]. The Senator from New Jersey [Mr. SMITH] is paired with the Senator from Missouri [Mr. SYMINGTON]. If present and voting the Senator from Nebraska [Mr. BUTLER] would vote "nay," and the Senator from Missouri [Mr. HENNINGS] would "yea"; the Senator from Pennsylvania [Mr. DUFF] would vote "nay," and the Senator from Massachusetts [Mr. KENNEDY] would vote "yea"; the Senator from New Jersey [Mr. SMITH] would vote "nay," and the Senator from Missouri [Mr. SYMINGTON] would vote "yea."

Mr. CLEMENTS. I announce that the Senators from Virginia [Mr. BYRD and Mr. ROBERTSON], the Senator from Iowa [Mr. GILLETTE], the Senators from Missouri [Mr. HENNINGS and Mr. SYMINGTON], the Senator from Tennessee [Mr. KEFAUVER], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Oklahoma [Mr. KERR], the Senator from West Virginia [Mr. KILGORE], the Senator from Washington [Mr. MAGNUSON], the Senator from South Carolina [Mr. MAYBANK], and the Senator from Georgia [Mr. RUSSELL] are absent on official business.

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

The Senator from Mississippi [Mr. EASTLAND] is absent by leave of the Senate because of a death in his family.

The Senator from Mississippi [Mr. EASTLAND] is paired on this vote with the Senator from Tennessee [Mr. KEFAUVER]. If present and voting, the Senator from Mississippi would vote "nay," and the Senator from Tennessee would vote "yea."

The Senator from Missouri [Mr. HENNINGS] is paired on this vote with the Senator from Nebraska [Mr. BUTLER]. If present and voting, the Senator from Missouri would vote "yea," and the Senator from Nebraska would vote "nay."

The Senator from Massachusetts [Mr. KENNEDY] is paired on this vote with the Senator from Pennsylvania [Mr. DUFF]. If present and voting, the Senator from Massachusetts would vote "yea," and the Senator from Pennsylvania would vote "nay."

The Senator from Missouri [Mr. SYMINGTON] is paired on this vote with the Senator from New Jersey [Mr. SMITH]. If present and voting, the Senator from Missouri would vote "yea," and the Senator from New Jersey would vote "nay."

I announce further that, if present and voting, the Senator from West Virginia [Mr. KILGORE] and the Senator from Washington [Mr. MAGNUSON] would vote "yea."

The result was announced—yeas 26, nays 50, as follows:

YEAS—26

Aiken	Hill	Mundt
Anderson	Humphrey	Murray
Case	Jackson	Neely
Cooper	Johnson, Colo.	Pastore
Douglas	Langer	Sparkman
Fulbright	Lehman	Tobey
Gore	Mansfield	Wiley
Green	Monroney	Young
Hayden	Morse	

NAYS—50

Barrett	Bricker	Butler, Md.
Beall	Bridges	Carlson
Bennett	Bush	Clements
Cordon	Hunt	Potter
Daniel	Ives	Purtell
Dirksen	Johnson, Tex.	Saltonstall
Dworshak	Johnston, S. C.	Schoeppel
Ellender	Knowland	Smathers
Ferguson	Kuchel	Smith, Maine
Flanders	Long	Smith, N. C.
Frear	Malone	Stennis
George	Martin	Taft
Goldwater	McCarran	Thye
Hendrickson	McCarthy	Watkins
Hickenlooper	McClellan	Welker
Hoey	Millikin	Williams
Holland	Payne	

NOT VOTING—20

Butler, Nebr.	Griswold	Magnuson
Byrd	Hennings	Maybank
Capehart	Jenner	Robertson
Chavez	Kefauver	Russell
Duff	Kennedy	Smith, N. J.
Eastland	Kerr	Symington
Gillette	Kilgore	

So Mr. DOUGLAS' amendment was rejected.

EXECUTIVE SESSION

Mr. TAFT. Mr. President, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORTS OF A COMMITTEE

Mr. SALTONSTALL. Mr. President, from the Committee on Armed Services I report 29 nominations of general rank in the Marine Corps and flag rank in the Navy and ask that they be printed in the Executive Calendar. I also report reference No. 232 containing the 7 names of Reserve general officers in the Army for indefinite-term appointments as required by section 224 of the Armed Forces Reserve Act of 1952, and I ask unanimous consent that this reference number be placed on the Executive Calendar, immediately following Calendar No. 109, message No. 186.

I also report from the committee 1,542 routine nominations in the grade of lieutenant colonel and below in the Army, and in the grade of lieutenant and below in the Air Force and Navy. As in executive session, I request that in order to save the expense of printing this large list of names in the Executive Calendar, and inasmuch as they have already appeared once in the CONGRESSIONAL RECORD, that they be ordered to lie on the Vice President's desk for inspection by any Senator, prior to their confirmation.

The PRESIDING OFFICER (Mr. PAYNE in the chair). Is there objection to the request of the Senator from Massachusetts? The Chair hears none, and it is so ordered.

The nominations ordered to be placed on the Executive Calendar are as follows:

Maj. Gen. John Francis O'Ryan and sundry other officers for appointment as Reserve commissioned officers of the Army;

Arthur Howard Ackerman and sundry other cadets, United States Military Academy, for appointment in the Regular Army of the United States;

Rear Adm. John W. Roper, United States Navy, when retired, to be placed on the retired list with the rank of vice admiral;

Bernard E. Manseau and sundry other officers of the Navy for permanent appointment to the grade of rear admiral;

Vernon E. Megee for permanent appointment to the grade of major general of the Marine Corps; and

Albert D. Cooley for permanent appointment to the grade of brigadier general of the Marine Corps.

The PRESIDING OFFICER. If there be no further reports of committees, the clerk will proceed to state the nominations on the Executive Calendar.

Mr. TAFT. Mr. President, I ask unanimous consent that the treaties appearing on the first page of the Executive Calendar, and the nominations which have been passed over and which appear on the second page of the Executive Calendar, be passed over at this time. After the vote, on next Tuesday, on the pending joint resolution, I intend to call again the Executive Calendar in order that the treaties may be considered. I hope Senators will examine them. After the treaties are disposed of, I intend to ask for the consideration of the other nominations which have been on the Executive Calendar for some time. I ask that the Executive Calendar now be called, beginning with No. 202.

The PRESIDING OFFICER. Without objection, it is so ordered, and the nominations will be stated.

THE ARMY

The Chief Clerk proceeded to read sundry nominations in the Army.

The PRESIDING OFFICER. Without objection, the nominations in the Army are confirmed en bloc.

UNITED STATES AIR FORCE

The Chief Clerk proceeded to read sundry nominations in the Air Force.

The PRESIDING OFFICER. Without objection, the nominations in the Air Force are confirmed en bloc.

DEPARTMENT OF THE ARMY

The Chief Clerk read the nomination of John Slezak, of Illinois, to be Assistant Secretary of the Army.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of James P. Mitchell, of New Jersey, to be Assistant Secretary of the Army.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

DIPLOMATIC AND FOREIGN SERVICE

The Chief Clerk read the nomination of George Wadsworth, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Czechoslovakia.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of Jack K. McFall, of the District of Columbia, to be Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Finland.

The PRESIDING OFFICER. Without objection, the nomination is confirmed; and, without objection, the President will be notified of the confirmation of all nominations made this day.